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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 at the end of each issue beginning with the second issue of the month.

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

Rules and Regulations

Title 7—AGRICULTURE

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

[Navel Orange Reg. 220]

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

Limitation of Handling

§ 907.520 Navel Orange Regulation 220.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 8, 1971, through January 14, 1971, are hereby fixed as follows:

(i) District 1: 592,000 cartons;

(ii) District 2: 184,000 cartons;

(iii) District 3: 24,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 6, 1971.

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

[F.R. Doc. 71–281; Filed, Jan. 6, 1971; 11:41 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 9, Amdt. 12]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Manufacturer of Refined Petroleum Products for Purpose of Government Procurements

On November 3, 1970, there was published in the FEDERAL REGISTER (35 F.R. 16940) a notice that the Administrator of the Small Business Administration (SBA) proposed to amend the definition of a small manufacturer of refined petroleum products for the purpose of Government procurement to provide that any product furnished to the Government pursuant to a bona fide exchange agreement must be for delivery in the same Petroleum Administration for Defense (PAD) District as that in which the small refinery is located.

Interested persons were given 30 days in which to file written statements of facts, opinion, or arguments concerning the proposal.

After consideration of all relevant matter presented by interested persons, it has been determined to adopt the amendment as proposed. Accordingly the amendment set forth below is hereby adopted.

Part 121 of Chapter 1 of Title 13 of the Code of Federal Regulations is hereby further amended by:

1. Revising the final proviso in § 121.3–8(g) to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * *

(g) *Refined petroleum products.* * * * *And provided further,* That the exchange of products for products to be delivered to the Government will be completed within 90 days after the expiration of the delivery period under the Government contract, and that any product furnished pursuant to a bona fide exchange agreement must be for delivery in the same Petroleum Administration for Defense (PAD) District pursuant to Schedule F of Part 121, as that in which the small refinery is located: * * *

2. Adding new Schedule F to read as follows:

SCHEDULE F—PETROLEUM ADMINISTRATION FOR DEFENSE (PAD) DISTRICTS AS UTILIZED BY THE DEFENSE FUEL SUPPLY CENTER IN THE PROCUREMENT OF REFINED PETROLEUM PRODUCTS

PAD district and States included in PAD district

1. Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida.

2. North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee.

3. New Meixco, Texas, Arkansas, Louisiana, Mississippi, and Alabama.

4. Montana, Idaho, Wyoming, Utah, and Colorado.

5. Alaska, Hawaii, Washington, Oregon, Nevada, California, and Arizona.

Effective date. This amendment shall become effective thirty (30) days after publication in the FEDERAL REGISTER, but shall apply only to procurements for which invitations for bids or requests for proposals are issued on or after such effective date.

Dated: December 23, 1970.

EINAR JOHNSON,
Acting Administrator.

[F.R. Doc. 71–188; Filed, Jan. 6, 1971; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-36-AD; Amdt. 39-1140]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas DC-9 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring rework or replacement of the existing emergency evacuation slide cover latch clip on Douglas DC-9 series airplanes was published in 35 F.R. 17054.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment noted an alternative method of compliance to the notice, specifically, lockwiring the swaged head of the cable assembly to a clip mounted on the door to prevent latch rotation. This method has been determined to be unacceptable. The manufacturer issued Revision A to A11 Operators Letter (AOL) 9-370, dated November 19, 1970, wherein the lockwire method was described as insufficient and recommending the notching of the Douglas P/N 3753213-39 clip as the primary corrective action, or replacing the P/N 3753213-39 clip with P/N 3753213-99 clip which incorporates a tab to prevent latch rotation as a secondary method. One operator who had used the lockwire method per AOL 9-370, dated November 17, 1969, advised that this fix was not sufficient. The rule, as adopted, reflects the method described in the notice.

One comment requested an extension of the compliance time to 1,000 hours. The leadtime, provided both by the date of effectivity from the publication date in the FEDERAL REGISTER and the specified compliance time, is considered adequate. Therefore, in the absence of a substantial basis for further delay, the agency has determined to retain the compliance time as originally proposed.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 F.R. 13697, § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to DC-9 series airplanes certificated in all categories.

Compliance required within the next 500 hours time in service after the effective date of this AD, unless already accomplished.

To prevent failures in the deployment of the emergency evacuation slide, accomplish the following:

(a) Modify the Douglas Aircraft Co. P/N 3753213-39 latch clip in accordance with Douglas Aircraft Co. All Operators Letter (AOL) 9-370, dated November 17, 1969, or Revision A thereto, dated November 19, 1970, or later FAA-approved revisions, to provide a notch in the latch clip at the point of interference with the clevis pin in the swaged head of the emergency evacuation slide deployment cable assembly, or

(b) Replace Douglas P/N 3753213-39 latch clip with Douglas P/N 3753213-99 latch clip, or

(c) An equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective February 17, 1971.

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

Issued in Los Angeles, Calif., on December 29, 1970.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 71-200; Filed, Jan. 6, 1971; 8:48 a.m.]

[Airspace Docket No. 70-CE-95]

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

Alteration of Transition Area

On page 15405 of the FEDERAL REGISTER dated October 2, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at McPherson, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

The McPherson Municipal Airport coordinates recited in the McPherson, Kans., transition area designation as "latitude 38°21'25" N., longitude 97°41'-30" W." are changed to read "latitude 38°21'19" N., longitude 97°41'29" W.".

This amendment shall be effective 0901 G.m.t., March 4, 1971.

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

Issued in Kansas City, Mo., on December 15, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

MCPHERSON, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of McPherson Municipal Airport (latitude 38°21'19" N., longitude 97°41'29" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 309° bearing from the McPherson Municipal Airport, extending from the airport to 18½ miles northwest of the airport, excluding the portions that overlie the Salina and Hutchinson, Kans., 1,200-foot floor transition areas.

[F.R. Doc. 71-203; Filed, Jan. 6, 1971; 8:48 a.m.]

[Airspace Docket No. 70-CE-115]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Carroll, Iowa.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the transition area at Carroll, Iowa. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., March 4, 1971, as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

CARROLL, IOWA

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Arthur N. Neu Airport (latitude 42° 02'50" N., longitude 94°47'20" W.); and within 3 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6½-mile-radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 143° and 323° bearings from Arthur N. Neu Airport, extending from 5 miles northwest to 18½ miles southeast of the airport.

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

Issued in Kansas City, Mo., on December 21, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 71-204; Filed, Jan 6, 1971; 8:48 a.m.]

[Airspace Docket No. 70-CE-81]

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

Alteration of Control Zones and Transition Area

On page 14560 of the FEDERAL REGISTER dated September 17, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Minneapolis, Minn., and St. Paul, Minn., control zones and the Minneapolis, Minn., transition area.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

In lines 41 and 42 of the redesignation of the Minneapolis, Minn., transition area, the longitude coordinate "98°06'00" W." is changed to read "longitude 95°06'00" W.".

This amendment shall be effective 0901 G.m.t., March 4, 1971.

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

Issued in Kansas City, Mo., on December 17, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zones are amended to read:

MINNEAPOLIS, MINN.

Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 2 miles each side of the Minneapolis MSP-ILS localizer front course extending from the 5-mile-radius zone to 1½ miles northwest of the MS-OM; within 2 miles each side of the Minneapolis APL-ILS localizer front course, extending from the 5-mile-radius zone to one-half mile southwest of AP-OM.

MINNEAPOLIS, MINN. (CRYSTAL AIRPORT)

Within a 5-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

MINNEAPOLIS, MINN. (FLYING CLOUD)

Within a 5-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'45" W.); within 2½ miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7½ miles west of the VOR; and within 2½ miles each side of the Flying Cloud VOR 179° radial extending from the 5-mile radius zone to 6½ miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airman's Information Manual.

ST. PAUL, MINN.

Within a 5-mile radius of St. Paul Downtown Airport (Holman Field) latitude 44°56'10" N., longitude 93°03'40" W.), excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of South St. Paul Municipal Airport (Fleming Field) (latitude 44°51'25" N., longitude 93°01'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) § 71.181 (35 F.R. 2134), the following transition area is amended to read:

MINNEAPOLIS, MINN.

That airspace extending upward from 700 feet above the surface within a 26-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within a 28-mile radius of Minneapolis-St. Paul International Airport, extending from the 206° bearing from the airport clockwise to the 353° bearing from the airport; and within 4½ miles north and 9½ miles south of the Flying Cloud VOR 292° radial, extending from the 28-mile-radius area to 18½ miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; that airspace west of Minneapolis bounded on the south by V-26, on the northwest by V-148, and on the east by the 36-mile-radius area; and that airspace extending upward from 4,000 feet MSL southwest of Minneapolis bounded on the north by V-26S, on the northeast by a 36-mile-radius circle centered on Minneapolis-St. Paul International Airport, on the southeast by V-219 and on the southwest by V-24; and that airspace extending upward from 6,000 feet MSL bounded by a line starting at the 36-mile-radius area west of Minneapolis southwest along the northwest edge of V-148; thence clockwise along a 70-mile-radius arc from the Minneapolis-St. Paul International Airport to the southwest edge of V-55; thence southeast along the southwest edge of V-55 to the north edge of V-78; then west along the north edge of V-78 to the 36-mile-radius area thence counterclockwise along the 36-mile-radius arc to the northwest edge of V-148; and that airspace extending upward from 8,000 feet MSL bounded on the southwest by the northwest edge of V-148; on the west by longitude 95°06'00"; on the north by latitude 46°13'00" N.; on the northeast by the southwest edge of V-55; on the southeast by the 70-mile-radius arc.

[F.R. Doc. 71-205; Filed, Jan. 6, 1971; 8:48 a.m.]

[Airspace Docket No. 70-CE-88]

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

Alteration of Control Zone and Transition Area

On page 15936 of the FEDERAL REGISTER dated October 9, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Iron Mountain, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

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

These amendments shall be effective 0901 G.m.t., March 4, 1971.

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

Issued in Kansas City, Mo., on December 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

IRON MOUNTAIN, MICH.

Within a 5-mile radius of Ford Airport (latitude 45°48'55" N., longitude 88°06'55" W.); within 2½ miles each side of the Iron Mountain VORTAC 141° radial extending from the 5-mile radius zone to 6½ miles southeast of the VORTAC, within 3 miles each side of the Iron Mountain VORTAC 193° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; within 3 miles each side of the 182° bearing from Ford Airport, extending from the 5-mile radius zone to 7½ miles south of the airport; within 3 miles each side of the 276° bearing from Ford Airport extending from the 5-mile radius zone to 7½ miles west of the airport; and within 3 miles each side of the Iron Mountain VORTAC 004° radial, extending from the 5-mile radius zone to 7½ miles north of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

IRON MOUNTAIN, MICH.

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Iron Mountain VORTAC; with 4½ miles west and 9½ miles east of the Iron Mountain VORTAC 193° radial, extending from the 13-mile radius area to 18½ miles south of the VORTAC; within 4½ miles west and 9½ miles east of the 182° bearing from Ford Airport (latitude 45°48'55" N., longitude 88°06'55" W.) extending from the 13-mile radius area to 18½ miles south of the airport; and within 4½ miles north and 9½ miles south of the 276° bearing from Ford Airport, extending from the 13-mile radius area to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15½-mile radius of the Iron Mountain VORTAC; within 4½ miles southwest and 9½ miles northeast of the Iron Mountain VORTAC 141° radial; extending from the VORTAC to 18½ miles southeast of the VORTAC; and within 4½ miles east and 9½ miles west of the Iron Mountain VORTAC 004° radial, extending from the VORTAC to 18½ miles north of the VORTAC, excluding the portion which overlies the Marquette, Mich., 1,200-foot transition area.

[F.R. Doc. 71-206; Filed, Jan. 6, 1971; 8:48 a.m.]

[Airspace Docket No. 70-SO-94]

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

Alteration of Control Zone and Transition Area

On November 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18205), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Daytona Beach, Fla., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was determined, through the application of Terminal Instrument Procedures (TERPs) criteria, that the proposed controlled airspace protection for AL-5459 VOR RWY 8 Instrument Approach Procedure to Ormond Beach Municipal Airport was inadequate with respect to the width of the control zone extension predicated on Daytona Beach VORTAC 256° radial. The width should have been proposed as 5 miles each side in lieu of 3 miles each side of the radial. It is necessary to alter the description to provide required controlled airspace protection. Since this amendment is made in accordance with TERPs criteria, which was coordinated with government agencies concerned and affected industry groups, notice and public procedure hereon are unnecessary and action is taken herein to alter the control zone description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 4, 1971, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Daytona Beach, Fla., control zone is amended to read:

DAYTONA BEACH, FLA.

Within a 5-mile radius of Daytona Beach Regional Airport (lat. 29°11'05" N., long. 81°03'20" W.); within a 5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°06'49" W.); within 5 miles each side of Daytona Beach VORTAC 256° radial, extending from the 5-mile-radius zone to 8.5 miles west of the VORTAC.

In § 71.181 (35 F.R. 2134), the Daytona Beach, Fla., transition area is amended to read:

DAYTONA BEACH, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Daytona Beach Regional Airport (lat. 29°11'05" N., long. 81°03'20" W.); within a 6.5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°06'49" W.); excluding the portion outside the continental limits of the United States.

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

Issued in East Point, Ga., on December 30, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 71-207; Filed, Jan. 6, 1971; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

DEBENTURE INTEREST RATES

The following miscellaneous amendments have been made to this chapter to change the debenture interest rate:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—		Prior to—	
4¾	Jan.	1, 1967	Jan.	1, 1968
5⅛	Jan.	1, 1968	July	1, 1969
5⅞	July	1, 1969	Jan.	1, 1970
6⅛	Jan.	1, 1970	July	1, 1970
6¼	July	1, 1970	Jan.	1, 1971
6⅛	Jan.	1, 1971		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—		Prior to—	
4¾	Jan.	1, 1967	Jan.	1, 1968
5⅛	Jan.	1, 1968	July	1, 1969
5⅞	July	1, 1969	Jan.	1, 1970
6⅛	Jan.	1, 1970	July	1, 1970
6¼	July	1, 1970	Jan.	1, 1971
6⅛	Jan.	1, 1971		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies to sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—		Prior to—	
4¾	Jan.	1, 1967	Jan.	1, 1968
5⅛	Jan.	1, 1968	July	1, 1969
5⅞	July	1, 1969	Jan.	1, 1970
6⅛	Jan.	1, 1970	July	1, 1970
6¼	July	1, 1970	Jan.	1, 1971
6⅛	Jan.	1, 1971		

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations-Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—		Prior to—	
4¾	Jan.	1, 1967	Jan.	1, 1968
5⅛	Jan.	1, 1968	July	1, 1969
5⅞	July	1, 1969	Jan.	1, 1970
6⅛	Jan.	1, 1970	July	1, 1970
6¼	July	1, 1970	Jan.	1, 1971
6⅛	Jan.	1, 1971		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., December 30, 1970.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 71-139; Filed, Jan. 6, 1971; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter I—Federal Procurement Regulations

PART 1–16—PROCUREMENT FORMS

Architect-Engineer Contracts

This amendment of the Federal Procurement Regulations prescribes standard forms and related policies and procedures applicable to contracts for architect-engineer services as follows: (1) A standard contract form, (2) a standard form containing general contractual provisions, and (3) instructions for modifying Standard Form 19–B, Representations and Certifications (Construction Contract).

The table of contents for Part 1–16 is amended by revising and adding entries as follows:

Subpart 1–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction and Architect-Engineer Contracts)

* * * * *

Subpart 1–16.7—Forms for Negotiated Architect-Engineer Contracts

Sec.	
1–16.700	Scope of subpart.
1–16.701	Forms prescribed.
1–16.702	Required use.
1–16.703	Terms, conditions, and provisions.
1–16.901–252	Standard Form 252: Architect-Engineer Fixed-Price Contract.
1–16.901–253	Standard Form 253: General Provisions (Architect-Engineer Contract).

Section 1–16.000 is revised to read as follows:

§ 1–16.000 Scope of part.

This part prescribes forms for use by executive agencies in connection with procurement of supplies, purchase and delivery orders, nonpersonal services, construction, leases for real property, architect-engineer services, and other miscellaneous forms for use in connection with the procurement of supplies and services. Illustrations of these forms are contained in Subpart 1–16.9. When using these forms for procurement outside the United States, its possessions, and Puerto Rico, they may be modified as appropriate, in accordance with agency procedures.

Subpart 1–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction and Architect-Engineer Contracts)

Section 1–16.500 is revised to read as follows:

§ 1–16.500 Scope of subpart.

