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Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Immigration and Naturalization Service
Interstate Commerce Commission
Land Management Bureau
Monetary Offices
National Highway Traffic Safety Administration
National Oceanic and Atmospheric Administration
Securities and Exchange Commission
Small Business Administration
Treasury Department

Detailed list of Contents appears inside.





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Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined ---------- 7421

Notices

Memorandum of understanding to avoid incidents of pesticide poisoning ---------- 7471

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Proposed Rule Making

Tobacco; reinstatement of discount variety provisions ---------- 7462

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

Bulova Watch Co., Inc.; filing of petition for exemption ---------- 7474

Maine Yankee Atomic Power Co.; notice of availability of draft statement and request for comments from State and local agencies ---------- 7474

CIVIL AERONAUTICS BOARD

Rules and Regulations

Charter trips and special services ---------- 7432

Charter trips by foreign air carriers ---------- 7449

Terms, conditions and limitations of certificates to engage in supplemental air transportation ---------- 7339

Terms, conditions and limitations of foreign air carrier permits authorizing charter transportation only ---------- 7455

Proposed Rule Making

Charters by air freight forwarders ---------- 7467

Notices

Continental Air Lines, Inc.; order dismissing complaints ---------- 7475

CIVIL SERVICE COMMISSION

Rules and Regulations

Environmental Protection Agency; excepted service ---------- 7415

COAST GUARD

Rules and Regulations

St. Marys River, Mich.; temporary reduction of vessel speed limits; cross reference ---------- 7417

Notices

St. Marys River, Mich.; temporary reduction of vessel speed limits ---------- 7474

COMMERCE DEPARTMENT

See National Oceanic and Atmospheric Administration.

COMMODITY CREDIT CORPORATION

Rules and Regulations

Grains and similarly handled commodities; farm storage and reseal loan program ---------- 7417

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Milk in Great Basin marketing area; recommended decision ---------- 7462

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Certain FM broadcast stations; table of assignments ---------- 7423

Industrial radio services:

- Base station boosters on frequencies alloted for air terminal use ---------- 7429
- Expanded use of signalling devices on regular basis ---------- 7428

Local Government radio service; use of certain reserved frequencies ---------- 7424

Reduction in number of copies of pleadings filed ---------- 7422

Proposed Rule Making

FM broadcast station, Utica and Hamilton, N.Y.; table of assignments ---------- 7468

Notices

Mexican broadcast stations; notification list ---------- 7476

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:

- Deli/New York Rate Agreement ---------- 7482
- Deli/Pacific Rate Agreement ---------- 7482
- Java/New York Rate Agreement ---------- 7483
- Java/Pacific Rate Agreement ---------- 7483
- Prudential-Grace Lines, Inc., and Compania Peruana de Vapores ---------- 7483
- Straits/New York Conference (2 documents) ---------- 7484

Certificates of financial responsibility regarding oil pollution; list of vessel owners and/or operators ---------- 7476

FEDERAL POWER COMMISSION

Notices

Termination of moratorium provisions in Southern Louisiana and area rate proceeding in Southern Louisiana ---------- 7485

Hearings, etc.:

- Harvey, Helen Loraine et al ---------- 7486
- South Texas Natural Gas Gathering Co ---------- 7484
- United Gas Pipe Line Co (2 documents) ---------- 7485

FEDERAL RESERVE SYSTEM

Notices

First American National Corp.; notice of application for approval of acquisition of shares of bank ---------- 7487

FISH AND WILDLIFE SERVICE

Rules and Regulations

Parker River National Wildlife Refuge, Mass.; public access, use and recreation ---------- 7431

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Drugs:

- Habit-forming drugs ---------- 7422
- Neomycin sulfate ---------- 7422
- Trichlorfon oral veterinary ---------- 7422

Identity standards:

- Cottage cheese ---------- 7421
- Frozen desserts ---------- 7421
- Oleomargarine, margarine ---------- 7422

Proposed Rule Making

Proposed identity standards:

- Bread ---------- 7466
- Canned peaches, canned pears and canned fruit cocktail ---------- 7467

Notices

Certain drugs; drug efficacy study implementation ---------- 7473

Filing and/or withdrawal of petitions regarding food additives:

- Buckman Laboratories, Inc ---------- 7473
- Daubert Chemical Co ---------- 7473
- Union Carbide Corp ---------- 7473
- Witco Chemical Corp ---------- 7474

Gravidox parenteral solution and Thora-Dex tablets; hearing regarding approval of new-drug applications ---------- 7472

Salsbury Laboratories et al.; notice of hearing regarding iron polysaccharide complexes ---------- 7471

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

(*Continued on next page*)

IMMIGRATION AND NATURALIZATION SERVICE

Rules and Regulations

Adjustment of status to that of person admitted; correction ---- 7415
Miscellaneous amendment to chapter ---- 7415

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Car service; distribution of boxcars ---- 7420

Notices

Motor carrier temporary authority applications ---- 7490

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LAND MANAGEMENT BUREAU

Rules and Regulations

Public Land Orders:
Alaska ---- 7416
California ---- 7415
Oregon (2 documents) ---- 7416
Utah ---- 7416

MONETARY OFFICES

Notices

Financial recordkeeping and reporting of currency and foreign transactions; postponement of effective date ---- 7471

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules and Regulations

Federal motor safety standards:
Child seating systems; correction ---- 7419
Seat belt assemblies ---- 7420
Seating systems ---- 7419

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules and Regulations

Whaling provisions; miscellaneous amendments ---- 7431

SECURITIES AND EXCHANGE COMMISSION

Notices

Indiana & Michigan Electric Co.; notice of proposed sale of nuclear plant ---- 7488

SMALL BUSINESS ADMINISTRATION

Notices

Equitable Life Community Enterprises Corp.; application for license ---- 7488
Minority Equity Capital Co., Inc.; application for license ---- 7489

TRANSPORTATION DEPARTMENT

See Coast Guard; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See also Monetary Offices.

Notices

Director of Administrative Services et al.; delegation of authority to affix seal ---- 7471

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.

5 CFR

213 ---- 7415

7 CFR

1421 ---- 7417
PROPOSED RULES:
725 ---- 7462
1136 ---- 7462

8 CFR

100 ---- 7415
245 (2 documents) ---- 7415

9 CFR

76 ---- 7421

14 CFR

207 ---- 7432
208 ---- 7439
212 ---- 7449
214 ---- 7455
PROPOSED RULES:
296 ---- 7467
297 ---- 7467

21 CFR

19 ---- 7421
20 ---- 7421
45 ---- 7422
135c ---- 7422
148i ---- 7422
165 ---- 7422
PROPOSED RULES:
17 ---- 7466
27 ---- 7467

33 CFR

92 ---- 7417

43 CFR

PUBLIC LAND ORDERS:
649 (revoked by PLO 5043) ---- 7415
5043 ---- 7415
5044 ---- 7416
5045 ---- 7416
5046 ---- 7416
5047 ---- 7416

47 CFR

1 ---- 7422
73 ---- 7423
89 ---- 7424
91 (2 documents) ---- 7428, 7429
PROPOSED RULES:
73 ---- 7468

49 CFR

571 (3 documents) ---- 7419, 7420
1033 ---- 7420

50 CFR

28 ---- 7431
230 ---- 7431

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Information Assistant and one position of Assistant to the Director, Office of Public Affairs, are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (4–20–71), paragraphs (l) and (m) are added to § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * *

(l) One Information Assistant, Office of Public Affairs.

(m) One Assistant to the Director, Office of Public Affairs.

(5 U.S.C. 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.71–5488 Filed 4–19–71;8:51 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 100—STATEMENT OF ORGANIZATION

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

Miscellaneous Amendments

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

The listing of Class A ports of entry of District No. 14 and the listing of Classes A and C of District No. 28 of subparagraph (2) of paragraph (c) of § 100.4 are amended to read as follows:

§ 100.4 Field service.

* * * * *

(c) *Suboffices.* * * *

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* * * *

DISTRICT NO. 14—SAN ANTONIO, TEX.

CLASS A

Amistad Dam, Tex.
* Del Rio, Tex.
* Eagle Pass, Tex.
* Falcon Heights, Tex.
* Hidalgo, Tex.
* Laredo, Tex.
* Los Ebanos, Tex.
* Progreso, Tex.
* Rio Grande City, Tex.
* Roma, Tex.

* * * * *

DISTRICT NO. 28—NEW ORLEANS, LA.

CLASS A

Baton Rouge, La.
Lake Charles, La.
New Orleans, La. (the port of New Orleans includes, among others, the port facilities at Avondale, Bell Chasse, Braithwaite, Chalmette, Destrahan, Gretna, Harvey, Marrero, Norco, Port Sulphur, St. Rose, and Westwego, La.)
Gulfport, Miss.

CLASS C

Morgan City, La.
Pascagoula, Miss.

§ 245.6 [Amended]

The first sentence of § 245.6 *Medical examination* is amended to read as follows: "Upon acceptance of an application, the applicant shall be required to submit to an examination by a medical officer of the United States Public Health Service, or by a designated civil surgeon, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record."

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER (4–20–71). Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to § 100.4 (c) (2) relate to agency management and the amendment to § 245.6 conforms with a previous amendment made elsewhere in this chapter.

Dated: April 14, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71–5440 Filed 4–19–71;8:46 am]

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

Application

Correction

In F.R. Doc. 71–4327 appearing at page 5835 in the issue of Tuesday, March 30, 1971, the last line of § 245.2(b) (1) reading "of § 204.1(e) (4) of this chapter." should read "of § 204.2(e) (4) of this chapter."

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5043]

[Riverside 02685]

CALIFORNIA

Withdrawal for Naval Purposes; Revocation of Public Land Order No. 649

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 public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for a Department of the Navy parachute test facility:

SAN BERNARDINO MERIDIAN

T. 10 S., R. 11 E.,
Secs. 14, 18, 20, 22, 24, 26, 28, 32, 34, 36.
T. 10 S., R. 12 E.,
Secs. 18, 20, 30, and 32.
T. 11 S., R. 11 E.,
Secs. 2, 4, 10, 12, 14;
Sec. 16, NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
Secs. 22, 23, 24, 25, and 26.
T. 11 S., R. 12 E.,
Secs. 6, 8, 18, 19, 20, 29, and 30;
Sec. 32, N½.

The areas described aggregate approximately 20,567 acres.

2. The jurisdiction of the Department of the Navy over, and its use of, the lands shall terminate 10 years after the date of this order. Thereafter the jurisdiction over, and administration of, the lands shall be vested in the Department of the Interior and any other department or agency of the Federal Government according to their respective interests then of record: *Provided*, That the Secretary of the Interior may consent to use of the lands by the Department of the Navy for an additional period of 10 years if, at the end of 9 years from the date of this order the Secretary of the Navy notifies the Department of the Interior of a continuing military requirement for the use of the lands and demonstrates a need therefor.

3. This order shall take precedence over but not otherwise affect the Executive Orders of March 10, 1924, and February 23, 1928, establishing Public Water Reserves Nos. 90 and 114, respectively; Executive Order No. 5498 of November 25, 1930, reserving lands for the Salton Sea Wildlife Refuge and the order of October 19, 1920, of the Secretary of

the Interior, withdrawing lands for reclamation purposes, so far as such order affects any of the above described lands.

4. There is reserved to the Atomic Energy Commission the right to maintain or cause to be maintained security control of those public lands lying within sections 10 and 16, T. 11 S., R. 11 E., together with the rights of ingress and egress over adjoining public lands which will be required or needed to maintain this control.

5. Public Land Order No. 649 of June 12, 1950, which withdrew lands for use of the U.S. Atomic Energy Commission, is hereby revoked.

All of the lands described in the withdrawal and revocation made by this order are in existing withdrawals and under water.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1971.

[FR Doc.71-5419 Filed 4-19-71;8:45 am]

[Public Land Order 5044]
[Anchorage 3433]

ALASKA

Withdrawal for National Forest Recreation Area

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

1. Subject to valid existing rights, 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:

SOUTH TONGASS NATIONAL FOREST

COPPER RIVER MERIDIAN

Naha Recreation Area

Beginning at Point A on mean high tide, coordinates latitude 55°35'24" N., and longitude 131°27'6" W. Proceed No. 28° E., 2,640 feet to Point BB; thence S. 80° E., 6,336 feet to Point C; thence N. 41° E., 8,448 feet to Point D; thence S. 38° E., 18,480 feet to Point E; thence S. 39°30' W., 2,640 feet to Point F; thence N. 51° W., 10,560 feet to Point G; thence N. 32° W., 6,600 feet to Point H; thence S. 9°30' W., 5,280 feet to Point I; thence N. 86° W., 9,240 feet to Point J; thence due north 264 feet to Point K on mean high tide; thence in a counter-clockwise direction along the mean high tide line of Roosevelt Lagoon and Naha Bay, approximately three miles to point of beginning.

The area described aggregates approximately 2,363 acres.

All lands are administered by the Forest Service except 3.99 acres occupied by the Orton Ranch, 0.44 acres owned by Alaska Packers on the Naha River, and 10.74 acres owned by Alaska Packers at the inlet of Heckman Lake.

2. The withdrawal 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.

APRIL 14, 1971.

[FR Doc.71-5420 Filed 4-19-71;8:45 am]

[Public Land Order 5045]
[Oregon 3346]

OREGON

Powersite Restoration No. 707; Powersite Cancellation No. 305; Revocation of Powersite Reserve No. 581; and Cancellation of Powersite Classification No. 227, and Waterpower Designation No. 3

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-537-Oregon, it is ordered as follows:

1. The Executive Order of January 19, 1917, creating Powersite Reserve No. 581, and the Secretary's Order of January 19, 1917, creating Waterpower Designation No. 3, and the Secretary's Order of May 4, 1929, creating Powersite Classification No. 227, are hereby revoked so far as they affect the following described lands:

WILLIAMETTE MERIDIAN

POWERSITE RESERVE NO. 581

WATERPOWER DESIGNATION NO. 3

T. 38 S., R. 15 E.,
Sec. 3, SE¼;
Sec. 11, lots 1 to 4, incl., N½, W½SW¼;
Sec. 13, lots 1 and 2;
Sec. 15, E½E½;
Sec. 21, SE¼;
Sec. 23, lots 1 to 4, incl., SW¼NE¼, S½NW¼, S½;
Sec. 25, NE¼NE¼.
T. 38 S., R. 6 E.,
Sec. 17, SW¼;
Sec. 19, lots 1 to 4, incl., NE¼, NE¼NW¼.

POWERSITE CLASSIFICATION NO. 227

T. 38 S., R. 5 E.,
Sec. 13, NW¼NE¼, N½SE¼;
Sec. 14, SE¼SW¼;
Sec. 23, lot 9.
T. 38 S., R. 6 E.,
Sec. 17, SW¼NW¼, SW¼SE¼
Sec. 18, lots 2 and 3, NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 20, SW¼;
Sec. 21, W½NW¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 27, S½SW¼;
Sec. 28, W½NE¼, N½NW¼, NE¼SW¼, S½SW¼;
Sec. 29, NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 33, NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 34, SW¼NE¼, NW¼, NW¼SE¼;
Sec. 35, SE¼NW¼, S½SW¼, W½SE¼.

The areas described aggregate approximately 4,747.37 acres of private, revested Oregon and California Railroad Grant lands, and national forest lands in Klamath County.

2. At 10 a.m. on May 20, 1971, the revested Oregon and California Railroad Grant lands, and the national forest lands shall be open to such forms of disposition as may by law be made of such lands. These lands have been and will continue to be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1971.

[FR Doc.71-5421 Filed 4-19-71;8:45 am]

[Public Land Order 5046]
[Oregon 4193]

OREGON

Opening of Lands Subject to Section 24 of the Federal Power Act

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), it is ordered as follows:

In DA-536-Oregon, the Federal Power Commission determined that the power value of the following described revested Oregon and California Railroad Grant lands, withdrawn in Powersite Classification No. 410 of November 9, 1950, will not be injured or destroyed by restoration to location, entry, or selection under the appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act, supra:

WILLAMETTE MERIDIAN

T. 39 S., R. 3 W.,
Sec. 3, SW¼SW¼.

The area described aggregates 40 acres in Jackson County.

At 10 a.m. on May 20, 1971, the land shall be open to such forms of disposition as may by law be made of revested Oregon and California Railroad Grant lands, subject to valid existing rights, and the provisions of section 24 of the Federal Power Act, supra.

The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location and entry under the United States mining laws.

Inquiries concerning the land should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Portland, Oreg.

APRIL 14, 1971.

HARRISON LOESCH,
Assistant Secretary of the Interior.

[FR Doc.71-5422 Filed 4-19-71;8:45 am]

[Public Land Order 5047]
[Utah 13113]

UTAH

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Or-

der 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:

SAWTOOTH NATIONAL FOREST

SALT LAKE MERIDIAN

Clear Creek Recreation Area

T. 14 N., R. 13 W.,
Sec. 8, E½SE¼SE¼;
Sec. 9, S½S½, S½NE¼SE¼;
Sec. 10, SE¼NE¼, S½SW¼NE¼, S½SE¼NW¼, N½SW¼, N½S½SW¼, NW¼SE¼.

The area described aggregates 440 acres in Box Elder County.

2. The withdrawal 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.

APRIL 14, 1971.

[FR Doc.71-5423 Filed 4-19-71;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard Department of Transportation

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARYS RIVER, MICHIGAN

Temporary Reduction of Vessel Speed Limits

CROSS REFERENCE: For a document temporarily reducing the vessel speed limits for the St. Marys River, Michigan, see F.R. Doc. 71-5445, Department of Transportation, Coast Guard, Notices section.

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reseal Loan Regs., 1971-72 and Subsequent Storage Periods]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Farm Storage Reseal Loan Program

The regulations issued by Commodity Credit Corporation published at 33 F.R. 5201, 9464, 34 F.R. 1229, 13077, 19705, and 35 F.R. 6748, which contain the regulations governing farm storage reseal loan programs for 1965 and subsequent storage periods are hereby revised to incorporate applicable amendments and to include other program changes. The revised regulations shall supersede the above regulations with respect to the 1971-72 and subsequent storage periods.

Sec.
1421.530 General.
1421.531 Applicability of the general regulation governing price support for 1970 and subsequent crops.
1421.532 Eligibility requirements.
1421.533 Redemption and delivery of commodity and conversions to extended warehouse storage loans.
1421.534 Quantity eligible for reseal.
1421.535 Quality.
1421.536 Approved storage.
1421.537 Storage payments.
1421.538 Setoffs.
1421.539 Commingling.
1421.540 Maturity.
1421.541 Determination of quality.
1421.542 Determination of quantity.
1421.543 Interest rate.
1421.544 Delivery charges.
1421.545 Loss or damage to the commodity.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b) and (c); 7 U.S.C. 1441, 1447, 1421, 1425.

§ 1421.530 General.

(a) The regulations in this subpart set forth the terms and conditions for the extension of the maturity date for a price support loan secured by a farm stored commodity and evidenced by a Farm Storage Note, Chattel Mortgage, and Security Agreement (hereinafter called a "note and mortgage"). Such loan(s) hereinafter called "reseal loan(s)") commencing in 1971 with respect to any commodity of a particular crop for which an annual supplement to this subpart is issued authorizing reseal loans and storage periods for such crop of the commodity. Additional terms and conditions for a reseal loan (stating the crop of a particular commodity for which reseal loans will be granted, the area in which such reseal loans will be granted, the rates and period during which CCC will pay for storage of commodities under reseal loan, quality and other appropriate requirements) shall appear in the annual supplement to this subpart.

(b) To participate in the reseal loan program, a producer must file an application requesting a reseal loan with the county office and have such application approved by that office. A reseal loan will be granted on an eligible commodity in approved storage and covered by a loan evidenced by a note and mortgage. A reseal loan granted under this subpart will be due on demand by CCC. A producer may redeem his reseal loan, or deliver the commodity covered by such loan to CCC, on the terms and conditions appearing in this subpart and the applicable annual supplement.

(c) As used in the regulations in this subpart, "CCC" means the Commodity Credit Corporation, and "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

§ 1421.531 Applicability of the general regulations governing price support for 1970 and subsequent crops.

The following sections of the General Regulations Governing Price Support for 1970 and Subsequent Crops, published in 35 F.R. 7363 and 7781, and any amendments thereto (hereinafter referred to as "general regulations") shall be applicable to all crops of commodities for the 1971-72 and subsequent storage periods for which reseal loans are authorized: Sections 1421.2, 1421.3 (a) through (e), 1421.4, 1421.5, 1421.8, 1421.9, 1421.10, 1421.13(b), 1421.14 through 421.16, 1421.17 (a), (c), (d), (e), and (j), 1421.18, 1421.19 (a) and (b), 1421.20(c), 1421.23 (c), (d), (e), (f), (j), (k), and (l) and 1421.24 through 1421.29.

§ 1421.532 Eligibility requirements.

(a) *Producer.* A producer shall be eligible to participate in this program if he has an eligible commodity under a farm storage loan for which a reseal loan program has been authorized in an annual supplement hereto.

(b) *When to apply.* The producer must apply for a reseal loan within two calendar months after maturity of his loan unless a later date is authorized by the county committee.

(c) *New loans.* A producer who has a farm stored commodity eligible for price support must obtain a loan on the maximum quantity in the bin eligible for a loan, in order for it to be eligible for reseal. Such loan must be requested on or before the last day of availability of loans provided in the regulations published as the annual crop year supplement for the commodity for which the loan is being requested unless a later date is authorized by the county committee in an individual case for reasons beyond the control of the producer.

(d) *Disbursement of loans.* Disbursement of a new loan referred to in paragraph (c) of this section will be made to a producer by county ASCS offices by means of a draft drawn on CCC or by credit to the producer's account. The new loan for reseal purposes must be disbursed by the original maturity date for the commodity unless a later date is authorized by the county committee in an individual case for reasons beyond the control of the producer. The producer shall not present the loan documents for disbursement unless the commodity covered by the mortgage is in existence. If the commodity was not in existence at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

§ 1421.533 Redemption and delivery of commodity and conversions to extended warehouse storage loans.

In the case of deliveries and conversions to an extended warehouse storage loan (hereinafter called "storage loan") described in paragraphs (a), (b), (c), (d) of this section, a producer must deliver the commodity in accordance with the instructions issued by the county office.

(a) *Delivery on demand and redemption.* On demand for payment of the reseal loan, the producer must either pay off the loan, plus interest, or deliver the mortgaged commodity to CCC.

(b) *Voluntary early delivery.* A county committee may authorize a producer to make delivery to CCC of a resealed commodity prior to the end of a storage period under the following conditions: (1) Storage space is available at either local or transit points which are normally used for storing the commodity; and (2) delivery of the commodity will not unduly interfere with the completion of other current program functions. The quantity eligible for storage payment and the length of the storage period shall be determined as provided in § 1421.537. The rate of payment shall be as specified in the applicable annual supplement to this subpart.

(c) *Regular delivery period.* The county committee may authorize delivery to CCC of the commodity during the 2 calendar months after the anniversary of the maturity date of a producer's original loan or, in the case of loans made under § 1421.532(c), during the 2 calendar months after the anniversary of the maturity date for farm-stored price suppbrt loans applicable to the crop of the commodity on which such loan was obtained.

(d) *Conversion to extended storage loan.* If an extended warehouse storage loan program is authorized under § 1421.6(d) for the crop of the commodity serving as security for the repayment of a reseal loan indebtedness and the producer and such commodity are otherwise eligible for an extended warehouse storage loan, the producer may, with the consent of the county committee, convert his reseal loan into an extended warehouse storage loan at any time during the then current reseal storage period. Liquidation of the farm-stored loan shall be made as provided in § 1421.18(d) and disbursement of the extended warehouse storage loan shall be made on or before the anniversary of the applicable loan maturity date during the then current reseal storage period. The producer shall arrange for conversion of such loan into an extended warehouse storage loan as provided in § 1421.6(d).

§ 1421.534 Quantity eligible for reseal.

The quantity eligible for reseal shall be the quantity necessary to secure the original loan and any additional quantity placed under loan as provided in § 1421.532(c), less any quantity delivered to CCC or redeemed by the producer prior to reseal except that, if the quantity in the bin(s) or crib(s) under loan is less than the maximum quantity eligible for loan as provided under § 1421.18(a), the entire quantity in the bin(s) or crib(s) shall be ineligible for reseal unless a maximum loan is obtained as provided in § 1421.532(c), or unless the excess is removed from the bin(s) or crib(s) as provided in § 1421.19(a).

§ 1421.535 Quality.

Prior to approval of a reseal loan, the commodity will be inspected by a representative of the county committee and a reseal loan will not be approved unless it is determined on the basis of such inspection that the quality of the commodity is such that it can reasonably be expected to be stored with safety for the authorized storage period of the reseal loan.

§ 1421.536 Approved storage.

Approved storage shall consist of a storage structure located on or off the farm (excluding public warehouses), which a representative of the county committee determines will afford safe storage for the commodity.

§ 1421.537 Storage payments.

(a) *Time.* Storage payments shall be made at least annually at the end of the authorized storage period and may be made during the authorized storage period at frequencies determined by CCC. Final storage payments will be made at the time loan collateral is redeemed, or upon settlement when the commodity is delivered or is converted into a storage loan, as applicable.

(b) *Storage payment units.* Storage payments shall be based on units of 100 bushels or 100 hundredweight, as applicable, with respect to the commodity under loan. Storage payments made prior to redemption, delivery of the commodity, or conversion to a warehouse storage loan shall be computed on the basis of the measured quantity in the bin(s) or crib(s) on which the reseal loan was made less any quantities redeemed or delivered, rounded to the nearest tenth of a unit. Final storage payments shall be computed on the quantity redeemed, delivered, or transferred for purposes of a warehouse storage loan, rounded to the nearest tenth of a unit.

(c) *Storage credit.* Credit will be given for each full month of storage beginning on the day following the original loan program maturity date. Credit will not be allowed for the month in which redemption, delivery or conversion to a storage loan is made, or loss or damage to the commodity to be assumed by CCC under § 1421.16 occurs. A final storage payment made on redemptions, deliveries, conversion into storage loans and losses or damages assumed by CCC, occurring within 2 calendar months after the anniversary of the original loan maturity date shall not include a storage payment for any part of the 2-month period.

(d) *Storage payment adjustments.* Upon settlement or redemption of a reseal loan, storage payments made for prior storage periods will be adjusted in accordance with the provisions of this section on the basis of the storage rates set forth in the annual supplement to these regulations. When the quantity used for making such adjustments exceeds the quantity on which payments were made, the producer shall be given credit for the additional quantity for all prior storage periods. When such quantity is less than the quantity on which payments were made, the producer shall refund the overpayment to CCC. The quantity upon which prior storage payments shall be adjusted shall be determined as follows:

(1) In the case of deliveries in settlement of a reseal loan, or conversion to a storage loan, prior storage payments shall be adjusted on the basis of the eligible quantity of the commodity delivered from the sealed structure;

(2) In the case of redemptions, prior storage payments shall be adjusted on the basis of the quantity determined by measurement to be in the sealed structure, except that if the county committee has received acceptable evidence by a date determined by the county committee but not later than 60 days after the redemption of the actual quantity determined to have been removed from the sealed structure, such quantity shall be used;

(3) In the case of losses assumed by CCC, prior storage payments shall be adjusted on the basis of the quantity determined by measurement prior to the loss.

(e) *Unauthorized removal, etc.* Notwithstanding the provisions of this section, no storage payment with respect to any part of the commodity under loan shall be made for any storage period, or for any storage period subsequent thereto, during which the producer (1) without intent to defraud CCC (i.e., a nonwilful conversion), removes or causes to be removed all or any part of the commodity from a bin or crib; (2) abandons the commodity; (3) or negligently damages or otherwise impairs the commodity.

(f) *Loss of storage payments.* Notwithstanding the provisions of this section, in no case will any storage payment for any storage period with respect to any part of a commodity under loan be made: (1) If the producer has made any false representation in the loan documents, in obtaining the loan, or in settlement of the loan; or (2) if there has been unauthorized disposition of the commodity with intent to defraud on the part of the producer. If a producer received payment of any amount for any storage period to which he is not entitled, he shall refund such amount plus interest thereon promptly upon demand.

§ 421.538 Setoffs.

Any storage payment, proceeds of a new loan obtained under § 1421.532(c), or any proceeds due the producer on settlement are subject to the setoff provisions of § 1421.15.

§ 1421.539 Commingling.

(a) *When permitted.* When authorized by the State committee, the county committee may permit producer(s) to commingle quantities of a commodity which are under more than one loan, and which the county committee determines are safe for commingling, subject to the

following conditions: (1) When two or more producers commingle a commodity, they shall be jointly and severally liable for the entire loan; (2) the commodity must be of the same class.

(b) *Special conditions.* Notwithstanding any other provision of this subpart, the following shall apply if quantities of a commodity covered by more than one loan are commingled as provided in paragraph (a) of this section: (1) Partial deliveries of commingled commodities may be permitted only if the entire contents of a bin or crib of the commingled commodity are delivered; (2) if partial redemptions are made in accordance with other provisions of these regulations, the quantity redeemed shall be prorated to each loan on the basis of the ratio of the quantity on which each loan was made to the total quantity on which all the loans secured by the commingled commodities were made; and the dollar amount to be credited to each loan shall be based on the amount of the loan represented by the quantity determined to have been redeemed from loan; (3) for settlement purposes, if a commodity has been commingled, the quantity, grade, and quality delivered shall be prorated to each loan based on the ratio that the quantity on which the loan was made bears to the quantity covered by all the loans on the commingled commodity.

(c) *Deliveries when commodities from different crop years are commingled.* Notwithstanding any other provisions of this section, when a commodity from two or more crop years has been commingled and one or more of the loans secured by such commodity is called, the county committee, upon request of the producer, may authorize the producer to redeem the quantity of a commodity securing one or more loans and deliver the balance of the commodity in the bin or crib in satisfaction of the remaining outstanding loans subject to the following conditions:

(1) If the producer is permitted to deliver one of the commingled crops from a bin or crib containing a commodity from more than 1 crop year, the maximum quantity which may be delivered shall not exceed the quantity of the crop predetermined on Form CCC–687–1, Approval to Commingle or Move Loan Collateral, to have been in the bin or crib at the time of commingling, less any quantity redeemed.

(2) The producer shall waive all rights to deliver and receive price support and storage payment for any quantity of a commodity delivered to CCC in excess of the quantity determined under subparagraph (1) of this paragraph. Settlement value for any additional quantity that is inadvertently delivered to CCC shall be the lower of the loan value or the current market price on the date of delivery.

(3) The commodity from other crop years remaining in the bin must be redeemed.

(4) The producer of crops redeemed from the bin shall waive all rights to receive storage payment for any quantity of the commodity from such crops in excess of the quantity predetermined to have been in the bin at the time of the commingling, less any quantity already redeemed.

(5) If it is determined that the total quantity in the bin is less than the total of the predetermined quantity represented to have been in the bin, any such shortage will be considered to have been from the oldest crop in the commingled bin.

§ 1421.540 Maturity.

Farm storage loans extended under the reseal program will mature on demand.

§ 1421.541 Determination of quality.

The class, grade, grading factors, and all other quality factors shall be based on the official grading standards of the United States for the applicable commodity whether or not such determinations are made on the basis of an official inspection.

§ 1421.542 Determination of quantity.

The quantity (bushels or hundredweight) delivered under a reseal loan shall be determined by weight and shall be computed on the following basis: Corn, 56 pounds of corn per bushel. Wheat, 60 pounds of wheat, free of dockage, per bushel. Barley, 48 pounds of barley, free of dockage, per bushel. Oats, 32 pounds of oats per bushel. Grain sorghum, 100 pounds of grain sorghum, free of dockage, per hundredweight. Soybeans, 60 pounds of soybeans, free of dockage in excess of 1 percent, per bushel.

§ 1421.543 Interest rate.

Reseal loans shall bear interest at the rate stipulated in the note and mortgage.

§ 1421.544 Delivery charges.

Delivery charges shall be made in accordance with § 1421.11(b).

§ 1421.545 Loss or damage to the commodity.

Notwithstanding any other provision to the contrary in § 1421.16, if CCC is to assume a loss on the quantity of a commodity under a reseal loan pursuant to the provisions of such § 1421.16 and the quantity under loan has been measured the quantity on which CCC will assume such loss shall be based on the measured quantity determined to have been in the bin or crib at the time of the loss; if any quantity of the commodity has been redeemed or released, or both, or such quantity has not been measured, the quantity on which such loss shall be based shall be the quantity estimated by CCC to have been in the bin or crib at the time of the loss.

Effective date: Upon publication in the FEDERAL REGISTER (4–20–71).

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

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

[FR Doc.71–5446 Filed 4–19–71;8:47 am]

Title 49—TRANSPORTATION

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

[Docket No. 2–15; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 213; Child Seating Systems

Correction

In F.R. Doc. 71–5055 appearing at page 6895 in the issue of Saturday, April 10, 1971, in the table under S4.6.1 the figure for the height of the head restraint for a child weighing more than 35 pounds now reading "29" should read "20".

[Docket No. 2–12; Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seating Systems

An amendment to Motor Vehicle Safety Standard No. 207, Seating Systems, was published on October 1, 1970 (35 F.R. 15290). Thereafter, pursuant to § 553.35 of the procedural rules (49 CFR 553.35, 35 F.R. 5119), petitions for reconsideration were filed by the Ford Motor Company and Rolls Royce, Ltd.

The petition of Rolls Royce, Ltd., sought to amend § S4.2.1, *Seat adjustment*, to permit a displacement of 2 inches during the application of the required force. The company stated that such an allowance was necessary to accommodate power seats that are continuously adjustable. Although the Administration has determined that it is not advisable to permit a specific displacement, the special circumstances of the power seat warrant a more explicit interpretation of the term "adjusted position" as employed in the standard.

Some types of manual adjustment device have a small amount of slack, that is detected during the test procedure but is not an indication of incipient failure and is therefore not considered to affect the conformity of the system. In reviewing the characteristics of power adjustment devices, the Administration has concluded that some similar amount of slack may exist in such systems and that it should not be the basis for a finding of non-conformity. The Administration will consider a continuously adjustable power seat to have remained in its adjusted position despite some movement, if the movement is small and if it has stopped as the maximum required force level is reached.

The substance of the Ford petition was that the requirement for the seat back release control to be accessible to an occupant of the seat is not appropriate if the occupant does not need to use it to exit from the vehicle. This point was illustrated by the case of a seat in a truck cab that folds for access to a storage compartment. The Administration has determined that the situation used

by Ford to illustrate its case is a situation in which relief from the requirement should be granted, but that where there is a seating position behind the folding seat the release control should continue to be accessible to the occupant of the folding seat. This requirement has been a part of the standard from the outset, and by making the latch more easily usable makes it less likely to be intentionally defeated.

Ford also indicated that it understood the standard to require that the seat be releasable from each seating position on the seat. This is not a correct reading of the standard. The Administration's interpretation continues to be that the release control must be accessible to at least one occupant of each folding part of a seat.

In consideration of the foregoing, section S4.3.1, *Accessibility of release control*, in Standard No. 207, 49 CFR 571.21, is amended to read as follows:

§ 571.21 **Federal Motor Vehicle Safety Standards.**

* * * * *

MOTOR VEHICLE SAFETY STANDARD NO. 207

SEATING SYSTEMS

* * * * *

S4.3.1 *Accessibility of release control.* If there is a designated seating position immediately behind a seat equipped with a restraining device, the control for releasing the device shall be readily accessible to the occupant of the seat equipped with the device and, if access to the control is required in order to exit from the vehicle, to the occupant of the designated seating position immediately behind the seat.

* * * * *

Effective date: January 1, 1972.

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on April 14, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-5466 Filed 4-19-71;8:49 am]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assemblies; Correction

In F.R. Doc. 71-3257 appearing at page 4607 in the issue for Wednesday, March 10, 1971, the paragraph in the third column captioned "(f) Attachment hardware," that now reads, in the ninth line from the bottom, "0.6 inch in thickness and at least," is corrected to read ".06 inch in thickness and at least."

(Secs. 103 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

DOUGLAS W. TOMS,
Acting Administrator.

APRIL 14, 1971.

[FR Doc.71-5467 Filed 4-19-71;8:49 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Third Rev. S.O. 1065]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of April 1971.

It appearing, that an acute shortage of certain plain boxcars exists on the railroads named in section (a) paragraph (1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in a severe emergency and causing grain elevators to be unable to accept grain from farmers, thus creating economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1065 **Service Order No. 1065.**

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in subparagraphs (5) and (7) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 378, issued by E. J. McFarland, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide and bearing the identification marks shown:

The Atchison, Topeka, and Santa Fe Railway Co., Identification marks—ATSF.
Burlington Northern, Inc., Identification marks—BN, CBQ, GN, NP, SPS.
Chicago & Eastern Illinois Railroad Co., Identification marks—OEI.
Chicago and North Western Railway Co., Identification marks—CGW, SMO, SNW, MSTL.
Chicago, Milwaukee, St. Paul, and Pacific Railroad Co., Identification marks—MILW.
The Colorado and Southern Railway Co., Identification marks—C&S.
Fort Worth and Denver Railway Co., Identification marks—FW&D.
Illinois Central Railroad Co., Identification marks—IC, MSC.
Missouri-Illinois Railroad Co., Identification marks—M-I.
Missouri Pacific Railroad Co., Identification marks—MP.
Soo Line Railroad Co., Identification marks—DSA, SOO.
The Texas and Pacific Railway Co., Identification marks—T&P, TP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (5), (6), (7), (8), (9), and (10) of this paragraph.

Burlington Northern, Inc.
The Colorado and Southern Railway Co.
Fort Worth and Denver Railway Co.

(3) The following companies will be considered as one railroad in the application of subparagraphs (1), (5), (6), (7), (8), (9), and (10) of this paragraph.

Chicago & Eastern Illinois Railroad Co.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.
The Texas and Pacific Railway Co.

(4) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(5) Except as otherwise provided in subparagraph (7) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(6) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(7) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(8) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraphs (5) or (7) of this paragraph.

(9) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(10) Railroads named in paragraph (1) of this paragraph shall restrict their use of plain boxcars of the type described in this order, which are owned by any railroads not listed therein, to traffic routed via the car owner or destined to a station closer to the car owner than the station at which the car is loaded.

EXCEPTION:

For the purpose of securing utilization of cars for which the owners have no immediate need, car owners, other than those named in subparagraph (1) of this paragraph, may remove their cars from the provisions of this paragraph by written notice to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(11) In determining distances to the car owner from the points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(12) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (5), (7), or (10) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., April 17, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-5482 Filed 4-19-71;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-544]

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 subparagraph (e)(10) relating to the State of Texas, subdivision (i) relating to El Paso, Harris, Galveston, Liberty, and Montgomery Counties is amended to read:

(10) *Texas.* (i) All of El Paso, Harris, Galveston, Liberty, Montgomery, and San Jacinto Counties.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 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 quarantines all of San Jacinto County, Tex., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of April 1971.

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

[FR Doc.71-5484 Filed 4-19-71;8:50 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Cottage Cheese Identity Standard; Confirmation of Effective Date of Amendments To Permit Curd Manufacture by Direct Acidification

In the matter of amending the definition and standard of identity for cottage cheese (§ 19.525) to provide for the optional use of food grade acid as a means of setting the curd:

One objection and request for a hearing was received in response to the revised order in the above-identified matter published in the FEDERAL REGISTER of November 6, 1970 (35 F.R. 17110). The objection questioned the adequacy of the labeling option "directly set" to inform consumers of the nature of the product or of the difference in the production method used.

The Commissioner of Food and Drugs has evaluated the objection and concludes that it is without sufficient support to merit a stay of the order and the granting of a public hearing. The objector has been notified by letter and a copy is on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the amendments promulgated by the subject order (§§ 19.525 (b)(1) and (c) and 19.530(d)(3) and (4)) became effective January 5, 1971.

Dated: April 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5429 Filed 4-19-71;8:46 am]

PART 20—FROZEN DESSERTS

Ice Cream Identity Standard; Confirmation of Effective Date of Order Listing Calcium Carbonate and Magnesium Carbonate as Optional Ingredients

In the matter of amending the definition and standard of identity for ice cream (§ 20.1) to permit the use of calcium carbonate and magnesium carbonate as optional ingredients:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 13, 1971 (36 F.R. 422). Accordingly, the amendment promulgated by that order became effective March 12, 1971.

Dated: April 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5430 Filed 4-19-71;8:46 am]

PART 45—OLEOMARGARINE, MARGARINE

Oleomargarine, Margarine Identity Standard; Confirmation of Effective Date of Order Listing BHA and BHT as Optional Ingredients

In the matter of amending the identity standard for oleomargarine, margarine (§ 45.1) to permit the optional use of the antioxidants BHA (butylated hydroxyanisole) and BHT (butylated hydroxytoluene) in the animal fat ingredients presently permitted in the food:

Pursuant to provisions of the Federal Food, Drug, and Cosmetics Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order on the above-identified matter published in the FEDERAL REGISTER of January 21, 1971 (36 F.R. 977). Accordingly, the amendment promulgated by the order became effective March 22, 1971.

Dated: April 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5431 Filed 4-19-71;8:46 am]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Trichlorfon Oral Veterinary

The Commisioner of Food and Drugs has evaluated a new animal drug application (43-166V) filed by The Farnam Companies, Inc., proposing the safe and effective use of trichlorfon for oral use in horses. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

§ 135c.39 Trichlorfon oral veterinary.

(a) *Chemical name.* Dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate.

(b) *Sponsor.* The Farnam Companies, Inc., 8701 North 29th Street, Omaha, Nebr. 68112.

(c) *Special considerations.* Thus drug is a cholinesterase inhibitor. Do not use this product on animals simultaneously or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides, or chemicals.

(d) *Conditions of use.* (1) It is intended for use in horses for the removal of bots (Gasterophilus spp.), ascarids (Parascaris equorum), and pinworms (Oxyuris equi).

(2) Mix the drug, either dry or dissolved in water, in feed and administer at the rate of 4.5 grams of trichlorfon per 250 pounds of body weight. The drug is to be consumed at one feeding. Treatment should be repeated at 3- to 4-month intervals. Do not repeat treatment more frequently than every 30 days. Do not treat horses to be used for food. Do not treat sick or debilitated horses, colts under 4 months of age, mares in the last month of pregnancy, or animals other than horses. Do not administer intravenous anesthetics, especially muscle relaxants, for a period of 2 weeks after treatment.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4-20-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360(b)(i))

Dated: March 31, 1971.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.71-5433 Filed 4-19-71;8:46 am]

[DESI 9847]

PART 158i—NEOMYCIN SULFATE

Confirmation of Order Deleting Provisions for Certification of Hydrocortisone Acetate and Neomycin Sulfate Injectable

An order was published in the FEDERAL REGISTER of January 19, 1971 (36 F.R. 825), amending the antibiotic drug regulations to repeal provisions for certification of hydrocortisone acetate and neomycin sulfate injectable for human use. The order revoked § 148i.13 and all antibiotic certificates issued thereunder.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendment promulgated thereby became effective February 28, 1971.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated April 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5434 Filed 4-19-71;8:45 am]

PART 165—HABIT-FORMING DRUGS

Confirmation of Effective Date of Order Designating Certain Chemical Derivatives of Barbituric Acid as Habit-Forming Drugs

In the matter of designating certain chemical derivatives of barbituric acid as habit-forming drugs under section 502(d) of the Federal Food, Drug, and Cosmetic Act:

Pursuant to provisions of the act (secs. 502(d), 701, 52 Stat. 1050, as amended 53 Stat. 854; 52 Stat. 1055, as amended; 21 U.S.C. 352(d), 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of February 13, 1971 (36 F.R. 2969). Accordingly, the amendments to § 165.1 promulgated thereby shall become effective August 12, 1971.

Dated April 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5432 Filed 4-19-71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-366]

PART 1—PRACTICE AND PROCEDURE

Reducing the Number of Copies of Pleadings Filed in Commission Proceedings

1. The Commission, through its Procedure Review Committee, has recently completed a survey of the need for copies of pleadings filed in Commission proceedings. It appears from this survey that the number of copies parties are now required to file can be substantially reduced in a number of areas, with considerable savings of time, effort and expense for the public and the Commission. Accordingly, we are amending section 1.51 of the rules and regulations (the general rule governing the number of copies) and certain other rules which now specify the number of copies of specific pleadings to be filed, to either conform them to revised § 1.51 or to provide specifically for submission of fewer copies than are required by that section. To guard against shortages of copies in isolated cases, § 1.51(e) provides that parties to a proceeding may, on notice, be required to file additional copies of any or all copies of papers filed in that proceeding. The amendments are set forth below. The number of copies previously required and the number to be required in the future are as follows:

Type of case and pleading	No. of copies	
	Present	Proposed
Hearing cases:		
Pleadings acted on by the presiding officer or Chief Hearing Examiner	15-20	7
Pleadings acted on by the Review Board	15-20	13
Pleadings acted on by the Commission	20	20
Rule making proceedings which have not been designated for hearing	15	15
All other matters (unless specific rules govern)	20	12
Requests for assignment of call signs to broadcast stations	20	2

2. Authority for the amendments set forth in the attached Appendix is set out in sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and (j) and 303(r). Because the amendments are procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

3. *Accordingly, it is ordered,* Effective April 23, 1971, That Part 1 of the Rules and Regulations is amended as set forth below.

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

Adopted: April 8, 1971.

Released: April 14, 1971.

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

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 1.51 is revised to read as follows:

§ 1.51 Number of copies of pleadings, briefs and other papers.

Except as otherwise specifically provided in the Commission's rules and regulations, the number of copies of pleadings, briefs and other papers to be filed is as follows:

(a) In hearing proceedings, the following number of copies shall be filed:

(1) If the paper filed relates to a matter to be acted on by the presiding officer or the Chief Hearing Examiner, an original and 6 copies shall be filed.

(2) If the paper filed relates to matters to be acted on by the Review Board, an original and 12 copies shall be filed.

(3) If the paper filed relates to matters to be acted on by the Commission, an original and 19 copies shall be filed.

(4) If more than one person presided (is presiding) at the hearing, an additional copy shall be filed for each such additional person.

(5) In CATV hearing cases, two additional copies of all pleadings shall be filed.

(b) In rule making proceedings which have not been designated for hearing, an original and 14 copies of all papers shall be filed.

(c) In matters other than rule making and hearing cases, an original and 11 copies of all papers shall be filed.

(d) Where statute or regulation provides for service by the Commission of papers filed with the Commission, an additional copy of such papers shall be filed for each person to be served.

(e) The parties to any proceeding may, on notice, be required to file additional copies of any or all papers filed in that proceeding.