This subpart prescribes forms for use in advertised and negotiated nonpersonal service contracts (other than construction and architect-engineer contracts).

Subpart 1–16.7 is added to read as follows:

Subpart 1–16.7—Forms for Negotiated Architect-Engineer Contracts

§ 1–16.700 Scope of subpart.

This subpart prescribes forms for use in the procurement of architect-engineer professional services by negotiation (no advertised contract forms are prescribed for this purpose). Illustrations of these forms are contained in Subpart 1–16.9.

§ 1–16.701 Forms prescribed.

The following standard forms are prescribed for use in accordance with this Subpart 1–16.7:

(a) Architect-Engineer Fixed-Price Contract (Standard Form 252, August 1970 edition).

(b) General Provisions (Architect-Engineer Contract) (Standard Form 253, August 1970 edition).

(c) Representations and Certifications (Construction Contract) (Standard Form 19–B, October 1969 edition). Pending publication of a new edition of the form, when the form is used in contracting for architect-engineer services, it shall be modified by an appropriate provision in the schedule, specifications, or continuation sheet as follows:

(1) Change the title of the form to read:

REPRESENTATIONS AND CERTIFICATIONS (CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS)

(For use with Standard Forms 19, 21, and 252)

(2) Change the Reference block to read: Reference (Enter same No(s). as on SF 19, 21, and 252).

(3) Change (c) of paragraph 1, Small Business, to read:

(c) Had average annual receipts for the preceding 3 fiscal years not exceeding $7,500,000 for construction contracts, $1 million for architect-engineer contracts primarily architectural, and $5 million for architect-engineer contracts primarily engineering.

(d) When cost or pricing data are required by § 1–3.807–3, contract pricing proposal forms employed by agencies should be supported by attachments detailing direct costs, including those for job categories, hourly rates, man-hours, number of drawings and specifications pages, transportation, travel expenses, telephone, reproduction, and consultants.

§ 1–16.702 Required use.

The forms prescribed by § 1–16.701 shall be used for negotiated fixed-price contracts to be performed in the United States, its possessions, and Puerto Rico, for the procurement of architect-engineer services related to construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property. Such services include master planning, architectural and engineering studies, investigations, development of the design, preparation of plans and specifications, and inspection or supervision of work performed during the period of construction, alteration, or repair.

§ 1–16.703 Terms, conditions, and provisions.

(a) Additional provisions, e.g., detailed description of the work, the payment schedule, cost or pricing data, surveys and subsoil information, laboratory tests, redesign within available funds, inspection or supervision, post construction contract services, patents, travel, and per diem, considered by an agency to be essential to its contractual relationships and which are not inconsistent with any provisions contained in the forms prescribed in this Subpart 1–16.7 may be incorporated as an added section of the contract entitled "Special Provisions" in accordance with agency procedures.

(b) The term "architect-engineer" may be used in lieu of the term "contractor" whenever any additional clause, the text of which is prescribed by the Federal Procurement Regulations, is included in the contract.

(c) The Disputes clause of Standard Form 253 may be altered, by appropriate provision in the "Special Provisions," in accordance with agency procedures, to define "head of the Federal agency" or to provide for an intermediate appeal board procedure.

(d) The Government Rights (Unlimited) clause of Standard Form 253 may be deleted and the following clause substituted where sole property rights of the Government are required:

DRAWINGS AND OTHER DATA TO BECOME PROPERTY OF GOVERNMENT

All designs, drawings, specifications, notes, and other work developed in the performance of this contract shall be and remain the sole property of the Government and may be used on any other work without additional compensation to the Architect-Engineer. With respect thereto, the Architect-Engineer agrees not to assert any rights and not to establish any claim under the design patent or copyright laws. The Architect-Engineer for a period of 3 years after completion of the project agrees to furnish and provide access to all retained materials on the request of the Contracting Officer. Unless otherwise provided in this contract, the Architect-Engineer shall have the right to retain copies of all such materials beyond such period.

Subpart 1–16.9—Illustrations of Forms

1. Section 1–16.901–252 is added to illustrate Standard Form 252 as follows:

§ 1–16.901–252 Standard Form 252: Architect-Engineer Fixed-Price Contract.

(a) Page 1 of Standard Form 252.

STANDARD FORM 252 AUGUST 1970 EDITION GENERAL SERVICES ADMINISTRATION FED. PROC. REG. (41 CFR) 1–16.701 252–101	ARCHITECT-ENGINEER FIXED-PRICE CONTRACT	1. CONTRACT NO. 2. DATE OF CONTRACT

3. NAME AND ADDRESS OF ARCHITECT–ENGINEER*

4. DEPARTMENT OR AGENCY AND ADDRESS*

5. PROJECT TITLE AND LOCATION

6. CONTRACT FOR (*General description of services to be provided*)

7. CONTRACT AMOUNT (*Express in words and figures*)

8. NEGOTIATION AUTHORITY

9. ADMINISTRATIVE, APPROPRIATION, AND ACCOUNTING DATA

SPECIMEN

*Include ZIP code, Area code, and Telephone Number

(b) Page 2 of Standard Form 252.

10. The United States of America (hereinafter called the Government) represented by the Contracting Officer executing this contract and the Architect-Engineer agree to perform this contract in strict accordance with the General Provisions (Standard Form 253) and the documents identified as follows, all of which are made a part of this contract:

The parties hereto have executed this contract as of the date recorded in Item 2 above.

	SIGNATURES	NAMES AND TITLES (*Typed*)
11. ARCHITECT-ENGINEER		
A		
B		
C		
D		
12. THE UNITED STATES OF AMERICA		
		Contracting Officer

SPECIMEN

Reverse of Standard Form 252 (8–70)

☆ U.S. GOVERNMENT PRINTING OFFICE 1970 O—420-454 (2-AP)

2. Section 1–16.901–253 is added to illustrate Standard Form 253 as follows:

(a) Page 1 of Standard Form 253.

Standard Form 253
August 1970 Edition
General Services Administration
Fed. Proc. Reg. (41CFR) 1-16.701
253-101

GENERAL PROVISIONS
(Architect-Engineer Contract)

1. DEFINITIONS

(a) The term "head of the agency" or "Secretary" as used herein means the Secretary, or any other head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" as used herein means the person executing this contract on behalf of the Government and includes a duly appointed successor or authorized representative.

2. RESPONSIBILITY OF THE ARCHITECT-ENGINEER

(a) The Architect-Engineer shall be responsible for the professional quality, technical accuracy and the coordination of all designs, drawings, specifications, and other services furnished by the Architect-Engineer under this contract. The Architect-Engineer shall, without additional compensation, correct or revise any errors or deficiencies in his designs, drawings, specifications, and other services.

(b) Neither the Government's review, approval or acceptance of, nor payment for, any of the services required under this contract shall be construed to operate as a waiver of any rights under this contract or of any cause of action arising out of the performance of this contract, and the Architect-Engineer shall be and remain liable to the Government in accordance with applicable law for all damages to the Government caused by the Architect-Engineer's negligent performance of any of the services furnished under this contract.

(c) The rights and remedies of the Government provided for under this contract are in addition to any other rights and remedies provided by law.

3. CHANGES

(a) The Contracting Officer may, at any time, by written order, make changes within the general scope of the contract in the services to be performed. If such changes cause an increase or decrease in the Architect-Engineer's cost of, or time required for, performance of any services under this contract, whether or not changed by any order, an equitable adjustment shall be made and the contract shall be modified in writing accordingly. Any claim of the Architect-Engineer for adjustment under this clause must be asserted in writing within 30 days from the date of receipt by the Architect-Engineer of the notification of change unless the Contracting Officer grants a further period of time before the date of final payment under the contract.

(b) No services for which an additional cost or fee will be charged by the Architect-Engineer shall be furnished without the prior written authorization of the Contracting Officer.

4. TERMINATION

(a) The Contracting Officer may, by written notice to the Architect-Engineer, terminate this contract in whole or in part at any time, either for the Government's convenience or because of the failure of the Architect-Engineer to fulfill his contract obligations. Upon receipt of such notice, the Architect-Engineer shall: (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated by the Architect-Engineer in performing this contract, whether completed or in process.

(b) If the termination is for the convenience of the Government, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.

(c) If the termination is due to the failure of the Architect-Engineer to fulfill his contract obligations, the Government may take over the work and prosecute the same to completion by contract or otherwise. In such case, the Architect-Engineer shall be liable to the Government for any additional cost occasioned to the Government thereby.

(d) If, after notice of termination for failure to fulfill contract obligations, it is determined that the Architect-Engineer had not so failed, the termination shall be deemed to have been effected for the convenience of the Government. In such event, adjustment in the contract price shall be made as provided in paragraph (b) of this clause.

(e) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

5. DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof

(b) Page 2 of Standard Form 253.

to the Architect-Engineer. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Architect-Engineer mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the head of the agency involved. The decision of the head of the agency or his duly authorized representative for the determination of such appeals shall be final and conclusive. This provision shall not be pleaded in any suit involving a question of fact arising under this contract as limiting judicial review of any such decision to cases where fraud by such official or his representative or board is alleged; *Provided, however*, that any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Architect-Engineer shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Architect-Engineer shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This Disputes clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) above. Nothing in this contract, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

6. ASSIGNMENT OF CLAIMS

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Architect-Engineer from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act; and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Administration, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

7. GOVERNMENT RIGHTS (UNLIMITED)

The Government shall have unlimited rights, for the benefit of the Government, in all drawings, designs, specifications, notes and other work developed in the performance of this contract, including the right to use same on any other Government work without additional cost to the Government; and with respect thereto the Architect-Engineer agrees to and does hereby grant to the Government a royalty-free license to all such data which he may cover by copyright and to all designs as to which he may assert any rights or establish any claim under the design patent or copyright laws. The Architect-Engineer for a period of three (3) years after completion of the project agrees to furnish and to provide access to the originals or copies of all such materials on the request of the Contracting Officer.

8. EXAMINATION OF RECORDS

(The following clause is applicable if the amount of this contract exceeds $2,500.)

(a) The Architect-Engineer agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Architect-Engineer involving transactions related to this contract.

(b) The Architect-Engineer further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase

(c) Page 3 of Standard Form 253.

orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

9. COVENANT AGAINST CONTINGENT FEES

The Architect-Engineer warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Architect-Engineer for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

10. OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

11. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) Overtime requirements. No Architect-Engineer or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the provisions of paragraph (a), the Architect-Engineer and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Architect-Engineer and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) Withholding for unpaid wages and liquidating damages. The Contracting Officer may withhold from the Architect-Engineer, from any moneys payable on account of work performed by the Architect-Engineer or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Architect-Engineer or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) Subcontracts. The Architect-Engineer shall insert paragraphs (a) through (d) of this clause and the preamble in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) Records. The Architect-Engineer shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

12. CONVICT LABOR

In connection with the performance of work under this contract, the Architect-Engineer agrees not to employ any person undergoing sentence of imprisonment at hard labor.

13. EQUAL OPPORTUNITY CLAUSE

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60).)

During the performance of this contract, the Architect-Engineer agrees as follows:

(a) The Architect-Engineer will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Architect-Engineer will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Architect-Engineer agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(d) Page 4 of Standard Form 253.

(b) The Architect-Engineer will, in all solicitations or advertisements for employees placed by or on behalf of the Architect-Engineer, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(c) The Architect-Engineer will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Architect-Engineer's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Architect-Engineer will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Architect-Engineer will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Architect-Engineer's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Architect-Engineer may be declared ineligible for further Government contracts, in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Architect-Engineer will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Architect-Engineer will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; *Provided, however,* That in the event the Architect-Engineer becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Architect-Engineer may request the United States to enter into such litigation to protect the interests of the United States.

☆ U.S. GOVERNMENT PRINTING OFFICE: 1970—O-430-454 FS-A

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

Effective date. This amendment is effective May 29, 1971, but may be observed earlier if copies of the new standard forms are available.

Dated: January 5, 1971.

HAROLD S. TRIMMER, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 71-241; Filed, Jan. 6, 1971; 8:50 a.m.]

Chapter 114—Department of the Interior

PART 114–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965–1969) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 (c), §§ 114–45.316–2 and 114–47.304–51 are amended as set forth below. These revised sections shall become effective on the date of their publication in the FEDERAL REGISTER.

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

DECEMBER 30, 1970.

Subpart 114–45.3—Sale of Personal Property

I. The following amends 41 CFR 114–45 as previously published at 35 F.R. 292:

Section 114–45.316–2(a) is amended to limit the applicability thereof to personal property and to read as follows:

§ 114–45.316–2 Reporting requirements and procedures.

(a) The reporting requirements specified in FPMR 101–45.316–2 are applicable to all sales of Government-owned personal property made on a competitive basis whether competition is obtained through sealed bid, negotiation, auction, or spot bid procedures. They apply to:

(1) Program sales made pursuant to special statutes authorizing the Secretary of the Interior to sell specific items of personal property and,

(2) Sales of surplus personal property made pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

* * * * *

Subpart 114–47.3—Surplus Real Property Disposal

II. The following amends 41 CFR 114–47 as previously published at 35 F.R. 295:

§ 114–47.304–51 [Amended]

a. Section 114–47.304–51 (a) and (b) are amended to read as follows:

(a) Certificate of independent price determination: A certificate of independent price determination shall be required with each bid or offer for the purchase of real property, except where the price is fixed in advance of sale pursuant to law or regulation.

(1) The certificate of independent price determination clause contained in Condition No. 20 of the General Sale Terms and Conditions, Standard Form 114C, shall be included in all invitations for bids and requests for quotations on Government sales of real property and shall be submitted with sealed bids and written quotations submitted in response thereto.

(2) Auction and spot bid sales: Bureaus and Offices conducting sales of Government property by the auction or spot bid methods shall include an appropriate provision in the sales notice which will put the successful bidder on notice that he will be required, as a condition of award, to sign a certificate to the effect that "the bid was arrived at by the bidder or offeror independently, and was tendered without collusion with any other bidder or offeror."

(3) The requirement for a certificate of independent price determination applies to sales of surplus real property and to program sales made pursuant to special statutes as referred to in IPMR 114–47.304–8(a).

(b) The authority to make the determination described in paragraph (d) of Condition No. 20 of the General Sale Terms and Conditions, Standard Form 114C, is vested in the head of bureaus and offices and may not be redelegated.

b. Change the reference in the last sentence of paragraph (c), § 114–47.304–51 to read 114–47.304–8.

c. Section 114–47.304–52 is amended to read as follows:

§ 114–47.304–52 Compliance review.

The head of each Bureau and Office engaged in programs which involve the conduct of sales of Government property in the categories referred to in IPMR 114–47.304–8(a) shall install an appropriate monitoring system at the headquarters office level to ensure compliance with the provisions of IPMR 114–47.304–8 and 114–47.304–51. The monitoring system installed by each Bureau and Office will be subject to review by the Department's internal audit staff to determine its adequacy and effectiveness.

[F.R. Doc. 71–177; Filed, Jan. 6, 1971; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 619—ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436), and No. 615 (35 F.R. 15228), the Secretary of Labor appointed and convened Industry Committee No. 95–C for the Alcoholic Beverage and Industrial Alcohol Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 95–C are hereby published, to be effective January 23, 1971, in this order amending § 619.2 of Title 29, Code of Federal Regulations.

As amended, § 619.2 reads as follows:

§ 619.2 Wage rates.

* * * * *

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 31st day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[F.R. Doc. 71–193; Filed, Jan. 6, 1971; 8:47 a.m.]

PART 661—BANKING, INSURANCE, AND FINANCE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436), and No. 615 (35 F.R. 15228), the Secretary of Labor appointed and convened Industry Committee No. 95–C for the Banking, Insurance and Finance Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the Industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 95–C are hereby published, to be effective January 23, 1971, in this order amending § 661.2 of Title 29, Code of Federal Regulations.

As amended, § 661.2 reads as follows:

§ 661.2 Wage rates.

* * * * *

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 31st day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[F.R. Doc. 71–194; Filed, Jan. 6, 1971; 8:47 a.m.]

PART 725—EDUCATION INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (53 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208), and by means of Administrative Order No. 613 (35 F.R. 6436), the Secretary of Labor appointed and convened Industry Committee No. 98–A for the Education Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it. The recommendations of Committee 98–A are limited to those employees in the education industry brought into coverage by reason of the Fair Labor Standards Amendments of 1966 within the purview of 29 CFR Part 725.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 98–A are hereby published, to be effective January 23, 1971, in this order amending § 725.2 of Title 29, Code of Federal Regulations.

As amended, § 725.2 reads as follows:

§ 725.2 Wage rates.

Wages at the rate of not less than $1.40 an hour for the period beginning February 1, 1970, and ending January 31, 1971, and $1.54 an hour thereafter shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in any activity in the education industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 4th day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[F.R. Doc. 71–195; Filed, Jan. 6, 1971; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

On October 27, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16639) to amend Part 481 by designating the Northwest Nevada Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on November 6, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.115, as set forth below, designating the Northwest Nevada Intrastate Air Quality Control Region, is adopted effective on publication.

§ 481.115 Northwest Nevada Intrastate Air Quality Control Region.

The Northwest Nevada Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Nevada:

Carson City.	Storey County.
Douglas County.	Washoe County.
Lyon County.	

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: December 31, 1970.

WILLIAM D. RUCKELSHAUS,
Administrator.

[F.R. Doc. 71–191; Filed, Jan. 6, 1971; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–7; Notice No. 70–211]

PART 391—QUALIFICATIONS OF DRIVERS

Drivers of Light-Weight Farm Vehicles

The American Farm Bureau Federation, the National Council of Farmer Cooperatives, and certain other individuals and groups representing farmers have filed petitions, asking the Director of the Bureau of Motor Carrier Safety to suspend the application of the provisions of Part 391 of the Motor Carrier Safety Regulations insofar as those provisions apply to drivers of motor vehicles operated on behalf of farmers. Upon consideration of those petitions, the Director has concluded that, while some relief is warranted, it would not be in the interest of safety to provide an indefinite suspension of the rules or to exempt drivers of the larger, and inherently more dangerous, motor vehicles. Therefore, he is granting a 6-month suspension of certain of the driver qualification rules applicable solely to drivers of light-weight vehicles used to transport farm produce from a farm or supplies to a farm. The temporary exemption is limited to rules which would otherwise first apply to farm vehicle drivers on January 1, 1971. However, no exemption is being granted with respect to any requirement that applied to farm vehicle drivers prior to that date, since there appears to be no hardship resulting from continuing the effectiveness of those provisions.

Since this amendment relieves a restriction and imposes no additional burden upon any person, notice and public procedure are unnecessary, and it is effective on January 1, 1971.

(Sec. 204, Interstate Commerce Act, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority at 49 CFR 1.48 and 49 CFR 389.4)

Issued on December 31, 1970.

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

I. The introductory clause of § 391.11 (b) is amended to read as follows:

§ 391.11 Qualifications of drivers.

* * * * *

(b) Except as provided in §§ 391.61 and 391.67, a person is qualified to drive a motor vehicle if he—

* * * * *

II. Paragraph (a) of § 391.31 is amended to read as follows:

§ 391.31 Road test.

(a) Except as provided in §§ 391.33, 391.61, and 391.67, a person shall not drive a motor vehicle unless he has first successfully completed a road test and has been issued a certificate of driver's road test in accordance with this section.

* * * * *

III. Paragraph (a) of § 391.35 is amended to read as follows:

§ 391.35 Written examination.

(a) Except as provided in §§ 391.37, 391.61, and 391.67, a person shall not drive a motor vehicle unless he has first taken a written examination and has been issued a certificate of written examination in accordance with this section.

* * * * *

IV. Paragraph (a) of § 391.41 is amended to read as follows:

§ 391.41 Physical qualifications for drivers.

(a) A person shall not drive a motor vehicle unless he is physically qualified to do so and, except as provided in § 391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a motor vehicle.

* * * * *

V. The introductory clause of § 391.45 is amended to read as folows:

§ 391.45 Persons who must be medically examined and certified.

Except as provided in § 391.67, the following persons must be medically examined and certified in accordance with § 391.43 as physically qualified to drive a motor vehicle:

* * * * *

VI. Subpart G is amended by adding a new § 391.67 at the end of the subpart, reading as follows:

§ 391.67 Farm vehicle drivers.

(a) Before July 1, 1971, the following rules do not apply to a farm vehicle driver as defined in paragraph (b) of this section.

(1) Section 391.11(b)(1) (relating to minimum age of drivers).

(2) Subpart C (relating to disclosure of, investigation into, and inquiries about, the background character, and driving record of drivers).

(3) Section 391.31 (relating to road tests).

(4) Section 391.35 (relating to written examinations).

(5) So much of § 391.45(a) as requires a driver to have a medical examiner's certificate, or a copy of the certificate, on his person.

(6) Section 391.45 (relating to medical examinations).

(b) A "farm vehicle driver" is a person who is at least 18 years old and who is driving a vehicle that—

(1) Is controlled and operated by a farmer;

(2) Is being used to transport the produce of that farmer's farm from the farm or is being used to transport supplies to that farmer's farm for use at the farm;

(3) Has a gross weight, including its load, of 10,000 pounds or less; and

(4) Is not being used in the operations of a for-hire carrier.

VII. The table of contents is amended by adding the following at the end of the table:

Sec.
391.67 Farm vehicle drivers.

[F.R. Doc. 71-179; Filed, Jan. 6, 1971; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1; Rev. 5]

IMPORTS OF SMALL QUANTITIES

Notice of Proposed Rule Making

In order to facilitate administration with respect to entries of small quantities, it is proposed to amend section 8 of Oil Import Regulation 1 (Revision 5) to read as set forth below. Final action upon the proposal will be subject to the concurrence of the Director of the Office of Emergency Preparedness.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, within a period of thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER. Each person who submits comments is asked to provide fifteen (15) copies.

RALPH W. SNYDER, Jr.,
Acting Administrator,
Oil Import Administration.

DECEMBER 31, 1970.

Section 8 of Oil Import Regulation 1 (Revision 5) (31 F.R. 7747) would be amended to read as follows:

Sec. 8 Small quantities.

(a) District Directors of Customs are authorized to permit without a license an entry for consumption of not to exceed 550 U.S. gallons of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis or which are included in shipments of machinery or equipment and are certified as intended for use in connection therewith, and baggage entries. Unless notified by the Administrator to the contrary, District Directors of Customs are authorized to permit without a license the entry for consumption of bonded fuel aboard an aircraft diverted from an international flight. In each instance in which such an entry is made, the owner of the aircraft shall promptly file with the Administrator a written report of the circumstances in which the entry was made and the quantity entered. Failure to promptly file such report may result in the suspension or abrogation of the privilege of making such entries.

(b) A person desiring to import small quantities of crude oil, unfinished oils, or finished products in circumstances not covered by paragraph (a) of this section shall file with the Administrator a written request for authorization for entry without a license for each shipment, describing the oil and the quantity thereof proposed to be imported and the circumstances which would justify an entry without a license, the date when the shipment is scheduled to arrive or upon which it has arrived, and the port of entry. If the Administrator determines that the entry without a license is consonant with the purposes of Proclamation 3279, as amended, he may authorize such an entry.

[F.R. Doc. 71-221; Filed, Jan. 6, 1971; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Eligibility of Substances for Classification as Generally Recognized as Safe in Food; Extension of Time for Filing Comments on Proposal

The notice published in the FEDERAL REGISTER of December 8, 1970 (35 F.R. 18623), proposing to revise § 121.3 regarding classification of substances as generally recognized as safe in food, provided for the filing of comments within 30 days after said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing coments regarding the subject proposal is hereby extended to January 22, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–88, as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 4, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 71-199; Filed, Jan. 6, 1971; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-CE-113]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Creve Coeur, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Two new instrument approach procedures have been developed for Arrowhead Airport at Creve Coeur, Mo. Consequently, it is necessary to provide controlled airspace protection for aircraft executing these new approach procedures by designating a transition area at Creve Coeur, Mo. The new procedures will become effective concurrently with the designation of the transition area. The St. Louis, Mo., Approach Control Facility will control IFR traffic into and out of Arrowhead Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is added:

CREVE COEUR, MO.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the St. Louis, Mo., VORTAC 190° radial, extending from 12 miles south to 25½ miles south of the VORTAC, excluding the portions which overlie the Chesterfield, Mo., and St. Louis, Mo., 700-foot floor transition areas.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on December 15, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 71-201; Filed, Jan. 6, 1971; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-116]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Watertown, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Watertown, S. Dak., the approach procedures for the Watertown Municipal Airport have been revised. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Watertown, S. Dak., control zone and transition area to adequately protect aircraft executing the new approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

WATERTOWN, S. DAK.

That airspace within a 5-mile radius of Watertown Municipal Airport (latitude 44°54'51" N., longitude 97°09'16" W.); within 3 miles each side of the 149° bearing from the Watertown Municipal Airport, extending from the 5-mile radius to 8 miles southeast of the airport.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

WATERTOWN, S. DAK.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Watertown Municipal Airport (latitude 44°54'51" N., longitude 97°09'16" W.); within 4½ miles east and 9½ miles west of the Watertown VORTAC 006° radial extending from the 10-mile radius to 18½ miles north of the VORTAC; within 3 miles each side of the 149° bearing from the Watertown Municipal Airport, extending from the 10-mile radius to 10½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 23½ mile radius circle centered on the Watertown VORTAC, extending from a line 5 miles north of and parallel to the VORTAC 086° radial clockwise to a line 5 miles northwest of and parallel to the VORTAC 235° radial; within a 13-mile radius of the Watertown VORTAC from a line 5 miles northwest of and parallel to the VORTAC 235° radial clockwise to a line 5 miles north of and parallel to the VORTAC 086° radial; within 9½ miles east and 4½ miles west of the Watertown VORTAC 185° radial extending from the VORTAC to 30 miles south of the VORTAC; and within 9½ miles northeast and 4½ miles southwest of the 149° bearing from the Watertown Municipal Airport extending from the airport to 22 miles southeast of the airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and section 6(c), of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on December 17, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 71-202; Filed, Jan. 6, 1971; 8:48 a.m.]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 6; Notice 70-3]

EASTERN-CENTRAL STANDARD TIME ZONE BOUNDARY

Proposed Relocation of Boundary With Respect to Perry County, Ind.; Extension of Time for Comments

On November 7, 1970, the Department of Transportation published in the FEDERAL REGISTER a notice of proposed rule making (35 F.R. 17195) requesting comments on a proposal to relocate the boundary between the eastern and central time zones as it relates to Perry County, Ind., so as to place that county in the central time zone. The proposal was based on a petition from the Governor of Indiana to that effect. The notice stated that consideration would be given to all comments received on or before December 15, 1970.

Numerous responses in favor of and opposed to the proposal were received as a result of the original notice. However, the Board of County Commissioners of Perry County, Ind., by resolution dated December 7, 1970, has requested the Secretary of Transportation to defer action on the proposal until after the close of the 1971 session of the Indiana General Assembly. Under Article 4 of the Constitution of the State of Indiana the General Assembly will convene in January 1971 and could extend into April 1971. The Board of County Commissioners made the request to defer action on the proposal because the Indiana General Assembly is expected to consider the issue of exempting the entire State of Indiana from the requirement of "advanced time" as provided for by section 3 of the Uniform Time Act of 1966 (15 U.S.C. 260a). A number of similar requests were received from local business interests and individuals.

From the responses received to date, it is clear that if the Indiana General Assembly exempts the State from the requirement of advancing its time 1 hour during the summer months the views of the citizens of Perry County who now favor a change to the central time zone could be significantly altered. If a State law is enacted exempting Indiana from observing "advanced time", the alternatives available with respect to Perry County would then be eastern standard time the entire year or central standard time the entire year. Neither alternative would involve "advanced time" during the summer months as is now the case.

Under the time zone act originally enacted in 1918 (15 U.S.C. 261), as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.), the Secretary of Transportation is authorized to modify the limits of time zones having regard to "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate and foreign commerce".

In consideration of the request by the Board of County Commissioners of Perry County to defer action on the proposal to place Perry County in the central time zone, the Department of Transportation is reopening the proceeding and, before taking any action to adopt, deny, or modify the proposed boundary change, will consider the comments of all interested persons received on or before April 15, 1971. Communications should identify the regulatory docket or notice number and be submitted to the Docket Clerk, Office of General Counsel, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

This proceeding does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement, by law applicable to the entire State. No political subdivision of a State

may prescribe a time that is inconsistent with this requirement. The Department of Transportation has no administrative authority with respect to this matter.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and § 1.59(a) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a)).

Issued in Washington, D.C., on December 31, 1970.

JAMES A. WASHINGTON, Jr.,
General Counsel.

[F.R. Doc. 71–189; Filed, Jan. 6, 1971; 8:47 a.m.]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS IN MARYLAND

Proposed Designation and Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Maryland as set forth in the following new §§ 481.154–481.156 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Maryland, Pennsylvania, Delaware, West Virginia, and Virginia, and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 10 a.m., January 18, 1971, in the Public Service Commission Hearing Room, State Office Building, 301 Preston Street, Baltimore, MD.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.154 Eastern Shore Intrastate Air Quality Control Region.

The Eastern Shore Intrastate Air Quality Control Region (Maryland) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland:

Caroline County.	Somerset County.
Cecil County.	Talbot County.
Dorchester County.	Wicomico County.
Kent County.	Worcester County.
Queen Annes County.	

§ 481.155 Central Maryland Intrastate Air Quality Control Region.

The Central Maryland Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland:

Frederick County.	Washington County.

§ 481.156 Southern Maryland Intrastate Air Quality Control Region.

The Southern Maryland Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland:

Calvert County.	St. Marys County.
Charles County.	

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: December 31, 1970.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

[F.R. Doc. 71–192; Filed, Jan. 6, 1971; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 415]

ADVERTISING OF NONPRESCRIPTION SYSTEMIC ANALGESIC DRUGS

Termination of Trade Regulation Rule Proceeding

Notice is hereby given that the Federal Trade Commission has determined to terminate the Trade Regulation Rule proceeding relating to the Advertising of Nonprescription Systematic Analgesic Drugs, which had been initiated by the issuance of a public notice including a proposed rule on July 5, 1967 (32 F.R. 9843).

Commissioner Paul Rand Dixon dissented as to the foregoing action noting his position as follows: "Commissioner Dixon would not have cancelled the Trade Regulation Rule proceeding."

Issued: January 7, 1971.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 71–143, Filed, Jan. 6, 1971; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[EX PARTE NO. 272]

INVESTIGATION INTO LIMITATIONS OF CARRIER SERVICE ON C.O.D. AND FREIGHT-COLLECT SHIPMENTS

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of December 1970.

In this general investigation and rulemaking proceeding, instituted here on our own motion, we propose to study, on an industrywide scale, the developing problems encountered by carriers, shippers, and receivers of freight in transporting or in having transported, in interstate or foreign commerce, collect-on-delivery (c.o.d.) or freight-collect shipments. We are especially concerned with the apparently growing reluctance or refusal of carriers subject to our jurisdiction to handle c.o.d. shipments as well as carrier proposals to require that the freight charges on all shipments they handle be prepaid, and with the effect that those developments may have upon this Nation's transportation system and the adequacy of that system to meet the needs of the commerce of the United States, of the postal service, and of the national defense.

The Congress has decreed that for-hire transportation service be fully responsive to the constantly changing needs of shippers and receivers of freight and, through the national transportation policy and the comprehensive provisions of the Interstate Commerce Act, has empowered this Commission to oversee the accomplishment of this purpose. The present investigation will inquire into the extent to which the described and other related carrier practices and proposals may affect or curtail the quantity or quality of service offered by the regulated carriers to the Nation's shippers and receivers of freight, and looks toward the prescription of such regulations

or the recommendation of such legislation as may be found necessary and desirable in the public interest.

Collect-on-delivery or c.o.d. shipments are those in which the commodity being shipped is to be paid for, often in cash, at the time of delivery to the buyer, which amount is to be remitted by the carrier to the shipper. The carrier's transportation charges may or may not be prepaid. Freight-collect shipments are those in which the carrier's transportation charges are due from or paid by the consignee upon delivery of the goods and not by the shipper. There appears in the appendixes to this notice and order a sampling of representative tariff provisions published by motor common carriers of property which limit service with respect to shipments on which freight charges are collect (appendix A), to shipments on which collections are to be made on delivery (appendix B), to shipments on which transportation services are performed on a combination of rates (appendix C), and to shipments on which transportation services are performed under an order-notify bill of lading (appendix D).