§ 1.292 [Deleted]

2. Section 1.292 is deleted.

3. Section 1.301(c)(6) is revised to read as follows:

§ 1.301 Appeal from presiding officer's interlocutory ruling; effective date of ruling.

* * * * *

(c) * * *

(6) If a commissioner or panel of commissioners is presiding at the hearing, the appeal will be acted on by the Commission. The Commission also acts on appeals from the rulings of a hearing examiner in proceedings which involve rule making matters exclusively. In all other proceedings in which a hearing examiner is presiding, appeals from his ruling will be acted on by the Review Board. The caption of the appeal shall specify whether the appeal is to be acted on by the Commission or the Review Board.

* * * * *

4. Section 1.302(f) is revised to read as follows:

§ 1.302 Appeal from presiding officer's final ruling; effective date of ruling.

* * * * *

(f) If the Commission would have reviewed an initial decision in the proceeding (see § 0.365(a) of this chapter), the Commission will act on the appeal. In all other cases, the appeal will be acted on by the Review Board. The caption of the appeal shall specify whether the appeal appeal is to be acted on by the Commission or the Review Board.

* * * * *

5. In § 1.550, paragraphs (a) and (d)(2) are revised to read as follows:

§ 1.550 Requests for new or modified call sign assignments.

(a) Requests for new or modified call sign assignments for standard, FM or television broadcasting stations shall be made by letter to the Secretary, Federal Communications Commission, Washington, D.C. 20554. An original and one copy of the letter shall be submitted.

* * * * *

(d) * * *

(2) Objections to the assignment of the requested call signs may be filed within the 30-day period following issuance of public notice of the receipt of such request. Objections filed after the 30-day period will be considered only if, in the judgment of the Commission, good cause has been shown for failure to file within the time specified. The person who filed the original pleading may reply to said objections within 10 days after the time for filing objections has expired, or if the objections are filed late, within 10 days after the late pleading is filed. An original and one copy of the objections and of the reply thereto shall be filed. No further pleadings will be entertained.

* * * * *

6. Section 1.587 is revised to read as follows:

§ 1.587 Procedure for filing informal objections.

Before Commission action on any application for an instrument of authorization, other than a license pursuant to a construction permit, any person may file informal objections to the grant. Such objections may be submitted in letter form (without extra copies) and shall be signed by the objector. The limitation on pleadings and time for filing pleadings provided for in § 1.45 shall not be applicable to any objections duly filed under this section.

7. Section 1.701(c) is revised to read as follows:

§ 1.701 Show cause orders.

* * * * *

(c) All papers filed by a carrier in a proceeding under this section shall conform with the specifications of §§ 1.49 and 1.50 and the subscription and verification requirements of § 1.52.

8. Section 1.729(a) is revised to read as follows:

§ 1.729 Copies; service.

(a) For provisions relating to the number of copies of pleadings and briefs to be filed in formal complaint proceedings, see § 1.51.

* * * * *

9. Section 1.773(d) is revised to read as follows:

§ 1.773 Petitions for suspension of tariff schedules.

* * * * *

(d) *Copies, service.* An original and 11 copies of each petition or reply must be filed with the Commission, and served in accordance with paragraphs (b) and (c) of this section.

[FR Doc.71-5457 Filed 4-19-71;8:48 am]

[Docket 18883; FCC 71-376]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202 Table of Assignments FM Broadcast Stations; Whaleyville, Va.; Americus, Ga.; Oakdale, Calif.; Goldsboro, and Roanoke Rapids, N.C.; Albany, Ga.; Lowell, Ind.; Hattiesburg, Miss.; Exeter, N.H.; South Lake Tahoe, Calif., and Fairmont, N.C., and Mullins, S.C.; Docket No. 18883, RM-1481, RM-1484, RM-1490, RM-1492, RM-1500, RM-1503, RM-1519, RM-1529, RM-1531.

1. The Commission here considers the Notice of Proposed Rule Making in Docket No. 18883, adopted June 17, 1970, to amend the FM Table of Assignments (§ 73.202(b) of the rules) in various respects (FCC 70-639; 35 F.R. 10320). The first report and order adopted February 24, 1971 (FCC 71-193; 27 FCC 2d 844) dealt with all proposals except

Whaleyville, Virginia, and Lowell, Indiana (RM–1481 and RM–1503), which are considered at this time. Because the proposed assignment to Lowell is within 250 miles of the United States-Canadian border, approval by Canada was sought and obtained under the terms of the Canadian-United States Agreement of 1947 and the Working Arrangement of 1963. Unless otherwise indicated, population figures are from the 1970 Census.

2. Whaleyville, Virginia (RM–1481): As pointed out in the notice, Lloyd A. Gatling and James F. Hope, Jr., petitioned the Commission to assign Channel 221A to Whaleyville (population 332) to provide a first broadcast service to the "principal community" of Whaleyville, Holland town (population 400) and the surrounding rural area of the districts of Cypress (population 7,460), Holy Neck (population 9,040), and Whaleyville (population 3,686) of Nansemond County. These were described as rural areas for which the Suffolk aural broadcast stations do not program.[1] The petitioners made some technical showing that the allocation would be without significant impact on availability of FM assignments for the potential needs of other communities in various respects. Petitioners, apparently aware of our reluctance to make FM assignments to a community the size of Whaleyville, urged that we consider a "principal community concept", and our Notice indicated that this contention is "unpersuasive". See and compare Notice of Proposed Rule Making in Docket No. 19144, adopted February 3, 1971, para. 5, p. 3 (FCC 71–110).

3. Only the petitioners filed comments, which briefly referred to the overall objective of "a first local broadcast facility to the lower Nansemond County . . . [whose] needs and interests * * * are not met by existing stations." In this respect, the petition stated that, while Nansemond County is near the Newport News-Hampton Roads and Norfolk-Portsmouth SMSA's (population 289,341 and 633,412, respectively), Whaleyville and the principal community to be served are not a part of either and geographically separated by the James River or the Dismal Swamp. These SMSA's constitute a single radio broadcast market with 19 aural broadcast services (11 AM and 8 FM) many of which provide coverage to Whaleyville and surrounding area. Petitioners' comments said nothing about the "principal community concept" question raised by the Notice.

4. As the Notice indicated, we are not persuaded that there is a "principal community concept", as urged by the petitioners, properly applicable in this case. Thus, the question is whether a community the size of Whaleyville warrants a channel. In this connection, it is appropriate to look at the preclusion impact—the effect on other potential assignments. This includes both "commercial" assignments on Channel 221A and above, and use of the educational FM band Channel 220 and below. As to the former, there is preclusion for Channel 221A in a fairly large area east and south of Whaleyville in Virginia and North Carolina, but, for the five places with 1,000 or more population affected (all in North Carolina), there already are assignments or other channels could be assigned. There is no significant impact on Channels 222–223–224. With respect to the educational FM channels, there is no impact on Channels 218–219. We are particularly concerned with the impact on educational FM Channel 220. There would be no preclusion on Channel 220, if it were regarded as a class B assignment in Virginia north of Whaleyville. As to class C uses further south, a class C assignment on this channel would be precluded in an area along the North Carolina coast east of Elizabeth City, but there are no substantial communities in that area. On the other hand, class A use of Channel 220 would be precluded in a large area of Virginia and part or all of nine counties in North Carolina; the Virginia area includes Nansemond and Southhampton Counties and substantial parts of Chesapeake City and Virginia Beach City.[2] There are no educational stations in the vicinity, while there are many educational institutions. Parts of this area are within the viewing area of Richmond Channel 6, and any educational FM development would have to be on the upper educational FM channels, such as 218, 219, and 220. It would appear that making an assignment to Whaleyville is contrary to the mandate of Section 307(b) of the Communications Act of 1934, as amended, "to provide a fair, efficient, and equitable distribution of radio service" (emphasis added) especially considering its size. In the circumstances, the Commission cannot find that the public interest, convenience, and necessity will be served by assigning 221A to Whaleyville, Virginia at this time. If requested, we will take another look at this matter when the course of future development of educational FM—including the "Channel 6 problem"—is better defined.[3]

5. Lowell, Indiana (RM–1503): Petitioner William J. Dunn, as a potential applicant, proposed assignment of Channel 296A to Lowell, population 3,839. Lowell, while in the Gary-Hammond-East Chicago SMSA (population 628,969), is separated from the urbanized part (20 miles south of Gary).[4] There is no serious preclusion; assignment of Channel 296A may be made in an area in the vicinity of Lowell extending to the south including West Lafayette (population 19,147) which, although without a FM assignment of its own, is immediately adjacent to Lafayette (population 44,985) which has three FM stations. A minor technical problem exists as to the cochannel allocation at Plano-Sandwich, Ill., because of about 1 mile shortage between the Plano and Lowell reference points (§ 73.207 of the Commission's rules), but it appears that there is ample space available east of Lowell for a transmitter site.

6. Considering all relevant factors, and, more specifically, the size of Lowell, its lack of a local aural broadcast service, and that allocation of Channel 296A would not preclude assignment to any other sizable community in the area which does not have substantial service, we conclude that the public interest, convenience, and necessity would be served by assigning 296A to Lowell.

7. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

8. In accordance with the foregoing: *It is ordered*, That, effective May 21, 1971, the FM Table of Assignments (§ 73.202(b) of the rules) is amended by the allocation of the following entry:

City	*Channel No.*
Lowell, Indiana	296A

9. *It is further ordered*, That the petition of Lloyd A. Gatling and James F. Hope, Jr. (RM–1481), is denied.

10. *It is further ordered*, That this proceeding Is Terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 8, 1971.

Released: April 14, 1971.

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

[FR Doc.71–5458 Filed 4–19–71;8:48 am]

[Docket No. 19001, RM–1509; FCC 71–334]

PART 89—PUBLIC SAFETY RADIO SERVICES

Regular Use in Local Government Radio Service of Certain Reserved Frequencies for Purpose of Operating Highway Emergency Radio Communication System

1. On September 11, 1970, the Commission released a notice of proposed

[1] Suffolk, population 9,858, is an independent city located in Nansemond County, population 35,166, about 12 miles northwest of Whaleyville. The only broadcast outlets in the county are Stations WLFM, a Class IV AM, and WFOG (FM) both operated by a common operator at Suffolk.

[2] Chesapeake City (population 88,918) was formed by the consolidation of South Norfolk City and Norfolk County; Virginia Beach City (population 166,066) was formed by the consolidation of Virginia Beach City and Princess Anne County. Both are part of the Norfolk-Portsmouth SMSA.

[3] See Docket No. 19183, adopted March 24, 1971 (FCC 71–309).

[4] This sizable SMSA has only two FM assignments, a class B at Hammond and class A at Valparaiso. The adjacent SMSA of Chicago has many FM stations, but it is in a different State.

rule making (FCC 70–988) in the above-entitled matter. The Notice was published in the FEDERAL REGISTER on September 16, 1970 (35 F.R. 14512). The period for filing comments closed on November 17, 1970.[1] Timely comments were filed by Associated Public Safety Communications Officers, Inc. (APCO); U.S. Department of Transportation (DOT); American Association of State Highway Officials (AASHO); International Bridge, Tunnel, and Turnpike Association (IBTTA); State of (Florida); Gamewell Division, E. W. Bliss Co. (BLISS); Chesapeake Systems Corp. (Chesapeake); Automobile Manufacturers Association (AMA); Institute of Traffic Engineering (ITE); State of Connecticut Department of Transportation (Connecticut); Land Mobile Communications Section, Industrial Electronics Division, Electronics Industries Association (EIA); Highway Users Federation (HUF); International Association of Chiefs of Police (IACP); International Municipal Signal Association (IMSA); Rydax, Inc.; Minnesota Mining and Manufacturing Co. (3M)—3M also submitted reply comments; and the Airborne Instruments Laboratory, a Division of Cutler-Hammer, Inc. (AIL), which, in addition to regular comments, filed late reply comments that, for good cause, have been considered along with all timely filed comments.

2. The proposals in this proceeding would initiate a program for radio callbox fixed station operations related to safety on highways on four pairs of 450 MHz frequencies which are now reserved under rule § 89.259(g)(11) for base or mobile communications. It was proposed that the callboxes be installed along major highways for use by motorists to voice and tone communicate with control centers for assistance as needed. Also, we proposed to permit the use of these frequencies to transmit tones from roadside sensor devices regarding weather and road conditions which would then be disseminated to motorists by activation of highway signs.

3. In the notice, we asked interested parties for comments, in addition to those regarding the specific proposals, as to the desirability of departing from established policy which generally excludes fixed operations, such as these callbox systems, in the 450–470 MHz band;[2] whether the available four pairs of frequencies will be adequate to accommodate callbox systems for voice communications on the Nation's principal highways; and whether roadside callbox systems in this frequency range would be compatible with long-range programs which are understood to include eventually a system for direct communications with motorists in their vehicles. A number of the comments were directed to these issues.

4. The comments generally supported departure from existing policy to permit fixed operation on these frequencies for the proposed highway communication purposes. Cheapeake, however, felt that there was only "limited" justification for the operations since "technically, the goals of a radio callbox system can be accommodated in the 956 MHz band where fixed operational service is already authorized." AIL also refers to operations above 900 MHz which it feels are "clearly superior to the 450 MHz band." We will discuss this point in a subsequent paragraph.

5. The general consensus was that four frequency pairs would be adequate to accommodate the anticipated callbox communications systems. There was a more mixed reaction as to whether the proposed fixed station operations are likely to be compatible with future programs and with direct communications with vehicles on the highways. Nearly all of the parties felt we were a long way from an effective system for motorists to request assistance from their cars. Nevertheless, some of the comments see a definite correlation between callbox and motor vehicle radio operation, and are, therefore, optimistic on this issue. For example, DOT notes, "As the system evolves, it may turn out that the system will in fact become mobile with the 'callbox' located in individual vehicles." EIA places emphasis on "the general desirability of utilizing a frequency band that would permit communications to and from vehicles." Chesapeake, 3M, and AASHO, on the other hand, find that their evaluation cannot be made on the basis of the current state of technology. Chesapeake concludes, "Selection of a frequency band for that purpose (direct automobile communications) should be engineered at that time in the light of the technical requirements existing then—not now!"

6. As indicated, the comments support a finding that there exists an important and continuous requirement for emergency radio communications between motorists and highway assistance facilities which can best be met at this time by permitting fixed station operations on 450 MHz base and mobile frequencies. This is not, of course, a complete solution to the problems of highway safety communications. That is a goal for the future. However, such a program is consistent with the communication purposes for which the 450 MHz frequencies involved have been reserved. The Commission concludes that it is in the public interest to adopt interim provisions, essentially as proposed, for limited use of the subject frequencies to alleviate some of the immediate needs associated with highway safety and motorist emergencies.[3] Nevertheless, we wish to emphasize, as we did in our notice, that our decision to permit the use of the frequencies in question for radio callboxes and other purposes should not be construed as a finding by the Commission that the type of system authorized herein is necessarily the only one or, for that matter, the most desirable approach to the problem of highway safety communications. For example, we have made available frequencies in the 72–76 MHz band and one frequency in the 150–160 MHz band for radio callbox use and we have designated the so-called Class D Citizens Channel 9 as an emergency channel which can be used for, among other purposes, communications relating to highway safety. Also, we are aware of and recognize the on-going programs on the part of radio equipment manufacturers, and Federal and State governmental agencies looking towards alternative communications systems. Thus, for example, Chesapeake and AIL discussed in their comments, with considerable merit, the likelihood of developing alternative radio communication systems to operate advantageously on frequencies above 900 MHz. The possibility of wire induction systems is also being widely discussed. We wish to encourage these and other efforts to the end that sufficient alternatives are developed and tested so that a wide choice of possibilities become available for establishing the communications systems of the future. Consistent with this intent, we are including in the adopted rules specific provision for the issuance of developmental authorizations which look to the development of radio communication capability directly to and from motorists in their vehicles. Developmental authorization in this area for other techniques may also, of course, be considered under the regular developmental rule provisions.

7. We now turn to the standards and requirements we proposed for the operation of highway radio callboxes in the 450 MHz band. While it appears from the comments and the Commission's review that certain of these proposals are appropriate, others require modifications as follows:

A. Maximum callbox power of 1 watt input to the antenna and a control station maximum effective radiated power of 25 watts were proposed. The only objection was registered by 3M which felt that adequacy of these power limits was yet to be "proven." This is so and perhaps there would be problems we do not now anticipate. However, it is our expectation based upon our evaluation of current callbox capability that these power limits will prove sufficient under normal operating conditions and we are adopting them

[1] By order released Nov. 4, 1970, (Mimeo 57150), a request from the California Public Safety Radio Association, Inc., for a 60-day extension of the comment period was denied.

[2] With the exceptions of control stations in mobile relay systems, fixed operations in the 450–470 MHz band are permitted only in areas more than 75 miles from the center of the 87 largest urbanized areas, those of 200,000 or more population.

[3] We are also including the 450 MHz frequencies which are available for fixed station operation as set forth in § 89.101(p). This will make it clear that they may be used for higher power callbox systems located outside of the 87 largest urbanized areas in accordance with existing rules.

as proposed subject, of course, to further evaluation after systems are placed in operation. Related to power, we also proposed that each callbox be adjusted so that all transmissions arrive at a central receiving point at about the same level. A number of objections were received as to this requirement. EIA states that it finds that the requirement would "have a degrading effect on callbox system performance" in that each box must be set "at the level of the poorest performing box" and because "none of the callbox identifications would be properly received in the presence of simultaneous transmissions." Chesapeake is concerned with "the need for an installation test procedure involving signal level tests over a considerable period of time for each callbox of the system." We have considered the comments carefully and we are persuaded that the imposition of signal level requirements would impose a severe limitation, particularly for those systems involving relatively large numbers of roadside callboxes. We will rely instead upon the callbox power limitations to provide the necessary control of callbox radiation effects on adjacent area systems.

B. Antenna height at the callboxes was proposed to be limited to 20 feet above the road surface. All comments on this proposal strongly opposed the restriction, generally, on the contention that there was need to provide against obstructions in the path of the callbox signal. AASHO's comment is typical:

> It is quite possible that a system might have callboxes which are located in relatively low areas or have line of sight obstructions due to highway structures, buildings, etc. . . . the design of the system should be allowed to use available lighting standards, sign structures, or other suitable structures within the highway right-of-way for antenna support structures whenever possible * * *

We agree and, therefore, we will permit callbox antennas to be mounted upon man-made structures (other than antenna supporting structures) and natural formations provided that the uppermost tip of the antenna does not exceed 20 feet above the highest point of the mounting base.

C. Similar protests were made as to the 50-foot transmitting antenna height limitation at the central stations. However, we believe that licensees should have relatively little difficulty at these locations since they will have greater latitude in the selection of advantageous transmitting sites or the installation of antennas than exists for callboxes which must usually be spaced at fixed intervals. Moreover, the original intent of the limitation—to minimize the likelihood of adjacent system interference—is still an important and valid consideration. Therefore, we are retaining the 50-foot limit. Of course, the limitation is not intended to apply to antennas utilized only for receiving callbox transmissions.

D. Nearly all of the comments protested the proposed requirement for utilization of directional antennas for callboxes with beam width limited to 20° between half-power points. This was proposed since callboxes, in most cases, will be battery powered and provide only about 1 watt into their antennas. Thus, it was expected that directional antennas would provide reasonable callbox talkback ranges and at the same time permit close-in duplication of frequencies. However, while we consider this to be a valid goal which we hope to see technologically accomplished, it appears that this requirement at the present state of the art would impose structural difficulties upon licensees which might delay implementation of callbox systems. Accordingly, we have determined to delete this requirement at this time and permit licensees discretion in this matter.

E. One operational standard for callboxes which caused concern was the requirement for use of the ASCII code for identifier coding and for "canned" messages. Bliss presents the dissenting viewpoint:

> * * * actually slows down the system action. In large data handling systems certainly a code like ASCII is required. However, a simple code signalling as currently in use need not be based on a universal transmission mode.

The underlying long-range purposes of the ASCII code technique are to accommodate computer tie-ins and, more importantly, to provide for standardized coding equipment and thereby permit intermixture of equipment. However, these purposes may well transcend the needs of the comparatively simple message and identifier coding which are claimed as typical of presently developed radio callbox operations. The most important consideration, however, for not adopting ASCII is the fact that this code may not be the most efficient one for radio use. Added to this is the point made in the comments that various systems should be permitted to develop and be proven in operation before standardization can be attempted. Accordingly, we have determined not to standardize the nonvoice coding systems to be used at this time. Licensees will be permitted to use codes of their choice which must be described as an attachment to callbox license applications.

F. The final modification to the proposed requirements concerns the provision for operation of callboxes only on the National System of Defense and Interstate Highways. By this limitation, it was anticipated that highway radio callbox systems would be permitted on our major highways where the cost of callbox installations may be warranted and at the same time control the areas where callboxes would be installed in our larger cities so as to contribute to maximizing the availability and utilization of the limited number of 450 MHz channels being allocated for this program. Comments point out that such a limitation would preclude the use of callboxes on many of our limited access highways and thereby deprive motorists using these highways of the advantages provided by callbox installations. For example, IBTTA argues:

> * * * only parts of some toll roads are designated as part of the Interstate System. For example, only 17 miles of the 129-mile Connecticut Turnpike are designated as part of the Interstate System * * * Making only 17 miles of the Turnpike eligible for improved communications seems to be neither logical nor practical, since motorists' needs for safety and information services along the entire route are indistinguishable * * *

The Commission is convinced and we are adopting provisions for licensing these callbox systems on any limited-access highway. Licensees will be expected, nevertheless, to exercise responsibility to reasonably assure that callbox systems are not placed in such proximity to each other as to result in mutual interference which could affect the reliability of these public safety operations.

8. We proposed a number of operational standards for callboxes as to which we received little or no comment or disagreement. Each of these standards is being adopted as necessary to efficient radio call box operation. They include the requirements that callboxes be provided with automatic means for deactivation after 2 minutes, that they be directly controlled by the central station operator, that they be provided with automatic means for station identification upon being activated, and that they be authorized for operation on base station frequencies with central stations on mobile-only frequencies. Also, there was no objection to, and we are adopting, the proposals to permit secondary use of callboxes to transmit information from roadside sensors as to dangerous weather and road conditions and to permit the transmissions of digital information by control stations for changing road sign to warm motorists of such conditions. The Commission believes that these techniques are an important public safety development in highway communications and we share the expectations of 3M which states:

> It is possible to determine reliably the temperature and the existence of moisture on a roadway with these devices. But it is not yet possible to gauge reliably visibility factors, such as the existence of fog, except through visual surveillance equipment such as television cameras. We expect that within the next few years improved techniques for detecting fog and virtually all other aspects of highway and weather status will be available at reasonable cost.

9. We asked for comments on one other matter which concerns the extent to which interconnection between callboxes should be permitted, possibly utilizing common frequency repeaters. In its response, AIL states it has developed a repeater system which is undergoing "rigorous feasibility experiments" which it hopes will provide an affirmative answer. 3M believes it is "entirely feasible to engineer" an interconnection system "without impairing the efficiency of the callbox operations." EIA, however, finds, "There have been no meaningful tests conducted to date which indicate that

this concept can be successfully employed over a period of time in an operating system." Moreover, EIA sees definite potential problems related to reduced reliability of callboxes and "significant, if not debilitating" impact on callbox battery life. Florida, AASHO, and DOT conclude that it is entirely too soon to resolve this issue since the capability of callbox systems is not yet known. It appears from all of these comments, that a determination as to the merits of this method of operation cannot be made at this time. Consequently, the Commission is not providing for regular authorizations for interconnection of callbox systems but we will consider requests on a case by base basis for development authorizations in this area.

10. In consideration of the foregoing, the Commission finds that amendment of the rules, as proposed in its notice to this proceeding and as modified herein, is in the public interest convenience, and necessity. Authority for these amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

11. *Accordingly it is ordered,* That, effective May 21, 1971, Part 89 of the Commission's rules is amended as set forth below.

It is further ordered, That this proceeding is terminated.

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

Adopted: April 8, 1971.

Released: April 14, 1971.

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

Part 89 of the Commission's rules is amended as follows:

1. Section 89.102 is revised to read as follows:

§ 89.102 Radio callbox operations.

(a) *Operations in the 72–67 MHz band.*

(1) The frequencies listed in § 89.101 (c) may be assigned in the Local Government Radio Service for operation of radio callboxes to be used by the public to request fire, police, ambulance, road service, and other emergency assistance subject to the following conditions and limitations:

(i) Maximum transmitter power either 2.5 watts plate input to the final stage or 1 watt output.

(ii) Antenna gain may not exceed zero dBd (referred to a half-wave dipole) in any direction.

(iii) Only vertical polarization of antennas may be permitted.

(iv) The antenna and its supporting structure must not exceed 20 feet in height above the ground.

(v) A1, A2, F1, or F2 emission only may be authorized.

(vi) Transmitter frequency tolerance shall be 0.005 percent.

(vii) Except for test purposes, each transmission must be limited to a maximum of 2 seconds and may be automatically repeated not more than two times at spaced intervals within the following 30 seconds; thereafter, the authorized cycle may not be reactivated for 1 minute.

(viii) All transmitters installed after December 10, 1970, shall be furnished with automatic means to deactivate the transmitter in the event the carrier remains on for a period in excess of 3 minutes. The automatic cutoff system must be so designed that the transmitter cannot be reactivated until manually reset.

(ix) Frequency selection must be made with due regard to reception of television stations on channels 4 (66–72 MHz) and 5 (76–82 MHz) and should maintain the greatest possible frequency separation from either or both of these channels if they are assigned in the area.

(x) Until further order of the Commission, the maximum number of radio callboxes that may be authorized in any callbox system is 250.

(2) Radio call box systems authorized before December 10, 1970, may continue to be authorized subject to the provisions of § 89.101(c).

(b) *Operations in the 450 MHz band.*

(1) Frequencies designated as available for assignment to central control stations and radio call box installations in § 89.259 (f) and (g)(11) may be assigned in the Local Government Radio Service for highway call box systems subject to the following requirements:

(i) Call box transmitters may only be installed on limited access highways to communicate with central control stations of the licensee.

(ii) Maximum transmitter power for call boxes will be either 2.5 watts input to the final amplifier stage or one watt output and the central control station shall not exceed 25 watts effective radiated power (ERP).

(iii) The height of the call box antenna may not exceed 20 feet above the ground, the natural formations, or the existing man-made structure (other than an antenna structure) on which it is mounted.

(iv) F1, F2, F3 or F9 emission may be authorized for nonvoice signaling, radiotelephony, and multiplexed voice and nonvoice use. The provisions in this part applicable to the use of F3 emission are also applicable to the use of F1, F2, or F9 emission for call box transmitters.

(v) The station identification required by § 89.153 shall be by voice and may be transmitted for the system from the central control station. Means shall be provided at each central control station location to automatically indicate the call box unit identifier when a call box unit is activated.

(vi) Callbox installations must be so designed that their unit identifier is automatically transmitted when the handset is lifted.

(vii) Each application for a callbox system must include a description of the nonvoice transmitting equipment to be installed including, the character structure, bit rate, modulating tone frequencies, identification codes, and the method of modulation (i.e. frequency shift, tone shift, or tone phase shift).

(viii) Callbox installations may be used secondarily for the transmission of information from roadside sensors; central control station transmitters may be used secondarily to interrogate callbox roadside sensors and for the transmission of signals to activate roadside signs.

(ix) Each callbox transmitter must be provided with a timer which will automatically deactivate the transmitter after 2 minutes unless the central control station operator reactivates the timer cycle.

(x) The central control station must include facilities that permit direct control of any callbox in the system.

(xi) Callbox transmitter frequency tolerance shall be 0.001 percent.

(xii) Transmitters type accepted under this part for use of F3 emission may be used for F1, F2, or F9 emission provided, that the audio tones or digital data bits are passed through the low pass audio filter required to be provided in the transmitter for F3 emission. The transmitter must be adjusted and operated so that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

(2) In addition to the frequencies available pursuant to § 89.259(f), the frequencies set forth in § 89.101(p) may be used for central control station and call box installations in areas where such frequencies are available for fixed system use subject to the requirements and limitations of that section and subject to the provisions of subdivisions (i), (iv), (v), (vi), (vii), (viii), (ix), (x), and (xii) of subparagraph (1) of this paragraph.

(3) In accordance with Subpart C of this part, the frequencies available pursuant to §§ 89.101(p) and 89.259(f) for central control station and call box installations may be assigned for developmental operation as part of a highway safety communication program which is designed to provide radio communications directly with motorists to and from their motor vehicles; control station transmitting antennas together with supporting structures shall not exceed 50 feet above the ground surface.

2. In § 89.259, the table in paragraph (f) and paragraph (g)(11) are amended to read as follows:

§ 89.259 Frequencies available to the Local Government Radio Service.

* * * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
453.025	Central control, fixed	11
453.050	Base and mobile	5
453.075	Central control, fixed	11
453.100	Base and mobile	5
453.125	Central control, fixed	11
453.150	Base and mobile	5
453.175	Central control, fixed	11
* * *	* * *	* * *
458.025	Radio call boxes, fixed	11
458.050	Mobile only	4
458.075	Radio call boxes, fixed	11
458.100	Mobile only	4
458.125	Radio call boxes, fixed	11
458.150	Mobile only	4
458.175	Radio call boxes, fixed	11
* * *	* * *	* * *

(g) * * *

(11) Available for the class of stations designated for communications related to safety on highways in accordance with the provisions of § 89.102(b).

[FR Doc.71-5459 Filed 4-19-71;8:48 am]

[Docket No. 18642; FCC 71-333]

PART 91—INDUSTRIAL RADIO SERVICES

Expanded Use of Signaling Devices on a Regular Basis

1. On August 25, 1969, the Commission issued a notice of proposed rule making in the above-entitled matter. The notice was published in the FEDERAL REGISTER on August 28, 1969 (34 F.R. 13762). Comments were requested by October 3, 1969, and reply comments by October 13, 1969. Comments were filed by the Central Committee on Communication Facilities of the American Petroleum Institute (API), Special Industrial Radio Service Association, Inc., Forest Industries Radio Communications (FIRC), National Association of Business and Educational Radio, Inc. (NABER), Radio Specialists Co., Rothenbuhler Engineering, Utilities Telecommunications Council (UTC), and Westinghouse Air Brake Co. (WABCO). No reply comments were filed.

2. The parties generally favored rule making that would permit expanded use of remote control and signaling devices under the rules governing the Industrial Radio Services. FIRC, NABER, and UTC indicated reservations with respect to the continuous carrier mode of operation. NABER pointed out that such systems were "only marginally safe at best," since an interfering signal can cause loss of control. On the other hand, transmitters operated in the continuous carrier mode could introduce serious hazards to life and property, if the control signal interfered with a station using voice, particularly if the operation of heavy equipment is involved, as is often the case, with directions being transmitted to the equipment operator by voice radio. FIRC and UTC stated their cases similarly, with comments reflecting their respective industries' special problems.

3. We agree that the continuous carrier fail-safe mode has limitations and that there is a possibility that such operation might interfere with voice users, except for very low power systems. Therefore, to accommodate those desiring to use the continuous carrier fail-safe mode [1] the rules appended hereto will permit that method of operation, but only on certain channels. On the other hand, because very low power transmitters authorized under Section 91.555 [2] would appear to involve almost negligible interference potential, we will permit these stations to operate in the continuous carrier mode, and that rule section is amended accordingly. Stations authorized on a developmental basis to operate on frequencies not designated for continuous carrier may continue to be authorized on a case-by-case basis.

4. Radio Specialists proposed that the accommodation for expanded low power signaling be made on frequencies separated from regular frequencies using 12.5 kHz offset. It contended that in the Business Radio Service alone there are 140 such offset frequencies and use could be made of these channels without interference to existing stations on the low power frequencies. Radio Specialists says that operation on these offset channels would not be subject to cochannel interference from roving type radio users and that the users of the offset channels could anticipate the amount of interference to be expected from mobile stations on the adjacent 25 kHz channels knowing the location of the associated base station. In any given case, they conclude, the person planning a remote control system on these 12.5 kHz offsets should be able to obtain interference-free operation by giving proper engineering consideration to receiver bandwith and the proximity of licensees on the adjacent channels.

5. This argument is persuasive but omits one crucial point, the inability of the low power user, if caused to operate on the 12.5 kHz offsets, to guard against a high power station being licensed at some future time near to him, geographically, and greatly increasing the potential for harmful, disruptive interference. Many control uses can be expected to involve safety functions such as operation of locomotives, and it appears that the best opportunity for a compatible voice-non-voice arrangement is on channels limited to low power uses. Therefore, we reject the suggestion of Radio Specialists to authorize digital signaling on the 12.5 kHz offsets.

6. Radio Specialists also wanted no signaling uses permitted on the frequencies five MHz removed from the one-way paging channels. This, on the grounds that some day the one-way paging channels would be two-way, possibly with talk-back provisions. This would represent a normal two-way land mobile operation for voice paging systems. Due to the nature of the paging uses, we do not foresee a requirement for radio acknowledgement. Should such requirement develop, we will review the situation and make such adjustments as may be warranted, but for the present we believe there is a greater need for expanded digital signaling than for the anticipatory purposes suggested by Radio Specialists. Accordingly, we reject its argument on this point.

7. WABCO proposed either continuous or intermittent digital signaling using frequency shift keying (FSK) rather than subchannel or audio frequency shift keying (AFSK). While not specifically proposed, we contemplated that FSK would be permitted under the F1 emission designator and FSK will be construed to be included within this emission classification.

8. A number of respondents dwelt on the likelihood of interference to cochannel voice operations. They maintained that non-voice systems should be segregated from voice system users, and that this could be accomplished by limiting use of frequencies for this purpose to locations well away from metropolitan areas. This, we feel, would nullify a large portion of the potential value of these techniques, since many, if not most of the industrial users are located in or near cities, and therefore, to prohibit their access to the low power channels for remote control uses would limit the use of these frequencies in areas where their demand for signaling purposes is expected to be the greatest.

9. Interference from users of low power channels whose operations take them far from their home base was also suggested as a reason why the low power channels should not be used for remote control and telemetry functions, particularly where safety of life and property is involved. While this possibility cannot be denied, we believe it does not involve the hazard envisioned by respondent. Obviously, if both users are employing equal power, the interfering transmitter would have to be close to the receiver to disrupt communications. Generally speaking this will not be the case, because telemetry and remote control functions can be expected to be most used within the confines of industrial establishments and the possibility of close proximity radiotelephony will be substantially reduced. For this reason we believe the problem to be of small magnitude.

10. Therefore, in view of the foregoing and pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That effective May 21, 1971, Part 91, Industrial Radio Services, is amended in the manner set forth below.

11. *It is further ordered*, That this proceeding in the above-captioned Docket is terminated.

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

Adopted: April 8, 1971.

Released: April 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] BEN F. WAPLE, *Secretary.*

A. Part 91 of the Commission's rules is amended as follows:

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[1] Continuous carrior devices reduce somewhat the number of units that can operate within interference range of each other, but they do permit a more compact lower cost unit than can be achieved with digital devices. This also results in lower battery drain. On the other hand, digital devices permit same-area operation of a number of units with low probability of a lost command due to the presence of multiple signals.

[2] The section provides for operation of transmitters using 200 milliwatts power or less.

1. In § 91.554, the "Limitations" column of the frequency table in paragraph (a) is amended for the frequencies 154.570, 154.600, 457.525 through 457.600, and 467.750 through 467.925, and paragraph (b) is amended by adding new subparagraphs (43) and (44) to read as follows:

§ 91.554 Frequencies available.

(a) * * *

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
MHz			
* * *	* * *	* * *	* * *
154.570	Mobile	Low power general use	13, 14, 44
154.600	do	do	14, 14, 43
* * *	* * *	* * *	* * *
457.525	do	do	13, 33, 43
457.550	do	do	13, 33, 43
457.575	do	do	13, 33, 43
457.600	do	do	13, 33, 43
* * *	* * *	* * *	* * *
467.750	do	do	13, 33, 44
467.775	do	do	13, 33, 44
467.800	do	do	13, 33, 44
467.825	do	do	13, 33, 44
467.850	do	do	13, 33, 44
467.875	do	do	13, 33, 44
467.900	do	do	13, 33, 44
467.925	do	do	13, 33, 44
* * *	* * *	* * *	* * *

(b) * * *

(43) This frequency may be used for low power mobile operation for radio remote control and telemetering functions. A1, A2, F1, or F2 emission may be authorized. Mobile stations authorized before May 21, 1971 to control remote objects or devices requiring continuous carrier transmit mode for fail-safe operation may continue to be authorized.

(44) This frequency may be used for low power mobile operation for radio remote control and telemetering functions. A1, A2, F1, or F2 emission may be authorized and mobile stations used to control remote objects or devices may be operated in the continuous carrier transmit mode where fail-safe operation is required.

* * * * *

2. Section 91.555 is amended to read as follows:

§ 91.555 Exemption from technical standards.

Transmitters licensed in this Service which have a power input to the final radio frequency stage not exceeding 200 milliwatts are exempt from the technical requirements set out in Subpart C of this part: *Provided, however,* That the sum of the bandwidth occupied by the emitted signal plus the bandwidth required for frequency tolerance shall be so adjusted that any emission appearing on a frequency 40 kHz or more removed from the assigned frequency is attenuated at least 30 dB below the unmodulated carrier. Such transmitters may operate in the continuous carrier transmit mode.

[FR Doc.71-5460 Filed 4-19-71;8:48 am]

[Docket No. 18626, RM-1299; FCC 71-332]

PART 91—INDUSTRIAL RADIO SERVICES

Base Station Signal Boosters on Frequencies Allocated for Air Terminal Use

1. The notice of proposed rule making in the above-entitled matter (FCC 69-851, 34 F.R. 13113) was released on August 8, 1969, and published in the FEDERAL REGISTER on August 13, 1969. The proposals contained therein would permit signal boosters on frequencies allocated for air terminal base station use in the Business Radio Service and would establish technical standards for such boosters. Interested parties were invited to file comments on or before September 15, 1969, and reply comments on or before September 25, 1969.

2. Comments were received from the National Association of Business and Educational Radio, Inc., Monsanto Radio Communications Co., Inc., Motorola, Inc., United Air Lines, Inc., and Radio Specialists Co. Generally, the comments supported adoption of the rule provisions permitting use of the boosters, but urged that the technical and licensing restrictions suggested in the notice be revised and kept to a minimum. No reply comments were received.

3. United Air Lines, Inc. (United), in its petition for rule making in this proceeding, had asked that we authorize the use of signal amplifiers in accordance with a plan whereby no specific power limitations would have been prescribed, and licensing would have been undertaken on the condition that "the signal strength in any direction, at a distance of 1,500 feet from the amplifier antenna, would not have exceeded that which would have been produced by the originating base station at the same point, using free space attenuation only." While we agreed with the method advanced by United for amplifying base station signals, our proposal called for restricting output power rather than the field strength of the booster. We felt this would provide a more concrete and less complicated method of limiting coverage of the signal amplifiers and, consequently, of assuring that their operation would be without harmful interference to other licensees. We adhere to these views, and, for essentially the same reasons given in our notice, we must reject United's plan which it has again advanced in its comments.

4. Further, a number of the parties have argued that the proposed technical standards are unnecessarily restrictive and, if imposed, would result in the boosters being too expensive to use. They contend that with the very low power levels contemplated, these standards are not needed, particularly since the boosters would not place a signal in any given area greater than that produced in the same area by the licensee's base station, if there were no shadow effect with which to contend. While we recognize that the low signal levels involved do decrease the potential for harmful interference, we cannot agree that spurious emission limitations are not required. Therefore, we will not drop these standards, but we have modified them in a way which should meet the objections of the parties.

5. First, we have decided to relax, somewhat, the ceiling we proposed on booster power and to allow 500 milliwatts in lieu of the 200 milliwatt limitation we had planned to adopt. Section 91.952(f)(2), below. This will approximate that of hand-held transmitters commonly used for air terminal communications and should be adequate for the intended purpose while still being sufficiently restrictive to guard against harmful interference to other users. Further, we have modified our standards designed to decrease spurious emissions from the signal boosters. We will now require the power of such emissions to be attenuated to a level at least 35 decibels below the total power output of the booster. However, this standard is not to apply to booster output on frequencies within the band designated for air terminal use, 460.6375-460.8875 MHz, or to emissions on frequencies on which there is an input signal to the booster. As to those, the power limits of the amplifier, itself, and the other measures we are adopting to assure control, discussed below, will, in our opinion, be sufficient to protect against harmful interference to others. Section 91.552(f)(4), below. Although these modifications do not fully meet the objections of all of the parties and while we recognize that they will require booster design of good quality, they do not represent technical requirements which cannot reasonably be met, and they will not, in our view, result in costs which would make the use of boosters economically impractical.

6. In addition to providing protection against possible spurious emission from

these signal amplifiers, we, in our notice, indicated concern that they (the boosters), when operated in the manner proposed, might result in interference to other licensees, if such devices were "triggered" or activated by undesired signals on the same or adjacent frequencies; and, because of this, we invited comments concerning the feasibility of requiring them to be activated only by "coded tone signals." This suggestion was opposed by all parties, chiefly on the grounds that, with the low limits on booster power, there was little likelihood of interference and because the use of "tone" would increase the costs of the boosters to a point where it would be impractical to use them.

7. We have reviewed this matter with some care, and we have concluded that the use of "tone" as a means of control should not be made an absolute requirement. Rather, we have decided to adopt rules which will cause licensees to provide a means of positive control in the event their boosters are activated "by signals other than those intended by the licensee to be retransmitted." Section 91.552(f)(5), below. However, to give licensees flexibility in their approach to this problem, we have left the means of control substantially up to them. In some cases, they may accomplish this through the use of telephone lines with a minimum of expense; or it might be done by improving the directional characteristics of the receiving antennas, again at minimum cost. In some instances, though, they may find it desirable to use tone, notwithstanding cost considerations, but whether they use one method or the other will be a decision left to their discretion, just as long as the objective of the rule is met. Additionally, in those cases where the control of the booster is so impaired, we will also require, as a further measure to insure against harmful interference to other users, that the boosters be provided with an automatic time-delay or clock device which will deactivate them not more than 3 minutes after activation. See § 91.552(f)(5), below. These timing devices are relatively inexpensive, and we do not believe they add significantly to the cost of booster installations.

8. There are a number of other matters we will touch on briefly. First, there was general agreement that the booster should introduce no frequency translation in the course of amplification. This is in keeping with our notice proposal and no change is being made with respect to it. Section 91.552(f)(1), below. Then, there was the suggestion of several of the parties that adequate isolation to prevent self-oscillation would exist, if the booster amplifier gain were restricted to at least 10 dB less than the measured attentuation between the pickup and retransmitting antennas. These parties argue that this standard, if adopted, would eliminate the need for any power limitation specifications. On this, we adhere to the proposed provision that boosters be installed with sufficient isolation between receiving and retransmitting circuits to prevent oscillation. Section 91.552(f)(3), below. This standard, although not specific, is sufficiently definite for the purpose, and, further, it will provide manufacturers a degree of latitude which we feel is desirable. This approach, we believe, is to be preferred at least for the present, over that suggested in the comments. Furthermore, we are not persuaded that a specification to govern the self-oscillation characteristics of the boosters, such as the one advanced by the parties, would necessarily eliminate the need for limitations on booster power. That requirement, as we have already pointed out, is required for other reasons. Accordingly, this suggestion will not be adopted.

9. In addition to these considerations, we wish to mention that type acceptance will be required for signal boosters. Sections 91.109 and 91.110 are being amended to make this clear. These sections are also being amended, editorially, to show the correct title of the Commission's Radio Equipment List. Specific new tests for type acceptance of signal boosters, other than tests presently required for all transmitting equipment by part 2 of the rules, are not being adopted in this proceeding. They may be included in future amendments to part 2, if experience indicates the need. For the present, specific additional tests may be requested on a case-by-case basis in connection with type acceptance, depending on the design of the particular booster. Also, throughout the Business Radio Service, and others as well, there is a requirement for all transmitters to be identified, either with a completed card, FCC Form 452–C, or by use of a durable identification tag affixed to the equipment. This requirement is to apply to signal boosters. See section 91.156 of the rules. Finally, since we do not intend to license boosters separately, only to indicate how many are authorized on the license, the same as is done with mobile units, it follows that the station log entries dealing with signal boosters should be the same as those applicable to mobile stations, and this will be our policy. See section 91.160 of the rules. In addition, the location of all boosters are to be shown in the station records.

10. One further matter, United has pointed to the use of other Business channels on airports in support of extending the permissive area of use of boosters to all Business Radio Service frequencies. While we are aware that air terminal services utilize other frequencies, in addition to those designated for air terminal use, we think it desirable, for now, to proceed slowly and will authorize the use of booster only in connection with base stations operating on one or more of these 10 air terminal channels. Experience gained on the basis of this more limited operation may indicate the propriety of extending the use of boosters to other Business frequencies, as suggested in the comments, but such a decision, we believe, should be made later, when we have more data on this subject available to us.

11. *Accordingly, it is ordered,* That, effective May 21, 1971, Part 91 of the Commission's rules is amended, as set forth below. Authority for adopting the rule amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

12. *It is further ordered,* That this proceeding is terminated.

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

Adopted: April 8, 1971.

Released: April 14, 1971.

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

Part 91 of the Commission's rules is amended as follows:

1. In § 91.3, the following new definition is added in appropriate alphabetical sequence:

§ 91.3 Definitions.

* * * * *

Signal booster. In the Business Radio Service, a device operated for the sole purpose of retransmitting the signals of one or more base stations by amplifying and reradiating such signals which have been received directly through space, without significantly altering any characteristic of the incoming signal other than its amplitude.

* * * * *

2. In § 91.109, paragraphs (a) and (b) are amended to read as follows:

§ 91.109 Acceptability of transmitters for licensing.

(a) Periodically, the Commission publishes a list of equipment entitled "Radio Equipment List, Equipment Acceptable for Licensing." Copies of this list are available for public reference at the Commission's offices in Washington, D.C., and at each of its field offices. This list includes type accepted and type approved equipment and, also, until such time as it may be removed by Commission action, other equipment which appeared in this list on May 16, 1955.

(b) Except for transmitting equipment used at developmental stations and transmitting equipment authorized in the Industrial Radiolocation Service (see § 91.603) all radio transmitting equipment (including signal boosters) utilized by stations authorized for operation under this part must be types included in the Commission's "Radio Equipment List" and designated as acceptable for use under this part or be types which are type accepted by the Commission for use under this part.

* * * * *

3. In § 91.110, paragraphs (a) and (b) are amended to read as follows:

§ 91.110 Type acceptance of equipment.

(a) Any manufacturer of radio transmitting equipment (including signal boosters) to be used in these services may request type acceptance for such equipment following the type acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance for an individual transmitter or signal booster also may

be requested by an applicant for a station authorization by following the type acceptance procedure set forth in Part 2 of this chapter. Such equipment, if type accepted, will not normally be included in the Commission's "Radio Equipment List" but will be individually enumerated on the station authorization.

* * * * *

4. In § 91.552, paragraphs (f) and (g) are added to read as follows:

§ 91.552 Availability and use of service.

* * * * *

(f) Stations authorized to operate on the frequencies designed for use pursuant to § 91.554(b)(36) may employ signal boosters on base station frequencies subject to the following conditions:

(1) The amplified signal is retransmitted only on the exact frequency of the originating base station.

(2) The booster is equipped with automatic gain control circuitry which will limit the total output of the booster to 500 milliwatts under all conditions.

(3) All such devices are installed with sufficient isolation between receiving and retransmitting circuits to prevent oscillation.

(4) The power of any emission, except on frequencies within the 460.6375–460.8875 MHz band or on which there is an input signal to the booster, shall be attenuated at least 35 decibels below the total power output of the booster.

(5) In the event control of the booster is impaired due to its activation by signals other than those intended by the licensee to be retransmitted, the licensee shall provide the booster with means of control such that it will be activated only by signals intended to be retransmitted, and boosters so provided with such means of control shall also be provided with an automatic time-delay or clock device which will deactivate the booster not more than three minutes after its activation.

(g) If signal boosters are to be used in conjunction with other facilities, the number of such boosters must be stated on the license application.

[FR Doc.71-5461 Filed 4-19-71;8:48 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE AND RECREATION

Parker River National Wildlife Refuge, Mass.

The following special regulations is issued and is effective on date of publication in the FEDERAL REGISTER (4-20-71).

§ 28.28 Special regulations: recreation; for the individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Entrance into the Public Use Areas of the refuge is permitted for the purpose of nature study, photography, hiking, bicycling, snowshoeing, cross-country skiing, sunbathing, and picnicking from 6 a.m. to 9 p.m. from May 1 through October 15, and from dawn to dusk from October 16 through April 30. The landing of boats and entrance into the refuge is permitted at the Knobbs, Grape Island, and Stage Island for the purposes listed above from 6 a.m. to 9 p.m. from May 1 to October 15. Bathing and swimming are permitted in the designated area during the hours 10 a.m. to 6 p.m. from May 30 through September 1. Surf-fishing is permitted day and night on the ocean beach of the Public Use Area from May 1 through October 15. Plums and cranberries may be picked outside of the Natural Area from August 25 to October 31, to the limit of one-half bushel per family.

Foot travel in the Natural Area is permitted only on designated trails. Cooking fires are permitted only in refuge fireplaces installed by the Bureau, or on the ocean beach of the public use area. Pets are allowed if on a leash not over 10 feet in length.

Beer and other alcoholic beverages are not permitted on the refuge. Glass beverage bottles may not be taken out of vehicles.

Areas lying west of the refuge access road and posted as "open to nature study" are available for those engaged in wildlife observation and environmental studies, including scientists, educators, and school groups.

Tents and camping trailers are not permitted on the refuge.

Bicycles and registered motor vehicles are permitted on the refuge access road and in designated parking areas only. Parking vehicles along the access roadside is prohibited. Snowmobiles, air cushion, all-terrain or other similar vehicles are not permitted on the refuge. A permit must be obtained from the manager-in-charge for the use of over-the-sand vehicles on the ocean beach of the public use area. Permits will be issued only for over-the-sand vehicles used exclusively for surf fishing. Vehicles with the special permit may be on the ocean beach of the public use area when actively engaged in surf fishing, day and night, from May 1 to May 29 and September 2 to October 15, inclusive, and during the hours from 6 p.m. to 8 a.m. from May 30 to September 1, inclusive. No vehicle shall be operated on the beach between the hours of 8 a.m. and 6 p.m., and during such hours all authorized vehicles shall exit from the refuge or remain in the designated parking area.

Applicants for over-the-sand vehicle permits must provide evidence that the vehicle is duly registered and licensed in accordance with applicable State and Federal regulations and show that it is equipped with the following: spare tire, shovel, jack, tow rope, or chain, board or similar support for jack, and low pressure tire gauge. Permits are to be affixed to the vehicles as instructed at the time of issuance. Vehicles authorized by permit to operate on the beach for the purpose of surf-fishing and which are equipped with self-contained water or chemical toilets and permanently installed holding tanks, having a minimum capacity of not less than 3 days' waste material, may park in the designated area for a period not to exceed 72 consecutive hours. At the end of such period, the operator of said vehicle shall exit from the refuge but may be readmitted after emptying the vehicle's holding tank at designated disposal sites. Operators must be checked in, in accordance with procedures specified by the Manager-in-Charge.

Driving over-the-sand vehicles off the designated beach access routes is prohibited.

Over-the-sand vehicles shall not be parked in the over-sand routes or interfere with moving traffic.

When the process of freeing a vehicle which has been stuck results in ruts or holes, the ruts or holes shall be filled by the operator of such vehicle before it is removed from that area.

Riding on fenders, tailgate, roof, or any other position outside of the vehicle is prohibited.

Failure to comply with the provisions of permits issued or with regulations listed above shall be grounds for immediate cancellation of the permit.

Public Use Areas which include portions of the beach, the Knobbs, Grape Island, and Stage Island are delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 14, 1971.

[FR Doc.71-5464 Filed 4-19-71;8:49 am]

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

SUBCHAPTER D—WHALING

PART 230—WHALING PROVISIONS

Miscellaneous Amendments

On March 2, 1971, notice of proposed rule making amending existing regulations to conform with the requirements

of the schedule annexed to the International Whaling Convention and to deny issuance of licenses to take or process whales listed on the Endangered Species List, 50 CFR Part 17, Appendix A, was published in the FEDERAL REGISTER (36 F.R. 3925). Interested persons were given 30 days in which to submit written comments; in addition, a public hearing was announced in the FEDERAL REGISTER on March 19, 1971 (36 F.R. 5296) and held to provide the opportunity for interested persons to orally present their views. Taking into account the testimony presented at the public hearing, particularly that part relating to the extent of the economic hardship to the companies and employees which would result from a denial of licenses in 1971, and taking into account the Secretary of the Interior's use of the authority in the Endangered Species Act to permit the importing of whale products until December 2, 1971, so as to avoid undue hardship on importers, as well as the likelihood that the maximum number of whales which can be taken under licenses is substantially less than that which will be taken to meet the import contracts, it has been decided to renew the licenses and allow whaling for 1971 only and to deny the issuance of licenses to catch or process whales on the Endangered Species List thereafter. Therefore, after consideration of all relevant matter presented by interested persons, the amendment as proposed is hereby adopted, subject to the following changes:

(1) Paragraph (b) of § 230.10 is changed by inserting after the word "issued" the words "after December 31, 1971."

(2) In § 230.22 the dates on line 10 are changed to read "April 15 to December 15," instead of "April 1 to November 30."

Effective date. These amendments are effective date of publication (4–20–71).

WILLIAM M. TERRY,
Acting Director.

1. Amend § 230.10 to read as follows:

§ 230.10 Licenses required to engage in whaling.

(a) No person shall engage in the taking or processing of any whales without first having obtained an appropriate license.

(b) No license shall be issued after December 31, 1971, for any species of whales appearing on the Endangered Species List, Part 17 of this title, Appendix A.

2. Amend paragraph (a) of § 230.20 and subparagraphs (1), (2), (4), and (5) to read as follows:

CLOSED SEASONS

§ 230.20 Whale catchers attached to land stations taking baleen whales.

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing any baleen whales except during the period April 15 to October 15, both days inclusive: *Provided,* That it is forbidden to kill or attempt to kill blue whales, by any means, in the following areas:

(1) The North Atlantic Ocean for 3 years ending on February 24, 1973.

(2) The North Pacific Ocean and its dependent waters north of the Equator for 5 years beginning with the 1971 season.

* * * * *

(4) In the North Atlantic Ocean for a period ending on November 8, 1972.

(5) In the North Pacific Ocean and its dependent waters north of the Equator for 3 years beginning with the 1971 season.

3. Amend § 230.22 to read as follows:

§ 230.22 Whale catchers attached to factoryships taking sperm whales.

It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating sperm whales in the waters between 40° south latitude and 40° north latitude. For all other waters, it is forbidden to use factoryships or whale catchers attached thereto for the purpose of taking or treating sperm whales except during the period April 15 to December 15 following both days inclusive.

4. Amend § 230.25 to read as follows:

CATCH QUOTAS

§ 230.25 Fin and sei whale quotas for the North Pacific.

Beginning with the 1971 season for taking baleen whales, it is forbidden for persons or vessels under the jurisdiction of the United States to take more than 40 fin whales and 51 sei whales from the waters of the North Pacific Ocean. The fin whale quota may be converted to sei and Bryde's whales combined, or vice versa, in terms of the formula as defined in paragraph 8(b) of the Schedule of the Convention: *Provided,* That the total catch of one or the other species does not exceed the level which is 10 percent (10%) above the quota for each species as prescribed above.

5. Add new § 230.26 to read as follows:

§ 230.26 Sperm whale quota for the North Pacific Ocean.

Beginning with the 1971 season for taking sperm whales, it is forbidden for persons or vessels under the jurisdiction of the United States to take more than 75 sperm whales from the waters of the North Pacific Ocean and dependent waters.

[FR Doc.71-5569 Filed 4-19-71;9:20 am]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-684]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Pursuant to the authority delegated to the General Counsel in § 385.19 of the Board's Organization Regulations, there follows a reissuance of Part 207 incorporating all amendments which have been adopted on or before April 13, 1971. The reissuance shall become effective on May 8, 1971. Procedure for review by the Board is set forth in Subpart C of Part 385.

Effective: May 8, 1971.

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON,
General Counsel.

Subpart A—General Provisions

Sec.

207.1 Definitions.
207.2 Applicability of part.
207.3 Scope of authorization.
207.4 Tariffs to be filed for charter trips and special services.
207.4a Written contracts with charterers.
207.5 Limitation on amount of charter trips which may be performed by combination carriers.
207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.
207.7 Charter trips and other special services within the State of Alaska.
207.7a Restriction on frequency and regularity of off-route charter trips and other special services.
207.8 Notice of proposed special services.
207.9 Records and record retention.
207.10 Reports of emergency commercial charters for other direct carriers.
207.11 Charter flight limitations.
207.12 Unused space.
207.13 Terms of service.
207.14 Substitute transportation in emergencies.
207.15 Payments, gratuities and donations.
207.16 Waiver.

Subpart B—Provisions Relating to Pro Rata Charters

207.20 Applicability of subpart.

REQUIREMENTS RELATING TO AIR CARRIERS

207.21 Solicitation and formation of a chartering group.
207.22 Pretrip notification and charter contract.
207.23 Agent's commission.
207.24 Statement of Supporting Information.

REQUIREMENTS RELATING TO TRAVEL AGENTS

207.30 Prohibition against double compensation.
207.31 Statement of Supporting Information.

REQUIREMENTS RELATING TO CHARTERING ORGANIZATION

207.40 Solicitation of charter participants.
207.41 Passengers on charter flights.
207.42 Participation of immediate families in charter flights.
207.43 Charter costs.
207.44 Statement of charges.
207.45 Passenger lists.
207.46 Application for a charter.
207.47 Statement of Supporting Information.

Subpart C—Provisions Relating to Single Entity Charters

207.50 Applicability of subpart.
207.51 Terms of service.
207.52 Commissions paid to travel agents.
207.53 Statement of Supporting Information.

Subpart D—Provisions Relating to Mixed Charters

207.60 Applicable rules.

AUTHORITY: The provisions of this Part 207 issued under secs. 204, 401, 403, 404(b), 407, 411, 416(b); 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 758 (as amended by 74 Stat. 445), 760, 766, 769, 771; 49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1381, 1386.

§ 207.1 Definitions.

As used in this part, unless the context otherwise requires:

"All-cargo carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401(d) (1) or (2), which authorizes the carriage of property only or property and mail only.

"Base Revenue Plane Miles" means revenue mileage operated by an air carrier in scheduled services, extra sections, and on-route charter trips or special services.

"Charter flight" means air transportation performed in accordance with § 207.11.

"Charter group" means that body of individuals who shall actually participate in the charter flight.

"Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

"Charter trip" means air transportation performed in accordance with § 207.11.

"Combination carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401(d) (1) or (2) which authorizes the carriage of persons, property and mail or persons and property only.

"Hawaiian charter trip" means a charter trip between points within the 48 contiguous state of the United States, on the one hand, and points in the State of Hawaii, on the other hand.

"Mixed charter" means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

"Off-route" shall refer to any charter which is not on-route, except (1) charters performed for the Department of Defense, and (2) charters performed in overseas or foreign air transportation on the reverse leg of a charter performed in the opposite direction under a contract with the Department of Defense calling for one-way service.

"On-route" shall refer to service performed by an air carrier between points between which said carrier is authorized to provide service pursuant to either its certificate of public convenience and necessity or exemption authority: *Provided, however,* That passenger charter trips by any all-cargo carrier are not considered to be on-route whether or not they are performed between points designated to receive service by such carrier in its certificate of public convenience and necessity, except that in the event services are performed pursuant to a contract with the Department of Defense or an agency thereof, by an all-cargo carrier between points designated to receive service by such carrier in its certificate of public convenience and necessity which (1) involves cargo transportation in one direction and passenger transportation in the other direction or (2) involves a charter trip in which passengers and cargo are carried on the same flight, the passenger charter leg or the mileage operated in such charter, as the case may be, will be considered on-route.

NOTE: Charter services for the Department of Defense conducted between points between which the carrier is not otherwise authorized to provide service by its certificate of public convenience and necessity or exemption authority naming such points are not regarded as "on-route."

"Point" means any airport or place where an aircraft may be landed or taken off, including the area within a 50-mile radius of such airport or place.

"Pro rata charter" means a charter, the cost of which is divided among the passengers transported.

"Single entity charter" means a charter, the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

"Special services" are all services rendered in air transportation which are authorized by section 401(e)(6) of the Act by an air carrier holding a certificate of public convenience and necessity other than (1) services rendered in air transportation over the route or routes designated in its certificate(s), (2) charter services as defined in this section, and (3) services authorized by special exemption under section 416(b) of the Act.

"Transatlantic charter trip" means a charter trip between points within the 48 contiguous States of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, or Asia, as far east as (and including) India, on the other hand: *Provided, however,* That this definition shall not apply to off-route charter trips performed by a carrier between a point within the 48 contiguous States of the United States, on the one hand, and a point in a country in the above area with respect to which the carrier is authorized to perform air transportation of persons and property pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, on the other hand.

"Transpacific charter trip" means a charter trip between points within any State of the United States, on the one hand, and points in Australasia (including Australia, New Zealand, Polynesia, Micronesia, and Melanesia), Indonesia, or Asia as far west as longitude 70° east, on the other hand: *Provided, however,* That this definition shall not apply to off-route charter trips performed by a carrier between a point within any State of the United States, on the one hand, and a point in a country in the above area with respect to which the carrier is authorized to perform air transportation of persons and property pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, on the other hand.

"Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

§ 207.2 Applicability of part.

This part shall apply to all air carriers (other than Alaskan air carriers and air carriers certificated for supplemental air service) who hold currently effective certificates of public convenience and necessity issued by the Board pursuant to section 401 of the act.

§ 207.3 Scope of authorization.

Off-route charter trips and other special services, and on-route charters, may be performed by air carriers, subject, however, to the limitations and regulations set forth in this part. The limitations and regulations herein specified as applicable to charter trips shall be applicable to all charter trips irrespective of whether the authority to conduct such trips derives from section 401(e)(6) of the act or the carrier's certificate of public convenience and necessity or from a special or general exemption issued by the Board.

§ 207.4 Tariffs to be filed for charter trips and special services.

(a) No air carrier shall perform any charter trips or other special services unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and other special services, and showing the rules, regulations, practices, and services in connection with such transportation including the eligibility requirements for charter groups not inconsistent with those established in this part.

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier: *Provided, however,* That this requirement shall not be applicable to foreign-originated charters.

§ 207.4a Written contracts with charterers.

(a) Every agreement to perform a charter trip, except charters for the Department of Defense, shall be in writing and signed by an authorized representative of the air carrier and the charterer prior to operation of a charter flight: *Provided,* That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

§ 207.5 Limitation on amount of charter trips which may be performed by combination carriers.

A combination carrier shall not during any calendar year perform off-route charter trips which in the aggregate, on a revenue plane-mile basis, exceed 2 percent of the base revenue plane-miles flown by it during the preceding calendar year.

§ 207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.

(a) [Reserved].

(b) An all-cargo carrier shall not during any calendar year perform off-route charters which in the aggregate, on a revenue plane-mile basis, exceed 2 percent of the base revenue plane-miles flown by it during the preceding calendar year: *Provided, however,* That an all-cargo carrier shall be permitted to perform off-route cargo charters within its area of operations without any limitation as to volume of service.

(c) Within the meaning of paragraph (b) of this section, the areas of operations of the all-cargo carriers are the following:

(1) Within the 48 contiguous States—The Flying Tiger Line Inc.; Airlift International, Inc.; and Seaboard World Airlines, Inc.

(2) Between the 48 contiguous States and Europe—Seaboard World Airlines, Inc.

(3) Between the 48 contiguous States, on the one hand, and Puerto Rico and the Virgin Islands, on the other hand—Airlift International, Inc.

(4) Between the 48 contiguous States and Asia as far west as longitude 70° east, including Japan and the Philippines, but not including Indonesia—The Flying Tiger Line Inc.

§ 207.7 Charter trips and other special services within the State of Alaska.

An air carrier shall not perform any charter trip or other special service in interstate air commerce within the State of Alaska.

§ 207.7a Restriction on frequency and regularity of off-route charter trips and other special services.

No air carrier shall perform off-route Hawaiian, transatlantic or transpacific charter trips, or any other off-route charter trips between any pair of points, or special services between any pair of points:

(a) In excess of a total of eight (8) flights in the same direction during any period of four successive calendar weeks,

(b) In the same direction on the same day of two or more successive calendar weeks,

(c) In excess of a total of three (3) flights in the same direction during any period of two successive calendar weeks unless such period is followed by a break of at least one calendar week during which no flights are operated in such market or between such points,

(d) Which are so arranged as to result in the observance of breaks required by paragraph (c) of this section at regularly recurring intervals, or

(e) Which are so arranged as to result in any uniform pattern or normal consistency of operations:

Provided, That the restrictions imposed by this section shall not be applicable to off-route cargo charters performed by an all-cargo carrier within its area of operations as set forth in § 207.6.

§ 207.8 Notice of proposed special services.

No air carrier shall perform any special service in interstate, overseas or foreign air transportation unless at the time of filing of a tariff applicable to such special service or at the time of filing of an application for a special tariff permission, such air carrier shall have submitted to the Board a statement setting forth a full description of the proposed service and shall have mailed copies thereof to the air carriers authorized by certificates of public convenience and necessity to render service to any point designated to receive the proposed special service. The proposed special service shall not be inaugurated if prior to the effective date of the tariff applicable to such special service, or at the time of action on the application for special tariff permission, the Board shall have notified such air carrier that the performance of such special service does not appear to be consistent with the public interest.

§ 207.9 Records and record retention.

Each air carrier shall obtain and retain the following records in accordance with Part 249 of this subchapter:

(a) A record of the names and addresses of all passengers transported on each pro rata charter trip.

(b) A copy of every charter contract.

(c) Every statement of supporting information and proof of the commission paid to any travel agent for each pro rata charter trip.

§ 207.10 Reports of emergency commercial charters for other direct carriers.

It shall be an express condition upon authority conferred by subparagraph (1) of the definition of "charter trip" in § 207.1 that each air carrier which performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Operating Rights, within 30 days following each charter trip, containing the following information:

(1) Name of direct carrier performing the charter and name of direct carrier for which the charter was performed;

(2) Date of flight or flights;

(3) Points of origin and destination, and intermediate points, in any;

(4) Number of passengers and/or tons of cargo transported;

(5) Description of circumstances creating the emergency;

(6) Date of initial contact by the chartering carrier regarding the charter;

(7) Reasons why the traffic in question was not or could not be carried by other carriers certificated to serve the particular market.

§ 207.11 Charter flight limitations.

Charter flights (trips) in air transportation shall be limited to the following:

(a) Air transportation of persons and/or property pursuant to contracts with the Department of Defense where the entire capacity of one or more aircraft has been engaged by the Department;

(b) Air transportation performed on a time, mileage, or trip basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage and/or the movement of property;

(1) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic: *Provided,* That emergency charters for commercial traffic shall be reported in accordance with § 207.10);

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation;

(4) By a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense;

(5) By a study group charterer or a foreign study group charterer as defined in Part 373 of this chapter; or

(c) Air transportation performed on a time, mileage or trip basis where less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage by two or more of the following persons: *Provided,* That such persons in the aggregate engage the entire capacity of the aircraft:

(1) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic: *Provided,*

That emergency charters for commercial traffic shall be reported in accordance with § 207.10);

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons as agent or representative of such group;

(3) By a study group charterer or foreign study group charterer as defined in Part 373 of this chapter: *Provided,* That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided, further,* That paragraph (c) shall not be construed to apply to movements of property.

§ 207.12 Unused space.

An air carrier may, with the written consent of the charterer(s), utilize any unused space for the transportation of (a) the carrier's own personnel and property and/or (b) the directors, officers, and employees of a foreign air carrier or another air carrier traveling pursuant to a pass interchange arrangement.

§ 207.13 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity, or for less than the entire capacity (see § 207.11(c)) of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the peformance of the charter: *Provided,* That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided, however,* That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 207.11(c), the carrier shall require full payment of the total charter price not less than 30 days prior to the commencement of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded.

(c) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid. Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 207.11(c)), shall move as a unit in both directions, except as provided in § 207.14.

§ 207.14 Substitute transportation in emergencies.

(a) A carrier shall be permitted to transport a passenger on a charter flight with a group other than his own or on a ferry flight (as defined in § 241.03 of this subchapter) under the following circumstances:

(1) The passenger was transported by the carrier on an outbound charter flight;

(2) The transportation is for return passage only;

(3) When the passenger is required to return at a different time than his own charter flight due to emergency circumstances beyond the passenger's control; and

(4) The charter group with which the passenger is to travel expresses no objection to his participation in the charter flight.

For the purposes of this paragraph, "emergency circumstances beyond the passenger's control" shall mean illness or injury to the passenger or a member of his immediate family; death of a member of the passenger's immediate family; or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

(b) In cases where such substitute transportation is furnished, the carrier shall file a report with the Director, Bureau of Operating Rights, within 30 days after the substitute transportation is provided setting forth the circumstances of the carriage. Such report shall include the name of the passenger; the name of his chartering organization; the name of the chartering organization with whom he traveled in substitute transportation; the date he was originally scheduled to return and the date on which he actually returned; a description of the circumstances which made the substitute transportation necessary; and the evidence which the carrier obtained to substantiate the need for substitute transportation (e.g., a doctor's certificate).

§ 207.15 Payments, gratuities, and donations.

(a) Neither a carrier nor a travel agent shall make any payments or extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise.

(b) Neither a carrier nor a travel agent shall make any donation to a chartering organization or an individual charter participant.

(c) Nothing in this section shall preclude a carrier from paying a commission (within the limits of §§ 207.23 and 207.52) to a member of a chartering organization if such member is its agent, or restrict a carrier or a travel agent from offering to each member of the charter group such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

§ 207.16 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

Subpart B—Provisions Relating to Pro Rata Charters

§ 207.20 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters, both on-route and off-route.

REQUIREMENTS RELATING TO AIR CARRIERS

§ 207.21 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 207.22 Pretrip notification and charter contract.

(a) Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 207.[1] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 207.45. The

[1] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written requests to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

carrier shall also require that the charterer and any travel agent involved shall furnish it at least 30 days prior to departure of the first flight the statements of supporting information required in §§ 207.47 and 207.31, respectively, unless the charter has been contracted for within 30 days before the date of departure, in which event the statement and attachments shall be filed with the carrier on the date the charter contract is executed. In the event of a substitution of carriers, the carrier with whom the statements and attachments have been filed may forward them to the substitute carrier, in which case new statements need not be executed.

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization, or other qualified person, authorizing the person who executes the contract to do so on behalf of the chartering organization.[2] If the carrier executes a charter contract within 15 days of the flight date, the carrier shall require the person who executes the contract on behalf of the charterer to certify as to whether or not a contract for the flight has been canceled by another carrier because the chartering organization was found to be ineligible under the regulations. The carrier shall also notify the Board within 5 days after the contract has been executed, that its execution took place within 15 days of flight date. Where the certification discloses, or the carrier has reason to believe, that a contract for the flight has been canceled by another carrier, the notification to the Board shall also state that the carrier has made an independent inquiry and has satisfied itself that such cancellation was not caused by the ineligibility of the chartering organization. If a charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 207.45) of the outbound charter shall be attached to the charter contract.

§ 207.23 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 207.24 Statement of Supporting Information.

Prior to performing a charter flight, the carrier shall execute, and require the travel agent (if any) and the charterer to execute, the Statement of Supporting Information attached hereto and made a part hereof. If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however,* That separate financial data (see item 13 of statement) shall be filed for each one-way or round-trip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the contract is signed.

[2] Not applicable where the charter is based on employment in one entity or employee or student status at a school.

Requirements Relating to Travel Agents

§ 207.30 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service.

§ 207.31 Statement of Supporting Information.

Travel agents shall execute, and furnish to air carriers, section A of part II of the Statement of Supporting Information attached hereto and made a part hereof,[4] at such time as required by the carrier to afford it due time for review thereof.

Requirements Relating to Chartering Organization

§ 207.40 Solicitation of charter participants.

(a) As used in the section, "solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that;

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph: *Provided,* That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(b) Members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. "Bona fide members" means those members of a charter organization who (1) have not joined the organization merely to participate in the charter as the result of solicitation of the general public; and (2) are members for a minimum of 6 months prior to the starting flight date. The requirement in subparagraph (2) of this paragraph is not applicable to—

(i) Students and employees of a single school, and immediate families thereof; or

(ii) Employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof.

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

(d) A charterer shall not advertise or otherwise solicit its members for any charter until a charter contract has been signed: *Provided, however,* That this prohibition shall not extend to oral inquiries or internal mailings directed to members to determine interest in a charter flight or charter program so long as no fixed price for air transportation is held out. After a charter contract is signed, copies of solicitation material shall be furnished the carrier at the same time it is distributed to members.

§ 207.41 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[3] Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, intermingling between flights or reforming of planeload groups, or less than planeload groups (see § 207.11(c)), shall not be permitted, and each group must move as a unit in both directions, except as provided in § 207.14.

§ 207.42 Participation of immediate families in charter flights.

(a) The immediate family of any bona fide member of a charter organization

[3] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements.

may participate in a charter flight.

(b) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, or such member.

§ 207.43 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers, and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; and (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 207.23), or prevent any member of the charter group from accepting such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 207.44 Statement of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. All announcements shall also identify the carrier, the number of seats available and the type of aircraft to be used for the charter.

§ 207.45 Passenger lists.

(a) Prior to each one-way or round-trip flight, a list shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported, including standbys who may be transported, specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described), the date the person joined or last renewed a lapsed membership in the charter organization, and the designation "one-way" in the case of one-way passengers. The list shall be amended if passengers are added or dropped before flight.

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger list as follows:

(1) A bona fide member of the chartering organization who will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger list as "(1) member."

(2) The spouse, dependent child or parent of a bona fide member who lives in such member's household. Specify on the passenger list as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons employed by a single Government agency, industrial plant, or mercantile company or students and employees of a school or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger lists as "(3) special" or "(3) member" (where participants are from a school group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be explained on the list.

(d) Attached to such list must be a certification, signed by a duly authorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and employees of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household.[4]

(Signature)

§ 207.46 Application for a charter.

A chartering organization shall make written application to the air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, and the dates of departure for each one-way or round-trip flight, and the number of round-trip flights which have been conducted for the organization by any carrier or carriers during the calendar year.

§ 207.47 Statement of Supporting Information.

Charterers shall execute and file with the air carrier section B of part II of the Statement of Supporting Information attached hereto and made a part hereof at such time as required by the carrier to afford it due time for review thereof.

Subpart C—Provisions Relating to Single Entity Charters

§ 207.50 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 207.51 Terms of service.

The provisions of § 207.13 shall apply to charters under this subpart except that paragraphs (b) and (c) of such section shall not be applicable and the second sentence of paragraph (a) of such section shall not be applicable.

§ 207.52 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

§ 207.53 Statement of Supporting Information.

Part I of the statement of supporting information attached hereto shall be applicable in the case of single entity charters.

Subpart D—Provisions Relating to Mixed Charters

§ 207.60 Applicable rules.

The rules set forth in Subpart B of this part shall apply in the case of mixed charters.

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[4] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., section 1001.

STATEMENT OF SUPPORTING INFORMATION [1]

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: _____

2. Commencement date(s) of proposed flight(s): _____

(a) Going_____

(b) Returning_____

3. Points to be included in proposed flight(s) _____

(a) From_____ to_____

(b) Returning from_____ to_____

(c) Other stops required by charterer: ___

4. (a) Type of aircraft to be used: _____

(b) Seating capacity: _____

(c) Number of persons to be transported: _____

5. (a) Total charter price: _____

(b) Does the charter price conform to tariff on file with the Board? _____

(c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.) _____

6. (a) Has the carrier paid, or does it contemplate payment of any commissions, direct or indirect, in connection with the proposed flight? Yes [ ] No [ ]

(b) If "yes" give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation.

7. (a) Will the carrier or any affiliate provide any services or perform any functions in addition to the actual air transportation? Yes [ ] No [ ]

(b) If "yes" describe services or functions: _____

8. Name and address of charterer: _____

9. If charter is single entity, indicate purpose of flight: _____

10. On what date was the charter contract executed? _____

11. If the charter is pro rata, has a copy of Part 207 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes [ ] No [ ]

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis? _____

2. What specific services have been or will be provided by agent to individual participants in the proposed charter? _____

3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any members of the chartering organization in relation either to the proposed charter flight or any land tour? Yes [ ] No [ ]

4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes [ ] No [ ] If answer is "yes" explain: _____

WARRANTY [2]

I, _____ represent and
(Name)
warrant that I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 207 of the Board's economic regulations.

_____ _____
(Date) (Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objectives and purposes: _____

2. What activities are sponsored by the chartering organization? _____

3. When was the organization founded? _____

4. Qualification or requirements for membership in organization and memership fee, if any: _____

5. Has there been any reference to prospective charter flights in soliciting new members for the charter organization? Yes [ ] No [ ]

6. State where a list of members is available for inspection. _____

7. Attach list of prospective passengers (including "standbys" and one-way passengers designated as such), showing for each: (a) Name and address; (b) relationship of such person to chartering organization, i.e., member, spouse, dependent child, parent or "special" (a person whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver); (c) if such person is related to a member who is not a prospective passenger, the member's name and address; and (d) date member joined or last renewed a lapsed membership. (NOTE: This is a list of prospective passengers and does not necessarily have to represent the passengers actually to be carried. The list is to be amended, if passengers are dropped or added before flights and the certification required by § 207.45 must be attached to the list.)

8. What are requirements for participation in charter? _____

9. How were prospective participants for charter solicited (attach any solicitation material)? _____

10. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group residing in the same household with the member? Yes [ ] No [ ]

11. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than 6 months prior to flight date? [3] Yes [ ] No [ ] If answer is "yes", give names of participants who will not have been members for 6 months: _____

12. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration, and scope of activity: _____

13. Estimated receipts:

_____ × _____ =
(Pro rata charge) (Number of passengers)

$_____
(Estimated receipts from charter)

Estimated receipts from other sources, if any: _____

Explain: _____

(a) Total receipts: $_____

Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses):

Item	*Amount*	*Payable to*
_____	_____	_____
_____	_____	_____
_____	_____	_____

(b) Total expenditures: $_____

Explain any difference between (a) and (b): _____

14. Are any of the expenses included in Item 13 above, to be paid to any members of the chartering organization? Yes [ ] No [ ] If "yes" state how much, to whom and for what services: _____

15. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes [ ] No [ ] If "yes" explain fully: _____

16. Will any person in the group (except

[1] This must be retained by the air carrier for 2 years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

[2] Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse * * * to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board * * *, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum * * * shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000. Title 49 U.S.C. § 1472(e).

Whoever, in any manner within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

[3] Not applicable to school charters, nor to charters limited to employees of a single Government agency, industrial plant, or mercantile company.

children under 2 years) be transported without charge? Yes [ ] No. [ ]

17. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under 12 years old? Yes [ ] No [ ]

18. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction:

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19. If four or more round trips are contracted for, will each group move as a unit in both directions? Yes [ ] No [ ]

---

20. If charters have been performed for organization during past 5 years, give dates and name of carrier performing charters:

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21. Has a copy of Part 207 "Charter Trips and Special Services" of the Economic Regulations of the Civil Aeronautics Board been received by the charterer? Yes [ ] No [ ]

22. Attach copies of all announcements of the chartering organization in connection with the charter issued after the charter contract is signed.

WARRANTY OF CHARTERER [4]

I, ---------- and ----------
(Name)
---------- represent and warrant that
(Name)
the charterer has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operations, in a manner consistent with Part 207 of the Board's economic regulations. I (we) further represent and warrant that the charterer has not offered charter flights simultaneously with the solicitation of membership in the chartering organization in any mass media advertising or notice or through direct mailing or public posters. I (we) further represent and warrant that all charter participants have been informed of eligibility and cost requirements of Part 207 and that a flight may be canceled if ineligible participants are included.

---------- ----------
(Date) (Signature—person within organization in charge of charter arrangements)

(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by school official not directly involved in charter.)

WARRANTY OF AIR CARRIER [5]

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts warranted by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 207 of the Board's economic regulations.

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(Date) (Signature and title of authorized official of air carrier)

[FR Doc.71-5477 Filed 4-19-71;8:51 am]

[4] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

[Reg. No. ER-685]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Pursuant to the authority delegated to the General Counsel in § 385.19 of the Board's Organization Regulations, there follows a reissuance of Part 208 incorporating all amendments which have been adopted on or before April 13, 1971. The reissuance shall become effective on May 8, 1971. Procedure for review by the Board is set forth in Subpart C of Part 385.

Effective: May 8, 1971.

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON,
General Counsel.

Subpart A—General Provisions

Sec.
208.1 Applicability.
208.2 Separability.
208.3 Definitions.
208.3a Waiver.
208.4 Passenger names and addresses.
208.5 Reports of emergency commercial charters for other direct carriers.
208.6 Charter flight limitations.
208.7 Unused place.

LIABILITY INSURANCE REQUIREMENTS

208.10 Applicability of liability insurance requirements.
208.11 Minimum limits of liability.
208.12 Terms and conditions of insurance coverage.
208.13 Authorized exclusions of liability.
208.14 Filing of certificates, endorsements and notices.
208.15 Compliance.

MINIMUM EXTENT OF SERVICE

Sec.
208.25 Minimum service requirements.

OPERATIONS AND TARIFFS

208.30 Prohibited advertising.
208.31 Prohibited control of a supplemental air carrier.
208.31a Written agreements with ticket agents.
208.31b Written contracts with charterers.
208.32 Tariffs and terms of service.
208.32a Flight delays and substitute air transportation (foreign).
208.33 Flight delays and substitute air transportation (interstate and overseas).
208.33a Substitution or subcontracting.
208.34 Record retention.
208.35 Payments, gratuities, and donations.
208.36 Substitute transportation in emergencies.

PROTECTION OF CUSTOMERS' DEPOSITS

208.40 Escrow of cash or trust for protection of customers' deposits.
208.41 Performance bond in lieu of escrow of cash or trust.
208.42 No priority in payment of claims.

Subpart B—Provisions Relating to Military Charters

208.100 Applicability of subpart.
208.101 Minimum rates and compensation for air transportation performed for the Department of Defense.
208.102 Substitute service.
208.103 Tariffs and terms of service.

Subpart B1—Provisions Relating to Military Backhaul Charters

208.150 Military backhaul exemption.

Subpart C—Provisions Relating to Pro Rata Charters

208.200 Applicability of subpart.

REQUIREMENTS RELATING TO AIR CARRIERS

208.200a Solicitation and formation of a chartering group.
208.201 Pretrip notification and charter contract.
208.202 Agent's commission.
208.202a Statement of Supporting Information.

REQUIREMENTS RELATING TO TRAVEL AGENTS

208.203 Prohibition against double compensation.
208.204 Statement of Supporting Information.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

208.210 Solicitation of charter participants.
208.211 Passengers on charter flights.
208.212 Participation of immediate families in charter flights.
208.213 Charter costs.
208.214 Statements of charges.
208.215 Passenger lists.
208.216 Application for a Charter.
208.217 Statement of Supporting Information.

Subpart D—Provisions Relating to Single Entity Charters

208.300 Applicability of subpart.
208.301 Tariffs and terms of service.
208.302 Commissions paid to travel agents.
208.303 Statement of Supporting Information.

Subpart E—Provisions Relating to Mixed Charters

208.400 Applicable rules.

AUTHORITY: The provisions of this Part 208 issued under secs. 101(3), 101(34), 204(a), 401(d)(3), 401(n), 403, 404(b), 407, 411, 416(b), 417; 72 Stat. 737 (as amended by 76

[5] Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse . . . to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board . . ., or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum . . . shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000. Title 49 U.S.C. § 1472(e).

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18 U.S.C. § 1001.

Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 758 (as amended by 74 Stat. 445), 760, 766, 769, 771, 76 Stat. 145; 49 U.S.C. 1301, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1387.

Subpart A—General Provisions

§ 208.1 Applicability.

This part contains terms, conditions and limitations on the operating authority of supplemental air carriers, including substantive regulations implementing paragraphs (1), (2), and (3) of section 401(n) of the Act. The requirements of this part shall constitute terms, conditions, and limitations attached to certificates issued pursuant to section 401(d)(3) of the Act. The requirements shall also attach to special operating authorizations issued under section 417 or to exemptions issued under section 416 of the Act.

§ 208.2 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 208.3 Definitions.

For the purposes of this part:

(a) "Filing" shall mean filing in compliance with § 302.3(a) of this chapter except that provisions in this part which require filing with Board offices other than the Docket Section shall be controlling.

(b) "Supplemental air carrier" means an air carrier holding a certificate issued under section 401(d)(3) of the Act, or a special operating authorization issued under section 417 of the Act.

(c) "Supplemental air transportation" means charter flights in air transportation performed pursuant to a certificate of public convenience and necessity issued under section 401(d)(3) of the Act (1) authorizing the holder to engage in supplemental air transportation of persons and property between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia (exclusive of air transportation within the State of Alaska) or in foreign or overseas supplemental transportation or (2) authorizing the holder to engage in supplemental air transportation of persons and their personal baggage between points within the 48 contiguous States of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand.

(d) "Agreement" means any oral or written agreement, contract, understanding, or arrangement, and any amendment, revision, modification, renewal, extension, cancellation, or termination thereof.

(e) "Cargo agent" means any person (other than a supplemental air carrier or one of its bona fide regular employees or an indirect air carrier lawfully engaged in air transportation under authority conferred by any applicable part of the economic regulations of the Board) who for compensation or profit (1) solicits, obtains, receives, or furnishes directly or indirectly, property or consolidated shipments of property for transportation upon the aircraft of supplemental air carriers; or (2) procures or arranges for air transportation of property or consolidated shipments of property upon aircraft of a supplemental air carrier by charter, lease, or any other arrangement.

(f) [Reserved]

(g) "Ticket agent" means any person (other than a supplemental air carrier or one of its bona fide regular employees) who for compensation or profit (1) solicits, obtains, receives, or furnishes directly or indirectly, passengers or groups of passengers for transportation upon the aircraft of a supplemental air carrier; or (2) procures or arranges for air transportation of passengers or groups of passengers upon aircraft of a supplemental air carrier by charter, lease, or any other arrangement.

(h) "Pro rata charter" means a charter, the cost of which is divided among the passengers transported.

(i) "Single entity charter" means a charter, the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(j) "Mixed charter" means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(k) "Person" means any individual, firm, association, partnership, or corporation.

(l) "Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(m) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(n) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(o) [Reserved]

(p) [Reserved]

(q) [Reserved]

(r) [Reserved]

(s) "Charter flight" means air transportation performed by supplemental air carriers in accordance with § 208.6.

(t) "Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the State of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligations to perform such air transportation for the Department of Defense.

(u) "Indirect air carrier" means any citizen of the United States who engages indirectly in air transportation including air freight forwarders, persons authorized by the Board to transport by air used household goods of personnel of the Department of Defense, and tour operators.

(v) "Net worth" means the net stockholder equity as specified in Form 41 balance sheet acount 2995 of the Uniform System of Accounts and Reports.

§ 208.3a Waiver

A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

§ 208.4 Passenger names and addresses.

Each supplemental air carrier shall maintain a record of the names and addresses of all passengers transported on each pro rata charter trip. Such record shall be retained in accordance with Part 249 of this chapter except that it may be maintained at either the principal office or the principal operations base of the carrier.

§ 208.5 Reports of emergency commercial charters for other direct carriers.

It shall be an express condition upon authority conferred by § 208.3(s)(2)(i)(*a*) and (ii)(*a*) that each supplemental air carrier which performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Operating Rights, within 30 days following each charter flight, containing the following information:

(1) Name of direct carrier performing the charter and name of direct carrier for which the charter was performed;

(2) Date of flight or flights;

(3) Points of origin and destination, and intermediate points, if any;

(4) Number of passengers and/or tons of cargo transported;

(5) Description of circumstances creating the emergency;

(6) Date of initial contact by the chartering carrier regarding the charter;

(7) Reasons why the traffic in question was not or could not be carried by other carriers certificated to serve the particular market.

§ 208.6 Charter flight limitations.

Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

(a) All transportation of persons and/or property pursuant to contracts with the Department of Defense where the entire capacity of one or more aircraft has been engaged by the Department;

(b) Air transportation performed on a time, mileage or trip basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and/or property (or of persons and their personal baggage in the case of supplemental air transportation as defined in § 208.3(c)(2)):

(1) By a person for his own use (in-

cluding a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic: *Provided*, That emergency charters for commercial traffic shall be reported in accordance with § 208.5);

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group;

(3) By an air freight forwarder or international air freight forwarder holding, a currently effective operating authorization under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation, or by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense;

(4) By a tour operator or a foreign tour operator as defined in Part 378 of this chapter; or

(5) By a study group charterer or foreign study group charterer as defined in Part 373 of this chapter.

(c) Air transportation performed on a time, mileage, or trip basis where less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage by two or more of the following persons: *Provided*, That such persons in the aggregate engage the entire capacity of the aircraft:

(1) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage or in cases of emergency, of commercial passenger traffic: *Provided*, That emergency charters for commercial traffic shall be reported in accordance with § 208.5);

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons and their personal baggage, as agent or representative of such group;

(3) By a tour operator or a foreign tour operator as defined in Part 378 of this chapter; or

(4) By a study group charterer or foreign study group charterer as defined in Part 373 of this chapter. *Provided*, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further*, That paragraph (c) shall not be construed to apply to movements of property.

§ 208.7 Unused space.

A supplemental air carrier may, with the written consent of the charterer(s), utilize any unused space for the transportation of—

(a) The carrier's own personnel and property; and/or

(b) The directors, officers, and employees of a foreign air carrier or another air carrier traveling pursuant to a pass interchange arrangement.

Liability Insurance Requirements

§ 208.10 Applicability of liability insurance requirements.

(a) No supplemental air carrier shall engage in air transportation unless such carrier has and maintains in effect liability insurance coverage evidenced by a currently effective certificate of liability insurance filed with and accepted by the Board as complying with the requirements of this part; and no supplemental carrier shall operate in air transportation any aircraft, or perform services within any geographical area, to which such insurance does not apply. "Insurance certificate," as used herein, means one or more than one certificate, evidencing one or more than one policy of aircraft liability insurance properly endorsed, issued by one or more than one insurer, which alone or in combination provides the minimum coverage prescribed in § 208.11. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance.

(b) The insurance coverage and certificate required by this part shall be obtained from a reputable and financially responsible insurance company or association which is legally authorized to issue aircraft liability policies in one or more States of the United States or in the District of Columbia.

§ 208.11 Minimum limits of liability.

(a) The minimum limits of liability insurance coverage maintained by a supplemental air carrier shall be as follows:

(1) Liability for bodily injury to or death of aircraft passengers: A limit for any one passenger of at least seventy-five thousand dollars ($75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars ($75,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(2) Liability for bodily injury to or death of persons (excluding passengers): A limit of at least seventy-five thousand dollars ($75,000) for any one person in any one occurrence, and a limit of at least five hundred thousand dollars ($500,000) for each occurrence.

(3) Liability for loss of or damage to property: A limit of at least five hundred thousand dollars ($500,000) for each occurrence.

(b) Notwithstanding the provisions of paragraph (a) of this section, a supplemental air carrier may be insured for a single limit of liability for each occurrence. In that event, coverage must be equal to or greater than the combined required minimums for bodily injury, property damage, and/or passenger liability for the type of use to which such aircraft is put, as the case may be.[1]

(c) In the case of a single limit of liability, aircraft may be insured by a combination of primary and excess policies. Such policies must have combined coverage equal to or greater than the required minimums for bodily injury to nonpassengers, property damage, and/or passenger liability for the type of use to which the aircraft is put, as the case may be.

[ER-653, 35 F.R. 17177, Nov. 7, 1970]

§ 208.12 Terms and conditions of insurance coverage.

With respect to insurance required by this part:

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured supplemental air carrier, within the specified limits of liability, of all sums which the insured carrier shall become legally obligated to pay as damages for bodily injury to or death of any person, or for loss of or damage to property of others, resulting from the negligent operation, maintenance or use of aircraft in air transportation by the insured carrier.

(b) The liability of the insurer shall apply to all operations by the insured carrier in air transportation. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured carrier, of any applicable safety or economic provision of the Federal Aviation Act of 1958, as amended, or of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Administration or the Civil Aeronautics Board, respectively.