Other factors which have given rise to our proposed study are our interest in and increasing concern for the need to determine the extent, if any, to which one or more of the following matters may affect the adequacy of service offered by regulated carriers to the shipping public:

A. The attitude that collection on delivery of freight charges or c.o.d. amounts is undesirable or inconvenient for carriers because of additional accounting procedures and expense;

B. The attitude that carriers' handling of the c.o.d. funds of others at terminals increases the risks at those terminals to loss, theft, embezzlement, or negligence in addition to the increased responsibilities promptly to transmit such funds to the carrier's home office or directly to the shipper;

C. The apparent belief of carriers that the handling of such funds on and after delivery frequently is resisted by carriers' employees and creates or contributes to personnel problems either because bonding of employees handling such funds (including union employees protected by extensive grievance machinery) sometimes cannot be accomplished or because the backgrounds of employees (particularly casual employees) cannot adequately be investigated;

D. The frequency of shipments returned by delivery drivers because of a lack of funds on the part of the consignees for either c.o.d. amounts or freight charges and the additional burdens imposed by rehandling or having freight on hand;

E. The frequency of shipments on which disputes arise between shipper and consignee as to whether freight charges are to be prepaid or collect, whether c.o.d. amounts due are accurate, and whether the consignee's payment of the amount of the c.o.d. in a form other than cash will be acceptable to the shipper;

F. The exposure of the carrier to the involuntary extension of credit through driver oversight, negligence, or other factors, as well as the forfeiture by the carrier of its lien on the goods;

G. The operational costs incurred and the instances in which the costs of delays exceed the revenues on shipments of certain sizes or to certain areas and for which the carriers obtain no additional compensation;

H. The extent to which carriers have refused transportation of c.o.d. or freight-collect shipments because such carriers earlier have experienced disputes between shippers and consignees as to the unauthorized return of merchandise previously shipped and received; and

I. The extent to which transportation service has been curtailed or eliminated on the basis of the method of payment or freight charges on shipments destined to so-called high-crime-frequency areas, and the curtailment or elimination of transportation service from or to such areas on any other basis or bases.

Shippers have registered with this Commission their opposition to many of the tariff provisions set forth in the appendixes (or provisions substantially similar thereto), and they have asserted that such tariff provisions violate certain provisions of the act, particularly sections 216 (b) and (d). They also have argued that the implementation of such tariff provisions and carrier rules and practices places an undue and restrictive burden on many small shippers and receivers of freight contrary to the national transportation policy. In addition to their legal arguments, these shippers also have contended that any requirement by carriers that all shipments be prepaid increases tremendously their volume of paperwork, necessitates changes in their accounting systems, and causes consignees to lose their ability to control the routing of shipments which they receive.

Carrier responses to shippers' complaints typically have included an enumeration of those conditions which the carriers contend are unique with respect to providing service on certain shipments to certain areas (particularly New York City) and which assertedly have compelled the publication of requirements that freight charges on small shipments so consigned be prepaid. Many of these same factors bear upon the ability and willingness of carriers to provide service at such points on c.o.d. shipments. Thus, carriers argue that extreme congestion and very high costs are incurred in operating to and from the five boroughs of New York City. The same appears to be their view also of other densely populated metropolitan areas as can be seen by the proposal affecting service at Chicago, Ill., set forth in item 3 of appendix A to this notice. Extensive delays regularly are encountered, according to the carriers, by drivers attempting to collect freight charges and c.o.d. amounts; these amounts often are not collectable at the freight receiving platforms and, thus, drivers are required to locate a person authorized to make payment and frequently the one person so authorized is not available. As a consequence, it is argued, carriers then have the costly and time-consuming alternatives of leaving the shipment and extending credit involuntarily or returning with the shipment at a later time, thereby incurring additional expenses. Delinquent accounts are said to result often when shipments are left without payment and further costs or collection procedures must be borne or the bad debts written off.

The carriers rely upon a number of actions by this Commission in failing to suspend tariff provisions which require the prepayment of freight charges and cite the principles enunciated in Ex Parte No. 73, Regulations for Payment of Rates and Charges, 171 ICC 268, where, at page 280, it was stated:

> We have no authority to issue an order requiring carriers to grant any credit. It is their right and privilege not only to demand payment of the freight charges before relinquishing possession of the freight at destination, but to demand the payment of such charges before forwarding the freight from the point of origin.

Notwithstanding the fact that this Commission has declined to suspend tariff provisions which require the prepayment of freight charges, the effect on the Nation's commerce and the more intense impact on small enterprises particularly, are such that we now must exercise those powers which are conferred by the act to determine whether the practices, proposals, and considerations described in this notice require immediate remedial action in the form of appropriate regulations or, if necessary, the possible recommendation of legislation.

Two recent events have contributed significantly to the present timing of the issuance of this notice and the institution of this investigation. On the one hand, we have observed that the National Classification Board[1] of the National Motor Freight Traffic Association, Inc., agent, located in Washington, D.C., is presently considering a proposal, designed as Subject 63 of docket No. 705, which would provide for an amendment of item 770 of the classification so as to require that freight charges on all motor shipments be prepaid. And secondly, a number of Senators and Congressmen have recently expressed the belief that the decision of some motor common carriers to refuse to accept c.o.d. shipments, as well as the proposed change in motor carrier rules with respect to accepting shipments only on a freight prepaid basis, both constitute substantial threats to the economic well-being of an important segment of American business whose operations have been geared to c.o.d. and freight-collect shipments, and that both of these actions would affect small business enterprises most severely.

The sampling of tariff provisions of motor carriers and the partial recitation

[1] The National Classification Board considers proposals of motor common carriers which, if adopted, are published in a tariff publication, known as the National Motor Freight Classification, and names, ratings, rules, and regulations which govern the freight rates published in tariffs of numerous motor common carriers.

above of some of the many factors which have prompted our present action creates a perspective for our overall inquiry, and to some extent touches upon and briefly describes some of the more unique or localized factors pertaining to the adequacy of service offered by regulated carriers. A number of significant questions thus have arisen which must be considered. In this context we believe that in this proceeding we should (1) examine the nature and scope of the practices of all regulated carriers with respect to limitations of service on the basis of the factors described in this notice and order; (2) investigate the impact on the Nation's commerce of those practices; (3) analyze the motivational forces which have contributed to these and other related carrier practices and actions; (4) determine the parameters of this Commission's jurisdiction with respect to each of the matters described in this notice; (5) consider the need for or the desirability of the adoption by this Commission of just, reasonable, and lawful rules and regulations governing (a) these and other matters (including possible carrier bonding requirements) relating to the handling of or refusal by regulated carriers to transport c.o.d. shipments generally or with respect to certain areas, and (b) the complete or partial refusal by regulated carriers to transport freight-collect shipments generally or those destined to specified points; and (6) determine the need for such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require.

It is for these purposes that the instant investigation and rule-making proceeding is instituted.

It is ordered, That, based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of the national transportation policy (49 U.S.C. preceding section 1), parts I, II, III, and IV of the Interstate Commerce Act (49 U.S.C. 1, 301, 901, and 1001, all et seq.), and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to (1) examine the nature and scope of the practices of all regulated carriers with respect to limitations of service on the basis of the factors described in this notice and order; (2) investigate the impact on the Nation's commerce of those practices; (3) analyze the motivational forces which have contributed to these and other related carrier practices and actions; (4) determine the scope of this Commission's jurisdiction with respect to each of the matters described in this notice; (5) consider the need for or the desirability of the adoption by this Commission of just, reasonable, and lawful rules and regulations governing (a) these and other matters (including possible carrier bonding requirements) relating to the handling of or refusal by regulated carriers to transport c.o.d. shipments generally or with respect to certain areas, and (b) the complete or partial refusal by regulated carriers to transport freight-collect shipments generally or those destined to specified points; and (6) determine the need for such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require.

It is further ordered, That all railroads, express companies, motor carriers, water carriers, brokers, and freight forwarders subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subject mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify this Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before February 1, 1971, the original and one copy of a statement of his intention to participate; that this Commission then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list this Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 71-240; Filed, Jan. 6, 1971; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 12891]

UTAH

Notice of Proposed Classification of Public Lands for Disposal by Exchange

Pursuant to section 7 of the Act of June 28, 1934, as amended (43 U.S.C. 315g), and to the regulations in 43 CFR 2400.0–3, it is proposed to classify the lands described below for disposal through exchange, under section 8 of the Act of June 28, 1934, supra (43 CFR 2200) for lands within the Salt Lake District.

This proposal has been discussed with the District Advisory Board, local government officials and other interested parties. Information from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2430.4(d), which authorized classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program."

Publication of this notice will segregate the land from all appropriation including location under the mining laws, except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

No application for an exchange will be accepted until it has first been determined that it is in the public interest for the United States to acquire the proposed offered lands and that the value of the offered lands equals or exceeds that of the selected lands.

All applications for exchange must be accompanied by a statement from the Bureau of Land Management, Salt Lake District Manager, that the proposal is feasible, in accordance with 43 CFR 2201.2.

Information concerning these lands is available at the Brigham City Suboffice, Bureau of Land Management, Brigham City, UT 84302, and the Salt Lake District Office, 1750 South Redwood Road, Salt Lake City, UT 84104.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments, suggestions, or objections to the District Manager of the Salt Lake District, Bureau of Land Management, 1750 South Redwood Road, Room 214, Salt Lake City, UT 84104; or the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, UT 84111.

The lands affected by this proposal are located in Box Elder County, Utah, and are described as follows:

SALT LAKE MERIDIAN, UTAH

T. 5 N., R. 18 W.,
Secs. 4, 6, 8, 10, 12, and 18.
T. 6 N., R. 18 W.,
Secs. 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, and 34.
T. 7 N., R. 18 W.,
Sec. 4, lots 3 and 4, S½NW¼, SW¼, N½SE¼;
Secs. 6, 8, 18, 20, 22, 24, 26, 28, 30, and 34.
T. 7 N., R. 19 W.,
Secs. 8, 10, 12, 14, 20, 22, 24, 26, and 28.

The above described area aggregates 24,319.97 acres.

EDWARD J. HOFFMAN,
Acting State Director.

[F.R. Doc. 71–178; Filed, Jan. 6, 1971; 8:46 a.m.]

[OR 6409]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 70–16935 appearing at page 19193 in the issue of Friday, December 18, 1970, the entry for Sec. 2 under "T. 12 S., R. 33 E.," should read "lots 1, 2, S½NE¼, E½SW¼, SE¼;".

Office of the Secretary

[Order No. 2508, Amdt. 90]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Specific Legislation

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

SEC. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(49) The act of September 18, 1970 (84 Stat. 843) which authorizes reimbursement to the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah for tribal funds that have been used for construction, operation, and maintenance of the Uintah Indian irrigation project, Utah.

FRED J. RUSSELL,
Acting Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71–187; Filed, Jan. 6, 1971; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (35 F.R. 12862, 14226, 15655, 17134, and 18887) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Pioneer Packing Co., Establishment 372, and the reference to swine with respect to such establishment are deleted. The reference to swine with respect to Sunray Meats, Inc., Establishment 2274, is deleted. The reference to H.A.S. Sweetmeat, Inc., Establishment 7025, and the reference to swine with respect to such establishment are deleted. The reference to swine with respect to Dic-Kota Meat Products, Inc., Establishment 7645, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Mankato Packing Co	455	(*)						
George Waldenmaier & Sons	5327	(*)						
Utica Packing Co	6832					(*)		
Schwartzman Packing Co	7003	(*)						
Danville Meat Products	7486	(*)	(*)	(*)		(*)		
New establishments reported: 5.								
Perretta Packing Co., Inc	571		(*)	(*)				
Clayton Packing Co	2373			(*)				
Springfield Dressed Beef, Inc	2590					(*)		
Community Abattoir, Inc	7075				(*)			
Skyberg's	7616			(*)				
Monteith Meat Service	7617			(*)				
Aafedt's Locker Plant	7623			(*)				
Stanley Locker Service	7632		(*)	(*)				
Davidson's Processing Plant	7633		(*)					
Lundi Processing	7634		(*)					
Dakota Meats, Inc	7636		(*)	(*)				
Species added: 14.								

Done at Washington, D.C., on December 30, 1970.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[F.R. Doc. 71-130; Filed, Jan. 6, 1971; 8:45 a.m.]

FRESH PEACHES GROWN IN GEORGIA

Findings and Determination With Respect to Continuation in Effect of Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), notice was given in the FEDERAL REGISTER (35 F.R. 17795) that a referendum would be conducted among the growers who, during the period January 1, 1970, through October 31, 1970 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period December 1 to December 12, 1970, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh peaches grown in Georgia, is not favored by the requisite majority of such growers.

Dated: January 4, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 71-218; Filed, Jan. 6, 1971; 8:49 a.m.]

Packers and Stockyards Administration

TRI COUNTY LIVESTOCK AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Hodges Stock Yards of Alabama, Hurtsboro, Oct. 1, 1959.	Tri County Livestock Auction, Jan. 1, 1971.
IDAHO	
Burley Livestock Commission Co., Burley, Mar. 31, 1950.	Burley Livestock Commission Company, Nov. 18, 1970.
OKLAHOMA	
Anadarko Livestock Sale, Anadarko, Sept. 7, 1961	J & B Livestock Auction, Nov. 10, 1970.
Locust Grove Sale Co., Inc., Locust Grove, May 1, 1959.	Locust Grove Sale Barn, Oct. 16, 1970.
PENNSYLVANIA	
Chesley's Livestock Auction, Little Hope, Dec. 9, 1959.	Chesley's Sales, Inc., Mar. 29, 1970.
TEXAS	
Coastal Cattle Association, Inc., Beaumont, Jan. 15, 1957.	Beaumont Livestock Commission Company, Sept. 1, 1970.

Done at Washington, D.C., this 4th day of January 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 71-219; Filed, Jan. 6, 1971; 8:49 a.m.]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-500]

EUGENE ARMSTRONG

Notice of Loan Application

DECEMBER 31, 1970.

Eugene Armstrong, 43 Hudson Avenue, Port Monmouth, NJ 07758, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 42-foot length overall steel vessel to engage in the fishery for lobsters.

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

JAMES F. MURDOCK,
Chief, Division of Financial Assistance.

[F.R. Doc. 71-182; Filed, Jan. 6, 1971; 8:46 a.m.]

[Docket No. B-501]

EUGENE L. BRACY

Notice of Loan Application

DECEMBER 31, 1970.

Eugene L. Bracy, Box 171, Horse Point Road, Port Clyde, ME 04855, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 36-foot length overall fiber glass vessel to engage in the fishery for lobsters and shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of

this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 71-183; Filed, Jan. 6, 1971; 8:46 a.m.]

[Docket No. B-499]

VINCENT DI MARTINO

Notice of Loan Application

DECEMBER 31, 1970.

Vincent Di Martino, 5 Berth Avenue, Kingston, RI 02881, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 56-foot length overall wood vessel to engage in the fishery for flounders, groundfish, butterfish, squid, scup, and lobsters.

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

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 71-176; Filed, Jan. 6, 1971; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Order Extending Provisional Construction Permit Completion Date

By application dated November 16, 1970, Omaha Public Power District requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-41. The permit authorizes the construction of a pressurized water nuclear reactor designated as the Fort Calhoun Station, Unit No. 1 at the applicant's site in Washington County, Nebr., on the southwest bank of the Missouri River about 19 miles northwest of Omaha, Nebr.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered,* That the latest completion date specified in Provisional Construction Permit No. CPPR-41 is extended from December 31, 1970, to December 31, 1972.

Dated at Bethesda, Md., this 30th day of December 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 71-181; Filed, Jan. 6, 1971; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21866-7]

DOMESTIC PASSENGER FARE INVESTIGATION; PHASE 7—FARE LEVEL

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard on January 28, 1971, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., January 4, 1971.

[SEAL] RALPH L. WISER,
Acting Chief Examiner.

[F.R. Doc. 71-215; Filed, Jan. 6, 1971; 8:49 a.m.]

[Dockets Nos. 21866, 22784; Order 70-12-155]

NORTHEAST AIRLINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1970.

By tariff revisions[1] marked to become effective January 11, 1971, Northeast Airlines, Inc. (Northeast), proposes to increase its military standby fares in noncompetitive markets from 50 percent to 60 percent of the normal coach fare. The carrier also proposes to cancel its Discover America fares in all markets except between Miami and Los Angeles.

The Board has recently suspended a number of proposals to increase both military-standby and military-reservation fares, and we shall take the same action here. As we have previously stated both fares have had wide usage by military personnel on furlough and as such are invested with broad public interest and national defense considerations which should be carefully explored before significant increases are permitted.

Upon consideration of the tariff proposal, the Board finds that the proposed military-standby fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. For the reasons stated above, we find that the proposals considered herein should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether fares and provisions described in Appendix A attached hereto,[2] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A attached hereto are suspended and their use deferred to and including April 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military-standby fares ordered herein is hereby consolidated into Docket 22784; and

4. A copy of this order will be filed with the aforesaid tariff and served upon Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 71-216; Filed, Jan. 6, 1971; 8:49 a.m.]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[2] Filed as part of the original document.