(c) The liability of the insurer shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each occurrence, and any payment made under the policy because of any one occurrence shall not reduce the liability of the insurer for payment of other damages resulting from any other occurrence.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in § 208.13, or such other exclusions as may be individually approved by the Board. Cancellation of

[1] For example: The minimum single limit of liability acceptable for an aircraft in passenger service with 60 passenger seats would be computed on the basis of limits set forth in paragraph (a) as follows: 60 × 0.75 equals 45; 45 × $75,000 equals $3,375,000; $3,375,000 plus $500,000 (nonpassenger liability per occurrence), plus $500,000 (property damage per occurrence) equals $4,375,000. The latter would be the minimum amount in which a single limit liability policy may be written based upon the above assumptions.

an approved policy shall be effected only upon written notice to the Board, in accordance with § 208.14(d).

(e) Except for the geographical exclusions authorized in § 208.13 (g) and (h), the coverage shall be worldwide. For good cause shown, however, the Board may waive this requirement or amend the certificate or other operating authority to describe the geographical areas actually served by the supplemental air carrier. Authority for any general restriction (e.g., North American continent, Western Hemisphere, etc.) shall be recited in any endorsement containing a general restriction.

§ 208.13 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

(a) Any loss against which the Named Insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be excess of the limits provided by such other valid and collectible insurance up to the limits certified in a Certificate of Insurance issued to the Civil Aeronautics Board in Washington, D.C., but in no event exceeding the limits of liability expressed elsewhere in this policy;

(b) Any loss arising from the ownership, maintenance, or use of any aircraft not declared to the Insurer in accordance with the terms and conditions of this policy;

(c) Liability assumed by the Named Insured under any contract or agreement, unless such liability would have attached to the Insured even in the absence of such contract or agreement: *Provided, however,* That this exclusion shall not apply to the Named Insured's waiver of liability limitations under the Warsaw Convention by signing a counterpart to the agreement of carriers (Agreement CAB 18900), as approved by Board Order E–23680, May 13, 1966, agreeing to a minimum liability for injury or death of passengers of $75,000 per passenger, or any amendment or amendments to such agreement which may be approved by the Board and to which the Named Insured becomes a party.

(d) Bodily injury, sickness, disease, mental anguish, or death of any employee of the Named Insured while engaged in the duties of his employment, or any obligation for which the Named Insured or any company as his Insurer may be held liable under any workmen's compensation or occupational disease law;

(e) Loss of or damage to property owned, rented, occupied, or used by, or in the care, custody, or control of the Named Insured, or carried in or on any aircraft with respect to which the insurance afforded by this policy applies;

(f) Personal injuries or death, or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating, or defending against an actual impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority, or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radio-active materials; insurrection, rebellion, revolution, civil war, or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority.

(g) Any loss arising from operations by the Named Insured within any country of the Sino-Soviet bloc or Cuba: *Provided,* That a loss caused by mere misadventure in flying over or landing in such territory shall not be excluded. The "Sino-Soviet bloc" is defined to include Lithuania, Latvia, Estonia, Czechoslovakia, Bulgaria, Rumania, Hungary, Poland, Albania, East Germany (Soviet zone of Germany and Soviet sector of Berlin), Communist China, North Korea, North Vietnam, Outer Mongolia, and the Union of Soviet Socialist Republics;

(h) Any loss arising from operations by the Named Insured to or from installations of the Distant Early Warning System (DEW line) or the Ballistic Missile Early Warning System (BMEWS).

§ 208.14 Filing of certificates, endorsements, and notices.

(a) Certificates of insurance, endorsements, and notices of cancellation shall be filed in duplicate on forms prescribed and furnished by the Board. All documents shall be signed in ink by an authorized officer or agent of the insurer; no facsimile signatures will be accepted.

(b) Endorsements that add previously unlisted aircraft to coverage or that delete listed aircraft from coverage shall be filed with the Board not more than five (5) days after the effective date of such endorsement: *Provided, however,* That aircraft shall not be listed in the carrier's operations specifications with the Federal Aviation Agency and shall not be operated unless liability insurance coverage has attached.

(c) A supplemental carrier which intends to operate a charter flight to or from a country of the Sino-Soviet block or Cuba or to or from a DEW line or BMEWS installation and whose approved insurance coverage excludes operations within such areas shall file an endorsement waiving the applicable exclusion, or a separate certificate of insurance expressly applicable to such flight, at least 30 days before the proposed flight date, unless the Board finds that waiver of this requirement is in the public interest.

NOTE: CAB Forms 606, 607, 608, and 609 are available, upon request, from the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

(d) Certificates of insurance approved by the Board shall not be canceled by the insurer upon less than thirty (30) days' notice to the Board and the insured carrier by registered mail. An insured carrier shall not cancel an approved certificate during the effectiveness of any operating authorization from the Board unless the notice of cancellation is accompanied by a replacement certificate of insurance, complying in all respects with this part and effective upon the date of cancellation of the approved certificate and policy, or by a notice that the carrier has ceased operations.

(e) If any certificate of insurance endorsement, notice of cancellation, or other document relating to liability insurance required to be filed with the Board does not comply with these regulations, the Board will notify the air carrier and the insurer by registered mail, or by telegram, stating the deficiencies. If the carrier is not notified of objections by the Board within 20 days after filing of any document, such document shall be deemed approved by the Board as complying with the requirements of this part, but such approval may be rescinded by the Board upon reasonable notice.

(f) All documents required to be filed with respect to liability insurance shall be filed with the Civil Aeronautics Board, Attention of Bureau of Accounts and Statistics, B–42b, Washington, D.C. 20428.

§ 208.15 Compliance.

In addition to all other applicable sanctions provided by law or the regulations of the Board, operation in air transportation of any aircraft, or performance of services within any geographical area, to which Board-approved liability insurance does not apply shall be cause for immediate suspension of all operating authority, pursuant to section 401(n)(5) of the Act and Subpart J of Part 302 of this chapter.

MINIMUM EXTENT OF SERVICE

§ 208.25 Minimum service requirements.

Each supplemental air carrier shall perform services authorized by its certificate or authority to engage in supplemental air transportation for at least 500 hours of revenue flight in any two consecutive calendar quarters. Failure to perform such minimum services will be deemed to constitute a prima facie case for suspension of the carrier's operating authority pursuant to the provisions of section 401(n)(5) of the Act: *Provided,* That the carrier may, within 15 days after the end of the two consecutive calendar quarters in which such failure occurred, show unusual circumstances constituting good cause why its operating authority should not be suspended.

OPERATIONS AND TARIFFS

§ 208.30 Prohibited advertising.

(a) No supplemental air carrier shall advertise its services or hold itself out to the public as an air carrier authorized to engage in air transportation unless it

includes the words "supplemental air carrier" in such advertising.

(b) No supplemental air carrier shall conduct business in any name other than that set forth in its certificate, except as expressly authorized by the Board.

§ 208.31 Prohibited control of a supplemental air carrier.

Control of a supplemental air carrier shall not, without prior application to and approval by the Board, be transferred, directly or indirectly, by assignment, transfer of voting stock, or otherwise, to any person who controlled, or participated in control of, as a partner, officer, or director, any air carrier theretofore found by the Board to have committed knowing and willful violations of the Civil Aeronautics Act of 1938, as amended, the Federal Aviation Act of 1958, or any order, rule, or regulation issued pursuant to said Acts during the period such person controlled or participated in the control of said air carrier. Any such application may be approved by the Board with or without hearing. No such application shall be denied unless the Board finds, after notice to said supplemental air carrier and the parties to the proposed transfer, and after opportunity for hearing, that, in the event the proposed transfer is consummated, said supplemental air carrier will thereby be rendered unfit, unwilling, or unable to conform to the provisions of the Federal Aviation Act of 1958, and the rules, regulations, and requirements of the Board thereunder. For the purposes of this section, a transfer of 20 percent or more of the voting stock of the supplemental air carrier shall be deemed to constitute prima facie evidence of a transfer of control so as to require the filing of an appropriate application with the Board.

§ 208.31a Written agreements with ticket agents.

Each agreement between a supplemental air carrier and any ticket or cargo agent shall be reduced to writing and signed by all the parties thereto, if it relates to any of the following subjects:

(a) The furnishing of persons or property for transportation;

(b) The arranging for flights for the accommodation of persons or property;

(c) The solicitation or generation of passenger or cargo traffic to be transported;

(d) The charter or lease of aircraft.

§ 208.31b Written contracts with charterers.

(a) Every agreement to perform a charter trip, except charters for the Department of Defense, shall be in writing and signed by an authorized representative of the supplemental air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

§ 208.32 Tariffs and terms of service.

(a) No air carrier shall perform any supplemental air transportation unless such air carrier shall have on file with the Board, pursuant to Part 221 of this chapter, a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity or less than the entire capacity (as defined in § 208.3(s)) of one or more aircraft in such supplemental air transportation and showing all rules, regulations, practices, and services in connection with such supplemental air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

(b) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity or for less than the entire capacity (as defined in § 208.3(s)) of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(c) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier: *Provided, however*, That this requirement shall not be applicable to foreign-originated charters.

(d) Each and every contract for a charter to be operated hereunder shall incorporate the provisions of §§ 208.10 through 208.15, inclusive, and 208.32a, 208.33, and 208.33a, where applicable, concerning insurance and substitute transportation.

(e) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 208.6(c) the carrier shall require full payment of the total charter price not less than 30 days prior to the commencement of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded.

(f) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid. Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 208.6 (c)) shall move as a unit in both directions, except as provided in § 208.36.

§ 208.32a Flight delays and substitute air transportation (foreign).

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in foreign air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) *Substitute air transportation.* (1) On all charter flights, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 48th hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this paragraph.

(2) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than 48 hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other carrier or foreign air carrier.

(3) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of 48 hours following the scheduled departure time of any such charter flight, the charterer, or his duly authorized agent, may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the cost of such air transportation to the substitute air carrier or foreign air carrier.

(4) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this paragraph, periods of delay caused by the prohibition of flights to or from the airport of departure because of weather or other operational conditions affecting such airport shall be excluded if, and while, the air carrier has available an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness.

(b) *Incidental expenses.*[2] (1) On the return leg of a charter flight bound from a point outside the country where the charter originated and is to terminate, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 6th hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this paragraph. Such payments shall be made at the airport of departure as soon as they become due to the charterer, or its duly authorized agent, for the account of each passenger, including infants and children traveling at reduced fares. In the case of charter flights bound to or from the United States on the return leg, "country" as used in this paragraph means the 48 contiguous States of the United States.

(2) Such payments shall be made at the rate of $16 for each full 24-hour period of delay following the scheduled departure time. However, the sum of $8 shall be paid for each passenger delayed 6 hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of $8 shall be paid for each passenger delayed in installments of $4 for the first and second succeeding 6-hour period of delay, or any fractional part thereof. If the delay continues beyond a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of $4 for each further 6-hour period of delay, or any fractional part thereof: *Provided, however,* That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of paragraph (a) of this section.

[2] Although the requirements with respect to providing incidental expenses are made expressly applicable only to the return leg of a charter flight, the air carriers are expected, in the case of delay in departure of the originating leg of a flight, to furnish such incidental expenses to charter passengers whose homes are not located within a reasonable distance from the point of origination of the charter.

§ 208.33 Flight delays and substitute air transportation (interstate and overseas).

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in interstate and overseas air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) In case of flight delays of more than 6 hours beyond the departure time stated in the charter contract or 4 hours beyond the time of departure stated on an individual flight ticket, the carrier, upon request and at the passenger's or charterer's option (or in case of the engagement by one charterer of less than the capacity of an aircraft, at the option of any one charterer), must provide alternative air transportation at no additional cost to the passenger or charterer, or immediately refund the full value of the unused ticket or the unperformed charter contract.

(b) In case of additional flight delays en route exceeding 6 hours for charter flights or 2 hours for individually ticketed flights, the carrier must, upon request and at the passenger's or charterer's option (or in case of the engagement by one charterer of less than the capacity of an aircraft, at the option of any one charterer), furnish alternative transportation to the specified destination, or immediately refund the full value of unperformed transportation. The en route delays shall be calculated without inclusion of any delay at departure but all additional delays at intermediate stops en route shall be added up in determining whether the limit of delay has been reached.

(c) In case of flight cancellations or flight delays, refunds shall be paid immediately upon presentation of an unused flight coupon or upon demand of the charterer or his representative (or in case of the engagement by one charterer of less than the capacity of an aircraft, upon demand of any one charterer or his representative) to the air carrier or its agent.

(d) The rules and regulations in the carrier's tariffs governing immediate refunds or alternative transportation may provide for an exception in case of unavoidable delays due solely to weather.

§ 208.33a Substitution or subcontracting.

Supplemental air carriers may subcontract the performance of services which they have contracted to perform only to air carriers authorized by the Board to perform such services.

§ 208.34 Record retention.

Each carrier operating pursuant to this part shall comply with the applicable record-retention provisions of Part 249 of this subchapter, as amended.

§ 208.35 Payments, gratuities, and donations.

(a) Neither a carrier nor a travel agent shall make any payments or extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise.

(b) Neither a carrier nor a travel agent shall make any donation to a chartering organization or an individual charter participant.

(c) Nothing in this section shall preclude a carrier from paying a commission (within the limits of §§ 208.202 and 208.302) to a member of a chartering organization if such member is its agent, or restrict a carrier or a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

§ 208.36 Substitute transportation in emergencies.

(a) A carrier shall be permitted to transport a passenger on a charter flight with a group other than his own or on a ferry flight (as defined in § 241.03 of this subchapter) under the following circumstances:

(1) The passenger was transported by the carrier on an outbound charter flight;

(2) The transportation is for return passage only;

(3) When the passenger is required to return at a different time than his own charter flight due to emergency circumstances beyond the passenger's control; and

(4) The charter group with which the passenger is to travel expresses no objection to his participation in the charter flight.

For the purposes of this paragraph, "emergency circumstances beyond the passenger's control" shall mean illness or injury to the passenger or a member of his immediate family; death of a member of the passenger's immediate family; or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

(b) In all cases where such substitute transportation is furnished, the carrier shall file a report with the Director, Bureau of Operating Rights, within 30 days after the substitute transportation is provided setting forth the circumstances of the carriage. Such report shall include the name of the passenger; the name of his chartering organization; the name of the chartering organization with whom he traveled in substitute transportation; the date he was originally scheduled to return and the date on which he actually

returned; a description of the circumstances which made the substitute transportation necessary; and the evidence which the carrier obtained to substantiate the need for substitute transportation (e.g., a doctor's certificate).

PROTECTION OF CUSTOMERS' DEPOSITS

§ 208.40 Escrow of cash or trust for protection of customers' deposits.

(a) Except as provided in § 208.41, no supplemental air carrier shall engage in air transportation unless it maintains, in accordance with the following standard, an escrow of cash or a trust as security for customers' deposits with the carrier for prepayment of air transportation.

(b) Whenever the gross amount of customers' deposits exceeds 25 percent of the carrier's net worth, as defined herein, computed as of the last day of each month, the carrier shall, on or before the 30th day of the succeeding month, place in escrow or in trust with a bank, cash in an amount at least equal to the amount by which such deposits exceed 25 percent of its net worth: *Provided*, That negotiable securities may be substituted for cash, but the market value thereof shall at all times be not less than the amount of cash for which they are substituted.

(c) The escrow agreement or the trust agreement between a bank and the air carrier shall not be effective until approved by the Board. Claims against the escrow or trust may be made only with respect to the nonperformance of air transportation. As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

§ 208.41 Performance bond in lieu of escrow of cash or trust.

The carrier may elect, in lieu of placing cash in escrow or creating a trust pursuant to § 208.40, to file with the Board's Bureau of Operating Rights, in a form satisfactory to the Bureau, a performance bond which guarantees to the United States Government the performance of air transportation pursuant to contracts entered into by such carrier, but to be performed, in whole or in part, after the date of execution of the bond. The amount of such bond shall be not less than the amount of cash that would be required to be placed in escrow or in trust by the carrier pursuant to § 208.40. Claims under the bond may be made only with respect to the nonperformance of air transportation.

§ 208.42 No priority in payment of claims.

If an air carrier is required to maintain cash in escrow or in trust for the protection of customers' deposits pursuant to § 208.40, there shall be no priority in the payment of claims against such funds held in escrow or in trust or against the bonding company in the event that a performance bond is filed by the carrier in lieu of placing cash in escrow or in trust, but such claims shall be processed and paid on a pro rata basis.

Subpart B—Provisions Relating to Military Charters

§ 208.100 Applicability of subpart.

This subpart sets forth the special rules applicable to military charters.

§ 208.101 Minimum rates and compensation for air transportation performed for the Department of Defense

The authority conferred upon a supplemental air carrier pursuant to a certificate of public convenience and necessity issued under section 401(d)(3) of the Act, insofar as it encompasses the right to provide air transportation pursuant to contract with the Department of Defense or any branch thereof in foreign or overseas air transportation, air transportation between the 48 contiguous States on the one hand and the State of Alaska or Hawaii on the other hand, or between military installations within the 48 contiguous States, shall be subject to the condition that the rate or compensation received by the carrier for any such air transportation is not less than that set forth in § 288.7 of this subchapter.

§ 208.102 Substitute service.

Supplemental air carriers are authorized to provide "substitute service" as defined in this part, subject to the provisions of Part 288 of this chapter.

§ 208.103 Tariffs and terms of service.

The provisions of § 208.32 shall apply to charters under this subpart except that paragraphs (c), (e), and (f) and the second sentence of paragraph (b) of such section shall not be applicable.

Subpart B1—Provisions Relating to Military Backhaul Charters

§ 208.150 Military backhaul exemption.

Subject to the provisions of this part and all other applicable rules, regulations, conditions, or requirements, supplemental air carriers are hereby exempted from the provisions of section 401 of the Act to the extent necessary to permit them to engage in overseas or foreign "supplemental air transportation" on the reverse leg of a charter performed in the opposite direction under a contract with the Department of Defense calling for one-way service.

Subpart C—Provisions Relating to Pro Rata Charters

§ 208.200 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters.

REQUIREMENTS RELATING TO AIR CARRIERS

§ 208.200a Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 208.201 Pretrip notification and charter contract.

(a) Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 208.[3] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 208.215. The carrier shall also require that the charterer and any travel agent involved shall furnish it at least 30 days prior to departure of the first flight the statements of supporting information required in §§ 208.217 and 208.204, respectively, unless the charter has been contracted for within 30 days before the date of departure, in which event the statement and attachments shall be filed with the carrier on the date the charter contract is executed. In the event of a substitution of carriers, the carrier with whom the statements and attachments have been filed may forward them to the substitute carrier, in which case new statements need not be executed.

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization or other qualified persor authorizing the person who executes the contract to do so on behalf of the chartering organization.[4] If the carrier executes a charter contract within 15 days of the flight date, the carrier shall require the person who executes the contract on behalf of the charterer to certify as to whether or not a contract for the flight has been canceled by another carrier because the chartering organization was found to be ineligible under the regulations. The carrier shall also notify the Board, within 5 days after the contract has been executed, that its execution took place within 15 days of flight date. Where the certification discloses, or the carrier has reason to believe, that a contract for the flight has been canceled by another carrier, the notification to the Board shall also state that the carrier

[3] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written request to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[4] Not applicable where the charter is based on employment in one entity or employee or student status at a school.

has made an independent inquiry and has satisfied itself that such cancellation was not caused by the ineligibility of the chartering organization. If a charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 208.215) of the outbound charter shall be attached to the charter contract.

§ 208.202 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 208.202a Statement of Supporting Information.

Prior to performing a charter flight the carrier shall execute, and require the travel agent (if any) and the charterer to execute, the Statement of Supporting Information attached hereto and made a part hereof. If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however,* That separate financial data (see item 13 of statement) shall be filed for each one-way or round trip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the chart issued after the contract is signed.

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 208.203 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service.

§ 208.204 Statement of Supporting Information.

Travel agents shall execute, and furnish to air carriers, section A of Part II of the Statement of Supporting Information attached hereto and made a part hereof, at such time as required by the carrier to afford it due time for review thereof.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 208.210 Solicitation of charter participants.

(a) As used in this section, "solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertisings states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph: *Provided,* That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease the admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(b) Members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. "Bona fide members" means those members of a charter organization who (1) have not joined the organization merely to participate in the charter as the result of solicitation of the general public; and (2) are members for a minimum of 6 months prior to the starting flight date. The requirement in subparagraph (2) of this paragraph is not applicable to

(i) Students and employees of a single school, and immediate families thereof; or

(ii) Employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof.

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

(d) A charterer shall not advertise or otherwise solicit its members for any charter until a charter contract has been signed: *Provided, however,* That this prohibition shall not extend to oral inquiries or internal mailings directed to members to determine interest in a charter flight or charter program so long as no fixed price for air transportation is held out. After a charter contract is signed, copies of solicitation material shall be furnished the carrier at the same time it is distributed to members.

§ 208.211 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers of a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[5] Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, intermingling between flights or reforming of planeload groups, or less than planeload groups (see § 208.6(c)), shall not be permitted, and each group must move as a unit in both directions, except as provided in § 208.36.

§ 208.212 Participation of immediate families in charter flights.

(a) The immediate family of any bona fide member of a charter organization may participate in a charter flight.

(b) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

§ 208.213 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; (2) children under 2 years of age may be transported free of charge.

(b) The charter shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the

[5] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements.

charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 208.202), or prevent any member of the charter group from accepting such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air-transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 208.214 Statements of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. All announcements shall also identify the carrier, the number of seats available and the type of aircraft to be used for the charter.

§ 208.215 Passenger lists.

(a) Prior to each one-way or round-trip flight, a list shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported including standbys who may be transported, specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described), the date the person joined or last renewed a lapsed membership in the charter organization, and the designation "one-way" in the case of one-way passengers. The list shall be amended if passengers are added or dropped before flight.

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger list as follows:

(1) A bona fide member of the chartering organization who will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger list as "(1) member."

(2) The spouse, dependent child or parent of a bona fide member who lives in such member's household. Specify on the passenger list as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons employed by a single Government agency, industrial plant, or mercantile company, or students and employees of a school or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger lists as "(3) special" or "(3) member" (where participants are from a school group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be explained on the list.

(d) Attached to such list must be a certification, signed by a duly authorized representative of the charterer, reading:

> The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and employees of a single school, or (b) employees of a single Government agency, industrial plant, or merchantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household.[6]
>
> ---
> (Signature)

§ 208.216 Application for a charter.

A chartering organization shall make written application to the air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, the dates of departure for each one-way or round-trip flight, and the number of round-trip flights which have been conducted for the organization by any carrier or carriers during the calendar year.

§ 208.217 Statement of Supporting Information.

Charterers shall execute and file with the air carrier section B of part II of the statement of Supporting Information attached hereto and made a part hereof at such time as required by the carrier to afford it due time for review thereof.

[6] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or documents knowing the same to contain any false, fititious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both. Title 18, U.S.C., § 1001.

Subpart D—Provisions Relating to Single Entity Charters

§ 208.300 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 208.301 Tariffs and terms of service.

The provisions of § 208.32 shall apply to charters under this subpart except that paragraphs (e) and (f) and the second sentence of paragraph (b) of such section shall not be so applicable.

§ 208.302 Commissions paid to travel agents.

No direct air carriers shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

§ 208.303 Statement of supporting information.

Part I of the statement of supporting information attached hereto shall be applicable in the case of single entity charters.

Subpart E—Provisions Relating to Mixed Charters

§ 208.400 Applicable rules.

The rules set forth in Subpart C of this part shall apply in the case of mixed charters.

STATEMENT OF SUPPORTING INFORMATION [1]

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: _____

2. Commencement date(s) of proposed flight(s): _____
   (a) Going _____
   (b) Returning _____

3. Points to be included in proposed flight(s): _____
   (a) From _____ to _____
   (b) Returning from _____ to _____
   (c) Other stops required by charterer: _____

4. (a) Type of aircraft to be used: _____
   (b) Seating capacity: _____
   (c) Number of persons to be transported: _____

5. (a) Total charter price: _____
   (b) Does the charter price conform to tariff on file with the Board? _____
   (c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.) _____

[1] This must be retained by the air carrier for 2 years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

6. (a) Has the carrier paid, or does it contemplate payment of any commissions, direct or indirect, in connection with the proposed flight? Yes [ ] No [ ]

(b) If "yes" give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation.

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7. (a) Will the carrier or any affiliate provide any services or perform any functions in addition to the actual air transportation? Yes [ ] No [ ]

(b) If "Yes" describe services or functions:

---

8. Name and address of charterer:

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9. If charter is single entity, indicate purpose of flight:

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10. On what date was the charter contract executed?

11. If the charter is pro rata, has a copy of Part 208 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes [ ] No [ ]

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis?

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2. What specific services have been or will be provided by agent to individual participants in the proposed charter?

---

3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation either to the proposed charter flight or any land tour? Yes [ ] No [ ]

4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes [ ] No [ ] If answer is "yes" explain:

WARRANTY [2]

I, _____ represent and
(Name)
warrant that I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act wtih regard to such operation in a manner consistent with Part 208 of the Board's Economic Regulations.

(Date)	(Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objective and purposes:

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2. What activities are sponsored by the chartering organization?

---

3. When was the organization founded?

---

4. Qualification or requirements for membership in organization and membership fee, if any:

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5. Has there been any reference to prospective charter flights in soliciting new members for the charter organization? Yes [ ] No [ ]

6. State where a list of members is available for inspection.

---

7. Attach list of prospective passengers (including "standbys" and one-way passengers designated as such), showing for each: (a) Name and address; (b) Relationship of such person to chartering organization, i.e., member, spouse, dependent child, parent or "special" (a person whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver); (c) If such person is related to a member who is not a prospective passenger, the member's name and address; and (d) Date member joined or last renewed a lapsed membership. (Note: This is a list of prospective passengers and does not necessarily have to represent the passengers actually to be carried. The list is to be amended, if passengers are dropped or added before flights and the certification required by § 208.215 must be attached to the list.)

8. What are requirements for participation in charter?

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9. How were prospective participants for charter solicited (attach any solicitation material)?

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10. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group residing in the same household with the member? Yes [ ] No [ ]

11. Will there be any members of the charter organization participating in the charter who will have been members of the organization for a period of less than 6 months prior to flight date? [2] Yes [ ] No [ ] If answer is "yes," give names of participants who will not have been members for 6 months:

---

12. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration, and scope of activity:

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13. Estimated receipts:

_____ × _____ =
(Pro rata charge) (No. of passengers)

$_____
(Estimated receipts from charter)

Estimated receipts from other sources, if any:

Explain:

(a) Total receipts. $_____

Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses):

Item	*Amount*	*Payable to*

(b) Total expenditures: $_____

Explain any difference between (a) and (b):

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14. Are any of the expenses included in Item 13 above, to be paid to any members of the chartering organization? Yes [ ] No [ ] If "yes" state how much, to whom and for what services:

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15. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes] [No [ ] If "yes" explain fully:

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16. Will any person in the group (except children under 2 years) be transported without charge? Yes [ ] No [ ]

17. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under 12 years old? Yes [ ] No [ ]

18. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction:

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19. If four or more round trips are contracted for, will each group move as a unit in both directions? Yes [ ] No [ ]

---

20. If charters have been performed for organization during past 5 years, give dates and name of carrier performing charters:

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21. Has a copy of Part 208 "Terms, Conditions and Limitations of Certificates to engage in Supplemental Air Transportation," of the Economic Regulations of the Civil Aeronautics Board been received by the charterer? Yes [ ] No [ ]

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[2] Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse . . . to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board . . ., or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum . . . shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000. Title 49 U.S.C., § 1472(e).

Whoever, in any matter within the jurisdition of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

[2] Not applicable to school charters, nor to charters limited to employees of a single Government agency, industrial plant or mercantile company.

22. Attach copies of all announcements of the chartering organization in connection with the charter issued after the charter contract is signed.

WARRANTY OF CHARTERER [4]

I, _____
(Name)
and _____
(Name)
represent and warrant that the charterer has acted with regard to this charter operation explained in Part II, Section B), and will act explained in Part 11, Section B), and will act with regard to such operation, in a manner consistent with Part 208 of the Board's Economic Regulations. I (we) further represent and warrant that the charterer has not offered charter flights simultaneously with the solicitation of membership in the chartering organization in any mass media advertising or notice or through direct mailing or public posters. I (we) further represent and warrant that all charter participants have been informed of eligibility and cost requirements of Part 208 and that a flight may be canceled if ineligible participants are included.

(Date) (Signature—person within organization in charge of charter arrangements)

(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by school official not directly involved in charter.)

WARRANTY OF AIR CARRIER [5]

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts warranted by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 208 of the Board's economic regulations.

(Date) (Signature and title of authorized official of air carrier)

[4] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisonment not more than 5 years, or both. Title 18, U.S.C., § 1001.

[5] Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse * * * to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board * * *, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum * * * shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000. Title 49 U.S.C. § 1472(e).

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

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[Reg. No. ER-686]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Pursuant to the authority delegated to the General Counsel in § 385.19 of the Board's Organization Regulations, there follows a reissuance of Part 212 incorporating all amendments which have been adopted on or before April 13, 1971. The reissuance shall become effective on May 8, 1971. Procedure for review by the Board is set forth in Subpart C of Part 385.

Effective: May 8, 1971.

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON, *General Counsel.*

Subpart A—General Provisions

Sec.
212.1 Definitions.
212.2 Scope of authorization.
212.3 Tariffs to be filed for charter trips.
212.3a Written contracts with charterers.
212.4 Limitation on the operation of off-route charter trips.
212.5 Statements of Authorization; application.
212.6 Issuance of Statement of Authorization.
212.7 Records and record retention.
212.8 Charter flight limitations.
212.9 Unused space.
212.10 Terms of service.
212.11 Substitute transportation in emergencies.
212.12 Payments, gratuities, and donations.
212.13 Waiver.

Subpart B—Provisions Relating to Pro Rata Charters

212.20 Applicability of subpart.

REQUIREMENTS RELATING TO FOREIGN AIR CARRIERS

212.21 Solicitation and formation of a chartering group.
212.22 Pretrip notification and charter contract.
212.23 Agent's commission.
212.24 Statement of Supporting Information.

REQUIREMENTS RELATING TO TRAVEL AGENTS

212.30 Prohibition against double compensation.
212.31 Statement of Supporting Information.

REQUIREMENTS RELATING TO CHARTERING ORGANIZATION

212.40 Solicitation of charter participants.
212.41 Passengers on charter flights.
212.40 Participation of immediate families in charter flights.
212.43 Charter costs.
212.44 Statement of charges.
212.45 Passenger lists.
212.46 Application for a charter.
212.47 Statement of Supporting Information.

Subpart C—Provisions Relating to Single Entity Charters

212.50 Applicability of subpart.
212.51 Terms of service.
212.52 Commissions paid to travel agents.
212.53 Statement of Supporting Information.

Subpart D—Provisions Relating to Mixed Charters

212.60 Applicable rules.

AUTHORITY: The provisions of this Part 212 issued under secs. 204(a), 402, 403, 404(b), 411, 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760, 769; 49 U.S.C. 1324, 1372, 1373, 1374, 1381.

Subpart A—General Provisions

§ 212.1 Definitions.

For the purposes of this part:

"Charter flight" means air transportation performed pursuant to § 212.8.

"Charter group" means that body of individuals who actually participate in the charter flight.

"Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

"Charter trip" means air transportation performed pursuant to § 212.8.

"Mixed charter" means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

"Off-route charter trip" means any charter trip which is not an "on-route charter trip."

"On-route charter trip" means a charter trip in foreign air transportation performed by a foreign air carrier between points between which it holds authority under a foreign air carrier permit to engage in foreign air transportation on an individually ticketed or individually waybilled basis: *Provided*, That for the purposes of this part a charter trip between a point in the United States named in the foreign air carrier permit of the carrier performing such charter trip and a point outside the United States which is not so named if such charter trip is operated via, and lands at, the homeland terminal point named in the foreign air carrier permit of such foreign air carrier, shall also be considered an "on-route charter trip."

"Pro rata charter" means a charter, the cost of which is divided among the passengers transported.

"Single entity charter" means a charter, the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

"Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

§ 212.2 Scope of authorization.

Off-route charter trips may be performed by foreign air carriers, subject to the limitations and regulations set

forth in this part, by all direct foreign air carriers who hold currently effective foreign air carrier permits issued by the Board pursuant to section 402 of the Act authorizing such carriers to engage in charter trips in foreign air transportation without regard to the points named in such permits. The limitations and regulations specified as applicable to charter trips shall be applicable to all charter trips irrespective of whether the authority to conduct such trips derives from the linear route authority described in the carrier's permit or from any additional authority conferred in such permit to engage in off-route charter trips.

§ 212.3 Tariffs to be filed for charter trips.

(a) No foreign air carrier shall perform any charter trips unless such foreign air carriers shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips, and showing the rules, regulations, practices, and services in connection with such transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier: *Provided, however,* That this requirement shall not be applicable to foreign-originated charters.

§ 212.3a Written contracts with charterers.

(a) Every agreement to perform a charter trip shall be in writing and signed by an authorized representative of the foreign air carrier and the charterer prior to operation of a charter flight: *Provided,* That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges.

(b) No term or condition of the charter contract shall, or its face, be inconsistent with any provision of the carrier's published tariff.

§ 212.4 Limitation on the operation of off-route charter trips.

A foreign air carrier shall not perform any off-route charter trip unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board.

§ 212.5 Statements of Authorization; application.

(a) Application for a Statement of Authorization shall be submitted on CAB Form 433[1] to the Civil Aeronautics Board, addressed to the attention of the Director, Bureau of Air Operations. Upon a showing of good cause, such application may be transmitted by cablegram or telegram or may be made by telephone. Each applicant shall keep on file with the Director, Bureau of Air Operations a copy of its current standard form of charter agreement. Each application shall contain an abstract of the charter agreement setting forth the names and addresses of the operator, the charterer, and their agents, if any; a description of the proposed operations; type aircraft to be flown; and, if reciprocity has not previously been established or if any changes have occurred since the previous Board finding thereon, documentation to establish the extent to which the nation which is the domicile of the applicant grants a similar privilege with respect to United States air carriers. A true copy of the charter agreement actually consummated shall be transmitted to the Director of the Bureau of Air Operations as soon as practicable but in no event later than (15) days after consummation.

(b) Applications shall be filed with the Board at least 5 days in advance of the date of the commencement of the proposed flight, except that applications for authority to conduct planeload cargo charters may be filed not less than 48 hours in advance of the proposed flight. Upon a showing that good cause exists for failure to adhere to the above requirements and that waiver of these requirements is in the public interest, applications later submitted may be considered by the Board.

(c) Any party in interest may file a memorandum in support of or in opposition to the grant of an application. Such a memorandum shall set forth in detail the reasons why the party believes the application should be granted or denied and shall be accompanied by such data, including affidavits, which it is desired that the Board shall officially notice. Copies of the memorandum shall be served upon the foreign air carrier to whose application such memorandum is directed. Nothing in this subparagraph shall be deemed to preclude the Board from granting or denying an application when the circumstances so warrant without awaiting the filing of memorandum in support of or in opposition to the application.

(d) Except to the extent that the Board shall direct that such information be withheld from public disclosure as hereinafter specified, every application and its supporting documents filed pursuant to this section shall be open to public inspection, and notice thereof shall be published in the Board's Weekly List of Applications Filed. Any person may make written objection to the Board to the public disclosure of such information or any part thereof, stating the grounds for such objection. If the Board finds that disclosure of such information or part thereof would adversely affect the interests of such person and is not required in the interest of the public, it will order that such information or part be so withheld.

§ 212.6 Issuance of Statement of Authorization.

(a) If the Board finds that the proposed charter trip or trips meet the requirements of this part, that the foreign nation which is the domicile of the applicant grants a similar privilege with respect to United States air carriers, and that such charter trip or trips are otherwise in the public interest, it will issue a Statement of Authorization for the conduct of the trip or trips set forth in the application. Such Statement of Authorization may be withheld, conditioned or limited by the Board as the public interest may require.

(b) In passing upon the requirements of the public interest the Board will consider the following things, among others:

(1) Whether the foreign air carrier has previously conducted similar flights on a regular and frequent basis in relation to the regularity and frequency of its on-route charter, scheduled, and nonscheduled operations.

(2) Whether the off-route charter was generated as a result of solicitation of individual members of the traveling public.

(3) Whether the foreign air carrier or its agent or the charterer or its agent has previously violated any of the provisions of this part.

(c) Action by the Board upon applications for Statements of Authorization shall be published in the Status of Charter Applications attachment to the Weekly List of Applications Filed. Copies of the letter advising the applicant air carrier of the action taken on its application will be made available to interested persons upon request.

§ 212.7 Records and record retention.

(a) Each foreign air carrier shall obtain and retain, in accordance with Part 249 of this chapter, the following documents pertaining to charter trips:

(1) True copies of all passenger manifests, air waybills, invoices and other traffic documents covering off-route charter trips performed under a statement of authorization.

(2) A copy of every contract for on-route charter trips originating or terminating in the United States together with

[1] Copies of this Form available, upon request, to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428

all traffic documents pertaining to such on-route charters.

(3) A record of the names and addresses of all passengers transported on each pro rata charter trip originating or terminating in the United States.

(4) Every Statement of Supporting information and proof of the commission paid to any travel agency by the carrier for each pro rata charter trip.

(b) Such documents shall be made available, at a place in the United States, for inspection upon request by an authorized representative of the Board or the Federal Aviation Administration. Each foreign air carrier shall permit such authorized representative to make such notes and copies thereof as he deems appropriate.

§ 212.8 Charter flight limitations.

Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually waybilled basis—

(a) Where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage and/or for the movement of property, on a time, mileage or trip basis—

(1) By a person for his own use;

(2) By a person (no part of whole business is the formation of groups for transportation or solicitation or sale of transportation services) for the transportation or a group of persons as agent or representative of such group;

(3) By an international air freight forwarder holding a currently effective operating authorization issued under Part 297 of this subchapter for the carriage of property in foreign air transportation, by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense or by a foreign indirect air carrier, whether or not the property to be carried is the result of a previous consolidation;

(4) By a direct air carrier, direct foreign air carrier, or surface carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency of commercial traffic.

(5) By a study group charterer or foreign study group charterer as defined in Part 373 of this chapter.

(b) Where less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage, on a time, mileage or trip basis, by two or more of the following persons: *Provided*, That such persons in the aggregate engage the entire capacity of the aircraft—

(1) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic);

(2) By person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons as agent or representatives of such group;

(3) By a study group charterer or foreign study group charterer as defined in Part 373 of this chapter: *Provided*, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided, further*, That paragraph (b) shall not be construed to apply to movements of property.

§ 212.9 Unused space.

A foreign air carrier may, with the written consent of the charter(s), utilize any unused space for the transportation of (a) the carrier's own personnel and property and/or (b) the directors, officers, and employees of another foreign air carrier or an air carrier traveling pursuant to a pass interchange arrangement.

§ 212.10 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity, or for less than the entire capacity (see § 212.8(b)) of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 212.8(b) the carrier shall require full payment of the total charter price not less than 30 days prior to the commencement of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded.

(c) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of round trip is chartered separately in order to avoid the 5-percent limitation aforesaid. Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 212.8(b)), shall move as a unit in both directions, except as provided in § 212.11.

§ 212.11 Substitute transportation in emergencies.

(a) A carrier shall be permitted to transport a passenger on a charter flight with a group other than his own or on a ferry flight (as defined in § 241.03 of this subchapter) under the following circumstances:

(1) The passenger was transported by the carrier on an outbound charter flight;

(2) The transportation is for return passage only;

(3) When the passenger is required to return at a different time than his own charter flight due to emergency circumstances beyond the passenger's control; and

(4) The charter group with which the passenger is to travel expresses no objection to his participation in the charter flight.

For the purposes of this paragraph, "emergency circumstances beyond the passenger's control shall mean illness or injury to the passenger or a member of his immediate family; death of a member of the passenger's immediate family, or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

(b) in cases where such substitute transportation is furnished, the carrier shall file a report with the Director, Bureau of Operating Rights, within 30 days after the substitute transportation is provided setting forth the circumstances of the carriage. Such report shall include the name of the passenger; the name of his chartering organization; the name of the chartering organization with whom he traveled in substitute transportation; the date he was originally scheduled to return and the date on which he actually returned; a description of the circumstances which made the substitute transportation necessary; and the evidence which the carrier obtained to substantiate the need for substitute transportation (e.g., a doctor's certificate).

§ 212.12 Payments, gratuities, and donations.

(a) Neither a carrier nor a travel agent shall make any payments or extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise.

(b) Neither a carrier nor a travel agent shall make any donation to a chartering organization or an individual charter participant.

(c) Nothing in this section shall preclude a carrier from paying a commission (within the limits of §§ 212.23 and

212.52) to a member of a chartering organization if such member is its agent ganization if such member is its agent, or restrict a carrier as a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

§ 212.13 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by a foreign air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

Subpart B—Provisions Relating to Pro Rata Charters

§ 212.20 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters, both on-route and off-route.

REQUIREMENTS RELATING TO FOREIGN AIR CARRIERS

§ 212.21 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 212.22 Pretrip notification and charter contract.

(a) Upon a charter flight date being reserved by the carrier or its agent the carrier shall provide the prospective charterer with a copy of this Part 212.[2] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 212.45. The carrier shall also require that the charterer and any travel agent involved shall furnish it at least 30 days prior to departure of the first flight the statements of supporting information required in §§ 212.47 and 212.31, respectively, unless the charter has been contracted for within 30 days before the date of departure, in which event the statement and attachments shall be filed with the carrier on the date the charter contract is executed. In the event of a substitution of carriers, the carrier with whom the statements and attachments have been filed may forward them to the substitute carrier, in which case new statements need not be executed.

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization, or other qualified person, authorizing the person who executes the contract to do so on behalf of the chartering organization.[2] If the carrier executes a charter contract within 15 days of the flight date, the carrier shall require the person who executes the contract on behalf of the charterer to certify as to whether or not a contract for the flight has been canceled by another carrier because the chartering organization was found to be ineligible under the regulations. The carrier shall also notify the Board, within 5 days after the contract has been executed, that its execution took place within 15 days of flight date. Where the certification discloses, or the carrier has reason to believe, that a contract for the flight has been canceled by another carrier, the notification to the Board shall also state that the carrier has made an independent inquiry and has satisfied itself that such cancellation was not caused by the ineligibility of the chartering organization. If a charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 212.45) of the outbound charter shall be attached to the charter contract.

§ 212.23 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 212.24 Statement of Supporting Information.

Prior to performing a charter flight, the carrier shall execute, and require the travel agent (if any) and the charterer to execute, the Statement of Supporting Information attached hereto and made a part hereof. If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however,* That separate financial data (see item 13 of statement) shall be filed for each one-way or round-trip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the contract is signed.

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 212.30 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct foreign air carrier and the charterer for the same service.

§ 212.31 Statement of supporting information.

Travel agents shall execute, and furnish to foreign air carriers, Section A of Part II of the statement of supporting information attached hereto and made a part hereof, at such time as required by the carrier to afford it due time for review thereof.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 212.40 Solicitation of charter participants.

(a) As used in this section, "solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by a foreign air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph: *Provided,* That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(b) Members of the charter group may be solicited only from among the bona fide members of an organization, club, or

[2] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written requests to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. "Bona fide members" means those members of a charter organization who (1) have not joined the organization merely to participate in the charter as the result of solicitation of the general public; and (2) are members for a minimum of 6 months prior to the starting flight date. The requirement in subparagraph (2) of this paragraph is not applicable to

(i) Students and employees of a single school, and immediate families thereof; or

(ii) Employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof.

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the carrier as the charterer.

(d) A carterer shall not advertise or otherwise solicit its members for any charter until a charter contract has been signed: *Provided, however*, That this prohibition shall not extend to oral inquiries or internal mailings directed to members to determine interest in a charter flight or charter program so long as no fixed price for air transportation is held out. After a charter contract is signed, copies of solicitation material shall be furnished the carrier at the same time it is distributed to members.

§ 212.41 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[3] Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, intermingling between flights or reforming of planeload groups, or less than planeload groups (see § 212.8(b)), shall not be permitted, and each group must move as a unit in both directions, except as provided in § 212.11.

§ 212.42 Participation of immediate families in charter flights.

(a) The immediate family of any bona fide member of a charter organization may participate in a charter flight.

(b) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

[3] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency, or school will suffice to meet the requirements.

§ 212.43 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers, and no charter passenger shall be allowed free transportation except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; and (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per roundtrip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 212.23), or prevent any member of the charter group from accepting such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceeds $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 212.44 Statement of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. All announcements shall also identify the carrier, the number of seats available and the type of aircraft to be used for the charter.

§ 212.45 Passenger lists.

(a) Prior to each one-way or round-trip flight, a list shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported, including standbys who may be transported, specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described), the date the person joined or last renewed a lapsed membership in the charter organization, and the designation "one-way" in the case of one-way passengers. The list shall be amended if passengers are added or dropped before flight.

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger list as follows:

(1) A bona fide member of the chartering organization who will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger list as "(1) member."

(2) The spouse, dependent child, or parent of a bona fide member who lives in such member's household. Specify on the passenger lists as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons employed by a single Government agency, industrial plant, or mercantile company or students and employees of a school, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger lists as "(3) special" or "(3) member" (where participants are from a school group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be expained on the list.

(d) Attached to such list must be a certification, signed by a duly authorized representative of the charterer, reading:

> The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and employees of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household.[4]
>
> ----------
> (Signature)

[4] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick,

scheme or device a material fact, or makes any false, fictitious or frauldent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

§ 212.46 Application for a charter.

A chartering organization shall make written application to the foreign air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, the dates of departure of each one-way or round-trip flight, and the number of round-trip flights which have been conducted for the organization by any carrier or carriers during the calendar year.

§ 212.47 Statement of supporting information.

Charterers shall execute and file with the carrier Section B of Part II of the statement of supporting information attached hereto and made a part here of at such time as required by the carrier to afford it due time for review thereof.

Subpart C—Provisions Relating to Single Entity Charters

§ 212.50 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 212.51 Terms of service.

The provisions of § 212.10 shall apply to charters under this subpart except that paragraphs (b) and (c) of such section shall not be applicable and the second sentence of paragraph (a) of such section shall not be applicable.

§ 212.52 Commissions paid to travel agents.

No direct foreign air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

§ 212.53 Statement of supporting information.

Part I of the statement of supporting information attached hereto shall be applicable in the case of single entity charters.

Subpart D—Provisions Relating to Mixed Charters

§ 212.60 Applicable rules.

The rules set forth in Subpart B of this part shall apply in the case of mixed charters.