[3] Concurring and dissenting statement of member Minetti and dissenting statement of vice chairman Gillilland, with member Adams agreeing, filed as part of the original document.

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17,

1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Executive Assistant to the Assistant Attorney General" to "Deputy Assistant Attorney General": Internal Security Division.

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

[F.R. Doc. 71-217; Filed, Jan. 6, 1971; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19113; FCC 70-1346]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of the Western Union Telegraph Co. Tariff FCC No. 251 applicable to SICOM service.

1. The Commission has under consideration (a) Tariff Supplement No. 1, filed by The Western Union Telegraph Co. on December 1, 1970, which cancels, effective January 1, 1971, Western Union's Tariff FCC No. 251 applicable to its Securities Industry Communication Service (SICOM), (b) "Motion to Reject Tariff Supplement Cancelling SICOM Tariff F.C.C. No. 251 and For Further Relief" filed December 17, 1970, by The Computer Time-Sharing Services Section of the Association of Data Processing Service Organizations, Inc. (ADAPSO) and (c) a "Petition for Suspension" of the tariff supplement filed December 18, 1970, by The Bunker Ramo Corp.[1]

2. Western Union states in its transmittal letter that the purpose of the canceling supplement is to permit SICOM, with certain new added features, to be offered by a new affiliate of Western Union on an unregulated, nontariffed basis. The new affiliate is named "Securities Information Communications Corporation" and the new features to be added to its SICOM offering are so-called "Order Match" services which include "price validation, order file storage, order file adjustments, order file inquiry, order/execution match, and order file maintenance."

3. SICOM is a computer-based information-communication service for members of the brokerage community, i.e., it is available only to members of the New York Stock Exchange, American Stock Exchange, or other exchanges in the United States dealing in securities and commodities, and their correspondents. The tariff offers channel facilities and station equipment for the transmission of communications between stations on a customer's private network, on a store and forward basis through a Western Union computer center. In addition to such message switching, the computer, under the present tariff, performs error checks, a system of transmission and delivery priorities, recording and reporting usage and format control. A more detailed description of the SICOM service appears in our decision In the Matter of the Western Union Telegraph Company Tariff F.C.C. No. 251 Applicable to SICOM Service, 11 FCC 2d 1 (1967). In this decision we carefully examined the various features of SICOM as it presently exists and denied petitions that had been filed by Bunker-Ramo and Scantlin Electronics, Inc., requesting us to suspend and investigate SICOM. We specifically held, in denying the petitions, that we were neither approving nor disapproving the SICOM tariff and that its validity was subject to challenge by properly supported complaint or petition, 11 FCC 2d 12-13.

4. Western Union contends that the addition of the "Order Match" computer functions to SICOM, together with other alleged data processing features to be added in the near future, will transform SICOM from a communication service to a "hybrid" data processing service competitive with similar services offered by Bunker-Ramo, Ultronics and similar nonregulated firms, and that, under the Commission's Tentative Decision in the Computer Inquiry, Docket No. 16979, released April 3, 1970 (FCC 70-338), such hybrid data processing service should be furnished on an unregulated competitive basis. The company states that it will sell its SICOM assets to the new affiliate at net book value for about $10 million. (The assets to be sold are the computers, dalcodes and terminals.) In summary, the company argues that the cancellation will benefit the SICOM customers by making available to them a service that can be promptly changed to meet the needs of the securities industry in a highly competitive field and by creating a separate company that will be able to meet the special needs of SICOM customers. Further, the company claims that the cancellation will benefit Western Union by strengthening its financial position by the aforementioned $10 million and by divesting Western Union of what is essentially a data processing service that is not in consonance with the long-range integrated communications service objectives of Western Union.

5. In our Tentative Decision in the Computer Inquiry, Docket No. 16979, we proposed to establish a policy that would permit communications common carriers (other than the Bell System) to engage indirectly in the sale of data processing services on a nontariffed basis through separate corporate entities subject to certain requirements and safeguards. However, ADAPSO, Bunker-Ramo and others have submitted comments in partial opposition to such proposal and have argued orally before the Commission en banc in support of their objections. The matter is now before us for final decision.

6. Thus, ADAPSO and Bunker-Ramo contend that Western Union should not be allowed to provide SICOM service, either directly or through an affiliate, on an unregulated or de-tariffed basis, at least until the Commission renders its final decision in the aforesaid Computer Inquiry. They contend, among other things, that if we permit the canceling supplement to go into effect, we will be prejudging some of the contentions made by ADAPSO and Bunker-Ramo in the Computer Inquiry. For example, ADAPSO and Bunker-Ramo urge that communications carriers, either directly or indirectly, be absolutely barred from furnishing data processing services to others or that they be severely restricted in providing such services by the imposition of more extensive safeguards than those proposed by the Commission in its Tentative Decision.

7. Under the foregoing circumstances, we are of the opinion that the validity of the tariff supplement withdrawing the SICOM service as a common carrier offering should be assessed on the basis of the final policy determinations we will make shortly in the Computer Inquiry. This procedure will in our judgment best conduce to orderly administrative process and the ends of justice. Accordingly, we will suspend the tariff supplement at this time with the expectation that our final decision in the Computer Inquiry will be forthcoming within a matter of several weeks. It is our intention to take prompt further action with respect to the tariff supplement in light of, or in conjunction with, such final decision, including the immediate lifting of the suspension if warranted by that decision.

8. *It is ordered*, That, pursuant to the provisions of sections 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the above-described canceling supplement in Tariff FCC No. 251, Supplement No. 1, including cancellations, amendments or reissues thereof;

9. *It is further ordered*, That, pursuant to the provisions of section 204, the operation of the above-described supplement is hereby suspended until April 1, 1971.

10. *It is further ordered*, That pending the issuance of a final decision in the Computer Inquiry, the investigation instituted herein shall be held in abeyance, and the Commission will issue such further orders herein as may be appropriate in the light of such final decision.

11. *It is further ordered*, That the Western Union Telegraph Co. is made a party respondent and The Computer Time-Sharing Services Section of the Association of Data Processing Service Organizations, Inc. and The Bunker-Ramo Corp. shall be permitted to intervene as parties upon the filing of notices

[1] The Commission has also considered a "Petition For Relief" by The Business Equipment Manufacturers Association filed on Dec. 21, 1970, an "Opposition" to such petition filed by W.U. on Dec. 22, 1970, and an "Opposition" filed by W.U. on Dec. 22, 1970, to the petitions of Bunker-Ramo and ADAPSO.

of intent to intervene within 15 days from the release date of this order.

Adopted: December 23, 1970.

Released: December 31, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 71-196; Filed, Jan. 6, 1971; 8:47 a.m.]

[Docket No. 19043; FCC 70R-455]

WESTERN CONNECTICUT BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In the matter of revocation of the licenses of Western Connecticut Broadcasting Co. for standard broadcast station WSTC and FM broadcast station WSTC-FM, Stamford, Conn.

1. This proceeding was instituted by an order to show cause and notice of apparent liability (FCC 70-1093, released Oct. 8, 1970), directed toward the possible revocation of the licensees of Western Connecticut Co. (Western Connecticut) for Stations WSTC and WSTC-FM, Stamford, Conn. Among the various issues specified in the order were misrepresentation and character qualification issues. Presently before the Review Board is a motion to enlarge and modify issues, filed November 16, 1970, by Western Connecticut.[1]

2. Western Connecticut first requests enlargement of the issues to allow adduction of evidence relating to its past broadcast record. In support thereof, petitioner asserts that equitable considerations demand the admission of such mitigating evidence in order to permit Commission consideration of its overall broadcast performance before resolving the public interest questions. Petitioner insists this evidence is also necessary to assess correctional measures, if any are found to be needed. Further, maintains Western Connecticut, since the misrepresentation issue is based on the alleged misconduct of Julian Schwartz, WSTC's station manager, it should be permitted to introduce evidence pertaining to Schwartz's character and reputation for honesty. Petitioner indicates that "it may well be" that such evidence is admissible under the existing issues. If not, however, petitioner requests the addition of an appropriate issue. Therefore, to ensure a full inquiry into these matters, Western Connecticut requests the addition of issues to determine:

Whether the stations' past programing and service to the community have been meritorious and whether the stations have been operated in a manner consistent with the obligations of a licensee.

and

Whether Julian Schwartz is of good character and has a reputation for honesty and integrity.

3. In its comments, the Bureau indicates that it has no general objection to petitioner's request for a meritorious programing issue, but it does object to the inclusion of the issue as framed by Western Connecticut. The Bureau opposes an issue which would permit the adduction of evidence to establish a licensee has operated consistent with Commission rules—every licensee, urges the Bureau, is presumed to have met its minimal obligations and this evidence cannot therefore demonstrate meritorious programing. Thus, the Bureau states, the only appropriate issue which would be included is as follows:

To determine whether the programing of Stations WSTC and WSTC-FM has been meritorious, particularly with regard to public service programs.

Regarding the requested clarification or addition of an issue relating to Schwartz, the Bureau is of the opinion that this request has been brought in the wrong forum; such requests, concludes the Bureau, should first be ruled on by the Hearing Examiner.

4. The Review Board will add an issue permitting Western Connecticut to adduce evidence in support of an asserted past record of meritorious programing. Such evidence may mitigate adverse findings under the misrepresentation and character issues. See Chronicle Broadcasting Co., 18 FCC 2d 120, 16 RR 2d 494 (1969). Nevertheless, the addition of this issue will not preclude the parties from arguing the weight to be accorded the evidence adduced. United Television Co. (WFAN-TV), 25 FCC 2d 1014, 20 RR 2d 293 (1970), and Hawaiian Paradise Park Corp., —— FCC 2d ——, 19 RR 2d 894 (1970). However, we agree with the Broadcast Bureau that a demonstration of operation consistent with Commission rules and requirements cannot be equated with a demonstration of meritorious programing; thus, the only evidence which is acceptable here is that relating to meritorious programing. The issue, consistent with our usual practice, will therefore be framed as suggested by the Bureau. E.g., Jack Straw Memorial Foundation, 26 FCC 2d 492 (1970), and Wagoner Radio Co., 12 FCC 2d 978, 13 RR 2d 114 (1968).

5. The Board also concurs with the Bureau in that Western Connecticut's request for clarification should first be addressed to the Hearing Examiner. See § 1.248(c)(1) of the Commission's rules. This procedure, well established in Commission precedent, facilitates the orderly and effective workings of the Commission processes. William Garett Driskell, 18 FCC 2d 654, 16 RR 2d 914 (1969), and Royal Broadcasting Co. (KHAI), 4 FCC 2d 863, 8 RR 2d 637 (1966). Therefore, petitioner's request for clarification or enlargement of issues as it relates to Schwartz's character and representation will be denied.

6. *Accordingly, it is ordered,* That the motion to enlarge and modify issues, filed November 16, 1970, by Western Connecticut Broadcasting Co., is granted to the extent indicated below, and is denied in all other respects; and

7. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the programing of Stations WSTC and WSTC-FM have been meritorious, particularly with regard to public service programs.

8. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and of proof on the issue herein added shall be on Western Connecticut Broadcasting Co.

Adopted: December 28, 1970.

Released: December 30, 1970.

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

[F.R. Doc. 71-197; Filed, Jan. 6, 1971; 8:47 a.m.]

[Report No. 525]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 4, 1971.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior-filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

[3] Commissioner Johnson concurring in the result; Commissioner Wells absent.

[1] Comments were filed by the Broadcast Bureau on Nov. 30, 1970.

exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call, sign and nature of application

3318-C2-TC-71—Danville Redipage, Inc. Consent to transfer of control from C. Eugene Simpson, Charles O. Simpson, Leslie P. Simpson, Joseph O. and Joyce E. Goggin (Joint Tenants with Right of Survivorship), Transferors, to: C. Eugene Simpson, Charles O. Simpson and Leslie P. Simpson, Transferees. Station: KSA343, Danville, Ill.

3319-C2-P-71—Electrocom Corp. (KCI297), C.P. for additional facilities to operate on frequency 454.10 MHz at location No. 2: 111 Perkins Street, Boston, MA.

3320-C2-P-71—ComEx, Inc. (KCC797), C.P. for additional facilities to operate on frequency 454.10 MHz at a new site described as location No. 4: 111 Perkins Street, Boston, MA.

3342-C2-P-71—General Telephone Co. of Pennsylvania (New), C.P. for a new one-way station to be located at Cranberry Township, 2 miles south of Oil City, Pa., to operate on frequency 35.58 MHz.

3344-C2-P-71—Page Boy Inc. (KEA860), C.P. for additional facilities to operate on frequency 35.22 MHz at the Empire State Building, 350 Fifth Avenue, New York.

3345-C2-AL-71—Associated Telephone Answering Service. Consent to assignment of license from Associated Telephone Answering Service, Assignor, to Associated Communications, Inc., Assignee. Station: KCI309, Bridgeport, Conn.

Major Amendment

2685-C2-TC-71—General Telephone Co. of Georgia. Amendment to reflect assignment of license rather than transfer of control from General Telephone Co. of Georgia to General Telephone Co. of the Southeast. Station KIY396, Dalton, Ga. (Public Notice dated Nov. 30, 1970.)

RURAL RADIO SERVICE

3346-C1-P/L-71—Center Island Beach Club Inc. (New), C.P. and license for a new rural subscriber station to be located at 23 Chinook Way, Center Island, WA, to operate on frequencies 157.77 and 157.80 MHz communicating with Station KOA732, Seattle, Wash.

3347-C1-P/L-71—United Telephone Co. of Florida (New), C.P. and license for a new rural subscriber station to be located at Cabbage Key Island, 4.25 miles west of Pineland, Fla., to operate on frequencies 157.89 and 157.95 MHz communicating with Station KIJ354, Fort Myers, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

3321-C1-P-71—Northern Ohio Telephone Co. (KQK39), C.P. to change antenna system and replace transmitters operating on frequencies 6197.2, 6226.9, 6345.5, and 6315.9 MHz at its station located 508 Main Street, Genoa, OH.

3322-C1-P-71—Northern Ohio Telephone Co. (KQK40), C.P. to change antenna system and replace transmitters operating on 5945.2 and 6063.8 MHz at its station 122 Jefferson Street, Port Clinton, OH.

3324-C1-P-71—American Telephone & Telegraph Co. (KEA77), C.P. to add 6063.8 MHz directed toward Iselin, N.J., at its station 0.8 mile north of Cherryville, N.J.

3325-C1-P-71—American Telephone & Telegraph Co. (KEA76), C.P. to add 6315.9 MHz directed toward Cherryville, N.J., and New York 7, N.Y., at its station 0.85 mile west of Iselin, N.J.

3326-C1-P-71—American Telephone & Telegraph Co. (KEL79), C.P. to add 6063.8 MHz toward Iselin, N.J., at its station 811 10th Avenue, New York, NY.

3330-C1-AL-71—American Telephone & Telegraph Co. (KOV56), Consent to assignment of license from American Telephone & Telegraph Co., Assignor, to The Mountain States Telephone & Telegraph Co., Assignee. (Great Falls, Mont.)

3331-C1-AL-71—Northwestern Bell Telephone Co. (KGD51), Consent to assignment of license from Northwestern Bell Telephone Co., Assignor, to American Telephone & Telegraph Co., Assignee. (St. John, N. Dak.)

3336-C1-P-71—Indiana Bell Telephone Co. (KSV86), C.P. to replace transmitters operating on frequencies 6271.4, 6330.7, 6412.2, and 11,405 MHz at its station 1100 feet west of South 23d and Raible Streets, Anderson, IN.

3349-C1-MP-71—Northwestern Bell Telephone Co. (KAK53), Modification of C.P. to change frequency 6192.0 MHz to 5935.0 MHz toward Arthur, N. Dak., at its station 409 First Avenue, North Fargo, ND.

3350-C1-MP-71—Northwestern Bell Telephone Co. (KAK54), Same as above, except: Change frequency 5935.0 MHz to 6108.0 MHz toward Fargo, N. Dak., at its station 3.5 miles south of Arthur, N. Dak.

[F.R Doc. 71-198; Filed, Jan 6, 1971; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Agreement No. 9899]

AMERICAN EXPORT ISBRANDTSEN LINES, ET AL.

Supplemental Order Requiring Submission of Information

On November 24, 1970, the Commission pursuant to section 15 of the Shipping Act, 1916, approved an agreement providing for the exchange of certain types of information between American Export Isbrandtsen Lines, Atlantic Container Lines, Ltd., Dart Containerline, Hapag-Lloyd, A.G., Seatrain Lines, Inc., Sea-Land Service, Inc., and United States Lines, Inc.

The approval of the agreement was, among other things, conditioned upon the following language:

It is further ordered, That each and every exchange, discussion, or agreement transacted under the terms of this agreement shall be reported in writing to the Commission within ten (10) days of such occurrence. Such report will be rendered in a form adequate to fully inform the Commission of the topics discussed or information exchanged and the time such discussion and exchange took place.

On December 11, 1970, the Department of Justice filed with the U.S. Court of Appeals for the District of Columbia [1] an application for a temporary stay and a motion for stay pending review of our order of approval of Agreement 9899. On December 30, 1970, the Court, per curiam, denied the Department's motion and application conditioned upon a Commission order that the parties to the agreement supply the Commission all information exchanged pursuant to Agreement 9899.

Accordingly, the order of approval dated November 24, 1970, is hereby amended by substitution of the following language in lieu of that set forth above:

It is further ordered, That each and every exchange, discussion, or agreement transacted under the terms of this agreement shall be reported in writing to the Commission within ten (10) days of such occurrence. Such report will be rendered in a form adequate to fully inform the Commission of the topics discussed and shall contain ten (10) copies of all information exchanged as well as the time such discussion and exchange took place. All information exchanged to date pursuant to the terms of this agreement shall be forwarded to the Commission within five (5) days of service of this supplemental order.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-209; Filed, Jan. 6, 1971; 8:49 a.m.]

[1] United States of America v. Federal Maritime Commission and United States of America, Docket No. 24,895.

SUN LINE, INC.

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-58 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C–1,050.

Sun Line, Inc.,
8 Othonos Street,
Athens, Greece.

Whereas, Sun Line, Inc., has ceased to operate the passenger vessel *Stella Solaris;* and

Whereas, Sun Line, Inc., has returned Certificate (Performance) No. P–58 and Certificate (Casualty) No. C–1,050 for revocation.

It is ordered, That Certificate (Performance) No. P–58 and Certificate (Casualty) No. C–1,050 covering the *Stella Solaris* be and are hereby revoked effective December 30, 1970.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71–208; Filed, Jan. 6, 1971; 8:48 a.m.]

FLAGSHIP CRUISES, LTD., AND FLAGSHIP CRUISES, INC.

Notice of Issuance of Performance Certificate

Security for the protection of the public; Indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Flagship Cruises, Ltd., and Flagship Cruises, Inc., Bank of Bermuda Building, Hamilton, Bermuda.

Dated: December 16, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71–210; Filed, Jan. 6, 1971; 8:49 a.m.]

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

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. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 9314–1, between the carriers listed above, modifies the basic transshipment agreement between them pertaining to the transportation of cargo from Indonesia to Oregon and Washington by (1) adding Singapore and all Japanese ports as transshipment points; and (2) reapportioning the through rates on the basis of one-third to American President Lines and two-thirds to American Mail Line.

Dated: January 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71–211; Filed, Jan. 6, 1971; 8:49 a.m.]

AMERICAN MAIL LINE, LTD., AND EVERETT ORIENT LINE

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. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 9918, between the carriers listed above, provides for the transportation of cargo under through bills of lading and pursuant to the terms of the agreement from American Mail Line's ports of call in Oregon, Washington, and Alaska to Everett Orient Line's ports of call in Malaysia and Singapore with transshipment in Japanese ports or in Hong Kong.

Dated: January 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71–212; Filed, Jan. 6, 1971; 8:49 a.m.]

JAPAN LINE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 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:

Graydon S. Staring, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Japan Line, "K" Line, Mitsui-O.S.K. Lines, Yamashita-Shinnihon Steamship Co., Lilly Shipping Agencies, Transpacific Transportation Co., Kerr Steamship Co., Williams-Dimond-Rountree Agencies, Williams Dimond & Co., and Japan Line (USA) Ltd.

Agreement No. 9721, as amended, between the parties noted above is an arrangement between the four Japanese flag lines and their West Coast agents which permits the establishment and operation of terminals in Oakland and Los Angeles for the container ship service of the four lines. All parties are shareholders in the Oakland Container Terminal Co., Inc., and in the Los Angeles Container Terminal Co., Inc. The purpose of Agreement No. 9721–2, which has been filed, is to permit the stock in the terminals corporations now held by Transpacific Transportation Co. (Transpacific) to be relinquished by them to the other shareholders, and reissued by those shareholders to Transpacific's successor agent, Japan Line (USA) Ltd.

Dated: January 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71–213; Filed, Jan. 6, 1971; 8:49 a.m.]

NORTON LINE JOINT SERVICE

Notice of Proposed Cancellation of Agreement

Notice is hereby given that the following agreement will be canceled by the Commission 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 agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER.

Notice of agreement filed by:

Elmer C. Maddy, Esq., Kirlin, Campbell & Keating, One Twenty Broadway, New York, NY 10005.

Agreement No. 7559–7, among the member lines of the Norton Line Joint Service, provides for the termination of their agreement as a joint service effective January 31, 1971.

Dated: January 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71–214; Filed, Jan. 6, 1971; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

TENNESSEE NATIONAL BANCSHARES, INC.

Amendment to Application

In the matter of the application of Tennessee National Bancshares, Inc., Maryville, Tenn., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

On March 26, 1970, there was published in the FEDERAL REGISTER (35 F.R. 5137) an order by the Board approving the application of Tennessee National Bancshares, Inc., Maryville, Tenn., to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Blount National Bank of Maryville, Maryville, and The First National Bank of Oneida, Oneida, and more than 50 percent of the voting shares of Merchants & Farmers Bank, Greenback, all located in the State of Tennessee.

Notice is hereby given that an amendment to the application has been filed, whereby Applicant seeks approval to acquire 80 percent or more of the voting shares of The Blount National Bank of Maryville, Maryville, Tenn., and more than 50 percent of the voting shares of Merchants & Farmers Bank, Greenback, Tenn. In its amended application, Applicant does not seek approval to acquire any voting shares of The First National Bank of Oneida, Oneida, Tenn.

Not later than January 20, 1971, comments and views regarding the amended proposal 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 and amendment 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, December 30, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 71–186; Filed, Jan. 6, 1971; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 121]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 31, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 268), filed November 25, 1970. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from St. James and St. Charles Parishes, La. (except from the plantsite of Monsanto Co. at or near Luling, La., in St. James Parish, and, except from the plantsite of Union Carbide Corp. at or near Taft, La., in St. Charles Parish, to points in Texas, California, Washington, and Oregon; and, except the plantsite of Hooker Chemical Co. at or near Taft, La., in St. Charles Parish to points in Texas; and except points in St. James Parish within 15 miles of Geismar, La.). NOTE: Applicant states that tacking is possible but indicates it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 1074 (Sub-No. 13), filed November 24, 1970. Applicant: ALLEGHENY FREIGHT LINES, INCORPORATED, Post Office Box 601, Winchester, VA 22601. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Women's apparel and materials, supplies, and equipment* used in or useful to their manufacture, serving Harrisville, W. Va., as an off-route point in connection with carriers presently authorized regular route authority in Docket No. MC 1074 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 207), filed November 25, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood, paneling, and moulding*; and (2) *materials, supplies, and accessories* (except commodities in bulk), used in the installation of plywood, paneling, and moulding when moving at the same time and in the same vehicle with plywood, paneling, and moulding, from points in Manatee County, Fla., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 3468 (Sub-No. 160), filed December 7, 1970. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint MI 48501. Applicant's representative: Gerald K. Gimmel, Suite 705, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor homes*, in driveaway and truckaway service, from Brighton, Mich., to points in the United States (except points in Hawaii); and (2) *motor homes*, in secondary movements, in truckaway and driveaway service, between points in the United States (except points in Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 10761 (Sub-No. 252), filed December 4, 1970. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Applicant's representatives: L. G. Naidow (same address as applicant), and A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Borg & Beck Division of Borg-Warner Corp., at 18½ Mile Road, east of Mound Road, Sterling Heights., Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich., and serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 31879 (Sub-No. 30), filed December 11, 1970. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, MO 64116. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, and livestock, restricted so that no service shall be rendered in the transportation of any parcel, package, or article weighing more than 100 pounds and further restricted against the transportation of any parcel, package, or article weighing in the aggregate of more than 200 pounds from any one consignor at any one location to any one consignee at any one location, on any one day; between points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, DeKalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Hold, Howard, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Claire, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, Mo., points in Kansas, and points in Nebraska on, south, and 10 miles north of a line beginning on U.S. Highway 138 at the Nebraska-Colorado State line to U.S. Highway 30, and thence continuing over U.S. Highway 30 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in the Oklahoma counties of Kay, Noble, Payne, Logan, Canadian, Oklahoma, Cleveland, McClain, Garvin, Murray, Carter, Love, Ottawa, Craig, Mayes, Wagoner, Tulsa, Muskogee, McIntosh, Pittsburg, Atoka, and Bryan, and the Texas counties of Tarrant and Dallas. NOTE: Applicant states it intends to tack at points in Kansas to serve Denver, Colo., Boone and Carroll Counties, Ark., and St. Louis, Mo. (applied for in Sub-28). If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 44984 (Sub-No. 4), filed November 30, 1970. Applicant: BROWN'S MOVING AND STORAGE COMPANY, INC., 1215 State Fair Boulevard, Syracuse, NY 13209. Applicant's representative: John A. Barnaba, 224 Harrison Street, Suite 609, Syracuse, NY 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, limited to the transportation of shipments both (1) moving on the through bill lading of a freight forwarder operating under the exemption provisions of section 402(b); and (2) having an immediately prior or subsequent out-of-State line-haul movement by rail, motor, water or air, between points in Oswego, Cayuga, Oneida, Onondaga, Madison, and Cortland Counties on the one hand, and, on the other, points in the State of New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse, Buffalo, or Rochester, N.Y.

No. MC 55778 (Sub-No. 16), filed December 9, 1970. Applicant: MOTOR DISPATCH, INC., 2559 South Archler Avenue, Chicago, IL. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant and warehouse sites of the Kitchens of Sara Lee Corp. at Deerfield and Chicago, Ill., to points in New York, New Jersey, Delaware, Maryland, District of Columbia, Rhode Island, Connecticut, Pennsylvania, Massachusetts, West Virginia, Virginia, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 96630 (Sub-No. 5), filed December 11, 1970. Applicant: BALSER TRUCK CO., a corporation, 8332 Wilcox Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, in specially designed compartmentalized tank trailers, from Cucamonga, Calif., to points in El Paso County, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 99019 (Sub-No. 4) (Amendment), filed October 26, 1970, published in the FEDERAL REGISTER issue of November 19, 1970, and republished as amended, this issue. Applicant: ROBERT BLACK & SONS, INC., Roseville and Hydraulic Streets, Buffalo, NY. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Flour*, in bulk, in tank vehicles, from Pittsburgh, Pa., to points in Pennsylvania on and west of U.S. Highway 15, restricted to traffic having a prior movement by rail; (b) *dry commodities*, in bulk, in tank vehicles, except cement, from Buffalo, N.Y., to points in Pennsylvania and Ashtabula, Cleveland, Columbus, Millersburg, Solon, Toledo, and Youngstown, Ohio, restricted against the movement of traffic originating from points in Canada; (c) *general commodities*, except liquid chemicals, coal tar products and petroleum and petroleum products, in bulk, in tank vehicles, between points in Erie County, N.Y.; and from points in Erie County, N.Y., to points in Allegany, Cattaraugus, Chautauqua, Chemung, Genesee, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, and Wyoming Counties in New York; from points in Niagara County, N.Y., to points in Erie County, N.Y.; (d) *iron, steel, machinery and refrigeration equipment*, from points in Erie County, N.Y., to points in Cayuga, Tompkins, and Yates Counties in New York; and (e) *machinery*, from points in Cattaraugus County, N.Y., to points in Erie County, N.Y. NOTE: The instant application seeks to convert its certificate of registration under Sub-No. 1 as sought in paragraphs (c), (d), and (e) above, to a certificate of public convenience and necessity. The purpose of this republication is to amend paragraphs (b) and (c) and to clarify note. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 103993 (Sub-No. 583), filed November 30, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Ralph H. Miller and Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements; *buildings and sections of buildings*, from Pontotoc County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Ada, Okla.

No. MC 103993 (Sub-No. 584), filed December 7, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, from points in Hancock and Warren Counties, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107227 (Sub-No. 116), filed December 7, 1970. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, CA 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and motor showrooms*, from points in Grayson County, Tex., and Tulare County, Calif., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107295 (Sub-No. 477), filed December 17, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, partitions, shutters, screens, windows, sash, frames (window or door), and accessories* used in the installation thereof, from Pella, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Des Moines, Iowa.

No. MC 107295 (Sub-No. 479), filed December 17, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox, Pre-Fab Transit Co., Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, finished and unfinished, from Bessemer, Mich., to points in Illinois, Indiana, Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 107515 (Sub-No. 721), filed December 16, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representatives: B. L. Gundlach (same address as applicant), and Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in New York on and west of New York State Highway 57 and Interstate Highway 81 to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Virginia, Tennessee, Louisiana, Texas, Mississippi, Arkansas, and Oklahoma. NOTE: Applicant states that the requested authority could be tacked with its existing authority under Sub 471 in Pike and Spalding Counties, Ga., which would allow service to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wisconsin, but indicates it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111467 (Sub-No. 28) (Amendment), filed October 27, 1970, published in the FEDERAL REGISTER issue of November 19, 1970, and republished as amended this issue. Applicant: ARTHUR J. PAPE, doing business as ART PAPE TRANSFER, 1080 East 12th Street, Dubuque, IA 52001. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flux stone*, from points in Rock Island County, Ill., to Dubuque, Iowa. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. The purpose of this republication is to reflect the origin as from points in Rock Island County, Ill., in lieu of Hillsdale, Ill., thereby broadening the territorial scope of the application. If a hearing is deemed necessary,

applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 111940 (Sub-No. 50) (Correction), filed October 23, 1970, published in the FEDERAL REGISTER issue of November 26, 1970, and republished as corrected, in part this issue. Applicant: SMITH'S TRUCK LINES, a corporation, Post Office Box 88, Muncy, PA 17756. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. The purpose of this partial republication is to reflect one of the commodities sought, "compounded oil greases and lubricated greases" to read instead as *compounded oil and greases and lubricating greases.* The rest of the application remains as previously published.

No. MC 113434 (Sub-No. 40), filed December 14, 1970. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed foodstuffs*, from points in Ionia County, Mich., to points in Indiana and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 113434 (Sub-No. 41), filed December 15, 1970. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the site of Hirzel Canning Co., Inc., located at or near Toledo, Ohio, to points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 113951 (Sub-No. 5), filed December 3, 1970. Applicant: CRESSY TRANS. CO., INC., 109 Glenellen Road, West Roxbury (Boston), MA 02132. Applicant's representative: George C. O'Brien, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and banana advertising displays*; (1) from Wilmington, Del.; Providence, R.I.; and Boston and Fall River, Mass.; to Bath and Gardiner, Maine; and Manchester, N.H.; and (2) from Manchester, N.H., to points in Maine, and Barre, Burlington, and White River Junction, Vt. NOTE: Applicant states that the requested authority can be tacked at Manchester, N.H., for service into Maine and to the three Vermont points. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 115162 (Sub-No. 212), filed November 30, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight and containers* between points in Mobile County, Ala., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states tacking can be accomplished at points in Mobile County, Ala., through MC 115162 (Sub-No. 5) et al. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 115180 (Sub-No. 67), filed November 23, 1970. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, drugs, pharmaceuticals* (except in bulk), in mechanical refrigerated equipment, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115654 (Sub-No. 12), filed December 9, 1970. Applicant: TENNESSEE CARTAGE CO., INC., 809 Ewing Avenue, Nashville, TN 37202. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, moving in mechanically temperature controlled vehicles), including *advertising materials, premiums, and related commodities*, when moving in connection with foodstuffs shipments, from Cincinnati, Ohio, to Nashville, Tenn., and *refused, rejected, or damaged shipments*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115814 (Sub-No. 7), filed December 4, 1970. Applicant: MARK TRUCKING, INC., Trella Street, Belleville, PA 17004. Applicant's representative: R. Lee Ziegler, 5 North Main Street, Lewistown, PA 17044. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Paper dairy case product containers*, from Moorestown, N.J., to Belleville, Pa., over U.S. Highway 130, Interstate Highway 76, U.S. Highway 30, U.S. Highway 22, and State Highway 655, under contract with Abbotts Dairies Division of Fairmont Foods Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lewistown, Harrisburg, or Altoona, Pa.