STATEMENT OF SUPPORTING INFORMATION [1]

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: _____

2. Commencement date(s) of proposed flight(s):
(a) Going _____
(b) Returning _____

3. Points to be included in proposed flight(s): _____
(a) From _____ to _____
(b) Returning from _____ to _____
(c) Other stops required by charterer: _____

4. (a) Type of aircraft to be used: _____
(b) Seating capacity: _____
(c) Number of persons to be transported: _____

5. (a) Total charter price: _____
(b) Does the charter price conform to tariff on file with the Board? _____
(c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.) _____

6. (a) Has the carrier paid, or does it contemplate payment of any commissions, direct or indirect, in connection with the proposed flight? Yes [ ] No [ ]
(b) If "yes" give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation. _____

7. (a) Will the carrier or any affiliate provide any services or perform any functions in addition to the actual air transportation? Yes [ ] No [ ]
(b) If "yes" describe services or functions: _____

8. Name and address of charterer: _____

9. If charter is single entity, indicate purpose of flight: _____

10. On what date was the charter contract executed? _____

11. If the charter is pro rata, has a copy of Part 212 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes [ ] No [ ]

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis? _____

2. What specific services have been or will be provided by agent to individual participants in the proposed charter? _____

3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation either to the proposed charter flight or any land tour? Yes [ ] No [ ]

4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes [ ] No [ ] If answer is "yes" explain: _____

WARRANTY [2]

I, _____ represent and warrant that I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 212 of the Board's Economic Regulations.

(Name)

_____ _____
(Date) (Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objectives and purposes: _____

2. What activities are sponsored by the chartering organization? _____

3. When was the organization founded? _____

4. Qualification or requirements for membership in organization and membership fee, if any: _____

5. Has there been any reference to prospective charter flights in soliciting new members for the charter organization? Yes [ ] No [ ]

6. State where a list of members is available for inspection. _____

7. Attach list of prospective passengers (including "standbys" and one-way passengers designated as such), showing for each: (a) Name and address: (b) relationship of such person to chartering organization, i.e., member, spouse, dependent child, parent or "special" (a person whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver); (c) if such person is related to a member who is not a prospective passenger, the member's name and address; and (d) date member joined or last renewed a lapsed membership. (NOTE: This is a list of prospective passengers and does not necessarily have to represent the passengers actually to be carried. The list is to be amended, if passengers are dropped or added before flights and the

[1] This must be retained by the air carrier for 2 years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

[2] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

certification required by § 212.45 must be attached to the list.)

8. What are requirements for participation in charter? _____

9. How were prospective participants for charter solicited (attach any solicitation material)? _____

10. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group residing in the same household with the member? Yes [ ] No [ ]

11. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than 6 months prior to flight date?[3] Yes [ ] No [ ] If answer is "yes", give names of participants who will not have been members for 6 months: _____

12. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration, and scope of activity: _____

13. Estimated receipts:

_____ × _____ =
(Pro rata charge) (No. of passengers)

$_____
(Estimated receipts from charter)

Estimated receipts from other sources, if any: _____

Explain: _____

(a) Total receipts: $_____.

Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses):

Item	*Amount*	*Payable to*

(b) Total expenditures: $_____.

Explain any difference between (a) and (b): _____

14. Are any of the expenses included in Item 13 above, to be paid to any members of the chartering organization? Yes [ ] No [ ] If "yes" state how much, to whom and for what services: _____

15. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes [ ] No [ ] If "yes" explain fully: _____

16. Will any person in the group (except children under 2 years) be transported without charge? Yes [ ] No [ ]

17. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under 12 years old? Yes [ ] No [ ]

18. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction:

_____

_____

19. If four or more round trips are contracted for, will each group move as a unit in both directions? Yes [ ] No [ ]

_____

20. If charters have been performed for organization during past 5 years, give dates and name of carrier performing charters:

_____

_____

21. Has a copy of Part 212 "Charter Trips by Foreign Air Carriers" of the Economic Regulations of the Civil Aeronautics Board been received by the charterer? Yes [ ] No [ ]

22. Attach copies of all announcements of the chartering organization in connection with the charter issued after the charter contract is signed.

WARRANTY OF CHARTERER[4]

I, _____ and _____
(Name)
_____ represent and warrant that
(Name)
the charterer has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operation, in a manner consistent with Part 212 of the Board's economic regulations. I (we) further represent and warrant that the charterer has not offered charter flights simultaneously with the solicitation of membership in the chartering organization in any mass media advertising or notice or through direct mailing or public posters. I (we) further represent and warrant that all charter participants have been informed of eligibility and cost requirements of Part 212 and that a flight may be canceled if ineligible participants are included.

_____ _____
(Date) (Signature—person within organization in charge of charter arrangements)

_____
(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by school official not directly involved in charter.)

WARRANTY OF AIR CARRIER[5]

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts warranted by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 212 of the Board's Economic Regulations.

_____ _____
(Date) (Signature and title of authorized official of air carrier)

[FR Doc.71-5480 Filed 4-19-71;8:51 am]

[3] Not applicable to school charters, nor to charters limited to employees of a single Government agency, industrial plant or mercantile company.

[4] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

[5] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. § 1001.

[Reg. No. ER-687]

PART 214—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Pursuant to the authority delegated to the General Counsel in § 385.19 of the Board's Organization Regulations, there follows a reissuance of Part 214 incorporating all amendments which have been adopted on or before April 13, 1971. The reissuance shall become effective on May 8, 1971. Procedure for review by the Board is set forth in Subpart C of Part 385.

Effective: May 8, 1971.

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON,
General Counsel.

Sec.

214.1 Applicability.
214.2 Definitions.
214.3 Waiver.
214.4 Separability.
214.5 Reports of emergency commercial charters for other direct carriers.
214.6 Record retention.
214.7 Charter flight limitations.
214.8 Unused space.
214.9 Substitute transportation in emergencies.

Subpart A—Provisions Relating to Pro Rata Charters

214.10 Applicability of this subpart.

REQUIREMENTS RELATING TO FOREIGN AIR CARRIERS

214.11 Solicitation and formation of a chartering group.
214.12 Pre-trip notification and charter contract.
214.13 Tariffs to be on file.
214.13a Written contracts with charterers.
214.14 Terms of service.
214.15 Agent's commission.
214.16 Prohibition against payments or gratuities.
214.17 Statement of Supporting Information.

REQUIREMENTS RELATING TO TRAVEL AGENTS

214.20 Prohibition against double compensation.
214.21 Prohibition against payments or gratuities.
214.22 Statement of Supporting Information.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

Sec.
214.30 Solicitation of charter participants.
214.31 Passengers on charter flights.
214.32 Participation of immediate families in charter flights.
214.33 Charter costs.
214.34 Statements of charges.
214.35 Passenger lists.
214.36 Application for a charter.
214.37 Statement of Supporting Information.

Subpart B—Provisions Relating to Single Entity Charters

214.39 Applicability of subpart.
214.40 Tariffs to be on file.
214.41 Terms of service.
214.42 Commissions paid to travel agents.
214.43 Statement of supporting information.

Subpart C—Provisions Relating to Mixed Charters

214.50 Applicable rules.

AUTHORITY: The provisions of this Part 214 issued under secs. 204(a), 402, 403, 404(b), 411, 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760, 769; 49 U.S.C. 1324, 1372, 1373, 1374, and 1381.

§ 214.1 Applicability.

This part establishes the terms, conditions, and limitations applicable to charter foreign air transportation of persons pursuant to foreign air carrier permits authorizing the holder to engage in charter transportation only.

§ 214.2 Definitions.

(a) "Charter foreign air transportation of persons" means charter flights in air transportation performed pursuant to a permit which is issued under section 402 of the Act (other than permit expressly made subject to Part 212 of this chapter) and which authorizes the holder to engage in charter transportation only.

(b) "Charter flight" means air transportation performed pursuant to § 214.7.

(c) "Pro rata charter" means a charter the cost of which is divided among the passengers transported.

(d) "Single entity charter" means a charter the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(e) "Mixed charter" means a charter the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(f) "Person" means any individual, firm, association, partnership, or corporation.

(g) "Travel agent" means any person engaged in the formation of groups for transportation, or in the solicitation or sale of transportation services.

(h) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(i) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(j) [Reserved]

(k) [Reserved]

(l) [Reserved]

(m) [Reserved]

§ 214.3 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by a foreign air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

§ 214.4 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 214.5 Reports of emergency commercial charters for other direct carriers.

It shall be an express condition upon authority conferred in § 214.2(b) (1) (i) and (2) (i) that each foreign charter air carrier which performs an emergency charter transporting commercial passenger traffic for another direct carrier shall file a report with the Bureau of Operating Rights, within 30 days following each charter flight, containing the following information:

(1) Name of direct carrier performing the charter and the name of the direct carrier for which the charter was performed;

(2) Date of flight or flights;

(3) Points of origin and destination, and intermediate points, if any;

(4) Number of passengers transported;

(5) Description of circumstances creating the emergency;

(6) Date of initial contact by the chartering carrier regarding the charter;

(7) Reasons why the traffic in question was not or could not be carried by other carriers certificated to serve the particular market.

§ 214.6 Record retention.

(a) Every foreign air carrier operating pursuant to this part shall retain true copies of the following documents at its principal or general office for the following periods:

(1) Every charter contract: 2 years;

(2) All passenger manifests including those filed by charterers: 6 months; and

(3) Proof of commission paid to any travel agent by the carrier: 2 years.

(4) Every statement of supporting information: Two years.

(b) Each foreign air carrier operating pursuant to this part shall pursuant to Part 221 of this subchapter, maintain at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs. Each tariff shall be retained until 3 years after the expiration or cancellation thereof.

(c) Each foreign air carrier operating pursuant to this part shall, pursuant to Part 223 of this subchapter, maintain for 3 years in its general offices a record of all passes issued by it and used for free or reduced-rate transportation over its routes.

(d) Every foreign air carrier shall make the documents listed in this section available in the United States upon request by an authorized representative of the Board or the Federal Aviation Administration and shall permit such representative to make such notes and copies thereof as he deems appropriate.

§ 214.7 Charter flight limitations.

Charter flights shall be limited to air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where—

(a) The entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage:

(1) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage or, in case of emergency, of commercial passenger traffic: *Provided*, That emergency charters for commercial passenger traffic shall be reported in accordance with § 214.5);

(2) By a representative (or representatives acting jointly) of a group for the use of such group (provided no such representative is professionally engaged in the formation of groups for transportation or in the solicitation or sale of transportation services);

(3) By a study group charterer or foreign study group charterer as defined in Part 373 of this chapter; or

(b) Less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage by two or more of the following persons: *Provided*, That such persons in the aggregate engage the entire capacity of the aircraft:

(1) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic: *Provided*, That emergency charters for commercial passenger traffic shall be reported in accordance with § 214.5);

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and their personal baggage, as agent or representative of such group;

(3) By a study group charterer or foreign study group charterer as defined in Part 373 of this chapter: *Provided*, That paragraph (b) of this section shall not

apply with respect to any foreign air carrier to the extent that its permit authorizes it to engage in "planeload" charter foreign air transportation of persons: *Provided, further,* That with respect to paragraph (b) of this section each person engaging less than the entire capacity of the aircraft shall contract and pay for 40 or more seats.

§ 214.8 Unused space.

A direct foreign air carrier may, with the written consent of the charterer(s), utilized any unused space for the transportation of (1) the carrier's own personnel and property and/or (2) the directors, officers, and employees of an air carrier or another foreign air carrier traveling pursuant to a pass interchange arrangement.

§ 214.9 Substitute transportation in emergencies.

(a) A carrier shall be permitted to transport a passenger on a charter flight with a group other than his own or on a ferry flight (as defined in § 241.03 of this subchapter) under the following circumstances:

(1) The passenger was transported by the carrier on an outbound charter flight;

(2) The transportation is for return passage only;

(3) When the passenger is required to return at a different time than his own charter flight due to emergency circumstances beyond the passenger's control; and

(4) The charter group with which the passenger is to travel expresses no objection to his participation in the charter flight.

For the purposes of this paragraph, "emergency circumstances beyond the passenger's control" shall mean illness or injury to the passenger or a member of his immediate family; death of a member of the passenger's immediate family; or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

(b) In cases where such substitute transportation is furnished, the carrier shall file a report with the Director, Bureau of Operating Rights, within 30 days after the substitute transportation is provided setting forth the circumstances of the carriage. Such report shall include the name of the passenger; the name of his chartering organization; the name of the chartering organization with whom he traveled in substitute transportation; the date he was originally scheduled to return and the date on which he actually returned; a description of the circumstances which made the substitute transportation necessary; and the evidence which the carrier obtained to substantiate the need for substitute transportation (e.g., a doctor's certificate).

Subpart A—Provisions Relating to Pro Rata Charters

§ 214.10 Applicability of this subpart.

This subpart sets forth the special rules applicable to pro rata charters.

REQUIREMENTS RELATING TO FOREIGN AIR CARRIERS

§ 214.11 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 214.12 Pretrip notification and charter contract.

(a) Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 214[1] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 214.35. The carrier shall also require that the charterer and any travel agent involved shall furnish it at least 30 days prior to departure of the first flight the statements of supporing information required in §§ 214.37 and 214.22, respectively, unless the charter has been contracted for within 30 days before the date of departure, in which event the statement and attachments shall be filed with the carrier on the date the charter contract is executed. In the event of a substitution of carriers, the carrier with whom the statements and attachments have been filed may forward them to the substitute carrier in which case new statements need not be executed.

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization, or other qualified person, authorizing the person who executes the contract to do so on behalf of the chartering organization.[2] If the carrier executes a charter contract within 15 days of the flight date, the carrier shall require the person who executes the contract on behalf of the charterer to certify as to whether or not a contract for the flight has been canceled by another carrier because the chartering organization was found to be ineligible under the regulations. The carrier shall also notify the Board, within 5 days after the contract has been executed, that its execution took place within 15 days of flight date. Where the certification discloses, or the carrier has reason to believe, that a contract for the flight has been canceled by another carrier, the notification to the Board shall also state that the carrier has made an independent inquiry and has satisfied itself that such cancellation was not caused by the ineligibility of the chartering organization. If a charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 214.35) of the outbound charter shall be attached to the charter contract.

§ 214.13 Tariffs to be on file.

(a) Prior to performing any foreign air transportation governed by this part, a foreign air carrier shall have on file with the Board a currently effective tariff filed in accordance with Part 221 of the economic regulations (Part 221 of this subchapter) showing all rates, fares, and charges for the use of the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft in such foreign air transportation and showing all rules, regulations, practices, and services in connection with such foreign air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier: *Provided, however,* That this requirement shall not be applicable to foreign-originated charters.

§ 214.13a Written contracts with charterers.

(a) Every agreement to perform a charter trip shall be in writing and signed by an authorized representative of the foreign charter air carrier and the charterer prior to operation of a charter flight: *Provided,* That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision thereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type of aircraft and number of passenger seats available; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

[1] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written requests to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[2] Not applicable where the charter is based on employment in one entity or employee or student status at a school.

§ 214.14 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight, and the contract must be for the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided,* That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided, however,* That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 214.7(b) the carrier shall require full payment of the total charter price not less than 30 days prior to the commencement of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded.

(c) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid. Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 214.7(b)) shall move as a unit in both directions, except as provided in § 214.9.

§ 214.15 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 214.16 Prohibition against payments or gratuities.

A carrier shall make no payments nor extend gratuities of any kind, directly, or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise. Nothing in this section shall preclude a carrier from paying a commission (within the limits of § 214.15) to a member of a chartering organization if such member is its agent, or restrict a carrier from offering to each member of the charter group such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

§ 214.17 Statement of Supporting Information.

Prior to performing a charter flight, the carrier shall execute, and require the travel agent (if any) and the charterer to execute, the Statement of Supporting Information attached hereto and made a part hereof. If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however,* That separate financial data (see item 13 of statement), shall be filed for each one-way or round-trip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the contract is signed.

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 214.20 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct foreign air carrier and the charterer for the same service.

§ 214.21 Prohibition against payments or gratuities.

A travel agent shall make no payments nor extend gratuities of any kind, directly, or indirectly, to any member of a chartering organization whether in relation to air transportation or otherwise. Nothing in this section shall restrict a travel agent from offering to each member of the charter group such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchanger computer).

§ 214.22 Statement of Supporting Information.

Travel agents shall execute, and furnish to foreign air carriers, section A of Part II of the Statement of Supporting Information attached hereto and made a part hereof, at such time as required by the carrier to afford it due time for review thereof.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 214.30 Solicitation of charter participants.

(a) As used in this section, "solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by a foreign air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter services, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph: *Provided,* That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(b) Members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. "Bona fide members" means those members of a charter organization who (1) have not joined the organization merely to participate in the charter as the result of solicitation of the general public; and (2) are members for a minimum of 6 months prior to the starting flight date. The requirement in subparagraph (2) of this paragraph is not applicable to—

(i) Students and employees of a single school, and immediate families thereof; or

(ii) Employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof.

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the carrier as the charterer.

(d) A charterer shall not advertise or otherwise solicit its members for any charter until a charter contract has been signed: *Provided, however,* That this prohibition shall not extend to oral inquiries

or internal mailings directed to members to determine interest in a charter flight or charter program so long as no fixed price for air transportation is held out. After a charter contract is signed, copies of solicitation material shall be furnished the carrier at the same time it is distributed to members.

§ 214.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[3] Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, intermingling between flights or reforming of planeload groups, or less than planeload groups (see § 214.7(b)), shall not be permitted, and each group must move as a unit in both directions, except as provided in § 214.9.

§ 214.32 Participation of immediate families in charter flights.

(a) The immediate family of any bona fide member of a charter organization may participate in a charter flight.

(b) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

§ 214.33 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any other member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 214.15), or prevent any member of the charter group from accepting such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 214.34 Statements of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. All announcements shall also identify the carrier, the number of seats available and the type of aircraft to be used for the charter.

§ 214.35 Passenger lists.

(a) Prior to each one-way or round-trip flight, a list shall be filed by the charterer with the foreign air carrier showing the names and addresses of the persons to be transported, including stand-bys who may be transported, specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described), the date the person joined or last renewed a lapsed membership in the charter organization, and the designation "one-way" in the case of one-way passengers. The list shall be amended if passengers are added or dropped before flight.

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger list as follows:

(1) A bona fide member of the chartering organization who will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger list as "(1) member."

(2) The spouse, dependent child, or parent of a bona fide member who lives in such member's household. Specify on the passenger list as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons employed by a single Government agency, industrial plant, or mercantile company, or students and employees of a school, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger lists as "(3) special" or "(3) member" (where participants are from a school group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be explained on the list.

(d) Attached to such list must be a certification, signed by a duly authorized representative of the charterer, reading:

> The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and employees of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household.[4]
>
> ----------
> Signature)

§ 214.36 Application for a charter.

A chartering organization shall make written application to the foreign air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, the dates of departure for each one-way or round-trip flight, and the number of round-trip flights which have been conducted for the organization by any carrier or carriers during the calendar year.

§ 214.37 Statement of supporting information.

Charterers shall execute and file with the foreign air carrier Section B of Part

[3] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements.

[4] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. § 1001.

II of the statement of supporting information attached hereto and made a part hereof at such time as required by the carrier to afford it due time for review thereof.

Subpart B—Provisions Relating to Single Entity Charters

§ 214.39 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 214.40 Tariffs to be on file.

The provisions of § 214.13 shall apply to charters under this subpart.

§ 214.41 Terms of service.

The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft.

§ 214.42 Commissions paid to travel agents.

No direct foreign air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

§ 214.43 Statement of supporting information.

Part I of the statement of supporting information attached to the part shall be applicable in the case of single entity charters.

Subpart C—Provisions Relating to Mixed Charters

§ 214.50 Applicable rules.

The rules set forth in Subpart A of this part shall apply in the case of mixed charters.

STATEMENT OF SUPPORTING INFORMATION [1]

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: _____

2. Commencement date(s) of proposed flight(s): _____
(a) Going _____
(b) Returning _____

3. Points to be included in proposed flight(s): _____
(a) From _____ to _____
(b) Returning from _____ to _____
(c) Other stops required by charterer: _____

4. (a) Type of aircraft to be used: _____
(b) Seating capacity: _____
(c) Number of persons to be transported: _____

5. (a) Total charter price: _____
(b) Does the charter price conform to tariff on file with the Board? _____

(c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicated whether segment is live or ferry.) _____

6. (a) Has the carrier paid, or does it contemplate payment of any commissions, direct or indirect, in connection with the proposed flight? Yes [ ] No [ ]

(b) If "yes" give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation.

7. (a) Will the carrier or any affiliate provide any services or perform any functions in addition to the actual air transportation? Yes [ ] No [ ]

(b) If "yes" describe services or functions: _____

8. Name and address of charterer: _____

9. If charter is single entity, indicate purpose of flight: _____

10. On what date was the charter contract executed? _____

11. If the charter is pro rata, has a copy of Part 214 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes [ ] No [ ]

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis? _____

2. What specific services have been or will be provided by agent to individual participants in the proposed charter? _____

3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation either to the proposed charter flight or any land tour? Yes [ ] No [ ]

4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes [ ] No [ ] If answer is "yes" explain: _____

WARRANTY [2]

I, _____ represent and warrant
(Name)

that I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 214 of the Board's Economic Regulations.

_____ _____
(Date) (Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objectives and purposes: _____

2. What activities are sponsored by the chartering organization? _____

3. When was the organization founded? _____

4. Qualification or requirements for membership in organization and membership fee, if any: _____

5. Has there been any reference to prospective charter flights in soliciting new members for the charter organization? Yes [ ] No [ ]

6. State where a list of members is available for inspection. _____

7. Attach list of prospective passengers (including "standbys" and one-way passengers designated as such), showing for each: (a) Name and address; (b) Relationship of such person to chartering organization, i.e., member, spouse, dependent child, parent or "special" (a person whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver); (c) If such person is related to a member who is not a prospective passenger, the member's name and address; and (d) Date member joined or last renewed a lapsed membership. (Note: This is a list of prospective passengers and does not necessarily have to represent the passengers actually to be carried. The list is to be amended, if passengers are dropped or added before flights and the certification required by § 214.35 must be attached to the list.)

8. What are requirements for participation in charter? _____

9. How were prospective participants for charter solicited (attach any solicitation material)? _____

10. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group residing in the same household with the member? Yes [ ] No [ ]

11. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than 6 months prior to flight date? [3] Yes [ ] No [ ] If answer is "yes", give names of participants who will not have been members for 6 months: _____

[1] This must be retained by the air carrier for two years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

[2] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

[3] Not applicable to school charters, nor to charters limited to employees of a single Government agency, industrial plant or mercantile company.

12. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration, and scope of activity: _____

13. Estimated receipts:

_____ × _____
(Pro rata charge) (No. of passengers)

$_____
(Estimated receipts from charter)

Estimated receipts from other sources, if any: _____
Explain: _____

(a) Total receipts: $ _____

Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses):

Item	*Amount*	*Payable to*

(b) Total expenditures: $ _____
Explain any difference between (a) and (b): _____

14. Are any of the expenses included in Item 13 above, to be paid to any members of the chartering organization? Yes [ ] No [ ] If "yes" state how much, to whom and for what services: _____

15. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes [ ] No [ ] If "yes" explain fully: _____

16. Will any person in the group (except children under 2 years) be transported without charge? Yes [ ] No [ ]

17. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under 12 years old? Yes [ ] No [ ]

18. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction: _____

19. If four or more round trips are contracted for, will each group move as a unit in both directions? Yes [ ] No [ ] _____

20. If charters have been performed for organizations during past 5 years, give dates and name of carrier performing charters: _____

21. Has a copy of Part 214 "Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only" of the Economic Regulations of the Civil Aeronautics Board been received by the charterer? Yes [ ] No [ ]

22. Attach copies of all announcements of the chartering organization in connection with the charter issued after the charter contract is signed.

WARRANTY OF CHARTERER [4]

I, _____ and _____
(Name)
_____ represent and warrant that the
(Name)
charter has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operation, in a manner consistent with Part 214 of the Board's Economic Regulations. I (we) further represent and warrant that the charterer has not offered charter flights simultaneously with the solicitation of membership in the chartering organization in any mass media advertising or notice or through direct mailing or public posters. I (we) further represent and warrant that all charter participants have been informed of eligibility and cost requirements of Part 214 and that a flight may be canceled if ineligible participants are included.

_____ _____
(Date) (Signature—person within organization in charge of charter arrangements)

_____
(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by school official not directly involved in charter.)

WARRANTY OF AIR CARRIER [5]

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts warranted by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 214 of the Board's Economic Regulations.

_____ _____
(Date) (Signature and title of authorized official of air carrier)

[FR Doc.71-5479 Filed 4-19-71;8:51 am]

[4] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. § 1001.

[5] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. § 1001.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

TOBACCO ALLOTMENT AND MARKETING QUOTA REGULATIONS, 1970–71 AND SUBSEQUENT MARKETING YEARS

Reinstating Discount Variety Provisions

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is contemplating reinstating provisions with respect to determinations of discount varieties of Flue-cured tobacco beginning with the 1972 crop. In such case, the provisions of § 725.110 as applicable to the 1970 crop would be made applicable to the 1972 and subsequent crops.

The provisions of § 725.110 were revoked for the 1971 crop with the belief that the discount varieties named in the section would not be grown in any substantial quantities as other varieties now being grown have the desirable features but not the undesirable characteristics of the named varieties. Subsequent to revoking the section, however, the Department has received indications that in the absence of the revoked provisions, the named discount varieties will, in 1972 and subsequent years, be grown in such substantial quantities as to adversely affect the foreign and domestic markets and price support operations for Flue-cured tobacco.

Prior to the issuance of the proposed change in the regulations, data, views, or recommendations pertaining thereto which are submitted to the Director, Commodity Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submissions should be postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

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

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

[FR Doc.71-5483 Filed 4-19-71;8:50 am]

Consumer and Marketing Service

[7 CFR Part 1136]

[Docket No. AO 309-A17]

MILK IN GREAT BASIN MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Great Basin marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed 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 above notice of filing of the decision and of opportunity to file exceptions thereto is issued 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).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended were formulated, was conducted at Salt Lake City, Utah, January 20–22, 1971, pursuant to notices thereof which were issued December 2, 1970 (35 F.R. 18621) and December 9, 1970 (35 F.R. 18975).

The material issues on the record of the hearing relate to:

1. The Class I price.
2. The Class III price.
3. Location differentials.
4. Pool plant qualifications.
5. Diversion of producer milk.
6. Computation of allowable shrinkage.

There was no testimony on proposals 7 and 8 as published in the notice of hearing and no other basis exists in the record for considering the changes proposed. Accordingly, no action on such proposals is taken in this decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I Price.* The Class I price differential, the amount added to the basic formula price (Minnesota-Wisconsin price series) for the preceding month to determine the Class I price, should be reduced 32 cents, from $2.22 to $1.90.

The hearing notice proposal, to reduce the Class I price 50 cents, was submitted by a major handler in the market. He contended that the present Class I price ($7.04 in December 1970) is tending to develop excessive production for the market, is improperly aligned with the Class I prices in other Federal order markets, and is high relative to the cost of obtaining milk from alternative sources of supply.

A second handler who supported the 50-cent reduction in the Class I price stated that the present price is causing the loss of Class I sales from the pool to substitutes for fluid milk products, that the present margin between the Class I price and uniform price encourages producers to drop out of the pool and become producer-handlers, and that the cost an ungraded shipper would incur to qualify his farm as a Grade A operation (and thereby be eligible to become a producer under the order) does not justify as wide a difference as now exists between the Class I and Class III prices.

A cooperative representing a majority of the producers on the market, although not supporting the full 50-cent decrease, favored some reduction in the Class I price. The cooperative spokesman was not specific, however, regarding the price reduction appropriate in the light of current supply conditions.

Opposition testimony to reducing the Class I price was presented by the operator of a nonpool (cheese manufacturing) plant at which milk is received from 325 to 350 ungraded dairy farms. This plant also receives substantial quantities of surplus pool milk that is classified in Class III under the order. These latter receipts are obtained by transfer and diversion from regulated plants.

This manufacturing plant operator also operates a farm from which milk is shipped to a pool plant. He opposed a reduction in the Class I price on the basis that it would result in a lower price being paid to him for his milk as a producer under the order. Several Grade A and ungraded milk shippers, some or all of whose production is received at the manufacturing plant, also expressed opposition to reducing the Class I price.

A person whose claims producer-handler status (although determined by the market administrator to be a pool handler) opposed reducing the Class I

price because it would reduce the cost of milk to his competitors.

A cooperative representing about 25 percent of the producers on the market opposed any reduction in the Class I price on the basis that it would be reflected in reduced returns to producers.

The Class I price must be maintained at a level which, in conjunction with the Class II and Class III prices, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers, including necessary market reserves. The present Class I price is tending to attract increasingly larger quantities of milk for the market in excess of the market's fluid needs. In 1969, both producer deliveries and Class I sales of pool handlers increased by 4 percent over 1968. The 489 million pounds produced for the market in 1970 was 41 million pounds greater than production in 1969, an increase of 9 percent. Class I sales of pool milk were essentially unchanged, 275 million pounds in 1969 and 274 million pounds in 1970.

The accelerating rate of production for the market is further indicated by the 14 percent increase in the quantity of producer milk pooled in the last 3 months of 1970 over a year earlier. The deterioration in the ratio of Class I sales to producer deliveries is reflected in the 56 percent Class I utilization of producer deliveries in 1970 compared to utilizations of 61 percent, 62 percent and 61 percent, respectively in 1969, 1968 and 1967.

The rapidly expanding production relative to Class I sales is reflected in an increasingly larger spread between the Great Basin Class I and uniform prices. For the year 1970, the Class I price and the uniform price averaged $6.89 and $5.77, respectively, a difference of $1.12 which was 10 cents greater than in 1969.

Since producer-handlers operate essentially only a Class I business, the widening disparity between the Class I price and the uniform price provides a substantial incentive for individuals to operate as producer-handlers and this is reflected in the increased share of the total Class I sales which producer-handlers in this market have acquired.

Class I sales by producer-handlers are a substantial portion, about 10 percent, of the total Class I sales in the market. In 1970, when Class I sales of producer milk were 274 million pounds, producer-handler Class I distribution in the marketing area totaled 32 million pounds.

Milk from a number of farms in the Boise, Idaho, area is pooled under both the Great Basin and Oregon-Washington orders. Boise is 432 miles from Portland and 362 miles from Salt Lake City, the principal cities in the Oregon-Washington and Great Basin marketing areas, respectively. For December 1970, the Class I price, f.o.b. Boise, under the Oregon-Washington order was $6.125 (Class I price of $6.77 less 64.5 cents location adjustment) and under the Great Basin order $6.565 (Class I price of $7.04 less 47.5 cents location adjustment).

In addition to the milk from the Boise area actually moving from producers' farms to pool plants in the Great Basin and Oregon-Washington marketing areas, substantial additional quantities of milk are available in that area and at other locations in southern Idaho. Such other locations of potential supply in southern Idaho for the Great Basin market, and significantly closer to the market than Boise, are near Pocatello, Idaho Falls, and Twin Falls which cities are 164, 210, and 233 miles, respectively, from Salt Lake City.

It is concluded, therefore, that the present Class I price differential is not necessary to induce an adequate supply and is reduced 32 cents per hundredweight.

Based on the current utilization in the pool, the proposed 32-cent reduction in the Class I price in conjunction with the increase in the Class III price provided elsewhere in this decision will return to producers a uniform price approximating that realized from the present pricing in the order. It is expected, however, that the proposed price changes will encourage greater use of producer milk in Class I and thus, over the longer term, result in an improved marketing situation.

Some witnesses opposed lowering the Class I price on the basis that it would reduce returns to producers. In their testimony they held that if the Class I price were reduced, producers would increase their production but that the quantities of Class I milk sold would not be affected by such change in price. Such testimony advances the theory that the Class I price under an order should be reduced to encourage increased production for the market and be increased when an incentive to producers to reduce their production is needed. There is no economic foundation for this line of reasoning.

2. *Class III price.* The Class III price should be the basic formula price for the month.

The basic formula price (Minnesota-Wisconsin manufacturing milk price series) reflects the value of manufacturing milk to processors in the major production areas of the United States. The Minnesota-Wisconsin price series is used as a basis for determining surplus class prices in a great majority of the Federal milk orders. Because manufactured milk products compete on a national market, it is important that the price for milk in such uses in this market be as close as possible to prices in other markets.

The order now uses a butter-nonfat dry milk formula to derive the Class III price. In 1970, when the order Class III price averaged $4.37, the Minnesota-Wisconsin average price was 29 cents more, $4.66.

The handler who proposed a 50-cent reduction in the Class I price also proposed increasing the Class III price to the level of the Minnesota-Wisconsin price. He cited particularly as a basis for his proposal that the Class III price is unreasonably low relative to prices being paid for manufacturing grade milk in this area, and is encouraging operators of manufacturing milk plants to lower their purchase cost of milk by attaching additional milk to the pool solely for manufacturing purposes and to obtain the uniform price (which exceeds local pay prices for manufacturing milk) for their dairy farmers.

Operators of plants, both regulated and unregulated, opposed using the Minnesota-Wisconsin price as the Class III price. These plants, the major outlets for surplus milk in the market, depend on receipts from both ungraded dairy farms and producers (Grade A milk) for their supplies.

The Class III price must be at such a level that handlers will accept and market those quantities of producer milk in excess of Class I needs. Otherwise some producer milk might be left without a market. The price, however, should not be so low that handlers under the regulation will be encouraged to seek milk supplies solely for the purpose of converting them into Class III products at the expense of producers generally.

Producers are not receiving the full market value through the pool for their Class III milk. Markets are available locally for milk for manufacturing purposes at prices substantially above the present Class III price. Regulated handlers can realize the higher market value of milk disposed of by them in such uses. Such higher value is not adequately reflected, however, in the payments made to producers under the order.

In December 1970, when the order Class III price was $4.49 and the Minnesota-Wisconsin price was $4.83 for milk of 3.5 percent butterfat content, manufacturing plants in the area generally paid prices even higher than the Minnesota-Wisconsin average. Substantial quantities of milk produced in the area are utilized in the manufacture of hard cheeses (American, Cheddar, Monterey, etc.). One cheese manufacturing plant receives milk from between 325 to 350 ungraded shippers. Prices paid for ungraded milk varies according to the volume, whether it is received in cans or via a bulk tank truck, and whether or not it is cooled at the farm. Although some shippers are paid as much as $5.10 for milk of 3.5 percent butterfat, the average price paid at this plant for milk from ungraded farms was about $4.90 in December.

The above plant also receives milk from pool plants, both as diverted milk and as shipments from such plants. The price paid for Class III milk this plant receives from a plant operated by a major cooperative in the market is about $5. The milk received as diverted milk from another pool handler is purchased at 25 cents above the Class III price, or essentially at the Minnesota-Wisconsin price.

A second cheese manufacturing plant in the area pays his shippers from $4.70 to $5 for milk containing 3.5 percent butterfat, depending on the volume of delivery.

The handler proposing a higher Class III price under the order receives milk from ungraded farms at a plant operated by him in Boise, Idaho. His pay price is $4.94 for milk of 3.5 percent butterfat. The milk is used to produce butter and nonfat dry milk.

In addition to their fluid milk operations, some cooperatives in the market operate manufacturing plants receiving milk from ungraded farms. The price paid at one such manufacturing plant in Utah is about $5 for milk containing 3.5 percent butterfat.

A cooperative in the Boise area, a handler under the order on the basis of member milk shipped regularly from the farms to a pool distributing plant in Salt Lake City, also disposes of substantial quantities of its member milk for manufacturing purposes to a condensing plant in Idaho. The price received by the cooperative f.o.b. its plant in Idaho is $5.06 for milk containing 3.5 percent butterfat. The cost of transporting the milk to the manufacturing plant, more than 100 miles away, is borne by the buyer.

The price for Class II milk (used to produce cottage cheese) is determined by adding 15 cents to the Class III price. There was no proposal before the hearing to change the relationship between the Class II and Class III prices, which heretofore has been found appropriate. This relationship is continued.

3. *Location differentials.* The location adjustment provisions of the order should not be changed.

The proposal in the hearing notice would replace Ogden and Provo with Salt Lake City as the basing point from which distances are measured in determining location adjustments. Proponent of the proposal offered no testimony at the hearing. Others who testified regarding location adjustments were concerned with aspects other than changing the basing point.

Two cooperatives proposed extending the area where no location adjustments are applicable. At present no location adjustments apply at plants within 150 miles of either Ogden or Provo. At any plant 150 miles or more from the nearer of these cities the Class I and uniform prices are reduced 22 cents, plus 1.5 cents for each additional 10 miles beyond 160 miles.

One of these cooperatives proposed replacing the 150-mile limit with any distance more than 164 miles, the mileage from Provo to the location of a nonpool manufacturing plant operated by the cooperative. This plant receives a supply from about 15 ungraded shippers, and from several producers under the order whose production is received as diverted milk on a number of days during most months. The uniform price under the order on milk diverted to the plant, which is pooled as Class III milk, is subject to a minus 23.5-cent location adjustment.

The cooperative's proposal, which would result in no location differential at its plant, would reduce its overall obligation in making settlement to the producer-settlement fund by an amount equal to 23.5 cents times the hundredweight of producer milk diverted to its plant. The cooperative stated that unless the change they request is made, it will not be economically feasible to operate this relatively small manufacturing plant.

A cooperative in the Boise area proposed that Ogden and Provo be retained as basing points, but that the base zone in which no location adjustment is applicable be extended from 150 to 200 miles. Such a change is designed to increase returns for producer milk diverted to manufacturing plants to the extent that the location adjustment is reduced or eliminated at the various nonpool manufacturing plants in southern Utah to which milk sometimes is diverted by the cooperative. The spokesman for the cooperative urged that the proposed change should be adopted because it would give more producers an opportunity to receive higher prices for their milk. Again, the milk diverted is utilized and pooled in Class II under the order.

The principal purpose of location pricing is to facilitate the economic movement of milk for Class I purposes from distant plants to the central market. It is not the purpose of location pricing to encourage the production of milk to supply the needs of manufacturing plants at distant locations from the market.

The proposals, if adopted, would not implement the movement of milk to the central market but instead would tend to attract additional unneeded supplies of milk for manufacturing purposes into the pool at the expense of producers regularly supplying the fluid market. The proposals are therefore denied.

4. *Pool plant qualifications.* (a) The monthly route disposition requirement for pooling a distributing plant should be modified to be not less than 50 percent of its total receipts in September through February, and not less than 40 percent in March through August, the months of seasonally high production relative to fluid demands.

A plant must now distribute at least 50 percent of its total receipts on routes in each month to qualify as a pool plant. The requirement that route disposition in the marketing area during the month be at least 15 percent of the plant's total route disposition should not be changed.

In the notice of hearing, a cooperative proposed minimum monthly route disposition requirements for pooling of 40 percent of a plant's receipts of fluid milk products in May through August, 55 percent in October through January, and 45 percent in the remaining months of the year.

At the hearing, the cooperative modified its proposal to specify a minimum route disposition percentage of receipts for each month, ranging from 40 percent in June to 52 percent in October and January. The average Class I utilization percentage of producer milk each month in 1968, 1969 and 1970 was used as a guide for determining the proposed monthly percentages.

The proponent cooperative represents a majority of Great Basin order producers. It operates pool plants and is primarily responsible for handling much of the reserve supplies of milk for the market. Unless the route disposition requirements for pooling are changed, the cooperative's distributing plant could fail to qualify as a pool plant in some months. This could result especially during the months of seasonally high production if the reserve supplies of milk for the market necessarily handled at such plant were to increase significantly from present levels.

There has been a substantial increase in production for the market relative to its Class I needs in recent years. This has resulted in the cooperative handling increasingly larger quantities of the expanded production at its pool distributing plant during the flush production months. In June 1970 and in some months in prior years, the 50 percent route disposition requirement was suspended from the order to enable the cooperative to handle surplus milk without losing pool plant status for its distributing plant.

The proposal to provide a different minimum route disposition percentage for each month (varying from 40 percent to 52 percent) to qualify a plant for pooling should not be adopted. Such a provision, which is an unnecessary refinement of the order, is impracticable and would accomplish no worthwhile purpose. The monthly route disposition percentage requirements for pooling herein adopted (50 percent in September-February and 40 percent in March-August) provide a reasonable standard for establishing association of distributing plants with the market under current conditions. The requirements for pooling adopted should enable the cooperative which is responsible for handling a major portion of the reserve milk of the market to continue to perform this important service, particularly during the months of seasonally high production, without endangering the pool plant status of its distributing plant.

Another cooperative suggested that no action be taken on the proposal to revise the pooling provisions, but that the relief sought be achieved by suspension action for each month as needed.

A suspension is not an appropriate alternative to amendment action. It would be inappropriate to continue as part of the order but to set aside for temporary periods by suspension action, a provision known to be unsuitable, in lieu of adopting the most appropriate provision through the hearing process.

The qualifying percentages adopted in this decision will contribute to stability and orderly marketing in the area by providing a basis for pooling distributing plants that are suited to present conditions in the Great Basin market.

(b) In determining its pool plant status, the total receipts on which the percentage of a plant's route disposition is computed should exclude receipts from other order plants used for manufacturing purposes. Such receipts are now

included in the total receipts of a distributing plant in determining its qualification for pooling.

Milk so received is not available as a part of the regular supply for the market to serve fluid needs, and should not be allowed to affect the uniform price paid to Great Basin producers for their deliveries. The Great Basin order plant should have opportunity, however, to receive such milk for manufacturing use without adding to its difficulty in meeting pooling requirements. It is appropriate, therefore, for purposes of determining pool plant status, that milk received at a Great Basin order plant from another Federal order market not be counted as a receipt at the Great Basin order plant when such milk is classified as Class III at the receiving plant and is priced and pooled under the other order.

5. *Diversion of producer milk.* The diversion provisions of the order should be modified.

An order provision which became effective November 1, 1970, provides that cooperative member milk diverted by the cooperative shall be counted as a receipt at the plant from which diverted for purposes of determining such plant's as a pool plant. A cooperative representing about 60 percent of the producers on the market proposed that this provision be removed from the order, contending that it impedes rather than facilitates the marketing of its members' milk in the most efficient manner.

A cooperative may divert monthly to nonpool plants up to 25 percent of its producer members' deliveries to all pool plants in March through August, and up to 20 percent in September through February. Also, at least 6 days' production of a producer must be delivered to a pool plant during each month that any of his milk is diverted to a nonpool plant. These provisions, the cooperative claims, are fully adequate for maintaining a reasonable limit to the quantities of milk that may be diverted.

It has been the practice of the proponent cooperative to maintain its records of diversion on the basis of the total deliveries of its producer members to all pool plants. This has enabled the cooperative to achieve greater marketing efficiency in moving its members' milk to its buying handlers than is possible by assigning each such producer to a specified plant.

Excluding milk diverted from a pool plant as a receipt at the pool plant in determining its pool plant status will simplify recordkeeping both for the cooperative and for the pool plant operator. It is the cooperative which directs and controls the diversion of its members' milk. In effect, a pool plant operator may not know from which producer members of a cooperative he receives milk on any particular day, or the extent to which the milk of such producers was diverted during the month.

The limitations and performance requirements which apply with respect to milk diversions by a cooperative association provide adequate protection against unwarranted "loading" of the pool through the diversion privilege. The requirement that milk diverted by a cooperative from a plant be counted as a receipt at such plant for the purpose of determining the plant's eligibility for pooling serves little purpose in that diversions by the cooperative are not permitted to affect the plant's pool status. However, some cooperative milk could be thrown out of the pool even though the cooperative's total diversions were well within the limitations prescribed. This procedure unnecessarily impedes the efficient handling of the market's reserve and, accordingly, this order should be modified.

In view of the above, the provision for including the diverted milk of the producer members of a cooperative as a receipt at a specified plant in determining its pool plant status should be removed from the order.

6. *Computation of allowable shrinkage.* A cooperative proposed that the shrinkage provisions of the order apply to milk moved to a nonpool plant from a pool plant, by transfer or diversion, in the same manner that is now applicable on milk received at a pool plant from producers and other pool plants.

The order now provides for a maximum shrinkage allowance in Class III at each pool plant of 2 percent of producer milk (except diverted milk) and of milk received from a cooperative in its capacity as a handler for bulk tank milk picked up at the farm, plus 1.5 percent of milk received in bulk from other pool plants and of bulk fluid milk products received from other order plants and unregulated supply plants (exclusive of the quantity of such receipts for which a Class III utilization is expressly requested by a handler), and less 1.5 percent of milk disposed of in bulk tank lots to other pool plants.

No provision is now made in the order for shrinkage on milk transferred or diverted from a pool plant to a nonpool plant. The incidence of shrinkage is no different on transfers of milk from a pool plant to a nonpool plant than it is on milk moved from one pool plant to another. Neither is it different if the milk is moved directly from the farm either to a pool plant or as diverted milk to a nonpool plant. It is appropriate, therefore, that the shrinkage provisions of the order be amended to apply to milk transferred and diverted from a pool plant to a nonpool plant the same as they do to milk moved between pool plants and moved directly from producers' farms to pool plants. Accordingly, an allowable 2 percent shrinkage at a pool plant on milk transferred or diverted to a nonpool plant would be reduced by 1.5 percent, and the pool plan would retain the remaining shrinkage allowance of not more than 0.5 percent on such milk.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Evidence on proposals to make certain changes in the Class I and Class III pricing provisions of the order were excluded from the record by the presiding officer on the basis that they were not within the scope of the hearing. Offers of proof made by the parties submitting the proposals have been reviewed. The action taken by the presiding officer on them is hereby reaffirmed for the reasons stated by him on the record of the hearing.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Great Basin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1136.11 is revised as follows:

§ 1136.11 Pool plant.

"Pool plant" means:

(a) A fluid milk plant, except a producer-handler plant, from which not less than 50 percent in any month of September through February and not less than 40 percent in any month of March through August of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant (excluding milk received at such plant from other order plants or dairy farms which is classified in Class III under this order and which is subject to the pricing and pooling provisions of another order issued pursuant to the Act) is disposed of on routes, and not less than 15 percent of such route disposition is on routes in the marketing area.