No. MC 116947 (Sub-No. 14), filed November 30, 1970. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container parts and accessories and equipment* used in connection with the distribution of metal containers and metal container ends when moving with metal containers, from Baltimore, Md.; Long Island City, N.Y.; Edison, N.J.; Collierville, Tenn.; and Hamburg, Pa., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Kansas, Missouri, Oklahoma, and Texas, under contract with National Can Corp. of Chicago, Ill. NOTE: Applicant holds common carrier authority under MC 117956 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117765 (Sub-No. 115), filed December 7, 1970. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* (nonalcoholic), in containers, (1) from plantsite of Shasta Beverages, Lenexa, Kans., to points in Illinois, Iowa, Minnesota, Nebraska, and South Dakota; and (2) from plantsite of Shasta Beverages, Granite City, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118776 (Sub-No. 13), filed November 30, 1970. Applicant: C. L. CONNORS, INC., Post Office Box 712, Quincy, IL 62301. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, IL 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moulding sand*, bonded, in bulk, from Aurora, Ill., to points in the United States, except Hawaii, Alaska, Washington, Oregon, California, Arizona, Utah, Idaho, Nevada, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 124459 and Sub-1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant

requests it be held at Springfield, Ill.; St. Louis or Kansas City, Mo.

No. MC 119619 (Sub-No. 39), filed December 8, 1970. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, NY 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from East Brunswick, N.J., to points in Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Minnesota, Nebraska, Missouri, Kansas, Kentucky, and points in Pennsylvania on and west of U.S. Highway 15, from the Maryland-Pennsylvania State line to its intersection with the Pennsylvania-New York State line. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 119754 (Sub-No. 5), filed November 12, 1970. Applicant: STANLEY A. WESTGOR, doing business as WESTGOR TRUCKING CO., Wittenberg, WI 54499. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden posts and poles*, between points in Wisconsin; the Upper Peninsula of Michigan; that part of Illinois on and north of Illinois Highway 9; and that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 169 to junction U.S. Highway 53 north of Virginia, Minn., thence along U.S. Highway 53 to International Falls, Minn., including International Falls, Minneapolis, and St. Paul, Minn., and points within 5 miles of Minneapolis and St. Paul, Minn. NOTE: Applicant states that the sole purpose of this application is to change the commodity descripiton comprising a portion of its lead certificate, so as to substitute for the description "cedar posts and poles", to "wooden posts and poles". Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 126276 (Sub-No. 41), filed December 7, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plates, plastic and paper; cups, plastic and paper; plastic knives, spoons and forks; and materials and supplies used or useful in the manufacturing thereof*, from the plantsite of American Can Co. at Lexington, Ky., to points in Illinois, Wisconsin, Michigan, and Indiana, under contract with the American Can Co. NOTE: Applicant has pending in MC 134612 a common carrier application, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127304 (Sub-No. 8), filed December 9, 1970. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 Northwest Street, Valley Center, KS 67147. Applicant's representative: Duane W. Acklie, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities* used by packinghouses, between Wichita, Kans., on the one hand, and, on the other, points in California, Oregon, Washington, Idaho, Utah, Montana, Colorado, New Mexico, Arizona, and Nevada, under a continuing contract with Kansas Beef Industries, Inc., and its subsidiaries and affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Lincoln, Nebr.

No. MC 127336 (Sub-No. 1), filed December 11, 1970. Applicant: PETE INSANA, doing business as PETE INSANA'S AUTO AND BODY REPAIR, 139 Ohio Street, Washington, PA 15301. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Replacement vehicles* for wrecked or disabled motor vehicles, trailers, or busses, by use of wrecker equipment only, between points in Allegheny, Washington, Greene, Fayette, Westmoreland, and Beaver Counties, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, New York, and New Jersey; and (2) *wrecked, disabled, or repossessed motor vehicles, trailers, and busses* (except trailers designed to be drawn by passenger automobiles) and replacement vehicles therefor, by use of wrecker equipment only; (a) between points in Washington County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, Florida, Georgia, Mississippi, and Alabama; and (b) between points in Bedford County, Pa., on the one hand, and, on the other, points in Maryland. NOTE: Applicant states that the requested authority could be tacked at points in Washington County, Pa. However, no tacking is intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 128527 (Sub-No. 16), filed December 4, 1970. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products* from the plantsite of Idaho Meat Packers, Inc., at Caldwell, Idaho, to Spokane, Seattle, Tacoma, Fort Lewis, and McChord Air Force Base, Wash.; (2) *canned and bottled foodstuffs* from Payette, Idaho, and Nyssa, Oreg., to points in California; and (3) *scrap metal and compressed automobile bodies and parts* from points in Idaho south of the southern boundary of Idaho County to Portland, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128806 (Sub-No. 5), filed November 23, 1970. Applicant: NUNES TRUCKING CO., INC., 114 Liberty Street, Barrington, IL 60010. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer*, in bags, from the facilities of Illinois Nitrogen Corp., at or near Marseilles, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129352 (Sub-No. 6), filed December 4, 1970. Applicant: CREAGER TRUCKING CO., INC., 2201 Sixth Avenue South, Seattle, WA 98135. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, and aluminum* in bars, sheets, plate, and tubing, between Los Angeles and Berkeley, Calif., and Portland, Oreg., and Kent, Wash.; and (2) *lumber* from points in Washington and Oregon on the west of U.S. Highway 97 to points in California; under contract with Northwest Hardwoods, Inc., and Ducommun Metals & Supplies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133021 (Sub-No. 4) (Amendment), filed November 13, 1970, published in the FEDERAL REGISTER issue of December 10, 1970, and republished in part, as amended, this issue. Applicant: JOHN L. WILSON, doing business as J. W. TRUCKING, Post Office Box 144, Round Hill, VA 22141. Applicant's representative: Charles E. Creager, 816 Easley Street, Suite 523, Silver Spring, MD 20910. NOTE: The purpose of this republication is to include the State of Florida as an additional destination State in item (1) and as an additional origin State in item (2) as previously published on December 10, 1970. The rest of the application remains as published on that date.

No. MC 133893 (Sub-No. 1), filed December 9, 1970. Applicant: MASPETH

TRUCKING SERVICE, INC., 48–98 Maspeth Avenue, Maspeth, New York, NY 11378. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn, knitted and woven cloth, cotton, wool, and synthetic fabric waste, and wearing apparel*, between that portion of the New York, N.Y., commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone), and Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Passaic and Union Counties, N.J. NOTE: Applicant states it seeks to include the counties of Passaic and Union to the authority it holds to serve points in New York and New Jersey. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134286 (Sub-No. 7), filed December 10, 1970. Applicant: ARCTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 300 N.S.E.A. Building, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Platte Valley Foods at Wahoo, Nebr., to points in Alabama, Arkansas, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Maine, Vermont, New Hampshire, New Jersey, Delaware, Maryland, Wisconsin, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134300 (Sub-No. 7), filed December 15, 1970. Applicant: PELHAM PRODUCE CARRIERS, INC., 649 Pelham Boulevard, St. Paul, MN 55114. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, packinghouse products and articles distributed by meat packinghouses* as set forth in sections A and C of appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *foodstuffs* when transported in mixed shipments with meat and meat products, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in Hertford County, N.C., and that portion of Tennessee on and east of U.S. Highway 27 and on and north of Tennessee Highway 68. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135007 (Sub-No. 1), filed December 7, 1970. Applicant: AMERICAN TRANSPORT, INC., Post Office Box 37406, Millard, NE 68137. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and storage facilities of Spencer Foods, Inc., at or near Schuyler and Fremont, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Washington, D.C., North Carolina, and South Carolina under contract with Spencer Foods, Inc., restricted to traffic destined to the above-named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135062 (Sub-No. 1) (Correction), filed November 4, 1970, published in the FEDERAL REGISTER issue of December 3, 1970, and republished as corrected this issue. Applicant: MIKE MERCURE TRUCKING, INC., Rural Delivery No. 1, New Waterford, OH 44445. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay*, in bulk, in dump vehicles, from points in Middleton Township (Columbiana County), Ohio to points in Beaver, Allegheny and Westmoreland Counties, Pa.; and Weirton, W. Va., under continuing contract with Metropolitan Industries, Inc.; and (2) *coal*, in bulk, in dump vehicles, from points in Elkrun and Middleton Townships (Columbiana County), Ohio to points in Beaver County, Pa., under continuing contract with Ferris Coal Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa. The purpose of this republication is to clarify the scope of the authority sought.

No. MC 135131 (Sub-No. 1), filed December 7, 1970. Applicant: LONG BROTHERS TRUCKING, INC., 429 Josephine Drive, Billings, MT 59101. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings in sections, including doors, windows, hardware and miscellaneous building materials and parts*, when moving at the same time in the same vehicle and part of the same shipment with the buildings in sections from Chehalis, Wash., to points in Montana and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 135155, filed December 3, 1970. Applicant: G. P. SULLIVAN COMPANY, 2000 South Western Avenue, Chicago, IL 60608. Applicant's representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture* from trailers to warehouses and from warehouses to consumers; and (2) *lawn mowers, lawn and garden equipment, snow removal equipment, boats, boat and camping equipment, home power tools, bicycles, floor covering, artificial Christmas trees and ornaments, electrical appliances, stoves, washing machines, refrigerators, air conditioners, television sets, radios, gas appliances, build-equipment and ranges*, from points in Cook County, Ill., to points in Lake and Porter Counties, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135169, filed December 7, 1970. Applicant: B & D TRANSFER & BONDED WAREHOUSE, INC., 2540 Northwest 74th Street, Miami, FL 33147. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, FL 33134. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and commodities requiring refrigeration), between points in Dade and Broward Counties, Fla., restricted to shipments having a prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Fort Lauderdale, Fla.

No. MC 135171, filed December 9, 1970. Applicant: T & D TRANSFER & STORAGE, a corporation, 345 K Street, Post Office Box 275, Chula Vista, CA 92012. Applicant's representative: Clyde E. Herring, 320 Transportation Building, 815 17th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in San Diego, Orange, and Los Angeles Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Diego or Los Angeles, Calif.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 159) (Amendment), filed November 6, 1970, published

in the FEDERAL REGISTER issue of December 3, 1970, and republished in part, this issue. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. The purpose of this partial republication is to show the following changes: (1) To change the description of the operating authority applied for to read "the transportation of *passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours," beginning and ending at all of the various counties and cities originally applied for with the following additions for deletions of the counties named; (2) to add to the origin territory Chatham and Randolph Counties, N.C.; and (3) to delete from the origin territory the following counties: Onslow, Lenoir, Greene, Pitt, Beaufort, Washington, Tyrrell, Martin, Wilson, Edgecomb, Nash, Halifax, Northampton, Hertford, Bertie, Chowan, Perquimans, Pasquotank, Gates, Camden, Currituck, Orange, Almance, Lee, Montgomery, and Moore Counties, N.C.; Surry County, Va.; and Kent, Queen Annes, Talbot, Caroline, and Dorchester Counties, Md. The rest of the application remains as previously published.

No. MC 2072 (Sub-No. 7), filed November 30, 1970. Applicant: LAKE SHORE SYSTEM, INC., 600 West Town Street, Columbus, OH 43215. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Allen, Athens, Auglaize, Belmont, Coshocton, Delaware, Franklin, Fairfield, Guernsey, Harrison, Rocking, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pickaway, Ross, Tuscarawas, Union, and Washington Counties, Ohio, and extending to points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

APPLICATION OF WATER CARRIER

No. W-1036 (Sub-No. 17) (TERMINAL STEAMSHIP COMPANY, INC.—Extension—Tug and Barge), filed December 7, 1970. Applicant: TERMINAL STEAMSHIP COMPANY, INC., 2000 Southwest Fifth Avenue, Portland, OR 97201. Applicant's representative: J. Raymond Clark, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. By application filed December 7, 1970, applicant seeks a revision of its present Sixth Amended Permit issued September 14, 1967, under W-1036, so as to authorize it to perform the following additional service over the routes and between ports and points as follows: To operate as a contract carrier by water by non-self-propelled vessels with the use of a separate towing vessel; (a) in the transportation of *lumber*, in lots of 500,000 board feet or more for not more than three shippers on any one voyage, from ports and ports and points on the Pacific coast to Poughkeepsie, N.Y.; Providence, R.I.; New Haven, Conn.; Camden and Trenton, N.J.; and Wilmington, Del., by way of the Panama Canal; and (b) *lumber and lumber products*, in lots of 500,000 board feet or more for not more than three shippers on any one voyage, from ports and points on the Pacific coast to Baltimore, Md.; Philadelphia, Pa.; Port Newark, N.J.; New York, N.Y.; Bridgeport and New London, Conn.; Portsmouth, R.I.; New Bedford and Boston, Mass.; and Port Canaveral, Palm Beach (including West Palm Beach), and Port Everglades, Fla., by way of the Panama Canal.

By the Commission.

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

[F.R. Doc. 71-166; Filed, Jan. 6, 1971; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI71-523 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 28, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 22, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-523	Atlantic Richfield Co.	158	[2] [3] 43	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Field Block 43, Offshore Louisiana) (Disputed Zone).	$5,840	12-4-70	[1] 12-4-70	12-5-70	19.5	[1] 20.0	RI68-37.
RI71-524	Cities Service Oil Co.	186	[2] [4] 21	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 41 Field, Offshore Louisiana) (Disputed Zone).	460	12-10-70	[1] 12-10-70	12-11-70	19.0	[1] 19.5	

*The pressure base is 15.025 p.s.i.a.
[1] Pursuant to Opinion No. 567.
[2] Includes documents establishing new reservoirs pursuant to Opinion No. 567.
[3] Applies to the LA Sand Reservoir.
[4] Applies to the FJ Sand Reservoir.

The proposed increases of Atlantic Richfield Co. and Cities Service Oil Co. involve sales of gas-well gas produced from newly discovered reservoirs in the offshore Louisiana "Disputed Zone." The gas qualifies as third and second vintage gas, pursuant to Opinion No. 567. The proposed rates are equal to the area base rates established in Opinion No. 546 for third and second vintage gas produced from within the State taxing jurisdiction, but exceed by 1.5 cents the rates for gas-well gas produced from the Federal domain. The proposed rates shall be suspended for 1 day from the date of filing. Thereafter, the increased rates may be collected subject to the refunding of those amounts attributable to the difference in the onshore and offshore rates paid for gas-well gas finally held to have been produced from the Federal domain.

[F.R. Doc. 71-55; Filed, Jan. 6, 1971; 8:45 a.m.]