(1) For the purpose of determining the qualification pursuant to this paragraph of a fluid milk plant pursuant to § 1136.10 (a) operated by a cooperative association, producer milk which such cooperative association causes to be delivered to the pool plant of another handler shall be included with receipts of producer milk at such cooperative's plant and the quantity of such milk assigned to Class I pursuant to § 1136.22(h) shall be included as a Class I disposition from such cooperative's plant;

(i) If such a cooperative association operates more than one fluid milk plant as defined in § 1136.10(a), such producer milk and class I milk shall be included in the computation for whichever plant the cooperative association requests in writing to the market administrator; and

(ii) If no such written request is made, such producer milk and class I milk shall be prorated among the plants; and

(2) If a handler operates more than one fluid milk plant, the combined receipts and fluid milk products disposition, except filled milk, of any such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if a handler in writing so requests the market administrator.

* * * * *

2. Section 1136.13(c) is revised as follows:

§ 1136.13 Producer milk.

* * * * *

(c) Diverted from a pool plant to a nonpool plant that is not another order plant, a producer-handler plant or an exempt distributing plant, subject to the following conditions:

(1) Such milk shall be deemed to have been received by the diverting handler at the location of the plant to which diverted;

(2) Not less than 6 days' production of the producer whose milk is diverted is physically received at a pool plant;

(3) A cooperative association may divert for its account only the milk of member producers: *Provided*, That the total quantity of milk so diverted that exceeds 25 percent of the milk physically received at all pool plants from member producers in any month of March through August, and that exceeds 20 percent of such receipts in any month of September through February, shall not be producer milk;

(4) The operator of a pool plant other than a cooperative association may divert for his account only the milk of producers who are not members of a cooperative association: *Provided*, That the total quantity of milk so diverted that exceeds 25 percent of the milk physically received at such plant from producers who are not members of a cooperative association in any month of March through August, and that exceeds 20 percent of such receipts in any month of September through February, shall not be producer milk;

(5) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (3) and (4) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk;

(6) Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their members if each association has filed such a request in writing with the market administrator on or before the 1st day of the month the agreement is effective. This request shall specify the basis for assigning overdiverted milk to the producer members of each cooperative association according to a method approved by the market administrator; or

* * * * *

3. Section 1136.41(c)(5) is revised as follows:

§ 1136.41 Classes of utilization.

* * * * *

(c) * * *

(5) In shrinkage of skim milk and butterfat, respectively, at each pool plant, or a handler pursuant to § 1136.9(c), assigned pursuant to § 1136.45(b)(1), but not to exceed the following:

(i) Two percent of producer milk; plus

(ii) One and one-half percent of milk plus
received in bulk from other pool plants;

(iii) One and one-half percent of milk received from a handler pursuant to § 1136.9(c) (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be 2 percent); plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which class III utilizations was requested by the handler; less

(vi) One and one-half percent of milk transferred or diverted in bulk to other plants (except when the exception specified in subdivision (iii) of this subparagraph applies, the applicable percentage shall be 2 percent);

* * * * *

4. Section 1136.50 is revised as follows:

§ 1136.50 Class prices.

Subject to the provisions of §§ 1136.52 and 1136.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The class I milk price shall be the basic formula price for the preceding month plus $1.70 and plus 20 cents.

(b) *Class II milk price.* The class II milk price shall be the class III price for the month plus 15 cents.

(c) *Class III milk price.* The class III milk price shall be the basic formula price for the month.

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-5448 Filed 4-19-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BREAD IDENTITY STANDARD

Proposal To List Sodium Stearoyl-2-Lactylate as an Optional Ingredient

Notice is given that a petition has been filed by C. J. Patterson Co., 3947 Broadway, Kansas City, MO 64111, proposing that the standard of identity for bread (§ 17.1) be amended to permit sodium stearoyl-2-lactylate to be listed as an optional ingredient. The petitioner proposes that § 17.1(a)(15) be amended by adding sodium stearoyl-2-lactylate, complying with § 121.1211 of the food additive regulations (21 CFR 121.1211), to the ingredients already provided for therein, including the limitation of not more than 0.5 part of such ingredients, added singly or in combination, for each 100 parts by weight of flour used.

Grounds given in support are:

1. Section 121.1211 provides for the safe use of sodium stearoyl-2-lactylate in baked products and certain other foods, except where standards of identity do not provide for such use.

2. Sodium stearoyl-2-lactylate is effective as a dough conditioner.

3. Calcium stearoyl-2-lactylate as a dough conditioner is already provided for by the bread standard.

4. Data given in support of the proposal show that sodium stearoyl-2-lactylate is as effective as calcium stearoyl-2-lactylate in dough conditioning. Under normal anticipated conditions of use it would substitute in whole or in part for any calcium stearoyl-2-lactylate

that a baker might use. The petitioner does not propose any change in the quantitative limitation presently prescribed in § 17.1(a)(15).

The petition for adding sodium stearoyl-2-lactylate to the list of ingredients does not include a label declaration proposal. This is consistent with the present bread identity standard which does not require the listed dough conditioners to be named on labels.

Due to cross-references, amending § 17.1 as proposed would have the effect of providing for use of the subject additive as an optional ingredient in enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2, 17.3, 17.4, and 17.5).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: April 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5424 Filed 4-19-71;8:45 am]

[21 CFR Part 27]

CANNED PEACHES, CANNED PEARS, AND CANNED FRUIT COCKTAIL IDENTITY STANDARDS

Proposal To Provide for Optional Use of Packing Medium of "Slightly Sweetened Fruit Juices"

Notice is given that a petition has been filed by Libby, McNeill and Libby, 200 South Michigan Avenue, Chicago, Ill. 60604, proposing that the standards of identity for canned peaches (§ 27.2), canned pears (§ 27.20), and canned fruit cocktail (§ 27.40) be amended to provide for the use of "slightly sweetened fruit juices" as an optional packing medium. The packing medium is to be prepared by blending two or more fruit juices that have been reconstituted to the soluble solids equivalent to single strength juices.

The petitioner proposes that nutritive sweeteners be added, in the same proportions presently provided for in said standards, for the purpose of controlling the Brix/acid ratio of the packing medium. The "cut-out" Brix measurement is to be 10° or more, but less than 14°. It is proposed that the new packing medium be declared on the principal display panel of the label as "packed in slightly sweetened fruit juices from concentrate," and that fruit juices used to prepare the subject packing medium be declared on the label by their common or usual names.

Grounds given in support of the petition are that the amendments will provide the consumer with a product that is wholesome, nondeleterious, and more natural in fresh fruit flavor and taste.

As stated above, the subject petition proposes that the packing medium be prepared from a blend of two or more "reconstituted" fruit juices. Although the Commissioner of Food and Drugs has no information that blends of single strength fruit juices not from concentrates will be used to prepare the proposed packing medium, he does not wish to preclude their use. He therefore invites comments from those packers who may wish to use single strength fruit juices other than those prepared from concentrates.

Since the Commissioner is aware that processors are interested in packing canned fruits in a single fruit juice different from the juice of the fruit being packed, he invites comments to determine if there is interest in packing canned fruits affected by the petitioner's proposal in a single fruit juice other than that presently provided for by each identity standard.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: April 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5425 Filed 4-19-71;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 296, 297]

[Docket No. 23287; EDR-198]

CHARTERS BY AIR FREIGHT FORWARDERS

Advance Notice of Proposed Rule Making

APRIL 14, 1971.

Notice is hereby given that the Civil Aeronautics Board is considering issuing a notice of proposed rule making which would include amendment of Parts 296 and 297 of its Economic Regulations (14 CFR Parts 296 and 297) to limit the chartering of aircraft by air freight forwarders. The attached explanatory statement discusses the matter. This notice is issued pursuant to the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481.

Interested persons may participate in the rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before June 21, 1971, will be considered before taking action on the matter. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. The Board between 1948 and 1959 evolved a policy of permitting air freight forwarders, both domestic and international, to charter aircraft from direct air carriers, both scheduled and supplemental, and the Board has also allowed air freight forwarders to joint load, including joint loading on charter flights.[1] Thus, at the present time both domestic and international air freight forwarders are allowed to joint load with members of the same subclassification and are permitted to charter aircraft under Parts 296 and 297 and under Part 207 (U.S. scheduled air carriers), Part 208 (U.S. supplemental air carriers), and Part 212 (foreign scheduled air carriers).[2]

On March 27, 1970, Airlift International, Inc., and Shulman, Inc., an air freight forwarder, filed an agreement (CAB 21699) providing for the charter of a DC-8-63F aircraft from Airlift to Shulman to operate from New York to Los Angeles 5 days a week for a 1-year period beginning April 1, 1970. On March 31 the parties filed an agreement extending the arrangement for 1 year (CAB 21699-A2). The basic agreement provides that the cargo be that of Shulman or another air freight forwarder, WTC Air Freight, Inc., pursuant to a joint loading agreement (CAB 21800). The Flying Tiger Line Inc. filed a motion seeking an order to show cause why the charter

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[1] See Air Freight Forwarder Case, 9 C.A.B. 473 (1948); Air Freight Forwarder Case (International), 11 C.A.B. 182 (1949); Airfreight Forwarder Investigation, 21 C.A.B. 536 (1955); International Airfreight Forwarder Investigation, 27 C.A.B. 658 (1958); ER-160, Mar. 16, 1951.

[2] The Board has not allowed foreign permit air carriage engaging in transatlantic charter air transportation only to charter aircraft to air freight forwarders and IATA rules do not allow member carriers to charter to air freight forwarders.

agreement should not be disapproved (Docket 22057).[3]

In view of the comments filed in response to the Airlift/Shulman/WTC arrangements and changes in the industry since adoption of the present regulations, we have decided to reexamine the matter of chartering by air freight forwarders. It is clear that the Airlift/Shulman/WTC arrangements are within the permissible scope of our present regulations. However, conditions in the industry have changed since the present regulations were adopted and we believe that the question of whether air freight forwarders should be allowed to charter aircraft, particularly on a regular basis, should be reexamined in light of present conditions.

Ws believe that the increasing significance of air freight forwarders in the air cargo industry, especially in certain markets, could lead to undue advantage in negotiating rates with the direct air carriers or in influencing the type and quality of service provided. This is especially true in times of overcapacity. Thus, the forwarders might be able to play one direct air carrier off against another to obtain rates which are more favorable than those which may otherwise be available. To bring such practices under effective control in domestic and overseas air transportation could involve considerable procedural delay, and a particularly serious problem could arise in foreign air transportation where the Board's powers are much more limited. There is also the possibility of diversion from, and consequent hindering of the development of, scheduled air cargo service. Any regular charter service over routes provided with scheduled air cargo service may divert traffic which otherwise would have moved in the scheduled cargo service, and scheduled air cargo service has not yet become so economically profitable as to be able to stand any loss of revenue through diversion. There is also the possibility that a scheduled pattern of charters, with or without joint loading, would be inconsistent with the charter concept.

Another aspect of this problem is the use of join loading, as in the Airlift/Shulman/WTC arrangement. The use of joint loading arrangements expands the number of markets where a regular charter program would be feasible. The number of markets where one forwarder would have enough business to support a regular charter program is probably small. However, the additional factor of joint loading expands the possibilities for the use of a regular charter program. Of course, the use of joint loading also increases the rate and service leverage, and the impact of diversion, as discussed above.

In view of the above problems we believe that the time is now ripe for the Board to reexamine the matter of joint loading by air freight forwarders. The Board has before it a number of alternatives. It could continue to allow unlimited charters with joint loading or allow unlimited charters but no joint loading on charters. It could extend the first refusal right in favor of the incumbent scheduled carrier, as it applies to international forwarders, to domestic forwarders also. It could apply frequency and regularity restrictions similar to those set forth in § 207.7a to all charters or to only those charters where joint loading is involved. It could forbid all charters or all charters that involved joint loading.

In view of the number of alternatives to be considered and the complexity of the issues involved, we are issuing this advance notice of proposed rule making. The Board therefore invites comments on the questions set forth below, especially in light of the problems discussed herein.

Should domestic and international air freight forwarders be prohibited from chartering aircraft or should they be allowed to:

1. Charter aircraft without limitation?
2. Charter aircraft without limitation except joint loading?
3. Charter aircraft subject to frequency and/or regularity restrictions? Specify recommended restrictions.
4. Charter aircraft subject to frequency and/or regularity restrictions and a prohibition against joint loading? Specify recommended restrictions.
5. Charter aircraft subject to some other limitation? Specify recommended restrictions.

[FR Doc.71-5476 Filed 4-19-71;8:50 am]

[3] We will defer action to the Airlift/Shulman/WTC agreements and FTL's motion for a show cause order pending the outcome of any rule making proceeding which may result from the comments received in response to this notice.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[FCC 71-353; Docket No. 19201, RM-1473; RM-1567]

FM BROADCAST STATIONS, UTICA AND HAMILTON, N.Y.

Table of Assignments

1. Notice of proposed rule making is hereby given concerning proposed changes in the FM Table of Assignments, § 73.202(b) of the rules, respecting the above-listed cities. The proposed amendments would replace Channel 235 with Channel 254 at Utica, N.Y., and assign Channel 237A to Hamilton, N.Y. The Commission is also issuing an order herein to WIBX, Inc., permittee of Station WIBQ-FM, Utica, N.Y., directing it to show cause why its authorization for Station WIBQ-FM should not be changed to specify operation on Channel 254 instead of Channel 235 at Utica if the proposed amendments are adopted.

2. This Commission action is being taken upon consideration of the two petitions before us which request rule making on conflicting proposals to assign FM Channel 254 at Utica and Hamilton. The one petition (RM-1473), filed on July 1, 1969, by WIBX, Inc., licensee of Station WIBX (AM), as well as permittee of Station WIBQ-FM (not constructed), at Utica, requests the substitution of Channel 254 for Channel 235 at Utica. In addition, WIBX requests modification of its construction permit for Channel 235 at Utica to specify operation instead on Channel 254. It further requests waiver of mileage separation requirements to permit WIBX operation on Channel 254 from its authorized Channel 235 transmitter site, which would be about nine-tenths of one mile short-space with the adjacent Channel 255 station (WJOY-FM) at Burlington, Vt.[1] The other petition (RM-1567), filed on February 6, 1970 by James R. Ravencraft, a prospective applicant for an FM station at Hamilton, requests the assignment of Channel 254 to Hamilton for a first FM commercial assignment.[2] In opposing comments filed with respect to the Ravencraft petition and proposal, WIBX pointed out that if its proposal to replace Channel 235 with Channel 254 at Utica is adopted, Channel 237A could be assigned to Hamilton, and it suggested that Channel 237A be assigned to Hamilton instead of Channel 254. This alternative FM assignment proposal for Hamilton was opposed by Ravencraft in reply comments.

3. Channel 254 could not be assigned and used at both Utica and Hamilton since the distance between these communities is less than 25 miles. There appears, however, to be no technical obstacle to the assignment and use of Channel 254 at either Utica or Hamilton, or to the assignment and use of Channel 237A at Hamilton if Channel 235 at Utica is deleted. Either course could be adopted without deleting or modifying any existing assignment or authorization, in full compliance with the mileage separation requirements of the rules, and without significant preclusionary effect upon the use of FM channels elsewhere (except as to the other proposal). From further evaluation of these proposals in light of the petitioners' showing and our FM objectives and implementing rules and policies, we have decided that only the

[1] This waiver request will not be considered herein since the assignment of Channel 254 could be made to the FM Table of Assignments and used at Utica in conformity with minimum spacing requirements. We do not believe it necessary or desirable policy, in rule making proceedings on proposals to amend the FM Table, to consider in conjunction therewith requests for waiver of spacing requirements to permit use of a proposed assignment in a community at short spacing when the proposed assignment could be made and used there in conformity with all the FM separation rules. Our past practice has reflected this; the request for waiver, if made, can be considered in connection with an application for the assignment.

[2] Station WRCU-FM, a low power (10-watt) educational FM station, licensed to Colgate University, operates on reserved Channel 211 (Class D) at Hamilton. (There is no table of assignments for the FM reserved educational channels.)

proposals to assign Channel 254 to Utica and Channel 237A to Hamilton merit further consideration in rule making. Our reasons are given below.

4. Hamilton Channel 254 proposal. Hamilton, with a 1960 population of 3,348 (3,636 population given in preliminary 1970 U.S. Census Reports) is located in Madison County (1960 population, 54,635; 1970 population 62,251, preliminary 1970 Census figures), less than 25 miles southwest of Utica and about 40 miles southeast of Syracuse. While Hamilton has only the low power educational FM station mentioned as a radio outlet, it receives at least five FM and 10 AM services from Utica, Syracuse, and other nearby stations, two of which are in Madison County (Station WOIV–FM, in operation since 1949 on Channel 286 at De Ruyter, some 15 miles west of Hamilton, and Station WMCR, an AM daytime station at Oneida, about 25 miles north of Hamilton). Ravencraft contends that either the local FM educational station nor the other radio services received at Hamilton adequately meet its local programing needs and that because of the mountainous terrain surrounding Hamilton and outlying Mohawk Valley and Chenango Valley villages and rural areas, the services received from existing stations are unsatisfactory because of reception difficulties. He argues that Hamilton is the kind of city to which a wide coverage channel, such as Channel 254, should be assigned, since it serves as the cultural center of a largely rural and sparsely populated valley area which is isolated by mountainous terrain from larger population centers to the north. If Channel 254 is assigned to Hamilton, Ravencraft states that he will apply for its use for a first full-time, locally originated, transmission service at Hamilton to serve its programing needs and those of surrounding Mohawk Valley and Chenango Valley communities.

5. Apart from any consideration of the conflicting Utica Channel 254 proposal, we would not normally consider a community the size of Hamilton for a class B FM assignment, such as Channel 254, since class B channels, under the FM allocation plan and our rules and policies, are designed for use to provide adequate coverage to sizable communities and expanding metropolitan areas. Class A channels are designed to serve relatively small communities, such as Hamilton, and their surrounding rural areas. It is most important to the achievement of the objectives of the FM allocation plan for a fair and equitable distribution of available channels to meet present and future FM needs that we adhere to this channel assignment policy, and particularly in the crowded Northeastern section of the country. Consequently, we are opposed to making new class B assignments to the smaller communities except to satisfy a substantial need for a first or second FM service in the small community and surrounding area which could not be satisfactorily met with a Class A channel or by other stations or for some equally compelling public interest reason.[3]

6. We are not persuaded by the Ravencraft showing that there is any justifiable public interest reason for considering Hamilton for a class B assignment in view of its size, the existing aural assignments and services available to the area that would be served by a Hamilton Class B station, and the limited potential that such a station would have for satisfying any need for a first or second FM service in its coverage area. The Ravencraft engineering showing indicates that a maximum facility Hamilton Channel 254 station would provide no area with a needed first FM service and but a small area of about 128 square miles with some 2,597 persons, located about 15 miles southeast of Hamilton, with a second FM service. If the customary basis had been used for the Ravencraft study—it was based upon an analysis of actual operations of stations in the area rather than upon reasonable theoretical projections of possible service which we have specified should be used for such studies—it would appear that a Class B Hamilton station would have little or no potential for providing a second FM service even to the small area shown by Ravencraft.

7. Hamilton 237A proposal: We are also not convinced by the Ravencraft showing that the Hamilton area itself is underserved from the standpoint of available aural services from stations in other communities.[4] We are persuaded by his showing, however, that a growing community of its size and importance has varied local programming needs which may not be fully satisfied by the existing local FM educational outlet and other stations and which another local FM station could best satisfy. We therefore believe Hamilton should be considered for a first class A assignment at this time, if available. It has been suggested by WIBX that Channel 237A could be assigned to Hamilton if its proposal to delete Channel 235 from Utica and to substitute Channel 254 in replacement therefor at Utica is adopted. Since we have decided, for the reasons discussed below, to consider the WIBX proposal in rule making at this time, we also believe that the proposal to assign Channel 237A to Hamilton should be considered also since it appears the only way to provide a class A assignment for this city. While Ravencraft has stated that a Hamilton Class A station would not have a sufficient service area to be a basis for an economically feasible operation and that, consequently, he would not be interested in use of this proposed Class A assignment at Hamilton, we do not feel that we should withhold rule making on the proposal for lack of his support. Others unaware of this possibility for a first FM assignment at Hamilton may view the potential of a Channel 237A operation at Hamilton with more optimism and have an interest in making use of it there. We desire their comments before making a final decision in the matter.

8. Utica Channel 254 proposal: WIBX seeks the substitution of Channel 254 for Channel 235 at Utica, as well as modification of its outstanding construction permit for Channel 235 at Utica to specify operation on the substituted channel, essentially to avoid probable second-harmonic interference to reception of Station WNYS–TV (Channel 9), Syracuse, N.Y., in the Utica area. The WYNS–TV site is approximately 40 miles from Utica, and Utica is located on the WNYS–TV predicted grade A contour. WIBX also states that the local CATV company at Utica has expressed concern about the prospective effect of its Channel 235 operation on cable reception in the area. As a result of its study of the possibility of operating on a channel other than Channel 235 at Utica to avoid the interference problem, WIBX believes that the substitution of Channel 254 for Channel 235 is the only feasible possibility. The WIBX showing indicates that Channel 254 at Utica would meet all spacing requirements; would obviate the possibility of television interference; would cause no significant preclusion of signments or stations and, in addition, would cause no significat preclusion of cochannel or adjacent channel FM assignments. The preclusion study shows that while there would be a preclusion effect on Channels 253 and 257A, the permissible site area for Channel 253 is already quite limited and in an area where there are already 11 FM assignments within 25 miles and that in the bulk of the area where a Channel 257A assignments would be precluded, both Channels 232A and 237A would be made available for assignment with the deletion of the Utica Channel 235 assignment. It also indicates that the potential Channel 234 interference problem would not be shifted to another television station by its replacement with Channel 254 at Utica. In these circumstances, WIBX urges that there is Commission precedent for making the proposed FM channel substitution, citing the

[3] It is noted that Ravencraft makes mention of the class B FM stations assigned to smaller communities than Hamilton in adjacent valley areas with similar mountainous terrain: Station WOIV–FM (Channel 286) at De Ruyter, about 15 miles west of Hamilton, and Station WJIV (Channel 270) at Cherry Valley, about 40 miles east of Hamilton. These class B stations and assignments pre-date the present FM allocation plan and policies adopted in 1963, and in adopting the 1963 FM plan, they were not disturbed. (Both stations have been in operation since 1949.) The public interest justification for retaining these occupied class B assignments in these small communities in adopting the present FM plan does not apply in considering new assignments.

[4] Results submitted of a study made by WIBX of broadcasting service provided to Hamilton and the surrounding Madison County area indicate that a number of AM and FM stations in nearby communities to the north (Utica, Syracuse and Oneida) have good signals in this area, with some described as strong.

Brookings, South Dakota case, FCC 68–41, 11 FCC 2d 571 (1968).[5]

9. In opposition to the WIBX proposal, Ravencraft contends that WIBX has not made a convincing technical showing that an exchange of channels is needed to solve the anticipated Channel 235 second harmonic interference problem and that, in any event, it is contrary to Commission policy to solve such problems by this means. He states that it is understandable that a Channel 235 station operating from the WIBX proposed Smith Hill site, approximately 2 miles northeast of the city limits of Utica, could cause interference since it is in close proximity of the head-end of the Utica CATV system and of UHF Station WUTR which receives some Channel 9 network programing off the air from the Syracuse Channel 9 station. Ravencraft claims, however, that there are satisfactory sites other than the Smith Hill site which could be used for a Channel 235 operation which would result in fewer potential interference problems, and that WIBX does not satisfactorily explain what compels it to use the Smith Hill site. He asserts that the likely reason is economy, since WIBX still owns the transmitter building and tower of an FM station it once operated from the same site.

10. Ravencraft suggests that another satisfactory site for a Channel 235 operation would be on Bell Hill, some 2½ miles to the east-northeast of Smith Hill and in the opposite direction from the site of the Channel 9 Syracuse stations. He also urges that a change in FM assignments to accommodate the private interests of WIBX rather than the public interest, convenience and necessity is not warranted, and that with all four of the class B assignments at Utica occupied by operating stations except Channel 235, another party would likely be willing to operate on Channel 235 at Utica if WIBX is unwilling or unable to do so. He notes that in such an eventuality, it could further a desired objective, the diversity of media control, since WIBX now operates an AM station at Utica.

11. As a matter of policy, we do not ordinarily consider potential second harmonic interference to the service of television stations a factor to be taken into account in making or changing FM assignments, since this would limit the use and development of the FM service unduly and such interference can be corrected by such means as the installation of traps in television receivers and by proper FM operation in suppressing spurious radiation. We have, on occasion, departed from this policy when the channel assignment proposed to avoid a potentiel second harmonic interference problem would not adversely affect overall assignment efficiency and would make for improved channel utilization. The WIBX proposal, we believe, sufficiently meets this criterion and has other advantages to warrant consideration in rule making.

12. It appears that second harmonic interference from a Channel 235 station at Utica to the reception of Channel 9 service from the Syracuse station in the Utica area could be substantial not only from Channel 235 signals emanating from the presently-authorized WIBX Smith Hill transmitter site but, to a greater or lesser degree, from any other technically feasible site for a Utica Channel 235 operation, including the Bell Hill site suggested by Ravencraft. Also, Channel 234 at Utica is short-spaced by approximately 10 miles with a Canadian station (CKCH–FM) at Hull in the Province of Quebec.[6] If Channel 254 is substituted for Channel 235 at Utica, it would eliminate the short-spaced assignment and provide a ready solution to the Channel 235 potential interference problem. While the interference problem is correctable, it may take time. Since, as WIBX points out, any new FM station at Utica (1960 population, 100,410; 1970 population, 90,802, preliminary 1970 U.S. Census Reports) will face a relatively intense competitive situation when it commences operation in competition with the three operating local FM stations, there appears some basis for WIBX's concern that Channel 235 interference to Channel 9 reception in the Utica area would be detrimental to public acceptance of the new station, which is particularly important in the early stages of operation, and that the avoidance of the potential Channel 235 interference problem entirely by means of the Channel 254 exchange proposed would conduce to the establishment and growth of a fourth competitive FM service in the Utica area. Since Channel 254 at Utica would conform with all spacing and technical requirements and would not affect any existing assignment or station or have a significant preclusionary effect upon other channel assignments, and in addition, would make Channel 237A available for a first FM assignment at Hamilton if warranted, we think this channel exchange proposal has public interest value which may warrant adoption.

13. Accordingly, pursuant to the authority contained in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments in § 73.202(b) of the rules, as follows.

City	Channel No.	
	Present assignments	Proposed assignments
Utica, N.Y.	235, 245, 282, 297	245, 254, 282, 297
Hamilton, N.Y.		237A.

14. *It is ordered,* That WBIX, Inc., is ordered to show cause, pursuant to section 316 of the Communications Act of 1934, as amended, why its permit for Station WIBQ–FM, Utica, N.Y., should not be modified to specify operation on Channel 254 instead of Channel 235, if it is concluded in this proceeding that this change would be in the public interest.

15. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before May 21, 1971, and reply comments on or before June 1, 1971. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

16. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

17. *It is further ordered,* That the petition of James R. Ravencraft (RM–1567), seeking rule making to assign Channel 254 to Hamilton, N.Y., is denied.

Adopted: April 8, 1971.

Released: April 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-5462 Filed 4-19-71;8:48 am]

[5] In the Brookings case, a requested substitute FM channel was assigned, and the affected outstanding permit modified to specify operation on the substituted channel, in order to eliminate the possibility of a second harmonic interference to reception of a TV station some 60 miles from the FM site where it was found that the channel substitution would result in no significant preclusion of FM assignments.

[6] It is noted that the Bell Hill site suggested by Ravencraft for a Channel 235 operation is slightly closer to the Canadian station than the WIBX Smith Hill site.

Notices

DEPARTMENT OF THE TREASURY

Monetary Offices

FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

Notice of Postponement of Effective Date

Notice is hereby given that, pursuant to the authority contained in section 401 (b), title IV, of Public Law 91-508, 84 Stat. 1125, the provisions of Titles I and II of said Act and all amendments made thereby, shall become effective on a date to be specified in regulations which will be issued hereafter by the Secretary of the Treasury.

[SEAL] SAMUEL R. PIERCE, Jr.,
General Counsel.

[FR Doc.71-5454 Filed 4-19-71;8:51 am]

Office of the Secretary

[Treasury Department Order No. 107; Rev. No. 13]

CERTAIN OFFICIALS

Authority to Affix Seal of the Treasury Department

By virtue of the authority vested in the Secretary of the Treasury, including the authority conferred by 5 U.S.C. 301, and by virtue of the authority delegated to me by Treasury Department Order No. 190 (Revised), it is hereby ordered that:

1. Except as provided in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(a) In the Office of Administrative Services:

(1) Director of Administrative Services.

(2) Chief, General Services Division.

(3) Chief, Printing and Procurement Division.

(4) Chief, Directives Control and Distribution Branch.

(b) In the Internal Revenue Service:

(1) Commissioner of Internal Revenue Service.

(2) Assistant Commissioner (Compliance) and Deputy Assistant Commissioner (Compliance).

(3) Chief, and Assistant Chief, Disclosure and Liaison Branch, Collection Division.

(4) Director and Technical Advisor, Alcohol, Tobacco and Firearms Division.

(5) Assistant Director (Criminal Enforcement), and Technical Advisors, Alcohol, Tobacco and Firearms Division.

(6) Chief, Firearms and Explosives Branch, Alcohol, Tobacco and Firearms Division.

(7) Chief, Technical Services Section, Firearms and Explosives Branch, Alcohol, Tobacco and Firearms Division.

(c) In the Bureau of Customs:

(1) Commissioner of Customs.

(2) Deputy Commissioner of Customs.

(3) Assistant Commissioner of Customs (Administration).

(4) Assistant Commissioner of Customs (Investigations).

(5) Assistant Commissioner of Customs (Operations).

(6) Assistant Commissioner of Customs (Regulations and Rulings).

(d) In the Bureau of the Public Debt:

(1) Commissioner of the Public Debt.

(2) Deputy Commissioner in Charge of the Chicago Office.

(3) Assistant Deputy Commissioner in Charge of the Chicago Office.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this Order.

3. The Director of Administrative Services, the Commissioner of Internal Revenue Service, and the Commissioner of the Public Debt are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1 (c) may make use of such dies.

Dated: April 13, 1971.

[SEAL] ERNEST C. BETTS, Jr.,
Assistant Secretary for Administration.

[FR Doc.71-5455 Filed 4-19-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

PESTICIDE POISONING

Memorandum of Understanding To Avoid Incidents

The Department has determined that it is in the public interest for the Agricultural Research Service and the various States to cooperate in a program for disseminating information on the handling and safe use of certain pesticides to avoid incidents of pesticide poisoning. Accordingly, announcement is hereby made of the institution of a cooperative Federal-State program designed to further protect the public regarding the use of certain pesticides which, if improperly handled, could be dangerous. This program has been undertaken pursuant to the provisions of 7 U.S.C. 2201, the Organic Act of September 21, 1944, as amended (7 U.S.C. 147a), and the Act of September 28, 1962 (7 U.S.C. 450). The following States have executed a Memorandum of Understanding with the Agricultural Research Service and have agreed on procedures to follow regarding ethyl parathion, the first pesticide needing special attention under this program:

Arkansas.	North Carolina.
Arizona.	North Dakota.
Delaware.	Oklahoma.
Florida.	Pennsylvania.
Georgia.	Rhode Island.
Hawaii.	South Carolina.
Kentucky.	South Dakota.
Louisiana.	Utah.
Maryland.	Virginia.
Montana.	West Virginia.
New Mexico.	

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

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

[FR Doc.71-5447 Filed 4-19-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-300; NADA No. 11-788V etc.]

SALSBURY LABORATORIES, ET AL.

Iron Polysaccharide Complexes; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of February 14, 1969 (34 F.R. 2211), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of reports received from the Academy on the following preparations which contain an iron polysaccharide complex as the designated active drug ingredient:

1. Pig-Iron 100; NADA No. 11-788V; Salsbury Laboratories, 500 Gilbert Street, Charles City, IA 50616, and

2. Ferropal-50; NADA No. 11-974V; Philadelphia Laboratories, Inc., Division of P.P. & C., Inc., 5051 Lancaster Avenue, Philadelphia, PA 19131.

The announcement invited the above-named holders of said new animal drug applications and any other interested persons to submit revised labeling or pertinent data on the drugs' effectiveness.

Neither requested data nor revised labeling were received in response to the announcement, and available information fails to provide substantial evidence of effectiveness of the drugs for the prevention and treatment of iron-deficiency anemia in suckling pigs.

Therefore, notice is given to the above-named firms, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of the new animal drug applications listed above and all amendments and supplements thereto held by said firms for the listed drug products on the grounds that:

New information before the Commissioner with respect to the drugs was evaluated together with the evidence available to him when the applications were approved. These data do not provide substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicants' and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above-named new animal drug applications should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above-listed drug products and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug applications should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5426 Filed 4-19-71;8:45 am]

[Docket No. FDC-D-332; NDA Nos. 5-731, 10-354]

GRAVIDOX PARENTERAL SOLUTION AND THORA-DEX TABLETS

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Applications

In the FEDERAL REGISTER of May 13, 1970 (35 F.R. 7462), the Food and Drug Administration announced (DESI 5731) its conclusions, pursuant to evaluation by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning Gravidox Parenteral Solution (50 milligrams each of thiamine hydrochloride and pyridoxine hydrochloride per cc.) and Thoradex Tablets (10 and 25 milligrams chlorpromazine hydrochloride and 2 and 5 milligrams dextroamphetamine sulfate, respectively, per tablet). The announcement stated that these drugs are regarded as possibly effective for their labeled indications and allowed holders of the new-drug applications, and persons marketing such drugs without approval, six months to obtain and submit substantial evidence of effectiveness. In that no new evidence of effectiveness has been received, these drugs have been reclassified as lacking substantial evidence of effectiveness for their labeled indications.

Therefore, notice is given to Lederle Laboratories, Division American Cyanamid Co., Pearl River, N.Y. 10965, holder of new-drug application No. 5-731 for Gravidox Parenteral Solution and to Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101, holder of new-drug application No. 10-354 for Thora-Dex Tablets, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of said applications and all amendments and supplements thereto on the grounds that new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug applications should not be withdraw. Such withdrawal of approval may cause any related drug for human use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new-drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with

a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5427 Filed 4-19-71;8:45 am]

[DESI 7322]

TETRACYCLINE; OXYTETRACYCLINE; CHLORTETRACYCLINE; DEMETHYLCHLORTETRACYCLINE; DOXYCYCLINE; METHACYCLINE; AND ROLITETRACYCLINE FOR SYSTEMIC USE

Drugs for Human Use; Drug Efficacy Study Implementation; Correction

In 35 F.R. 13897 appearing in the issue of September 2, 1970, the following changes should be made:

1. Under the Indications section for Tetracycline for Oral Administration, change *"Bartonella bacilliformia"* to read *"Bartonella bacilliformis"*. Also change *"N. gonorrhoeae* and *meningitidis"* to read *"N. gonorrhoeae"*.

2. Under the Warnings section for Tetracycline for Oral Administration, change the word "ultra-violet" in the third paragraph to read "ultraviolet".

3. Under the Precautions section for Tetracycline for Oral Administration, revise the fifth paragraph to delete the statement "to decrease the likelihood of rheumatic fever or acute glomerulonephritis."

4. Under the Adverse Reactions section for Tetracycline for Oral Administration, delete the last two paragraphs beginning with "Concomitant therapy***" and ending with "***prior to feeding" and place these two paragraphs at the end of the Dosage and Administration section.

5. Under the Indications section for Tetracycline for Intramuscular Administration change *"N. gonorrhoeoae* and *meningitidis"* to read *"N. gonorrhoeae"*.

6. Under the Warnings section for Tetracycline for Intramuscular Administration, change the word "ultra-violet" in the fourth paragraph to read "ultraviolet".

7. Under the Precautions section for Tetracycline for Intramuscular Administration, revise the fifth paragraph to delete the statement "to prevent the occurrence of rheumatic fever or acute glomerulonephritis".

8. Under the Dosage and Administration section for Tetracycline for Intramuscular Administration, revise the third paragraph to delete the statement "or for initiating therapy when assurance of sustained therapeutic levels is required".

9. Under the Indications section for Tetracycline for Intravenous Administration, change *"Bartonella bacilliformia"* to read *"Bartonella bacilliformis"*. Also change *"N. gonorrhoeae"* to read *"N. gonorrhoeae* and *N. meningitidis"*.

10. Under the Precautions section for Tetracycline for Intravenous Administration, revise the fifth paragraph to delete the statement "to prevent the occurrence of rheumatic fever or acute glomerulonephritis".

11. Under the Dosage and Administration section for Oxytetracycline for Intramuscular Administration, revise the third paragraph to delete the statement "or for initiating therapy when assurance of sustained therapeutic levels is required."

12. At the end of the Actions section for each drug, add the following new paragraph: "Tetracyclines are present in the milk of lactating women who are taking a drug in this class."

13. Change the name "demethylchlortetracycline" to read "demeclocycline" wherever it appears in the labeling for this drug.

Doxycycline capsules and suspension, and methacycline capsules and syrup were approved for marketing after October 10, 1962. Although the labeling for these drugs was not reviewed by the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, the Food and Drug Administration concludes that the labeling guidelines for tetracycline for oral administration published on September 2, 1970, and amended by this notice, should also apply to doxycycline and methacycline for oral administration.

In a notice published in the FEDERAL REGISTER on October 7, 1970 (35 F.R. 15769), the time within which supplements were to be submitted in compliance with DESI 7322 (35 F.R. 13897, published September 2, 1970) was extended to December 31, 1970. In view of the amendments contained in this notice, the time within which supplements may be submitted is hereby extended 60 days from the publication date of this announcement.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5428 Filed 4-19-71;8:45 am]

BUCKMAN LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2646) has been filed by Buckman Laboratories, Inc., Memphis, Tenn. 38108, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of 2-bromo-4'-hydroxyacetophenone as a preservative in the manufacture of paper and paperboard intended to contact aqueous and fatty foods.

Dated: April 9, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-5435 Filed 4-19-71;8:46 am]

DAUBERT CHEMICAL CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Daubert Chemical Co., 4700 South Central Avenue, Chicago, Ill. 60638, has withdrawn its petition (FAP OB2480), notice of which was published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6601), proposing that § 121.2531 *Surface lubricants used in the manufacture of metallic articles* (21 CFR 121.2531) be amended to provide for the safe use of morpholine salts of fatty acids in surface lubricants used in the manufacture of metallic food-contact articles under conditions such that the total residual lubricant does not exceed 0.2 milligram per square inch of finished food-contact surface.

Dated: April 7, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-5436 Filed 4-19-71;8:46 am]

UNION CARBIDE CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409

(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2657) has been filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, proposing that § 121.1088 *Boiler water additives* (21 CFR 121.1088) be amended to provide for the safe use of polyethylene-polypropylene glycol monobutyl ethers as boiler water additives in the preparation of steam that will contact food.

Dated: April 9, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-5437 Filed 4-19-71;8:46 am]

WITCO CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2650) has been filed by Witco Chemical Corp., 400 North Michigan Avenue, Chicago, Ill. 60611, proposing that § 121.2541 *Emulsifiers and/or surface active agents* (21 CFR 121.2541) be amended to provide for the safe use of 4-[2-[2-(2-alkoxy (C_{12}-C_{15}) ethoxy) ethoxy] ethyl] disodium sulfosuccinate as an emulsifier and/or surface active agent employed in the manufacture of articles intended to contact food.

Dated: April 9, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-5438 Filed 4-19-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71-26]

ST. MARYS RIVER, MICH.

Temporary Reduction of Vessel Speed Limits

1. The vessel speed limits for the St. Marys River published in 33 CFR Part 92 are hereby temporarily reduced in order to reduce damage to property of riparian owners during this period of high water levels in the river.

2. The reduced speeds will be effective until 15 December 1971, unless sooner amended, revoked, or extended. Any such action will be published in the FEDERAL REGISTER and in the Notice to Mariners. Interested persons are invited to participate in the amendment, revocation, or extension of the temporary speed limits by submitting data, views, arguments, or comments at any time in writing to the Commander, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199.

3. Speed limits in statute miles per hour over the ground are temporarily reduced from 10 to 9 between Everens Point and Johnson Point, from 12 to 9 between Johnson Point and Mirre Point, from 12 to 10 between Mirre Point and Middle Neebish Channel Light 50, from 15 to 12 between Nine-Mile Point and Six-Mile Point, from 12 to 8 upbound between Six-Mile Point and Mission Point, from 12 to 10 downbound between Mission Point and Six-Mile Point, and from 12 to 10 between West Neebish Channel Light 25 and Moon Island. Unless a direction of travel is indicated, each speed limit applies to both upbound and downbound vessels.

4. Upbound and downbound vessels may pass vessels bound in the same direction between Nine-Mile Point and Six-Mile Point. The passing vessel shall not exceed the temporarily reduced speed limit of 12 statute miles per hour over the ground.

5. These reduced speed limits are temporary in nature and they are established to reduce damage to property of riparian owners during a presently existing period of high water levels in the St. Marys River. Accordingly, it is hereby found that notice and public procedures thereon are contrary to the public interest and the reduced speed limits are made effective in less than 30 days.

(Secs. 1-3, 29 Stat. 54-55, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 474, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b), delegated under authority of 49 CFR 1.45(b) to the Commander, Ninth Coast Guard District, in 33 CFR 92.49(d), 35 F.R. 12395)

Effective date. The temporarily reduced speed limits shall become effective on publication in the FEDERAL REGISTER (4-20-71).

J. NATWIG,
Captain, U.S. Coast Guard, Acting Commander, Ninth USCG District.

[FR Doc.71-5445 Filed 4-19-71;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-50]

BULOVA WATCH CO., INC.

Filing of Petition

Notice is hereby given that the Bulova Watch Co., Inc., 630 Fifth Avenue, New York, NY, by letter dated April 2, 1971, has filed with the Atomic Energy Commission a petition for rule making to exempt from the Commission's licensing requirements in 10 CFR Part 30, timepieces containing no more than 0.05 microcurie of neptunium 237. The petition also requests an amendment of part 32 of the Commission's regulations which would permit the issuance of a specific license to apply no more than 0.05 microcurie of neptunium 237 to timepieces or to import timepieces containing no more than 0.05 microcurie of neptunium 237 for use pursuant to the exemption.

The petition states that the constancy of the radioactive decay or distintegration rate from the neptunium 237 will serve as the basis for timekeeping systems. By detecting the particles emitted from the radioactive material in a semiconductor particle detector, an electrical signal is achieved corresponding to each particle, and with associated electronic counting circuitry count rate information necessary for a time base is generated.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC.

Dated at Washington, D.C. this 14th day of March 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-5441 Filed 4-19-71;8:47 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Availability of Draft Detailed Statement and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Draft Detailed Statement on the Environmental Considerations by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Related to the Proposed Operation of the Maine Yankee Atomic Power Station by the Maine Yankee Atomic Power Company" is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room, 1717 H Street NW, Washington, DC; and the Office of the First Selectman of Wiscasset, Maine.

The Commission hereby requests comments on the proposed action and the Draft Detailed Statement from State and local agencies of any affected State (with respect to matters within their jurisdiction), which are authorized to develop and enforce environmental standards. If the Commission is not provided with comments by any State or local agency within 60 days of the publication of this notice in the FEDERAL REGISTER, the Commission will presume that the agency has no comments to make.

A copy of the Draft Detailed Statement dated April 9, 1971, and available comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to any such State or local agency upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

Dated at Bethesda, Md., this 9th day of April 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-5442 Filed 4-19-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23230 etc.; Order 71-4-82]

CONTINENTAL AIR LINES, INC.

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of April 1971.

By tariff revisions[1] effective May 1, 1971, Continental Air Lines, Inc. (Continental), proposes to establish round-trip excursion fares of $9.26 between 25 city pairs on its system for the purpose of acquainting present nonflyers with air travel.[2] The fares are applicable for the month of May only and have the following elements:

1. The round trip is to be accomplished in 1 day using a nonstop flight to the next point on the schedule, with return to be made on the first flight available to the point of origin.

2. Continental will determine the destination/turnaround point to be used on the basis of space availability, frequency of service, minimum trip distance and minimum waiting time at the turnaround airport, i.e., the shortest elapsed time away from home consistent with available space.

3. Reservations will be accepted only on the date of, or the day before, the date of travel.

4. An approximate maximum load factor will be established for each flight beyond which none of the proposed introductory trips will be sold in order to be able to accommodate late booking of regular traffic.

5. No checked baggage will be permitted.

6. No partial refunds will be made.

Continental states that its objective is to break the first-flight barrier for some people, and hopefully to create new air travel for the future. It alleges that efforts to accomplish this objective in the past have usually been made by operating local sightseeing flights, but such operations have shortcomings such as the nonavailability of equipment except at major turnaround points; equipment availability often limited to less desirable hours of the day; and the fact that the cost of local demonstration flights is added cost. Continental claims that its total out-of-pocket expense will be $5.20 per passenger.

American Airlines, Inc. (American), Delta Air Lines, Inc. (Delta), Frontier Airlines, Inc. (Frontier), National Airlines, Inc. (National), United Air Lines, Inc. (United), and Western Air Lines, Inc. (Western), have filed complaints against Continental's proposed tariff and request its suspension and investigation. The essential thrust of the complaints is that the proposal will be diversionary since there is no practical way to prevent abuse of the tariff. A typical example of potential abuse cited is one where a passenger purchases a Continental round-trip excursion-fare ticket for travel between points A and B with the intent of staying over at the outbound point to conduct business, and returning to his point of origin at his convenience on a regular fare basis—thus accomplishing a round trip at a cost of a one-way fare plus the $9.26 cost of a round-trip excursion fare. Several complainants also allege that the $9.26 fare is uneconomically low.

In answer to the complaints Continental asserts that the restrictions on the use of the fare coupled with the promotional campaign it will use, should preclude virtually all abuse. The carrier further asserts that the complainant's assertions of diversion and abuse are based on a failure to believe that Continental can or will enforce its tariff rules and upon hypothetical situations which are unlikely to materialize. With respect to the fare level, Continental alleges that it will more than return out-of-pocket costs, and that it is much cheaper to carry demonstration passengers on regularly scheduled flights than it is to operate special local sightseeing flights.

On the basis of the facts and information before us, the Board finds that the complaints do not set forth sufficient facts to warrant investigation, and the requests therefor, and, accordingly, the requests for suspension will be denied and the complaints dismissed.

We believe that Continental's proposal merits a trial. Domestic air travel growth has been sluggish thus far in 1971 and Continental's proposal may help to stimulate new air travel. We recognize that there is a risk of diversion of regular fare traffic in this proposal, but we are not convinced that such diversion and loss of revenue will be of the magnitude alleged by the complainants, particularly since the fares are to be available for only 1 month. Further, it is reasonable to assume that Continental will make every effort to prevent abuse of these fares since it has a large share of the traffic in most of the markets.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. The complaints of American Airlines, Inc., in Docket 23242, Delta Air Lines, Inc., in Docket 23246, Frontier Airlines, Inc., in Docket 23243, National Airlines, Inc., in Docket 23230, United Air Lines, Inc., in Docket 23244, and Western Air Lines, Inc., in Docket 23247 are dismissed; and

2. A copy of this order be served upon American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-5475 Filed 4-19-71;8:50 am]

[1] Revisions to Continental Air Lines, Inc., Tariff CAB No. 85.

[2] There is no requirement that passengers be first-time air passengers, and the fares could be utilized by any person who satisfies the conditions of travel.

FEDERAL COMMUNICATIONS COMMISSION

MEXICAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
		1140 kHz							
XEMR (change in temporary operation from 10 kw., ND, D).	Monterrey, Nuevo Leon (Temporary operation: 10 kw., *DA-N, U, N. 25°40'11", W. 100°18'26"*).	50	DA-N	U	1-B				

FCC NOTE: Notification of basic information for this change in a Notification List has not been received as of this issue date. Supplementary information was transmitted in accordance with provisional procedures for exchange of notifications established in a Memorandum of Understanding between the Delegations of the United States and Mexico signed in Washington on November 27, 1968.

Issued: April 9, 1971.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARTIN I. LEVY,
Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc.71-5463 Filed 4-19-71;8:49 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01036---	Bob-Lo Co.: S/S Columbia. S/S Ste. Claire.
01068---	The Bowring Steamship Co., Ltd.: Trinculo. Stephano. London Bridge. Forth Bridge. Sydney Bridge.
01128---	Apache Barge Co.: T/B Apache.
01129---	Comanche Barge Co.: Comanche.
01130---	Cherokee Barge Co.: Cherokee.
01131---	Choctaw Barge Co.: Choctaw.
01132---	Cape Charles Barge Co.: Cape Charles.
01133---	Cape Henry Barge Co.: Cape Henry.
01134---	Ev Barge Co.: Ev.
01135---	Frio Barge Co.: Frio.
01136---	Grand Bay Barge Co.: Grand Bay.
01137---	Huron Barge Co.: Huron.
01138---	Jack Barge Co.: Jack.
01139---	Navidad Barge Co.: Navidad.
01140---	Nueces Barge Co.: Nueces.
01141---	Ontario Barge Co.: Ontario.
01142---	Panama Barge Co.: Panama.
01143---	St. Clair Barge Co.: St. Clair.
01144---	Suez Barge Co.: Suez.
01165---	Seaspray Marine Corp.: Janey.
00073---	Compania de Navegacion Cerro Guaca S.A.: Basil III.
01174---	Pacific Carriers S.A.: Aegean Sky.
01176---	Fairseas Ocean Carriers S.A.: Aegean Monarch.
011303--	Prince Line, Ltd.: Chiltern Prince. Malvern Prince. Douro. Derwent. Mendip Prince. Cotswold Prince.
011307--	Talavera Compania Naviera S.A.: Michael C.
01305---	Royal Mail Lines, Ltd.: Loch Loyal. Albany. Pacific Envoy. Pacific Northwest. Pacific Reliance. Southern Prince. Andes. Picardy. Thessaly. Chandeleur. Cotopaxi. Eleuthera. Kenuta. Pizarro. Somers' Isle. Lombardy.
01318---	Aug. Bolten, Wm. Millers's Nachfolger: Cappenberg. Teesland. Barbel Bolten. Marietta Bolten. Steinberg. Christiane Bolten. Dorothea Bolten. Marie Luise Bolten. Margarethe Bolten. Elisabeth Bolten.
01328---	Pergamos Shipping Co. Ltd.: M/S Theanto A.S. M/S Marigoula A.S. M/S Chryssi A.A.
01331---	Poling Transportation Corp.: Robert L. Poling. Poling Bros. No. 23. Chester A. Poling. Poling Bros. No. 9. Poling Bros. No. 8. Poling Bros. No. 7. Poling Bros. No. 10. John B. Caddell. Poling Bros. No. 17. Poling Bros. No. 16. Poling Bros. No. 14.
01332---	Eastern Tanker Corp. Princess Bay.
01350---	Tankschiffreederei MT St. Katharinen, Rudolf A. Oetker KG.: St. Katharinen.
01342---	St. Helen's Shipping Co., Ltd.: Rosewood. Beechwood. Cherrywood.
01337---	Marfin Management Trust (Reg.) Vaduz (Liechtenstein): Ivan Topic. Jela Topic. Ante Topic. Serafin Topic. Rosina Topic. Jurko Topic. Olga Topic.
01361---	Transportation Maritima Mexicana S.A.: M/V Monterrey. M/V Toluca.

Certificate No.	Owner/operator and vessels
01438---	The Carlton Steamship Co., Ltd. and The Cambay Steamship Co., Ltd.:
	Lynton.
01439---	Cory Maritime Ltd.:
	M/V Monksgarth.
	M/V Queensgarth.
	M/V Dukesgarth.
	M/V Knightsgarth.
01562---	G. W. Gladders Towing Co., Inc.:
	GWG 209.
	GWG 210.
	GWG 208.
	GWG 102.
	GWG 203.
	GWG 207.
	GWG 206.
	GWG 205.
	GWG 204.
	Thomas W. Martin.
	Luke Gladders.
01599---	Terry Shipping Co., LTDA.:
	Terry.
01600---	Theodossios Compania Naviera S.A.:
	Theo.
01721---	Metropolitan Shipping Co., Ltd.:
	Giannis.
01725---	Pelican Marine Carriers, Inc.:
	S/S Louisiana Brimstone.
01771---	Alpergas Steamship Co., S.A.:
	Meliti.
01772---	Ergapa Steamship Co., S.A.:
	Lady Dorothy.
01781---	Vitasa Steamship Co., S.A.:
	Doto.
01791---	Voleon Shipping Corp.:
	M/V Voleon.
01792---	Parthenon Shipping Corp.:
	M/V Zita.
01794---	Kimon Shipping Co., Ltd.:
	S/S George.
01795---	Successor Shipping Co.:
	M/S Successor.
01849---	Victoria Steamship Co., Ltd.:
	Victoria.
01855---	Rebco Towing Co., Inc.:
	Clark Frame.
	Laura Elizabeth.
	Robert Ingle.
01911---	Quevedo Investments, Ltd.:
	Wellington Exporter.
01913---	Compagnie Fabre/Societe Generale de Transports Maritimes:
	Mont Aigoual.
	Mont Cenis.
	Narval.
	Espadon.
	Tarpon.
	Barracuda.
	Mont Joly.
	Joliette.
02016---	A. L. Mechling Barge Lines, Inc.:
	Sarah Elizabeth.
	Roy Mechling.
	Daniel Webster.
	Lynn B.
	Craig M.
	Bob Fuqua.
	JIH-2.
	JIH-3.
	JIH-4.
	JIH-5.
	JIH-6.
	JIH-7.
	JIH-14.
	JIH-15.
	JIH-16.
	JIH-17.
	MBL-18T.
	MBL-19T.
	MBL-20T.
	MBL-21T.
02143---	Marmandato Compania Naviera S.A.:
	Ektor.
02144---	Marideal Compania Naviera S.A.:
	Priamos.
02145---	Memphis Boat Refueling Service, Inc.:
	Caribe 51.
	Pittsburg Supplier.
02148---	Atlantic Cement Co., Inc.:
	Angela.
	Alexandra.
	Adelaide.
	Becraft.
02150---	Cook Inlet Tug and Barge Co.:
	Corregidor.
	Barge 967.
02138---	Sioux City and New Orleans Barge Lines, Inc.:
	Brownville.
	Nebraska City.
	Sioux City.
	Omaha.
	Fort Pierre.
	Kansas City.
	Crescent City.
	Lexington.
	Jefferson City.
	UMI 1250.
	SCNO 1323.
	SCNO 1324.
	SCNO 1325.
	SCNO 1326.
	SCNO 1307.
	Ellis 1301.
	Ellis 1302.
	SCNO 1308.
	SCNO 1301.
	SCNO 1302.
	SCNO 1303.
	SCNO 1304.
	SCNO 1305.
	SCNO 1306.
	SCNO 1101.
	SCNO 1102.
	SCNO 1309.
	SCNO 1310.
	SCNO 1311.
	SCNO 1312.
	SCNO 1313.
	SCNO 1314.
	SCNO 1315.
	SCNO 1316.
	SCNO 1317.
	SCNO 1318.
	SCNO 1319.
	SCNO 1320.
	SCNO 1321.
	SCNO 1322.
	SCNO 1201.
	Ellis 1303.
	SCNO 1202.
	SCNO 1203.
	SCNO 1204.
	UMI 1251.
	SCNO 1601.
	SCNO 1602.
	SCNO 1603.
02162---	Dwyer Oil Transport Co., Inc.:
	Russell 104.
02196---	Ulster Oil Transport Corp.:
	Russell 105.
02226---	Irodotos Navegacion S.A.:
	Dona Margarita.
02238---	John T. Essberger:
	Karonga.
	Usambara.
	Usaramo.
	Ubena.
	Ulanga.
	Eberhart Essberger.
	Roland Essberger.
	Elsa Essberger.
	Helga Essberger.
	Liselotte Essberger.
	Wilhelmine Essberger.
02276---	Atromitos Shipping Co., Ltd. of Liberia:
	M/V Avance.
02277---	Empros Lines Shipping Co., SP. S.A., of Piraeus:
	S/S Aliakmon.
02278---	Argo Compania Maritima S.A. of Panama:
	M/V Armanikos.
02279---	Armenistis Shipping Co., Ltd. of Liberia:
	M/V Alikrator.
02280---	Arma Compania Maritima S.A. of Panama:
	M/V Arma.
02281---	Aspidoforos Compania Naviera S.A., of Panama:
	M/V Aspidoforos.
02282---	Park Steamship, Ltd.:
	Monica.
	Tere.
	Holland Park.
	Hyde Park.
02366---	Erling H. Samuelsens Rederi A/S:
	Aimee.
	Erling H. Samuelsen.
	Jeanine.
02327---	Weser-Schiffahrts-Agentur G.m.b.h.:
	Seeadler.
	Antares I.
	Weser-Agent.
	Weser-Broker.
	Hilda Eckhardt.
02407---	Afovos Shipping Co. S.A.:
	AFOVOS.
02408---	Agapi Shipping Co. S.A.:
	AGAPI.
02409---	Pelleas Shipping Co. S.A.:
	PELLEAS.
02410---	Giona Shipping Co., S.A.:
	PROSPATHIA.
02411---	Astir Compania Naviera S.A.:
	Astir.
02412---	Tolmi Compania Naviera S.A.:
	TOLMI.
02413---	Omeros Shipping Co., S.A.:
	Ariston.
02417---	Norfolk, Baltimore & Carolina Line, Inc.:
	Maryland Clipper.
	Virginia Clipper.
	Carolina Clipper.
	Container Transport No. 2.
	Baltimore No. 2.
	Charleston No. 2.
02449---	A/S Ivarans Rederi:
	Sneholt.
	Solholt.
	Sjoholt.
	Savannah.
	Salvador.
	Rio de Janeiro.
	Montevideo.
	Buenos Aires.
	Sao Paulo.
02456---	Astronorteno Compania Naviera S.A.:
	M/V Zipounas.
02463---	H. Peters:
	August Peters.
	Hinrich Peters.
	Martha Peters.
	Hildegard Peters.
02479---	Greenville Towing Co., Inc.:
	Walter Williamson.
	Karen.
	GTC 1200.
	CHEM 1201.
	GTC 10.
	GTC 11.
	GTC 4.
	GTC 3.
	GTC 5.
	GTC 8.
	GTC 9.
	GTC 2501.
	GTC 2502.
	GTC 2002.
	CHEM 2003.
	MOS 107.
	MOS 109.

Certificate No.	Owner/operator and vessels
02464---	Partenreederei M. S. "Fresenburg":
	Fresenburg.
02474---	Pacific Towboat & Salvage Co.:
	Barge 1.
	PT&S 379.
	Pacific Eagle.
	Horizon.
02475---	Houston Barge Line, Inc.:
	HBL 1101.
	Texas.
	HBL 101.
	HBL 102.
	GWG 101.
	HBL 3000.
	HBL 3001.
	HBL 3003.
	HBL 2550.
	HBL 3002.
	HBL 2551.
	DEL RIO.
	HBL 1400.
	HBL 1401.
	HBL 3004.
	HBL 3005.
	HBL 3006.
	HBL 3007.
	HBL 3008.
02478---	Texas Molten Sulphur Transport, Inc.:
	Brimstone.
	Hasco 1600.
	Virginia K.
	TMST 2000.
	TMST 2001.
	TMST 100.
	Parker-102-25.
	Parker-103-25.
02494---	Simms Bros. Towing Co., Inc.:
	Simms No. 2.
	Simms No. 4.
	Simms No. 1.
	Simms No. 3.
02508---	Montezuma Compania Armadora S.A.:
	Theomitor III.
02509---	Viafiel Compania Naviera S.A.:
	Nausicaa.
	Cindy.
02510---	Viamerito Compania Naviera S.A.:
	Mike.
02512---	Fladora Compania Naviera S.A.:
	Aspilos.
02514---	SPS Bulkcarriers Corp.:
	Theomana.
	Theonymphos.
02516---	Suarez Compania Naviera S.A.:
	Spiros.
02531---	Ssimbolo Atlantico Navegacion S.A. of Panama:
	Aggeliki.
02532---	Pramos Compania Neviera S.A. of Panama:
	Capetan Giorgis.
02533---	Ocean Transports Inc. of Panama:
	Doric Arrow.
02534---	Marperfecta Compania Naviera S.A. of Panama:
	Doric Chariot.
02535---	Pioneer Shipping Development Inc. of Panama:
	Khios Belle.
02536---	Marinfante Compania Naviera S.A. of Panama:
	Khios Star.
02537---	Astrocid Compania Naviera S.A. of Panama:
	Tyhi.
02538---	Astro Asonante Compania Naviera S.A. of Panama:
	Vinma.
02545---	World Carrier Corp.:
	Ruby.
	Mary S.
02546---	Service Shipping S.A.:
	North River.
02577---	Port Colborne Marine Enterprises Ltd.:
	Herbert A.
02587---	Cargo Carriers, Inc.:
	M/V Austen S. Cargill.
	M/V John H. MacMillan, Jr.
	Warren Elsey.
	K-5.
	T-1.
	T-2.
	T-3.
	T-4.
	T-5.
	T-6.
	T-7.
02597---	Vergocean Steamship Co., Ltd.:
	Sea Moon.
	M/V Sea Empress.
02682---	Ivory Shipping Co., Ltd.:
	Ivory Moon.
02701---	Deutche Atlantik Schiffahrts—Gesellschaft MBH & Co.:
	S/S Hanseatic.
	S/S Hamburg.
02712---	Tarpon Towing, Inc.:
	TC 6.
	TC 5.
	RT 3.
	RT 4.
02730---	Freeport Sulphur Co.:
	Truelove.
	Wright.
	Fred Holder.
02736---	Reichhold Chemicals, Inc.:
	Reichhold 1001.
	Reichhold 1002.
02802---	Mace Shipping Co., S.A.:
	Faros.
02806---	Lancer Shipping Co., S.A.:
	Pheax.
02815---	Skydome Shipping Co., S.A.:
	Poetic.
02822---	Virgo Shipping Co., S.A.:
	Gloric.
02852---	Philippine Pacific Shipping Co.:
	Pacmerchant.
02853---	Pacific Coast Shipping Co.:
	Pacrover.
02854---	North Pacific Steamship Co.:
	Pacsea.
	Pacsun.
02855---	Great Pacific Shipping Co.:
	Rose S.
02856---	East Pacific Steamship Co.:
	Cambridge Trader.
	Lucky.
02859---	Cosmos Marine Development Corp., Liberia:
	Cosmos Formalhaut.
	Cosmos Eltanin.
	Onshun.
02868---	Trader Navigation Co., Ltd.:
	Essex Trader.
02880---	Compania Maritima Los Hermanos S.A.:
	Costis.
02910---	Washington Fish & Oyster Co.:
	Virginia Santos.
	Kodiak Queen.
02943---	Holy Peacefulness Shipping Co., S.A.:
	M/V Chrysovalandou.
02944---	Marnuestro Maritime S.A.:
	M/V Iamatikos.
02946---	Yerania Shipping Corp.:
	Monsun.
02979---	The J. P. Porter Co., Ltd.:
	Prince Edward Island.
	Fundy.
	Shuniah.
	Delver No. 1.
	JPP No. 530.
	Hamilton No. 56.
	Digby.
	General Currie.
	Ashbridge.
	JPP No. 535.
	Nova Scotia.
	JPP No. 526.
	JPP No. 527.
	McKellar.
	JPP No. 501.
	JPP No. 502.
02981---	The Jayanti Shipping Co., Ltd.:
	Adi Jayanti.
	Vikram Jayanti.
	Gandhi Jayanti.
	Krishna Jayanti.
	Rama Jayanti.
	Akbar Jayanti.
	Bharata Jayanti.
	Chandragupta Jayanti.
	Devaraya Jayanti.
	Gotama Jayanti.
	Fanishka Jayanti.
	Samudragupta Jayanti.
	Shahjehan Jayanti.
	Bhaskara Jayanti.
	Chanakya Jayanti.
	Leelavati Jayanti.
03004---	Rederi AB Soya:
	Carmen.
	Medea.
	Soya-Baltic.
	Rigoletto.
	Madame Butterfly.
	Bess.
	Atlantic Song.
03018---	Federal Barge Lines, Inc.:
	M/V America.
	M/V United States.
	M/V Missouri.
	ME 1.
	ME 2.
	ME 3.
	ME 4.
	ME 5.
	ME 6.
	ME 7.
	JDC 1.
	JDC 2.
	S 622.
03019---	Gulf-Canal Lines, Inc.:
	M/V Beverly Ann.
03044---	Bouchard Transportation Co., Inc.:
	B. No. 16.
	B. No. 20.
	B. No. 25.
	B. No. 30.
	B. No. 40.
	B. No. 50.
	B. No. 55.
	B. No. 60.
	B. No. 65.
	B. No. 70.
	B. No. 75.
	B. No. 80.
	B. No. 90.
	B. No. 100.
	B. No. 110.
03055---	Upper Lakes Shipping Ltd.:
	M/V Canadian Progress.
	S/S Ontario Power.
	M/V Canadian Century.
	S/S Red Wing.
	S/S Hilda Marjanne.
	S/S Northern Ventures.
	S/S Seaway Queen.
	S/S Conveyor.
	S/S Frank A. Sherman.
	S/S James Norris.
	S/S Gordon C. Leitch.
	M/V Wheat King.
	S/S R. Bruce Angus.
	S/S Pointe Noire.
	S/S Goderich.
	S/S Thornhill.
	S/S Meaford.
	S/S Maunaloa II.

Certificate No.	Owner/operator and vessels
03076---	M. L. Crochet Towing Co., Inc.:
	T-2200.
	C-102.
	Eau Claire.
	C-101.
	Crochet 103.
	CTC 1004.
	Crochet 101.
	Crochet 102.
	Crochet 250.
	Crochet 112.
	Crochet 300.
03091---	Universal Marine Corp., Libera:
	Hongkong Grace.
	Hongkong Producer.
	Hongkong Amber.
	Hongkong Honour.
	Pacific Victory.
	Hongkong Fair.
03094---	Malaysia Marine Corp., Liberia:
	Malaysia Fortune.
	Malaysia Success.
	Singapore Triumph.
	Singapore Pride.
03144---	Stenakas Shipping Corp.:
	Allisun.
03146---	Oceanica Cia. de Transportes:
	Chrysoforos.
03147---	Fourkero Shipping Corp.:
	Diamantis Pateras.
03150---	Miramar Cia. Naviera:
	Kyvernitis.
03151---	Diamante Soc. de Transportes:
	Leandros.
03152---	Mundial Comp. Naviera:
	Pationik.
03173---	Athina Maritime Co., Ltd. of Liberia:
	St. Athina.
03174---	Themistocles Maritime Co., Ltd. of Monrovia, Liberia:
	Themistocles.
03226---	Panconquista Compania Naviera S.A. of Panama:
	North Countess.
03228---	Palmyra Compania Naviera S.A. of Panama:
	North Earl.
03232---	Puerto Real Compania Naviera S.A. of Panama:
	North Marchioness.
03233---	Pangalante Compania Naviera S.A. of Panama:
	North Viscountess.
03234---	Primula Compania Naviera S.A. of Panama:
	Virginia.
03235---	Compania Naviera Petrolera S.A. of Panama:
	North Monarch.
03236---	Compania Petrolera Armadora S.A. of Panama:
	North Prince.
03237---	Compania Petrolera Des Transportes S.A.:
	Vincenzia.
03238---	Pacific Carriers Corp. of Liberia:
	North Emperor.
	North King.
03255---	Port Line Ltd.:
	Port Caroline.
	Port Alfred.
	Port of St. Lawrence.
	Port Vindex.
	Port Burnie.
	Port Chalmers.
	Port New Plymouth.
	Port Auckland.
	Port Melbourne.
	Port Pirie.
	Port Townsville.
	Port Montreal.
	Port Huon.
	Port Lincoln.
	Port Nicholson.
	Port Brisbane.
	Port Wellington.
	Port Launceston.
	Port Nelson.
	Port Albany.
	Port Lyttelton.
	Port Sydney.
	Port Adelaide.
03256---	Upper Mississippi Towing Corp.:
	Laura Lee.
	Harriet Ann.
	UM-79B.
	UM-90.
	UM-91.
	UM-92.
	UM-93.
	UM-95.
	UM-96.
	UM-97.
	UM-98.
	UM-99.
	UM-190.
	UM-191.
	UM-192.
	UM-193.
	UM-194.
	UM-901.
	UM-902.
	UM-903.
	UM-904.
	UM-906.
	UM-907.
	UM-908.
	UM-909.
	UM-910.
03257---	Hennepin Towing Co.:
	HT-60.
	HT-94.
	HT-905.
03260---	Diakan Progress S.A.:
	Diakan Progress.
03261---	Diakan Shipping S.A.:
	Diakan Maskot.
03273---	Dunlap Towing Co.:
	ZB 180.
	ZB 28.
	ZB 12.
03294---	Companhia de Navegacao Lloyd Brasileiro:
	Itanage.
	Itaquice.
	Almirante Graca Aranha.
	Romeo Braga.
	Buarque.
	Presidente Kennedy.
	Celestino.
	Pereira Carneiro.
	Henrique Lage.
	Julio Regis.
	Turiacu.
	Volta Redonda.
	Marolia.
	Londrina.
	Guanabara.
	Todos os Santos.
	Cabo Orange.
	Torres.
	Cabo Frio.
	Cabo de Soa Roque.
	Cabo de Santa Marta.
	Taquari.
	Leblon.
	Iracema.
	Guaruja.
	Itapua.
03335---	Onward Towing Inc.:
	M/V Onward.
03336---	Tennessee Towing Co.:
	M/V Cotton Queen.
03338---	Compania Naviera Hesperia S.A. Panama:
	Artemis.
	Neptune.
03406---	Afromar Inc.
	M/V Kea.
	Cap Frio.
	Cap Ortegal.
	Flora II.
03408---	Athenian Star Compania Naviera S.A.:
	Athens Sun.
03457---	Masumoto Kaiunsangyo K.K.:
	Yoho-Maru.
	Daian-Maru.
	Daiho-Maru.
03466---	Nanboku Sangyo K.K.:
	Tonanmaru No. 1.
03469---	Nihon Kaisho Kabushiki Kaisha:
	Port Louis Maru.
03555---	Interessentskapet Saga Sword:
	Saga Sword.
03519---	Toko Shosen K.K.:
	Rinsei Maru.
	Choko Maru.
	Zenkoren Maru No. 6.
	Ginko Maru.
	Woko Maru.
	Rhein Maru.
	Ganges Maru.
	Shuko Maru.
	Seine Maru.
	Indus Maru.
03556---	Rederiet M/S Rudolf Olsen:
	M/S Rudolf Olsen.
03616---	Memphis Towing Co., Inc.:
	Baxter Southern.
03627---	Igert (a corporation):
	M/V Laura-Kathryn.
	M/V Louis Igert.
	MBL-601.
	MBL-602.
	MBL-603.
	MBL-611.
	MBL-612.
	Mary.
	Maggie.
	Roman.
	Tennessee.
	Arkansas.
03680---	Murphy Pacific Marine Salvage Co.:
	Marine Boss.
	Florence.
	M/V Cable.
	M/V Curb.
	M/V Rescue.
03698---	Weyerhaeuser Co.:
	Tarheel.
	SF-10.
	Weyerhaeuser 1.
	Weyerhaeuser 11.
03727---	Continental Oil Co.:
	Jack Cleverley.
	Ernie Miller.
	Conoco Big N.
	Bill Lueck.
	CAGC No. 1.
	CAGC No. 2.
03728---	Ocean Drilling & Exploration Co.:
	Odeco Seven.
	Ocean Explorer.
	Ocean Driller.
	Margaret.
	Ocean Queen.
	Barge A.
	John Hayward.
	St. Louis.
	Rimtide.
	Mr. Charlie.
	El Dorado.
	Ocean Star.
03752---	Kingcome Navigation Co., Ltd.:
	Haida Brave.
	Haida Chieftain.
	Haida Carrier.
	Rothesay Carrier.
03758---	Marcomando Compania Naviera S.A.:
	M/V Pleias.
03757---	Reyes Compania Naviera S.A.:
	M/V Paean.
03759---	Acme Shipping Corp.:
	M/V Charalambos N Pateras.

Certificate No.	Owner/operator and vessels
03760---	Lineas Interoceanicas S.A.: M/V Iktinos.
03762---	Doric Shipping Corp.: M/V Assios.
03776---	Theodore Efstathion & Co.: Anastassia.
03777---	Amyna Special Shipping Co., Ltd.: Amyna.
03778---	Anthony Special Shipping Co., Ltd.: Anthony.
03779---	Seatraders Navigation Corp.: Caryatis.
03780---	Marcredo Compania Naviera S.A.: Demetra.
03781---	Seaways Navigation Corp.: Icaros.
03782---	Marviento Compania Naviera S.A.: Linda.
03783---	Transoceanic Petroleum Carriers Corp.: Mary Lou.
03784---	Valiente Compania Naviera S.A.: Panaghiotis.
03785---	Marsocios Compania Naviera S.A.: Phaedra.
03786---	Malaya Compania Naviera S.A.: Zeno.
03799---	Suisse-Outremer Bereederungs- und Befrachtungs-AG.: Cavallino. Cassarate. Castaneda. Calanca. Caribia. Favorita.
03848---	National Transport Corp.: National Defender.
03851---	Lewis Transportation Corp.: Lewis No. 9. Liberty No. 1.
03852---	Guy F. Atkinson Co.: GFACO 44311. GFACO 44405. GFACO 44419. GFACO 44420. GFACO 44412. GFACO 44414. GFACO 44415. GFACO 44416. GFACO 44411. GFACO 44306. GFACO 44303. GFACO 44506.
03854---	River Fleets, Inc.: FBL 254. Wharf Boat Hurley. FBL Bow No. 1.
03857---	Jones & Laughlin Steel Corp.: Oil Barge No. 1. Oil Barge No. 2. Jal-Tar No. 1. Work Barge No. 1. Oil Barge No. 3. Oil Barge No. 4. Shannopin. Vesta.
03870---	Alexia Compania Naviera S.A. of Panama: Aros.
03879---	Haynie Products, Inc.: W. T. James, Jr. John D. Deihl. J. Frank Jett. Allen W. Haynie. Ammon G. Dunton.
03866---	M. Smits: Louise Smits. Dita Smits. Jolanda Smits.
03881---	Panagua Steamship Corp.: Harkland.
03886---	Compagnie Francaise D'Armement Maritime: Fontenoy.
03895---	Pioneer Maritime Corp.: Vantage Endeavor.
03896---	Vantage Steamship Corp.: Rachel V.
03897---	Vancor Steamship Corp.: Vantage Venture. Vantage Horizon.
03927---	Liberian Sun Transports, Inc.: World Universal.
03928---	Liberian Saturn Transports Inc.: Chiba.
03929---	Glory Shipping Co. S.A.: Eagle Glory.
03930---	Liberian Venus Transports Inc.: Asia Grace.
03931---	Liberian Silver Transports Inc.: World Pride.
03932---	Liberian Dignity Transports Inc.: Asia Brightness.
03933---	Newdigate S.S. Co., Ltd.: World President.
03934---	Avondale Navigation Co., Ltd.: World Hong Kong.
03935---	Liberian Stamina Transports Inc.: World Champion.
04000---	J. D. Streett & Co., Inc.: St. Louis Zephyr. JDS 303. JDS 126. JDS 128. ST 130. ST 133.
04017---	Alaska Packers Association, Inc.: Lois Anderson. Ptarmigan.
04021---	Koppers Co., Inc.: LRL 107. CKC 43.
04022---	Sinclair-Koppers Co.: MC 905. SK 100. SCC-614.
04120---	Daiei Kisen K.K.: Daiju Maru. Daiei Maru. Yamawa Maru.
04041---	Compania Peruana de Vapores: Inca Tupac Ypanqui. Inca Pachacutec. Inca Huayna Capac. Inca Roca. Inca Yahuar Huaca. Inca Capac Yupanqui. Garcilaso. Sabogal. Vallejo. Tello. Chocano. Palma.
04055---	Missouri Barge Line Co., Inc.: MI-8. MI-9. SW-2032. BM-2027. BW-2029. MI-13. MI-14. MI-12. M/V Elizabeth Ann. M/V E. E. Smith. M/V C. W. Rushing. M/V Joanne. M/V Nicholas Duncan.
04083---	The Ann Arbor Railroad Co.: V. City of Green Bay. M/V Arthur K. Atkinson. M/V Viking.
04136---	Thomas Marine Co.: Girard Lewis. TM 3. TM 5. TM 7. TM 9. TM 10. TM 11. TM 12.
04139---	Teta III Compania Naviera S.A.: Teta M.
04143---	Gulf-Northern Co., Inc.: Jimmy Vickers. FTS 26. FT 22. FT 24. FT 18. FT 20. FTW 14. FTW 16.
04157---	Commonwealth of Virginia, Virginia Department of Highways: Ocean City. Virginia.
04212---	Nilo Barge Line, Inc.: NL 702. NL 703. NL 51. NL 50. NL 5. M/V Theresa Seley. NL 4. NL 6. M/V City of St. Louis.
04214---	Winco Tankers, Inc.: Abiqua. Helen H. Windsor Victory.
04216---	Agenor Shipping Co. Ltd.: E. D. Papalios. Mimis N. Papalios. George N. Papalios. Venturer. Degedo.
04230---	James Fisher and Sons Ltd.: Leven Fisher.
04242---	Astro Dishoso Naviera S.A.: M/V Dirphys II.
04243---	Commercial Maritime Finance Corp.: M/V Vasilakis.
04325---	Santander Compania Naveria, S.A.: Andros Sea.
04377---	Monvia Motorship Corp.: Master Stelios.
04384---	Scion Motorship Corp.: Master Nicos.
04340---	Alora Compania Naviera S.A.: Falconera. Paros. Pholegandros.
04385---	Panaviero S.A.: Margo.
04416---	Howaldt & Co., Hamburg: Sabine Howaldt.
04418---	Bernhard Howaldt, Hamburg: Geert Howaldt.
04419---	Bernhard Howaldt, Flensburg: Bernhard Howaldt.
04436---	Barge Rentals, Inc.: BRI-3. BRI-4. BRI-5. BRI-6.
04449---	China Merchants Steam Navigation Co., Ltd.: Hai Yeh. Hai King. Hai Mou. Hai Wei. Hai Hsin. Hai Chien. Hai Shang. Hai Dah. Hai Fu. Hai Min. Hai Ho.
04481---	Shinzomaru Gyogyo Kabushiki Kaisha: Shinzomaru No. 17.
04576---	Sotiras Compania Maritima S.A.: M/V Aurora II.

Certificate No.	Owner/operator and vessels
04583---	Gatx Oswego Corp. Oswego Guardian. Oswego Glory. Charles E. Spahr. Richard C. Sauer. Oswego Merchant. Oswego Unity. M. P. Grace. William R. Grace. Joseph P. Grace.
04592---	Transportes, Adunas y Consignaciones S.A.: Sac Servilla.
04596---	Pan-Alaska Fisheries, Inc.: D/V Mercator. D/V Vic Hansen. D/V Marconi. Barge Magellan.
04604---	San Juan Barge Co. Inc.: San Juan I.
04606---	Marquette Cement Manufacturing Co.: Barge No. RL 1401. Barge No. 2601. Barge No. 2602.
04618---	Huffman Towing Co.: Havana Zephyr. R. H. Huffman. Celeste.
04630---	L. Smit & Co.'s Internationale Sleepdienst: Witte Zee. Zwarte Zee. Poolzee. Noordzee. Rode Zee. Elbe. Clyde. Mississippi. Hudson. Orinoco. Thames. Tasman Zee. Barentsz-Zee.
04671---	Gas-Tanker G.m.b.H.: Kap Skagen.
04719---	Elmini Light Inc.: M/V Mini Light.
04722---	Elmini Lane, Inc.: M/V Mini Lane.
04723---	Elmini Lace Inc.: M/V Mini Lace.
04724---	Elmini Lance Inc.: M/V Mini Lance.
04725---	Elmini Lord Inc.: M/V Mini Lord.
04726---	Elmini Lady Inc.: M/V Mini Lady.
04727---	Elmini Lark Inc.: M/V Mini Lark.
04729---	Elmini Lamp Inc.: M/V Mini Lamp.
04730---	Elmini Lily Inc.: M/V Mini Lily.
04731---	Elmini Libra Inc.: M/V Mini Libra.
04734---	Elmini Link Inc.: M/V Mini Link.
04735---	Elmini Lotus Inc.: M/V Mini Lotus.
04736---	Elmini Lilac Inc.: M/V Mini Lilac.
04737---	Elmini Lass Inc.: M/V Mini Lass.
04738---	Elmini Laud Inc.: M/V Mini Laud.
04739---	Elmini Lead Inc.: M/V Mini Lead.
04741---	Elmini Leo Inc.: M/V American Mark.
04742---	Elmini Lama Inc.: M/V American Minx.
04743---	Elmini Logic Inc.: M/V American Mini.
04744---	Elmini League Inc.: M/V Mini League.
04745---	Elmini Lyra Inc.: M/V Mini Lyra.
04746---	Elmini Leg Inc.: M/V Mini Sakura.
04747---	Elmini Lunar, Inc.: M/V Mini Lunar.
04748---	Elmini Latria, Inc.: M/V Mini Latria.
04749---	Elmini Lagoon, Inc.: M/V Mini Lagoon.
04768---	Texaco Overseas Tankship, Ltd.: Regent Falcon. Texaco Bahrain. Texaco Bombay. Texaco Brisbane. Texaco Brussels. Texaco Cardiff. Texaco Denmark. Texaco Europe. Texaco Frankfurt. Texaco Ghent. Texaco Gloucester. Texaco Greenwich. Texaco Hamburg. Texaco Liverpool. Texaco Melbourne. Texaco Newcastle. Texaco North America. Texaco Pembroke. Texaco Plymouth. Texaco Rochester. Texaco Rome. Texaco Rotterdam. Texaco Saigon. Texaco Southampton. Texaco Wellington. Texaco Westminster. Texaco Copenhagen.
04769---	Texaco Norway A/S: Texaco Belgium. Texaco Bogota. Texaco Brasil. Texaco Britannia. Texaco Norge. Texaco Nueva Granada. Texaco Oslo. Texaco Skandinavia. Texaco South America.
04770---	Texaco Panama Inc.: M/V Texaco Puerto Rico. M/V Texaco Kenya. M/V Texaco Arkansas. S/S Texaco Caribbean. S/S Texaco London. S/S Texaco Bristol. S/S Texaco Pennsylvania. S/S Texaco Ohio. S/S Texaco Kentucky. S/S Texaco Texas. S/S Texaco Arizona. S/S Texaco Vermont. S/S Texaco Missouri. S/S Texaco New Mexico. S/S Texaco Idaho. S/S Texaco Iowa. S/S Texaco Alaska. S/S Texaco Virginia. S/S Texaco Anacortes. S/S Texaco Hawaii. S/S Texaco Oregon. S/S Texaco Utah. S/S Brighton. S/S Trinidad. S/S Texaco Maine. S/S Texaco Venezuela. S/S Texaco Australia. S/S Texaco Colombia. S/S Texaco Maracaibo.
04784---	Efplia I Shipping Co. S.A., Panama: Elisabeth.
04786---	Cosmar Shipping Corp.: Chrysanthi G.L.
04779---	Alaska Trainship Corp.: S/S Alaska.
04794---	Sea King Corp.: Grand Integrity. Grand Justice. Grand Madonna. Grand Navigator. Grand Ocean. Grand State. Grand Yaling.
04835---	Inland River Transportation Corp.: Walter Stephens Cox. Southern Cross.
04836---	Lake Champlain Transportation Co., Inc.: Valcour. Champlain. Adirondack.
04893---	Ascuna Shipping Co.: Domino Crystal.
04904---	Universal Bulk Carriers, Inc.: M/S Ogden Clipper.
04905---	Amerasia Transport, Inc.: M/V Ogden Importer.
04906---	Oriental Transport, Inc.: M/V Ogden Exporter.
04908---	Ogden Sea Transport, Inc.: S/S Ogden Yukon. S/S Columbia.
04909---	Ogden Merrimac Transport, Inc.: S/S Merrimac.
04910---	Meadowbrook Transport, Inc.: S/S Missouri.
04911---	Mohawk Shipping Inc.: S/S Mohawk.
04912---	Ogden Sacramento Transport, Inc.: S/S Sacramento.
04913---	Empire Transport Inc.: S/S Potomac.
04914---	Platte Transport, Inc.: S/S Platte.
04915---	Pecos Transport, Inc.: S/S Pecos.
04916---	Willamette Transport, Inc.: S/S Ogden Willamette.
04918---	Connecticut Transport, Inc.: S/S Connecticut.
04920---	Rio Grande Transport, Inc.: S/S Yellowstone.
04921---	Cod Towing Co.: Cape Cod.
04922---	Shasta Barge Co.: Shasta.
04924---	Naptha Barge Co.: Naptha.
04925---	Largo Towing Co.: Key Largo.
04926---	West Towing Co.: Key West.
04927---	May Towing Co.: Cape May.
04928---	Rainier Barge Co.: Ranier.
04929---	Shavano Barge Co.: Shavano.
04930---	Keith S. Edwards—doing business as Delta Barge Line: W. J. Wyatt. L. J. Cobb. Lavaca. San Jacinto. Brazos. Salvador. Butane. George E. C. W. Dove. Curtis Jr. Hiram King. Trinity. Betty. Jimmie T. Denver. Casper.

Certificate No.	Owner/operator and vessels
04931---	Wolverine Barge Co.: Wolverine.
04936---	Alaska Steamship Co.: Chena. Fortuna. Iliamna. Nenana. Tatalina. Polar Pioneer.
04961---	Solar Navigation Corp.: M/V Wilshire Boulevard.
04962---	Lunar Steamship Corp.: M/V Fifth Avenue.
04963---	N.V. Zuid Hollandse Scheepvaart Maatschappij: Spitsbergen.
04991---	Rederij M.S. Antarctic: Antarctic.
05033---	Connecticut Towing, Inc. & Gastown, Inc.: Eileen T.
05060---	Oriental South American Lines, Inc.: Oriental Carnaval.
05073---	Greenstone Shipping Co. S.A.: Dimos Halcoussis.
05082---	Ocean Trading Corp.: Guthrie III.
05157---	Symco Shipping Co., Ltd.: Common Entrance.
05165---	Sun Oil Co.: Sunlight. Sunoco 190. Sunoco 210. Sunoco 200.
05166---	Sun Transport, Inc.: S/S America Sun. S/S Texas Sun. S/S Pennsylvania Sun. S/S Eastern Sun. S/S Western Sun. S/S New Jersey Sun. S/S Delaware Sun. Toledo Sun. Island Sun. Albany Sun. Hartford Sun. Corpus Christi Sun. Revere Sun. Providence Sun. Caribe Sun.
05218---	Prodromos Lines S.A.: Thomas A. Zanet. Marie. Despina A.
05219---	Larymna Shipping Co. S.A.: Lydia.
05241---	Sea Bees B-9, Inc.: Vito Cirillo.
05260---	Harbor Trans-Oil: Cape Murphy. Essex No. 4.
05288---	Evansville Materials Inc.: Dredge No. 7. Dredge No. 9.
05295---	Sameieselskapet Polar Reefer Brandal—Aalesund, Norway: Polar Reefer.
05302---	Sea Bees T-2, Inc.: Cirillo Bros. 162.
05303---	Sea Bees B-10, Inc.: Costantino.
05321---	Astro Epico Co. Nav. S.A., Panama R.P.: Terry.
05333---	Ships-Mediterranean Lines West Africa Ltd.: M/V Leora.
05342---	Ta Tong Marine Co., Ltd.: Taian.
05354---	Reyes & Lim Co., Inc.: Alkene.
05377---	Manson Osberg Co.: Husky.
05379---	River Lines Co.: Barge No. 25. Barge No. 24. Barge No. 10. Barge No. 12. Barge Orange. Barge Humboldt. Barge Sonoma. Barge Placer.
05411---	Tuna International Co., Ltd.: Sea Sorceress.
05427---	Royal Transport & Trading Co., Ltd.: Atlantic. York.
05428---	Mercantile Navigation Corp.: Henry.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-5406 Filed 4-19-71;8:45 am]

DELI/NEW YORK 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 1202; 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 clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Henry Noon, Henry Noon & Co., Local Correspondents, Deli/New York Rate Agreement, Post Office Box 247, Singapore 1, Republic of Singapore.

Agreement No. 7190-5 is a modification of the Deli/New York Rate Agreement's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: April 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-5468 Filed 4-19-71;8:49 am]

DELI/PACIFIC 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 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Henry Noon, Noon & Co., Local Correspondents, Deli/Pacific Rate Agreement, Post Office Box 247, Singapore 1, Republic of Singapore.

Agreement No. 192-5 is a modification of the Deli/Pacific Rate Agreement's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: April 5, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-5469 Filed 4-19-71;8:49 am]

JAVA/NEW YORK 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 1202; 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 dor e.

Notice of agreement filed by:

Mr. Henry Noon, Henry Noon & Co., Liaison Secretaries, Java/New York Rate Agreement, Post Office Box 247, Singapore 1, Republic of Singapore.

Agreement No. 90–15 is a modification of the Java/New York Rate Agreement's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: April 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–5470 Filed 4–19–71;8:49 am]

JAVA/PACIFIC 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 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Henry Noon, Noon & Co., Liaison Secretaries, Java/Pacific Rate Agreement, Post Office Box 247, Singapore 1, Republic of Singapore.

Agreement No. 191–6 is a modification of the Java/Pacific Rate Agreement's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: April 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–5471 Filed 4–19–71;8:49 am]

PRUDENTIAL-GRACE LINES, INC. AND COMPANIA PERUANA DE VAPORES

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 1202; 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 particularly 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:

Martin F. Richman, Esq., Barrett Knapp Smith & Schapiro, 26 Broadway, New York, NY 10004.

Agreement No. 9939, between Prudential-Grace Lines, Inc., and Compania Peruana de Vapores, covers a pooling and sailing arrangement between the parties on all cargo (except dry and liquid bulk cargo, refrigerated cargo, livestock, mail, passenger's baggage and accompanied automobiles, and transshipment cargo not loaded at U.S.A. ports). The agreement covers southbound cargo carried under local bills of lading from west coast U.S. ports to ports in Peru, in accordance with the contract/noncontract rates, rules and regulations of the Latin America/Pacific Coast Steamship Conference.

Compania Peruana de Vapores and Prudential-Grace Lines, Inc., each shall provide a minimum of 12 sailings per year. Prudential-Grace Lines, Inc., shall be accorded the status of a Peruvian flag line with respect to the carriage of southbound cargo in the foreign commerce of Peru. Compania Peruana de Vapores shall have the right to participate equally with U.S.-flag carriers in the carriage of Government-controlled cargo moving from U.S. Pacific Coast ports to ports in Peru. Prudential-Grace Lines, Inc., will support applications for waivers which shall place Peruvian flag vessels owned or operated by Compania Peruana de Vapores on a basis of equal opportunity with Prudential-Grace Lines, Inc., vessels with respect to the carriage of such cargo. Both parties will request that the competent authorities of their respective countries publicize among their representatives the status of associated flags by which the agreement accords to each equal access to cargo.

Prudential-Grace Lines, Inc., may enter into, under its proportion of pooled cargo, agreement with one or more U.S.-flag conference carriers in the trade, and Compania Peruana de Vapores may enter into, under its proportion of pooled cargo, agreement with one or more Latin American flag conference carriers or with another Peruvian conference line. Such a sharing agreement shall transfer to the other carrier or carriers a portion of the pool share, sailings and space requirements, of the party with whom such agreement is made.

The agreement shall be effective with the first sailing from the last West Coast port of loading in the United States on

the date of its approval by the appropriate agencies of the governments of the United States and Peru, and shall continue in effect for a period of 12 months, extendable by mutual agreement. If during the period the agreement remains in effect either the Government of the United States or the government of Peru takes any new action that accords to Compania Peruana de Vapores or Prudential-Grace Lines, Inc., respectively, different treatment from that accorded to the other line, the line accorded different treatment shall have the right to cancel the agreement on 60 days' notice.

Dated: April 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-5472 Filed 4-19-71;8:49 am]

STRAITS/NEW YORK CONFERENCE

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 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Henry Noon, Noon & Co., Secretaries, Straits/New York Conference, Post Office Box 247, Singapore 1, Republic of Singapore.

Agreement No. 6010-15 is a modification of the Straits/New York Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: April 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-5473 Filed 4-19-71;8:49 am]

STRAITS/NEW YORK CONFERENCE

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 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Henry Noon, Noon & Co., Secretaries, Straits/New York Conference, Post Office Box 247, Singapore 1, Republic of Singapore.

Agreement No. 6010-16 is a nonsubstantive revision of the Straits/New York Conference's basic agreement (1) designed to reflect the secession of the Republic of Singapore from the Federation of Malaya and (2) a rearrangement and renumbering of certain clauses contained in Agreement No. 6010, as amended.

Dated: April 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-5474 Filed 4-19-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CP67-349]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Petition To Amend

APRIL 13, 1971.

Take notice that on April 2, 1971, South Texas Natural Gas Gathering Co. (petitioner), Post Office Drawer 521, Corpus Christi, TX 78403, filed in Docket No. CP67-349, a petition to amend the Commission's order heretofore issued in said docket on July 23, 1969 (42 FPC 200), as amended on August 25, 1969, issuing a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, by authorizing the removal of certain facilities which were installed pursuant to said authorization, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the additional volumes of natural gas which were anticipated to support the increased sales to Transcontinental Gas Pipe Line Co. authorized, inter alia, in Docket No. CP67-349, et al., from the McAllen Ranch Field, Hidalgo County, Tex., did not materialize and the deliverability of the field will not be increased. Petitioner also states that there are no alternative gas reserves from which to make the additional deliveries contemplated since it has been unable to purchase additional volumes of gas for resale in interstate commerce from the general areas of its pipeline.

To accommodate the anticipated increase in deliveries petitioner was authorized, inter alia, to construct and operate one 1,000 horsepower compressor unit at Thompsonville in Jim Hogg County, Tex., and one 1,000 horsepower compressor unit at Kelsey in Brooks County, Tex. Petitioner states that these facilities have been rendered unnecessary by the decreasing deliverability of the McAllen Ranch Field and accordingly, prays that the Commission's order heretofore issued in Docket No. CP67-349 et al., be amended by deleting therefrom authorization to construct and operate the aforementioned facilities. Petitioner states that upon issuance of the amendment herein requested, it will remove and sell these facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 4, 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.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5449 Filed 4-19-71;8:47 am]

[Docket No. RP71-99]

UNITED GAS PIPE LINE CO.

Notice of Petition for Declaratory Order

APRIL 13, 1971.

Take notice that on March 31, 1971, United Gas Pipe Line Co. (United) filed a petition for a declaratory order concerning the proper interpretation and operation of substitute fuel clauses contained in United's contracts with Mississippi Power & Light Co. (MP&L), Mississippi Power Co. (Mississippi Power) and International Paper Co. (International).

United contends it is obligated under the substitute fuel clauses to reimburse the holders of such contracts for the excess cost of burning fuel oil during the first 7 days of any given curtailment but only for that period. United alleges that certain of its customers are demanding reimbursement without limitation and alleges further that the public interest requires that the Commission enter a declaratory order, under § 1.7(c) of the Commission's rules of practice and procedure and section 554(e) of the Administrative Procedure Act, limiting United's obligation under such substitute fuel clause provisions.

Any person desiring to be heard or to make any protest with reference to this filing should on or before April 30, 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 participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The proposed petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5450 Filed 4-19-71;8:47 am]

[Docket No. CP71-240]

UNITED GAS PIPE LINE CO.

Notice of Application

APRIL 13, 1971.

Take notice that on April 8, 1971, United Gas Pipe Line Co. (applicant), 1500 Southwest Tower, Houston, TX 77002, filed in Docket No. CP71-240 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities required to increase the capacity of Applicant's Longview to Tyler pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct 1.7 miles of 12-inch pipeline in Gregg County, TX, as a loop to a portion of the aforementioned Longview to Tyler line. Applicant states that 1.7 miles of this 32-mile line is an 8-inch diameter pipeline while the remainder of this line is 12-inch pipeline. Applicant explains that this 8-inch pipeline is a restriction in the facilities serving the Tyler area, Smith County, TX, and proposes the 12-inch loop line to eliminate a pipeline capacity deficiency forecast for the 1971-72 heating season. The estimated cost of the facilities proposed herein is $166,900.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5451 Filed 4-19-71;8:47 am]

[Docket No. R-394 etc.]

TERMINATION OF MORATORIUM PROVISIONS IN SOUTHERN LOUISIANA AND AREA RATE PROCEEDING (SOUTHERN LOUISIANA)

Order Denying Rehearing

APRIL 13, 1971.

Mobil Oil Corp. (Mobil) on March 15, 1971, filed an application for rehearing of the Commission's order issued February 10, 1971, in the above-entitled proceedings insofar as that order denied Mobil's request for a stay of the order issued December 24, 1970, modifying Order No. 413 so as to prohibit any increased rate filing for a sale of natural gas in Southern Louisiana in excess of the applicable ceiling prescribed therein.

In Order No. 413 we lifted the moratorium on increased rate filings imposed in Opinions Nos. 546 and 546-A. However, on rehearing we limited the lifting of the moratorium to the levels prescribed in the December 24, 1970, order. It is the latter order which Mobil seeks to have stayed.

Aside from Mobil's failure to make a strong showing that it is likely to prevail on the merits of any appeal, Mobil has failed to show that any injuries it might suffer, absent a stay, would be irreparable. The Commission has authority to permit a rate to become effective retrospectively when it has improperly refused to allow a higher rate to become effective because of an invalid moratorium. Hunt v. F.P.C., 306 F. 2d 334, 345, n. 21 (CA5, 1962), reversed on the other grounds, 376 U.S. 515 (1964). Moreover, the Commission in the past has exercised this power by allowing producer rates to become effective as of the date they would have become effective but for an erroneous dismissal order. Continental Oil Co. et al., Dockets Nos. RI64-478, et al., Notice of Effectiveness issued November 23, 1964 (Dockets Nos. RI62-468 and RI62-477).

Mobil's application for rehearing sets forth no further facts or principles of law which were not fully considered in the February 10, 1971, order, or which, having now been considered, warrant any modification of that order.

The Commission orders: Mobil's application for rehearing of the order issued February 10, 1971, in the above-entitled proceedings is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5452 Filed 4-19-71;8:47 am]

HELEN LORAINE HARVEY ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 12, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 3, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-6437 ..... E 2-22-71	Helen Loraine Harvey (Operator) et al. (successor to Francis L. Harvey (deceased) et al.), 1604 Grant St., Wichita Falls, TX. 76309.	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
G-7645 ..... C 3-18-71 [1]	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Cities Service Gas Co., Guymon-Hugoton (Shallow) Field, Texas County, Okla.	[2] 16.3658	14.65
G-12868 ..... D 3-26-71	Amoco Production Co.,[3] Post Office Box 591, Tulsa, OK 74102.	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	Uneconomical	.....
G-14223 ..... C 3-15-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keys Field, Cimarron County, Okla.	[2] 13.751	14.65
G-18435 ..... D 3-26-71	Amoco Production Co.,[3] Post Office Box 591, Tulsa, OK 74102.	Michigan Wisconsin Pipe Line Co., Laverne Gas area, Harper County, Okla.	Uneconomical	.....
CI63-1300 ..... D 3-26-71	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, TX 77001.	Natural Gas Pipeline Co. of America, West Crane and Putnam Field, Dewey and Custer Counties, Okla.	(4)	.....
CI66-450 ..... C 3-5-71	J. Gregory Merrion (Operator), et al. (successor to Humble Oil and Refining Company) Post Office Box 1541 Farmington, NM 87401	El Paso Natural Gas Co., Gavilan Field, Rio Arriba County, N. Mex.	[5] 13.2535	15.025
CI66-451 ..... C 3-5-71	do	El Paso Natural Gas Co., Blanco Field, Rio Arriba County, N. Mex.	[6] 14.2730	15.025
CI69-49 ..... C 3-29-71	John C. Oxley (Operator) et al., 800-A Enterprise Bldg., Tulsa, OK 74103.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	15.0	14.65
CI71-658 ..... (CI62-1335) F 3-8-71	The Colorado National Bank of Denver (successor to J. Gregory Merrion et al.), 17th and Champa St., Denver, CO 80202.	El Paso Natural Gas Co., Ignacio Field, La Plata County, Colo.	13.0	15.025
CI71-659 ..... A 3-11-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Northern Natural Gas Co., E. Tuttle Field, Comanche County, Kans.	[7] 22.052	14.65
CI71-660 ..... A 3-11-71	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, LA 70112.	Southern Natural Gas Co., Main Pass area, offshore Louisiana.	[8] 27.5	15.025
CI71-661 ..... A 3-11-71	Mabee Petroleum Corp., 920 National Bank of Tulsa Bldg., Tulsa, OK 74103.	TransWestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	[2] 16.5	14.65
CI71-662 ..... (G-18064) F 3-10-71	W. R. Dean, et al. (successor to J. S. Abercrombie Mineral Co., Inc., et al.), Post Office Box 1476, Victoria, TX 77901.	Natural Gas Pipeline Co. of America, Milton Field Area, Harris County, Tex.	[9] 16.5	14.65
CI71-663 ..... A 3-15-71	Phillips Petroleum Co., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Lusk Field, Permian Basin Area, Chaves and Lea Counties, N. Mex.	[2] 26.5	14.65
CI71-664 ..... B 3-15-71	George R. Brown (Operator) et al., % J. L. Bianchi, attorney, 1201 San Jacinto Bldg., Houston, TX 77002.	Trunkline Gas Co., South Lissie Field, Wharton County, Tex.	Depleted	.....
CI71-665 ..... A 3-15-71	King Resources Co., Security Life Bldg., Denver, CO 80202.	Northern Natural Gas Co., Gomez (Ellenburger) Field, Pecos County, Tex.	[2] 23.0	14.65
CI71-666 ..... A 3-9-71	Mitchell Oil Co., 5709 Cromwell Dr., Washington, D.C. 20016.	Cities Service Gas Co., Curl Creek Field, Nowata County, Okla.	17.0	14.65
CI71-667 ..... B 3-15-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	(4)	.....
CI71-668 ..... A 3-16-71	Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.	Transwestern Pipeline Co., North Quinduno Area, Roberts County, Tex.	[10] 30.74	14.65
CI71-669 ..... A 3-17-71	Hugh A. Hawthorne et al., 2100 First City National Bank Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., South Bayou Mallet Field, Acadia Parish, La.	26.0	15.025
CI71-670 ..... (G-13009) F 3-15-71	Edgewater Oil Co., Inc. (successor to Humble Oil & Refining Co.), Post Office Box 55, Harvey, LA 70058.	United Gas Pipe Line Co., Four League Bay Field, Terrebonne Parish, La.	[11] 22.375	15.025
CI71-671 ..... (G-14996) F 3-4-71	Bobby W. Whittington (successor to Mobil Oil Corp.), Post Office Box, 568, Portland, TX 78374.	Texas Eastern Transmission Corp., Bird Island, Kleberg County, Tex.	[12] 16.8735	14.65
CI71-672 ..... A 3-17-71	Hickerson Oil Co. (Operator) et al., 1200 American National Bank Bldg., Denver, CO 80202.	Northern Natural Gas Co., NW Six Mile Field, Beaver County, Okla.	[2] 23.5	14.65
CI71-673 ..... A 3-18-71	Southwest Oil Industries, Inc., 801 First National Bldg., Oklahoma City, OK 73102.	Arkansas-Louisiana Gas Co., West Wilburton Field, Pittsburg, County; Peno Field, Leflore County; Pawpaw Field, Sequoyah County, Okla.	20.0	14.65
CI71-674 ..... A 3-18-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	El Paso Natural Gas Co., San Juan Basin Field, San Juan County, N. Mex.	13.0	15.025
CI71-675 ..... B 3-18-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Kansas-Nebraska Natural Gas Co., Inc., Riverside Field, Weld County, Colo.	Depleted	.....
CI71-676 ..... B 3-18-71	do	Kansas-Nebraska Natural Gas Co., Inc., Mount Hope East Field, Logan County, Colo.	Depleted	.....
CI71-677 ..... B 3-17-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Arkansas Louisiana Gas Co., South Hallsville Field, Harrison and Rusk Counties, Tex.	(4)	.....
CI71-678 ..... B 3-17-71	do	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	Depleted	.....

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-679..... A 3-18-71	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Trunkline Gas Co., Ship Shoal Block 293, offshore Southern Louisiana.	27.5	15.025
CI71-680..... B 3-19-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., East Plymouth Field, San Patricio County, Tex.	(13)	.....
CI71-681..... A 3-19-71	George O. Shettle, Post Office Box 669, Midland, TX 79701.	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	[2] 19.9235	14.65
CI71-682..... A 3-22-71	Perry R. Bass, 12th Floor, Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	[2] 26.5	14.65
CI71-683..... A 3-22-71	Robert L. Williams, d.b.a. Imperial Oil Co., 1111 Vickers Tower, Wichita, Kans. 67202.	Cities Service Gas Co., Aetna Mississippi Pool, Barber County, Kans.	15.0	14.65
CI71-684..... A 3-22-71	Perry R. Bass et al., 12th Floor, Forth Worth National Bank Bldg., Fort Worth, Tex. 76102.	Northern Natural Gas Co., North Gomez Field Area, Pecos County, Tex.	[2] 26.5	14.65
CI71-685..... B 3-19-71	Shell Oil Co., Post Office Box 2463, One Shell Plaza, Houston, TX 77001.	Cities Service Oil Co., Twomile Field, Weld County, Colo.	Depleted	.....
CI71-686..... B 3-22-71	W. C. McBride, Inc., 25 North Brentwood Blvd., St. Louis, MO 63105.	Cities Service Gas Co., Waterloo North Field, Logan County, Okla.	Depleted	.....
CI71-687..... B 3-22-71	Fred Jones, Post Office Box 12444, Oklahoma City, OK 73112.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	Uneconomical	.....
CI71-688..... A 3-22-71	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Montana-Dakota Utilities Co. & Kansas-Nebraska Natural Gas Co., Inc., Wind River Basin, Riverton East Field, Fremont County, Wyo.	[2] 17.5	15.025
CI71-689..... A 3-22-71	do.....	Kansas-Nebraska Natural Gas Co., Inc., and Montana Dakota Utilities Co., Wind River Basin, Riverton East Field, Fremont County, Wyo.	[2] 17.5	15.025
CI71-690..... B 3-25-71	do.....	Transcontinental Gas Pipe Line Corp., La Gloria Field, Brooks and Jim Wells Counties, Tex.	(4)	.....
CI71-691..... B 3-23-71	J. S. Abercrombie Mineral Co., Inc., c/o Jerome M. Alper, attorney, 818 18th St. NW., Suite 1020, Washington, DC 20006.	Natural Gas Pipeline Co. of America, Milton Field, Harris County, Tex.	Assigned	.....
CI71-692..... B 3-22-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Natural Gas Pipeline Co. of America, Ernest F. McGauhey Unit, Wise County, Tex.	Depleted	.....
CI71-693..... A 3-24-71	Ferguson Oil Co., Inc., Suite 1115, 100 Park Avenue Bldg., Oklahoma City, OK 73102.	Michigan Wisconsin Pipe Line Co., Okeene NW Field, Major County, Okla.	[2] 20.0	14.65
CI71-694..... A 3-22-71	Schaefer Oil & Gas Co., Inc., 841 Carondelet St., New Orleans, LA 70130.	Southern Natural Gas Co., Big Point Field, St. Tammany Parish, La.	[2] 18.5	14.73
CI71-695..... B 3-26-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Phillips Petroleum Co., Texas Hugoton Field, Hansford County, Tex.	Depleted	.....
CI71-696..... B 3-25-71	Mobil Oil Corporation (Operator) et al., Post Office Box 1774, Houston, TX 77001.	Arkansas Louisiana Gas Co., South Cement Field, Caddo County, Okla.	Assigned	.....
CI71-697..... B 3-25-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	do.....	Assigned	.....
CI71-698..... B 3-24-71	Elizabeth M. Brown et al., 911 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102	Transcontinental Gas Pipe Line Corp., La Gloria Field, Jim Wells and Brooks Counties, Tex.	(14)	.....
CI71-699..... A 3-26-71	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Grand Chenier Field, Cameron Parish, La.	28.0	15.025
CI71-700..... A 3-26-71	Lyons Petroleum (operator) et al., 1500 Beck Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Gibson Field, Terrebonne Parish, La.	26.0	15.025
CI71-701..... B 3-22-71	White Shield Oil & Gas Corp., Suite 102, 5963 East 31st St., Tulsa, OK 74135.	Coastal States Gas Producing Co., Chiltipin Field, Duval County, Tex.	Depleted	.....
CI71-702..... (G-11786) F 3-22-71	Robert L. Williams, d.b.a. Imperial Oil Co. (successor to Atlantic Richfield Co.) 1111 Vickers Tower, Wichita, Kans. 67202.	Cities Service Gas Co., Aetna Mississippi Pool, Barber County, Kans.	15.0	14.65
CI71-703..... A 3-22-71	Amoco Production Co., Post Office Box 591, Tulsa, OK 74102.	Southern Union Gathering Co., Ute Dome Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI71-704..... (CI63-293) F 3-19-71	Ladd Petroleum Corp. (successor to King Resources Co.), 830 Denver Club Bldg., Denver, CO 80202.	Panhandle Eastern Pipe Line Co., Selling Field, Dewey and Major Counties, Okla.	[2] 21.46	14.65

[1] Acreage acquired from Republic Natural Gas Co.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Formerly Pan American Petroleum Corp.
[4] Expiration of leases.
[5] Rate in effect subject to refund in Docket No. RI69-380.
[6] Rate in effect subject to refund in Docket No. RI69-371.
[7] Subject to upward and downward B.t.u. adjustment. Includes 2.052 cents per Mcf upward B.t.u. adjustment and 1 cent gathering charges.
[8] Subject to upward and downward B.t.u. adjustment. Contract provides for rate of 27.5 cents per Mcf. Applicant agrees to accept certificate conditioned to an initial rate of 26 cents per Mcf.
[9] Rate in effect subject to refund in Docket No. RI62-319.
[10] Subject to upward and downward B.t.u. adjustment. Includes 4.24 cents per Mcf upward B.t.u. adjustment.
[11] Rate in effect subject to refund in Docket No. RI71-700.
[12] Rate in effect subject to refund in Docket No. RI70-498.
[13] Uneconomical for buyer to operate gathering system.
[14] Expiration of contract.

[FR Doc.71-5453 Filed 4-19-71;8:48 am]

FEDERAL RESERVE SYSTEM

FIRST AMERICAN NATIONAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by First American National Corp., Nashville, Tenn,. which presently owns 100 percent of the voting shares (less directors' qualifying shares) of American National Bank of Nashville (nonoperating), for prior approval by the Board of Governors of action proposed to be taken by applicant which would result in its becoming a bank holding company through the acquisition of 100 percent of the outstanding voting shares (less directors' qualifying shares) of the successor by merger of First American National Bank, Nashville, Tenn., with the nonoperating bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, April 13, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-5444 Filed 4-19-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5004]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Sale of Nuclear Plant to Newly-Organized Subsidiary Company and Related Transactions

APRIL 13, 1971.

Notice is hereby given that Indiana & Michigan Electric Co. (I&M), 2101 Spy Run Avenue, Fort Wayne, IN 46801, an electric utility subsidary company of American Electric Power Co., Inc. (AEP), a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to acquire for $70 million cash all of the common stock of Indiana & Michigan Power Co. (Generating Company), a new company incorporated under the laws of Michigan for the purpose of (i) acquiring, completing the construction of, owning, and operating the Donald C. Cook Nuclear Generating Plant (Nuclear Plant), which I&M is presently constructing at Bridgman, Mich., and (ii) selling, upon commencement of operation of the Nuclear Plant, all of the electric power and energy generated by that plant to I&M. Generating Company will acquire from I&M, and I&M will transfer and assign to Generating Company, (i) all of the property owned by I&M at the Nuclear Plant and (ii) all of I&M's right, title, and interest in any contracts, agreements, and property in connection with equipment or other facilities for the Nuclear Plant. In exchange therefor, I&M will acquire 1,500,000 shares of Generating Company's common stock, par value $1, and such amount of interest-bearing notes as will aggregate, together with the $70 million of consideration for such 1,500,000 shares of common stock, an amount equal to the amount of I&M's book investment (with appropriate recognition of contract retainages, accrued taxes, and other liabilities assumed by Generating Company) in the Nuclear Plant on the day the transfer is consummated.

The notes will be subordinated to any securities subsequently issued by Generating Company to banks, institutions, and the public, will have a maturity of 10 years, will bear interest at an annual rate equal to the prime commercial credit rate of Manufacturers Hanover Trust Co. in effect from time to time, and will be prepayable at any time without premium or penalty. It is presently contemplated that the notes will be paid with cash available to Generating Company from its operations or, subject to requisite regulatory authority, with the proceeds of cash capital contributions from I&M or of long-term financing. Generating Company will report the issuance of its common stock on its books by recording the 1,500,000 shares of common stock to be issued to the extent of $1 per share as "Capital Stock-Common Stock" and the balance as "Capital Surplus-Premium on Common Stock."

The Nuclear Plant will be made up of two 1,100,000-kilowatt nuclear generating units and associated equipment and facilities and is presently expected to cost a total of not less than $480 million. Unit No. 1 is to be placed in commercial operation in 1973 and Unit No. 2 in 1974. It is presently contemplated that Generating Company will finance the completion of the Nuclear Plant through cash capital contributions or advances from I&M and by means of the issuance of such securities to banks, institutions, and to the public as this Commission and the Michigan Public Service Commission may authorize pursuant to applications to be made at a later time. It is stated that the proposed transactions will permit Generating Company to provide a substantial portion of the necessary financing of the Nuclear Plant through the direct issuance of debt securities.

All of the electric power and energy generated at the Nuclear Plant is to be sold to I&M by Generating Company pursuant to a long-term power contract. Pursuant to such contract, I&M would be entitled to all of the electric power and energy generated at the Nuclear Plant and, in consideration for such entitlement, would obligate itself to Generating Company to pay, from time to time for such power and energy, amounts which, when added to funds obtained by Generating Company from other sources, will enable Generating Company to pay all of its operating and other expenses, including (i) any amount which Generating Company may be required to pay on account of principal and interest for debt securities and (ii) such additional amount as is necessary after any required provision for taxes on, or measured by, income to enable Generating Company to pay required dividends on any preferred stock it may issue and such amount as will represent a fair return on the common stock investment in Generating Company as may be permitted by regulatory authorities having jurisdiction.

I&M intends, upon acquiring the common stock of Generating Company, to file under Rule 2 for an exemption from the Act as a holding company on the basis that it will be predominantly a public-utility company whose operations as such do not extend beyond the State in which it is organized and States contiguous thereto.

The application-declaration states that the issuance and sale of the common stock of Generating Company is subject to the jurisdiction of the Michigan Public Service Commission and that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions, except that (i) approvals of the Atomic Energy Commission, the U.S. Army Corps of Engineers, and various other regulatory authorities will be required in connection with the transfer from I&M to Generating Company of various licenses, permits, and other authorizations and (ii) the long-term power contract between I&M and Generating Company will be filed with, and made effective as a rate schedule by, the Federal Power Commission.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $52,000 for I&M of which $50,000 represents a Michigan transfer fee, $17,000 for Generating Company of which $15,000 represents legal expense, and $10,000 for American Electric Power Service Corp.

Notice is further given that any interested person may, not later than May 4, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-5443 Filed 4-19-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5286]

EQUITABLE LIFE COMMUNITY ENTERPRISES CORP.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business

investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et. seq.) (Act), has been filed by the Equitable Life Community Enterprises Corporation (applicant), with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Regulations governing small business investment companies (13 CFR Part 107;33 F.R. 326).

The officers and directors of the applicant are as follows:

William R. Cowie, 700 West 111th Street, New York, NY 10025, Chairman of the Board of Directors.

Alfred R. Plager, 555 Main Street, Chatham, NJ 07928, President and Director.

Edward C. White, Jr., 375 Dogwood Lane, Manhasset, NY 11030, Vice President and Director.

Coy G. Eklund, 8 Riverwind Drive, New Canaan, CT 06840, Director.

Victor V. Vensas, 500 East 77th Street, Apartment 2318, New York, NY 10021, Director.

Walter R. Knortz, 29 Maplewood Boulevard, Suffern, NY 10901, Vice President and Treasurer.

Brian E. Danforth, 135 Concord Drive, River Edge, NJ 07661, Secretary.

Frank Savage, 5900 Arlington Avenue, Apartment 3–B, Riverdale, NY 10471, Manager.

The applicant, a New York corporation, with its principal place of business located at 1285 Avenue of the Americas, New York, NY 10019, will begin operations with $450,000 of paid-in capital and surplus, consisting of 180 shares of common stock. The issued and outstanding stock will be owned 100 percent by the Equitable Life Assurance Society of the United States.

Applicant intends to invest in diversified business enterprises. According to the company's stated investment policy, it is to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under such management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, N.Y.

Dated April 12, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-5577 Filed 4-19-71;11:21 am]

MINORITY EQUITY CAPITAL CO., INC. LICENSE NO. 02/02-5288

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107;33 F.R. 326) under the name of Minority Equity Capital Co., Inc., 470 Park Avenue, South, New York, NY 10016, for a license to operate throughout the United States of America as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act).

The proposed officers and directors are as follows:

Clarence C. Finley, 919 Third Avenue, New York, NY 10022, President, Director.

Carter F. Henderson, 175 East 70th Street, New York, NY 10021, Director.

Clifford C. Davis, 852 Clinton Avenue, Newark, NJ 07108, Director.

Arthur H. Van Brunt, Jr., 1 Madison Avenue, New York, NY 10010, Director.

Madison S. Jones, 1 Madison Avenue, New York, NY 10010, Director.

George W. Burkert, 1 Madison Avenue, New York, NY 10010, Secretary-Treasurer, Director.

Curtis C. Battles, 1330 Avenue of the Americas, New York, NY, Director.

John Westergaard, 52 Wall Street, New York, NY, Director.

Aley Allen, 70 Pine Street, New York, NY, Director.

Darwin W. Bolden, 470 Park Avenue South, New York, NY 10016, Executive Vice President.

Patrick Owen Burns, 470 Park Avenue South, New York, NY 10016, Executive Vice President, General Manager.

The applicant, a New York corporation, will begin operations with an initial amount of $150,000 of paid-in capital and paid-in surplus consisting of 150,000 shares of Class A common stock issued at $1 per share. The applicant's pro forma capitalization specifies that the total amount of paid-in capital and paid-in surplus will be $1,030,000 within a few months after being licensed. This amount will consist of:

Series A Preferred Stock (voting)	$350,000
Series B Preferred Stock (nonvoting)	500,000
Class A Common Stock (voting)	50,000
Class B Common Stock (nonvoting)	130,000
Total net paid-in capital and paid-in surplus	1,030,000

Metropolitan Life Insurance Co. will own 100 percent of the voting Series A Preferred Stock. The Ford Foundation will own 100 percent of the nonvoting Series B Preferred Stock. Interracial Counsel for Business Opportunity (IBCO), 470 Park Avenue South, New York, NY 10016, will own 100 percent of the voting Class A Common Stock. ICBO is a nonprofit, tax-exempt, membership corporation, incorporated under the laws of New York. In addition there will be nonvoting Class B Common Stock issued, which will represent approximately 10 percent of the total paid-in capital and surplus.

The Series A Preferred stockholders, voting as a class, will be entitled to elect one-third of the total number of directors, and the Class A Common stockholders, voting as a class, will have the right to elect two-thirds of the total number of directors. The holders of Series B Preferred Stock will be entitled to a 4 percent cumulative annual dividend; however, no dividend will be payable for the first 2 years after issuance. The holders of Series A Preferred Stock will share equally in noncumulative dividends with the holders of the Class A Common Stock and Class B Common Stock.

As a MESBIC, the company's investment policy is that its investments will be made solely to small business concerns which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. The applicant will not concentrate its investments in any particular industry but will invest in diversified enterprises.

Matters involved in SBA's consideration of the application include the general business reputation and character of the owners and management, and the probability of successful operations of the new company under such management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, N.Y.

Dated: April 15, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-5591 Filed 4-19-71;11:21 am]

INTERSTATE COMMERCE COMMISSION

[Notice 279]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 14, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 432 TA), filed April 12, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160, 53141, Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Folding tent campers*, from Lenni, Pa., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Trail King, Inc., New Road, Lenni Chester, Pa. 19014 (G. M. Pacella, General Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 70083 (Sub-No. 18 TA), filed April 6, 1971. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill Industrial Park, Cherry Hill, N.J. 08034. Applicant's representatives: Leonard C. Zucker (same address as above) and Haffer, Goldstein & Meiser, 1730 Rhode Island Avenue NW., Washington DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with the usual exceptions), restricted to shipments having a prior or subsequent containerized movement by water, from points in Dade County, Fla., to points in Broward County, Fla., and return, for 180 days. Supporting shippers: There are approximately 14 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: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 107002 (Sub-No. 403 TA), filed April 12, 1971. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed ingredients*, in bulk, in tank vehicles, from Vicksburg, Miss., to points in Alabama, Arkansas, Louisiana, and Mississippi, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, OH 45201. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 145 East Amite Building, Room 212, Jackson, MS 39201.

No. MC 107403 (Sub-No. 807 TA) (correction), filed March 29, 1971, published FEDERAL REGISTER issue April 8, 1971 and republished in part, as corrected this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). NOTE: The purpose of this partial republication is to set forth the correct Docket No. 107403 (Sub-No. 807 TA) in lieu of the one shown in previous publication, (Sub-No. 80 TA) the rest of the application remains the same.

No. MC 110563 (Sub-No. 62 TA), filed April 8, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 747, 113 North Ohio Avenue, Sidney, OH 45365. Applicant's representative: John L. Mauer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) from points in Allen Township, Hillsdale County, Mich., to points in Connecticut, New Jersey, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Great Markwestern Packing Co., 1825 Scott Street, Detroit, MI 48207. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 115162 (Sub-No. 222 TA), filed April 6, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Lillie, La., to points in Wisconsin, Iowa, Missouri, Kentucky, Tennessee, Mississippi, and States east thereof, for 180 days. Supporting shipper: Olinkraft, Post Office Box 488, West Monroe, LA 71291. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121, Building, Birmingham, AL 35203.

No. MC 115331 (Sub-No. 306 TA), filed April 6, 1971. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizers*, dry, in bulk, from Hayti, Mo., to points in Arkansas, for 180 days. Supporting shipper: Coastal Chemical Corp., Post Office Box 388, Yazoo City, MS 39194. 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 116273 (Sub-No. 139 TA), filed April 8, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, from River Rouge, Mich., to South Gate, Van Nuys, and Fremont, Calif., for 150 days. Supporting shipper: American Oil Co., Post Office Box 5690, Chicago, IL 60680. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133233 (Sub-No. 17 TA), filed April 12, 1971. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue South, Post Office Box 831, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and building materials;* (1) from Council Bluffs and Fort Dodge, Iowa, to points in Nebraska, Kansas, Missouri, Illinois, and Oklahoma; and (2) between Council Bluffs and Fort Dodge, Iowa, under contract with William T. Joyce Co., for 180 days. Supporting shipper: Wayne Childers, William T. Joyce Co., 2030 Second Avenue, Council Bluffs, IA 51501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 135380 (Sub-No. 1 TA), filed April 6, 1971. Applicant: KAVANAUGH TRUCKING CO., INC., 78 Lake Street, Tupper Lake, NY 12986. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bobbin blanks wooden*, from Tupper Lake, N.Y., to Beebe River, N.H., and *refused or rejected shipments* on return, for 120 days. Supporting shipper: Draper Division, North American Rockwell, Post Office Box 1239, Tupper Lake, NY 12986. 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 135455 TA, filed April 6, 1971. Applicant: LESLIE G. BOOMGARDEN, doing business as SQUARE DEAL TRUCKING, 1931 Dean Street, Des Plaines, IL 60018. Applicant's representative: Edward G. Finnegan, 134 North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Deposit boxes, drive-up windows, safety deposit boxes, alarms, security systems and accessories, safes, vaults, and protective products and devices, bank protection systems, products and devices, mechanized file systems and accessories*, from Chicago, Ill., to points in Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Indiana, for 180 days. Supporting shipper: William Bentler, Regional Installation Manager, Diebold, Inc., 3365 North Drake, Chicago, IL. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135467 TA, filed April 8, 1971. Applicant: ORTNER AIR SERVICE, INC., Rural Delivery 1, Wakeman, OH 44889. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland OH 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, in an express service, between Erie International Airport, Erie County, Erie, Pa., and Cleveland Hopkins International Airport, Cuyahoga County, Cleveland, Ohio, for 180 days. Supporting shippers: All-Airtransport, Inc., Cleveland Hopkins International Airport, Cleveland, OH 44135; Airlift International, Inc., Cleveland Hopkins International Airport, Cleveland, OH 44135; Jet Air Freight, Cleveland Hopkins International Airport, Cleveland, OH 44135. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 135467 (Sub-No. 1 TA), filed April 8, 1971. Applicant: ORTNER AIR SERVICE, INC., Rural Delivery 1, Wakeman, OH 44889. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, OH 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, in an express service, between Cleveland Hopkins International Airport, Cuyahoga County, Cleveland, OH, on the one hand, and, on the other, Detroit Willow Run Airport, Washtenaw County, MI, and Detroit Metropolitan Airport, Wayne County, MI, for 180 days. Supporting shippers: Jet Air Freight, Cleveland Hopkins International Airport, Cleveland, OH 44135; All-Airtransport, Inc. Cleveland Hopkins International Airport, Cleveland, OH 44135. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

MOTOR CARRIERS OF PASSENGERS

No. MC 129736 (Sub-No. 3 TA), filed April 8, 1971. Applicant: NEWTON BUS SERVICE, INC., Route 1, Box 8-D, Gloucester, VA 23061. Applicant's representative: Alvin L. Newton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and equipment*, beginning and ending at Hampton, Va., and extending to Raleigh, Durham, Winston-Salem, Burlington, Rocky Mount, and Kinston, N.C., for 150 days. Supporting shipper: Peninsula Baseball Club, Inc., Box 1305 Wythe Station, Hampton, VA 23361. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, VA 23240.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-5481 Filed 4-19-71;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

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 April.

3 CFR

Page

PROCLAMATIONS:

4031 (revoked by Proc. 4040) .. 6335
4040 .. 6335
4041 .. 6337
4042 .. 6475
4043 .. 6709
4044 .. 6683
4045 .. 6885
4046 .. 7047
4047 .. 7299

EXECUTIVE ORDERS:

Mar. 27, 1913 (modified by PLO 5037) .. 6893
April 17, 1926 (revoked in part by PLO 5034) .. 6503
10952 (see EO 11589) .. 6343
11588 .. 6339
See Proc. 4040 .. 6335
11589 .. 6343

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Reorganization Plan No. 1 of 1958 (see EO 11589) .. 6343

5 CFR

213 .. 5961, 6071, 6487, 6488, 6573, 6732, 6733, 7301, 7415
307 .. 6488
334 .. 6488
890 .. 6573
1001 .. 6874

7 CFR

1 .. 6071
7 .. 6887
54 .. 6071
210 .. 7049
319 .. 7001
354 .. 6559
601 .. 6559
722 .. 6733
723 .. 6733
724 .. 6734, 7221
728 .. 7317
729 .. 7222
846 .. 6821
855 .. 5961
862 .. 6734
877 .. 6489, 7049
905 .. 6493
906 .. 5962, 7049
907 .. 5963, 6494, 6734, 7123
908 .. 5963, 6735, 7123
910 .. 6412, 6887, 7317
911 .. 6887
916 .. 5964
944 .. 5964, 7002
947 .. 7124
959 .. 6559
991 .. 6888
999 .. 6735
1133 .. 7124
1421 .. 7417
1468 .. 6560
1472 .. 6560, 6561
1809 .. 6821

PROPOSED RULES:

51 .. 6755
56 .. 6592

7 CFR—Continued

Page

PROPOSED RULES—Continued

270 .. 7240
271 .. 7240
272 .. 7240
273 .. 7240
274 .. 7240
725 .. 7462
908 .. 6592, 6899
916 .. 6432
928 .. 5995
1007 .. 6830
1036 .. 7069
1063 .. 6593, 6833
1070 .. 6593, 6833
1078 .. 6593, 6833
1079 .. 6593, 6833
1090 .. 7318
1098 .. 7318
1103 .. 7318
1104 .. 7318
1106 .. 7318
1121 .. 7318
1130 .. 7318
1136 .. 7462

8 CFR

100 .. 7415
245 .. 7415

PROPOSED RULES:

214 .. 6755

9 CFR

76 .. 5965, 5966, 6561–6563, 6736, 7002, 7124, 7223, 7301, 7421
97 .. 6413
201 .. 7223
331 .. 7125

10 CFR

PROPOSED RULES:

20 .. 6521
30 .. 6015, 6562
31 .. 6015
32 .. 6015
40 .. 6521
50 .. 6903
70 .. 6521
71 .. 6521

12 CFR

1 .. 6494, 6736
5 .. 6888
14 .. 6738
20 .. 6738
207 .. 7003
213 .. 6826
221 .. 7003
222 .. 6413
523 .. 6890
524 .. 7125
545 .. 6739, 7126
561 .. 7126
563 .. 6739, 7127
564 .. 6740
701 .. 7004

PROPOSED RULES:

545 .. 6839
556 .. 6839
564 .. 6764

12 CFR—Continued

Page

PROPOSED RULES—Continued

582 .. 6840
582b .. 6840
741 .. 7073

13 CFR

121 .. 5967

14 CFR

37 .. 7127
39 .. 5967, 6072, 6413, 6470, 6826–6827, 7224
71 .. 6413–6415, 6741, 7049, 7224, 7225, 7302–7304
75 .. 6415, 7225
77 .. 5968, 6741
95 .. 5971
97 .. 6073, 6890, 7304
207 .. 6574, 7305, 7432
208 .. 6575, 7439
212 .. 6576, 7306, 7449
213 .. 7306
214 .. 6577, 7455
250 .. 7306
373 .. 6577
378 .. 6586
378a .. 6415
389 .. 6591
399 .. 7225, 7228, 7230

PROPOSED RULES:

25 .. 7257
39 .. 6836
71 .. 6015, 6434, 6760, 6761, 6836, 7072, 7073, 7143, 7144, 7257, 7258
75 .. 6837
Ch. II .. 6761
296 .. 7467
297 .. 7467

15 CFR

14 .. 7218
373 .. 5975
375 .. 5976
376 .. 5976
377 .. 5976
386 .. 5976, 7308
615 .. 7127

16 CFR

13 .. 6416, 6741–6744
422 .. 7309

PROPOSED RULES:

240 .. 6524
433 .. 6592

17 CFR

230 .. 7050

PROPOSED RULES:

249 .. 6440
270 .. 6595
274 .. 6595

18 CFR

2 .. 7232
35 .. 6563
157 .. 7051
250 .. 7233
260 .. 7051

18 CFR—Continued

Page

PROPOSED RULES:

3 ... 7020
4 ... 6596
101 ... 6596
141 ... 6596
154 ... 6596, 7150
156 ... 6596
157 ... 6596
201 ... 6596
260 ... 6596
604 ... 6762
622 ... 6762

19 CFR

1 ... 7233
4 ... 6420
301 ... 7132

PROPOSED RULES:

153 ... 7012

20 CFR

404 ... 6420
405 ... 6943, 7050

PROPOSED RULES:

404 ... 6434
405 ... 7018

21 CFR

1 ... 6891
2 ... 7128
8 ... 6892
19 ... 7421
20 ... 7421
27 ... 6074
45 ... 7422
130 ... 6075
135c ... 7128, 7422
135e ... 5976
135g ... 5976
141 ... 7129, 7233, 7309
141e ... 5977
146e ... 5977
148g ... 7309
148i ... 7422
148k ... 7233
148w ... 7129
148z ... 7129
165 ... 7422
420 ... 6495, 6496, 6827

PROPOSED RULES:

1 ... 6833
16 ... 6835
17 ... 7466
27 ... 7467
130 ... 6833
147 ... 6899
191 ... 7255
420 ... 6523

22 CFR

201 ... 7096

24 CFR

200 ... 6896
235 ... 6897
1914 ... 6078, 6746, 7238
1915 ... 6079, 6747, 7239

PROPOSED RULES:

1710 ... 6594
1720 ... 7018

25 CFR

Page

15 ... 7184
111 ... 6080
221 ... 6080, 6748, 7131

26 CFR

1 ... 5977, 6081, 6421, 6477, 7004
13 ... 7005
151 ... 6081, 6421

PROPOSED RULES:

1 ... 6082, 6429, 6830, 7012, 7143, 7240
31 ... 7240
53 ... 6429, 7014
143 ... 6429
170 ... 6111
179 ... 7059
301 ... 7012

28 CFR

0 ... 6748

29 CFR

1 ... 6427
5 ... 6427
30 ... 6810
1518 ... 7340
1901 ... 7006

30 CFR

18 ... 7007
300 ... 7184
301 ... 7184
302 ... 7184

PROPOSED RULES:

75 ... 7016

31 CFR

0 ... 6828
202 ... 6748
203 ... 6749
306 ... 6749

32 CFR

577 ... 6711
906 ... 5977

33 CFR

3 ... 5978
82 ... 6422
92 ... 7417
117 ... 7132, 7133
153 ... 7009
204 ... 6422
208 ... 6497
209 ... 6564

PROPOSED RULES:

117 ... 6115, 6836, 7143

36 CFR

6 ... 7134
8 ... 7184
20 ... 7184

PROPOSED RULES:

7 ... 7143

37 CFR

1 ... 7312
3 ... 7312

39 CFR

144 ... 6750
154 ... 7050
158 ... 7050

39 CFR—Continued

Page

PROPOSED RULES:

144 ... 6114

41 CFR

1–3 ... 5980
1–7 ... 5980
1–16 ... 5981
5A–1 ... 6943
5A–2 ... 5981
5A–3 ... 5982
5A–60 ... 6944
5A–76 ... 6944
5C–1 ... 6753
18–8 ... 6345
18–9 ... 6383
18–10 ... 6396
18–11 ... 6406
18–12 ... 6945
18–13 ... 6972
18–14 ... 6998
101–26 ... 6497, 7313
101–32 ... 6498
101–47 ... 7215
105–50 ... 6498
114–26 ... 6892

42 CFR

73 ... 6500, 6503, 7314
78 ... 7215
250 ... 6423
481 ... 5982–5994

PROPOSED RULES:

54 ... 6116
73 ... 6828, 6835
78 ... 7256
420 ... 6680
459 ... 7145
460 ... 7145
461 ... 7145
462 ... 7145
463 ... 7145
464 ... 7145

43 CFR

4 ... 7185
13 ... 7185
21 ... 7185
23 ... 7185
230 ... 7207
1720 ... 6422
1840 ... 7207
1850 ... 7207
2850 ... 6828
3500 ... 7053
4120 ... 7207
4130 ... 7207
5490 ... 7207
5510 ... 7207

PUBLIC LAND ORDERS:

649 (revoked by PLO 5043) ... 7415
1579 (see PLO 5040) ... 7053
4631 (revoked by PLO 5039) ... 6894
5034 ... 6503
5035 ... 6423
5036 ... 6754
5037 ... 6893
5038 ... 6893
5039 ... 6894
5040 ... 7053
5041 ... 7054
5042 ... 7054
5043 ... 7415
5044 ... 7416
5045 ... 7416

43 CFR—Continued

PUBLIC LAND ORDERS—Continued

	Page
5046	7416
5047	7416

45 CFR

	Page
177	6894
250	6423

PROPOSED RULES:

	Page
151	7017
156	6009
157	6011

46 CFR

	Page
308	7054
381	6894

PROPOSED RULES:

	Page
10	6902
11	6013, 6014, 6902
12	6902
30	6902
31	6902
32	6902
33	6902
35	6902
50	6902
52	6902
54	6902
56	6902
58	6902
75	6902

46 CFR—Continued

PROPOSED RULES—Continued

	Page
93	6902
94	6902
98	6902
110	6902
111	6902
112	6902
113	6902
137	6902
151	6902
157	6902
160	6902
162	6902
177	6902
182	6902
183	6902
192	6902
Ch. II	6009, 6115, 6519, 6833, 7255
502	6594
542	6116
543	7150

47 CFR

	Page
0	7011
1	6056, 6504, 7422
2	6423
15	6504
73	6507, 7215, 7423
83	6423, 7215
87	7216
89	7424

47 CFR—Continued

	Page
91	7428, 7429
97	6423, 7217

PROPOSED RULES:

	Page
13	6437
15	6438, 7018
25	7020
73	6440, 7259, 7260, 7463

49 CFR

	Page
1	6570
567	7056
568	7057
571	6895, 7058, 7218, 7315, 7419, 7420
1033	5978, 5979, 6571–6573, 6829, 7420
1048	7011
1100	6425, 7134
1104	7134
1332	6425

PROPOSED RULES:

	Page
171	7073
173	6437, 7258
179	7258
391	7144
392	7144
571	6761, 6837–6839, 6903, 7259
1048	7074
1115	6595

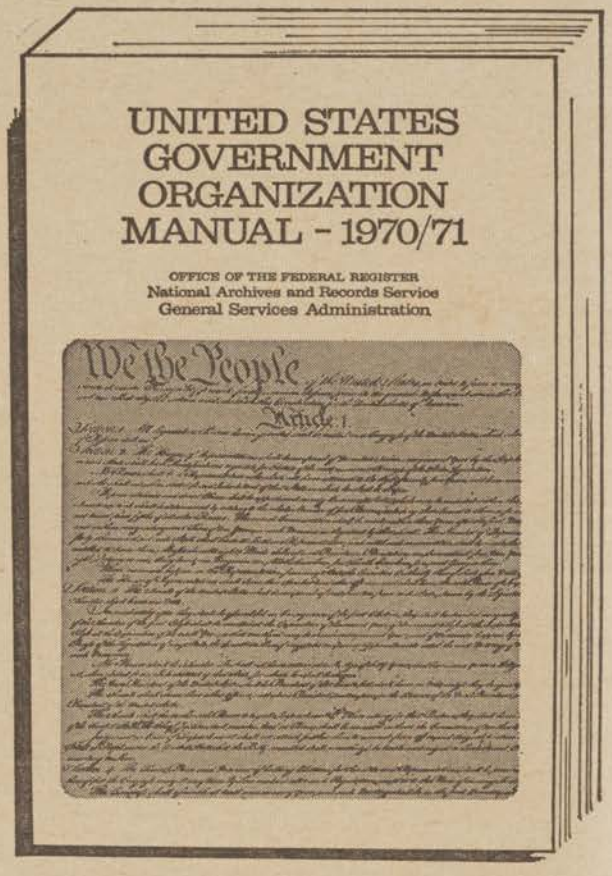
50 CFR

	Page
28	7431
32	7221
33	5980, 6754, 6896, 7221
230	7431

LIST OF FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*
5955–6066	April 1
6067–6328	2
6329–6469	3
6471–6552	6
6553–6701	7
6703–6816	8
6817–6878	9
6879–6937	10
6939–7042	13
7043–7117	14
7119–7208	15
7209–7294	16
7295–7410	17
7411–7494	20

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