[Docket No. RI71-514 etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 28, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 12, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-514..	Getty Oil Co.....	107	[4] 23	Tennessee Gas Pipeline Co., a division of Tenneco Inc., (Grand Isle Block 41 Field, Offshore Louisiana).	$460	11-23-70	11-23-70	11-24-70	[16] 19.0	[1] [16] 19.5	
RI71-515..	Pan American Petroleum Corp.	2	[2] 18	Transcontinental Gas Pipe Line Corp. (Greta Field Refugio County, Tex., (RR. District No. 2).	----------	11-30-70	1-1-71	[17] Accepted.	[3] [5] [13] 11.04070		
								[17] Accepted.	[3] [6] [13] 12.0444		
								[17] Accepted.	[3] [7] [13] 13.04810		
		2	19	do	----------	11-30-70	1-1-71	1-2-71	[3] [5] [13] 11.04070	[3] [5] [13] 14.0	
					[16] 70,840	11-30-70	1-1-71	1-2-71	[3] [6] [13] 12.0444	[3] [6] [13] 14.0	
					----------	11-30-70	1-1-71	1-2-71	[3] [7] [13] 13.04810	[3] [8] [13] 14.0	
		92	[2] 19	Transcontinental Gas Pipe Line Corp. (Harris, Coquat, and Oakville Fields, Live Oak County, Tex. RR. District No. 2).	----------	12-1-70	1-1-71	[17] Accepted.	[3] [5] [13] 11.0407		
								[17] Accepted.	[3] [6] [13] 12.0444		
								[17] Accepted.	[3] [7] [13] 13.0481		
		92	[9] 20	do	9,609	12-1-70	1-1-71	1-2-71	[3] [6] [13] 11.0407 [16] [13] 12.0444 [3] [7] [13] 13.0481	[3] [11] [13] 14.0	
		81	[2] 15	Transcontinental (Luby-Petronella Field, Nueces County, Tex.) (RR. District No. 2).	----------	11-30-70	1-1-71	[17] Accepted	----------		
		81	16	do	29,505	11-30-70	1-1-71	1-1-71	[10]	[3] [6] [13] 14.0	
RI70-82...	Amerada Hess Corp.	125	4	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.) (Permian Basin).	(141)	11-25-70	11-20-70	[18] Accepted	17.5	[14] 17.0533	RI70-82.
		132	8	do	(156)	11-25-70	11-20-70	[18] Accepted	17.9023	[14] 17.4453	RI70-82.
		133	10	do	(469)	11-25-70	11-20-70	[18] Accepted	17.9029	[14] 17.4453	RI70-82.
RI71-516..	Atlas Corp.....	2	10	El Paso Natural Gas Co. (Blanco Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin).	15	11-27-70	12-28-70	12-29-70	[16] 13.0	[16] 13.0536	
		5	6	do	15	11-27-70	12-28-70	12-29-70	[16] 13.0	[16] 13.0536	
		1	8	El Paso Natural Gas Co. (Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin).	30	11-27-70	12-28-70	12-29-70	[16] 13.0	[16] 13.0536	

*Unless otherwise stated, pressure base is 14.65 p.s.i.a.
[1] Pursuant to Opinion No. 567.
[2] Amendatory agreement dated Nov. 25, 1970 provides among other things for an extension of term of contract until Apr. 1, 1981 and is the basis for the rates proposed.
[3] Subject to a 0.21931-cent dehydration charge.
[4] Includes documents establishing new reservoirs pursuant to Opinion No. 567. Applies to the FJ Sand Reservoirs.
[5] For gas not requiring compression or gas compressed by buyer.
[6] For gas compressed by buyer, the facilities for which seller may elect to maintain and operate.
[7] For gas requiring compression, the facilities for which seller elects to maintain and operate.
[8] Contract provides for 19 cents (from reservoir discovered prior to Sept. 28, 1960), 21 cents (from reservoir discovered between Apr. 28, 1960 and June 17, 1970) and 25 cents for gas produced from reservoirs discovered on or after June 17, 1970.
[9] Includes documents required by Opinion No. 567 showing that the Upper Slick, Luling, Mackhank, and Queen City Reservoirs qualify.
[10] Based on the assumption that all gas is sold at the 11.04070 cents which may or may not be the case as the gas may be sold at one, two or all three rates.
[11] For gas produced from reservoirs discovered prior to Sept. 28, 1960.
[12] For gas produced from reservoirs discovered after Sept. 28, 1960, as identified in the documents filed per Opinion No. 567.
[13] Subject to downward B.t.u. adjustment.
[14] Reflects compression charge of 0.4467 cent per Mcf by buyer.
[15] Reflects compression charge of 0.4467 cent per Mcf by buyer with corresponding tax reduction.
[16] Pressure base is 15.025 p.s.i.a.
[17] Accepted as a contract amendment effective as of the date set forth in the "Effective Date Unless Suspended" column. The proposed increased rate contained therein, however, is suspended as provided herein.
[18] Accepted, subject to refund in Docket No. RI70-82, as of Nov. 20, 1970.
[19] Rates in effect are the same as those set forth under Supplement No. 19 to Pan American's FPC Gas Rate Schedule No. 2.

The proposed increase of Getty Oil Co. (Getty) involves gas-well gas produced from a newly discovered reservoir located in the offshore Louisiana "Disputed Zone." Pursuant to Opinion No. 567 the gas qualifies as second vintage gas. The 19.5-cent proposed rate is equal to the 19.5-cent area base rate for second vintage gas-well gas produced from within the State's taxing jurisdiction but the rate exceeds the 18-cent rate for gas-well gas produced from the Federal domain. Therefore, Getty's proposed increase is suspended for one day from the date of filing. Getty thereafter may collect the increased rate subject to refund of those amounts attributable to the difference in the onshore and offshore rate paid for gas-well gas finally held to have been produced from the Federal domain.

The rates proposed by Pan American do not exceed the area increased rate ceiling, but Pan American is contractually due higher rates and has not agreed to waive its contractual right to file for such higher rates. In these circumstances, we shall suspend Pan American's proposed increases for 1 day. However the related agreements are accepted subject to the condition that the provision contained in each of the agreements relating to the area rate will only be applicable upon the Commission's approval of a just and reasonable rate or a settlement rate in an applicable area rate proceeding. The condition is inserted because these provisions do not accord fully with § 154.93(b-1) of the Commission's regulations. The agreements are also accepted only insofar as they relate to the reserves specified therein. The acceptance of such agreements, of course, does not constitute any authorization to abandon any acreage covered by the original contracts which is not covered by these agreements.

The proposed decreases of Amerada Hess Corp. reflect a contractual compression charge of 0.4467 cent per Mcf deducted by the buyer. Since the proposed rates exceed the applicable area increased rate ceiling, they are accepted for filing as of the date of filing subject to refund in the existing rate proceeding in Docket No. RI70-82.

The proposed tax reimbursement increases of Atlas Corp. (Atlas) exceed the applicable ceiling rate by the amount of such reimbursement. Therefore the proposed tax reimbursement increases of Atlas are suspended for 1 day from the date of expiration of statutory notice.

[F.R. Doc. 71-54; Filed, Jan. 6, 1971; 8:45 a.m.]

[Docket No. CS71-131, etc.]

R. M. MORAN, ET AL.

Notice of Applications for "Small Producer" Certificates [1]

DECEMBER 28, 1970.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 21, 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

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No.	Date Filed	Name of Applicant
C871-131	11-23-70	R. M. Moran et al., Post Office Box 1919, Hobbs, NM 88240.
C871-132	11-23-70	Kenneth M. Axlerod, Post Office Drawer A, Borger, TX 79007.
C871-133	11-23-70	Beverly M. Axlerod, Post Office Drawer A, Borger, TX 79007.
C871-134	11-23-70	Mamie Axlerod Estate, Post Office Drawer A, Borger, TX 79007.
C871-135	11-23-70	Marlow Oil Co., Post Office Drawer A, Borger, TX 79007.
C871-136	11-23-70	Gasco, Inc., Post Office Drawer A, Borger, TX 79007.
C871-137	11-23-70	Comps, Inc., Post Office Drawer A, Borger, TX 79007.
C871-138	11-23-70	Woodtex Oil & Gas Co., Post Office Drawer A, Borger, TX 79007.
C871-139	11-23-70	M. L. Sloan, a.k.a. Marion L. Sloan and Merle R. Sloan, Post Office Box 296, Liberal, KS 67901.
C871-140	11-23-70	T. L. Nutt, Post Office Box 562, Great Bend, KS 67530.
C871-141	11-25-70	California Time Petroleum, Inc., Suite 819, 1880 Century Park East, Los Angeles, CA 90067.
C871-142	11-25-70	Cloris Dale, 1503 East Hackberry, Garden City, KY 67846.
C871-143	11-27-70	Sigma Exploration Corp., Suite 327, 8609 Northwest Plaza Dr., Dallas, TX 75225.
C871-144	11-27-70	Service Drilling Co., 406 South Boulder, Tulsa, OK 74103.
C871-145	11-27-70	David Jackman, Jr. and Robert C. Armstrong, 915 Century Plaza, Wichita, KS 67202.
C871-146	11-27-70	Robert C. Armstrong (Operator) et al., 915 Century Plaza, Wichita, KS 67202.
C871-147	11-30-70	Coquina Oil Corp., 418 Bldg. of the Southwest, Midland, TX 79701.
C871-148	12- 2-70	Weaver Operating Co., 3401 Northwest 50th, Oklahoma City, OK 73112.
C871-149	12- 2-70	Remlig Oil Co., Post Office Box 86, Ardmore, OK 73401.
C871-150	12- 2-70	William Bartlett Marshall, 14 Church St., Belfast, ME 04915.
C871-151	12- 3-70	W. A. McCarty and John Hazlewood, 2028 South Austin St., Amarillo, TX 79110.
C871-152	12- 4-70	North American Royalties, Inc., 200 East Eighth St., Chattanooga, TN 37402.
C871-153	12- 7-70	Eugene R. Monroe, 601 George, Apartment No. 85, Midland, TX 79701.
C871-154	12- 7-70	V. H. Westbrook, Post Office Box 2264, Hobbs, NM 88240.
C871-155	12- 7-70	Shannon Barker, Box 153, McLean, TX 79057.
C871-156	12-10-70	Euramerica Partnership 69, 829 Fort Worth National Bank Bldg., Fort Worth, TX 76102.
C871-157	12-10-70	Jones & Pellow Oil Co., 101 Northeast 20th St., Oklahoma City, OK 73105.
C871-158	12-10-70	Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, Deceased, Union Center Bldg., Wichita, KS 67202.
C871-159	12-10-70	Yale Oil Association, Inc., 2203 First National Bldg., Oklahoma City, OK 73102.
C871-160	12-10-70	Messman-Rinehart Oil Co. (Operator), et al., 1432 Vickers Tower, Wichita, KS 67202.
C871-161	12-11-70	Corinne Grace, c/o Donna Holler, agent, Post Office Box 763, Hobbs, NM 88240.
C871-162	12-14-70	Dunn and Attebury, Post Office Box 2746, Amarillo, TX 79105.
C871-163	12-14-70	Robert F. White, 714 Union Center, Wichita, KS 67202.
C871-164	12-16-70	Kansas Petroleum, Inc., 1620 Vickers-KSB&T, Wichita, KS 67202.
C871-165	12-17-70	Alpine Oil Co., 408 West Wall St., Midland, TX 79701.
C871-166	12-17-70	D. R. Lauck Oil Co., Inc., 301 South Broadway, Wichita, KS 67202.
C871-167	12-18-70	Austin Brady, d.b.a. Brady Compressing Co., c/o Jerome E. Jones, attorney, 1022 Union Center Bldg., Wichita, KS 67202.
C871-168	12-18-70	John Douglas Pitman (Operator) et al., Post Office Box 1937, Hereford, TX 79045.

[F.R. Doc. 71-56; Filed, Jan. 6, 1971; 8:45 a.m.]

[Docket No. RI71-534 etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 30, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 22, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-534	Union Oil Co. of California.	103	11	United Gas Pipe Line Co. (Block 32 Eugene Island Offshore Louisiana).	$111,750	12- 7-70	1- 7-71	1-20-71	16.75	17.5	
RI71-535	M. F. McCain	7	4	Texas Gas Transmission Corp. (South Bell City Field, Calcasieu Parish) (South Louisiana).	450	12- 7-70	1- 7-71	1-20-71	20.0	21.25	
RI71-536	J. M. Huber Corp.	85	2	Sea Robin Pipeline Co. (Block 222 Ship Shoal) (Offshore Louisiana).	3,563	12- 4-70	1- 4-71	1-17-71	20.0	21.25	RI70-143.
RI71-537	Birthright Oil Co	2	4	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Southwest Belle Isle Field) (St. Mary and Iberia Parishes) (South Louisiana).	8,700	12- 4-70	1- 4-71	1-17-71	20.0	21.25	
RI71-538	Sun Oil Co	382	9	United Gas Pipe Line Co. (North Leroy Field, Vermilion Parish) (South Louisiana).	788	12- 4-70	1- 4-71	1-17-71	20.625	22.375	
RI71-539	Coastal States Gas Producing Co.	49	8	United Gas Pipe Line Co. (Hawkins, Hays Unit, Jefferson Davis and Calcasieu Parishes) (South Louisiana).	27,000	12- 4-70	1- 4-71	1-17-71	20.25	22.75	
		77	1	Trunkline Gas Co. (Tigre Lagoon Field Area, Vermilion Parish) (South Louisiana).	49,500	12- 4-70	1- 4-71	1-17-71	[1] 20.0	21.25	
		79	1	----do----	49,500	12- 4-70	1- 4-71	1-17-71	[2] 18.5	21.25	
				Texas Eastern Transmission Corp. (Southwest Lake Boeuf Field, Lafourche Parish) (South Louisiana).	2,250	12- 4-70	1- 4-71	1-17-71	[1] 20.0	21.25	
		79	1	----do----	2,250	12- 4-70	1- 4-71	1-17-71	[2] 18.5	21.25	
		80	10	Transcontinental Gas Pipe Line Corp. (Tigre Lagoon Field Vermilion and Iberia Parishes) (South Louisiana).	14,400	12- 4-70	1- 4-71	1-17-71	18.75	20.75	RI63-159.
RI71-540	CRA International, Ltd.	3	6	United Gas Pipe Line Co. (Iberia Field, Iberia Parish) (South Louisiana).	3,900	12- 9-70	1- 9-71	1-22-71	19.5	20.0	
RI71-541	J. C. Trahan Drilling Contractor, Inc.	14	3	Transcontinental Gas Pipe Line Co. (Duson Field, Lafayette Parish, South Louisiana).	14,125	12- 4-70	1- 4-71	1-17-71	20.625	23.65	
RI71-542	North Central Oil Corp.	7	7	Transcontinental Gas Pipe Line Corp. (West Kaplan Field, Vermilion Parish) (South Louisiana).	163,350	12- 7-70	1- 7-71	1-20-71	20.625	23.65	
RI71-543	Warall J. N. Whipple, W. W. Rucks III, and Walters, Sirera III.	1	2	Southern Natural Gas Co. (Montiegut Field, Terrebonne and Lafourche Parishes) (South Louisiana).	[1] 30,000	12- 7-70	1- 7-71	1-20-71	[1] 20.0	21.25	
				----do----	[1] 30,000	12- 7-70	1- 7-71	1-20-71	[2] 18.5	21.25	
RI71-544	Circle Drilling Co. Inc.[3]	1	5	Texas Gas Transmission Corp. (North Rousseau Area, Lafourche Parish, South Louisiana).	3,340	12-10-70	1-10-71	1-23-71	20.625	24.80	
	----do[3]	2	4	----do----	3,340	12-10-70	1-10-71	1-23-71	20.625	24.80	
RI71-545	Midwest Oil Corp.	28	3	United Fuel Gas Co. (North Erath Field, Vermilion Parish, South Louisiana).	----------	12- 9-70	1- 9-71	1-22-71	[1] 19.9271	20.3	
		50	5	Texas Gas Transmission Corp. (North Maurice Field, Lafayette Parish, South Louisiana).	----------	12- 7-70	1- 7-71	1-20-71	19.5	21.25	
RI71-546	Essex Royalty Corp.	2	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 230 Field) (Offshore Louisiana).	15,055	12- 7-70	1- 7-71	1-20-71	20.0	[6] 21.25	RI71-397.
RI71-547	Kewanee Oil Co.	83	7	Southern Natural Gas Co. (St. Jackson Field, Plaquemines Parish, South Louisiana).	2,890	12-10-70	1-10-71	1-23-71	19.0	20.5	
		84	7	Transcontinental Gas Pipe Line Corp. (Rousseau Field, Lafourche Parish) (South Louisiana).	6,865	12-10-70	1-10-71	1-23-71	20.625	25.0	
RI71-548	Sohio Petroleum Co.	123	2	Transcontinental Gas Pipe Line Corp. (Johnson Bayou Field, Cameron Parish) (South Louisiana).	459	12-10-70	1-10-71	1-23-71	18.5	21.625	
RI71-549	Sun Oil Co	439	5	Michigan Wisconsin Pipe Line Co. (Buck Point Field, Vermilion Parish) (South Louisiana).	13,000	11-30-70	12-31-70	1- 2-71	21.25	22.25	
		441	4	Michigan Wisconsin Pipe Line Co. (East Buck Point Field, Vermilion Parish) (South Louisiana).	4,250	11-30-70	12-31-70	1- 2-71	21.25	22.25	
RI71-550	Felmont Oil Corp.	15	[4] 2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 233, Offshore Louisiana).	3,960	12- 7-70	1- 7-71	1-20-71	17.0	21.25	
				----do----	3,960	12- 7-70	1- 7-71	1-20-71	18.5	21.25	
		16	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 239 Unit) (Offshore Louisiana).	7,350	12- 7-70	1- 7-71	1-20-71	20.0	21.25	RI71-385.
		17	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 230 Field) (Offshore Louisiana).	15,055	12- 7-70	1- 7-71	1-20-71	20.0	[7] 21.25	RI71-386.
RI71-551	Cabot Corp (SW)	51	9	United Gas Pipe Line Co. (St. Martinville Field) (Choplin Unit) (St. Martinville Parish) (South Louisiana).	949	12- 4-70	1- 4-71	1-17-71	22.0	22.5	RI62-208.
		55	5	Southern Natural Gas Co. (Bayou Long Field, Iberia Parish) (South Louisiana).	43,735	12- 4-70	1- 4-71	1-17-71	20.625	27.25	
		95	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 233) (Offshore Louisiana).	5,610	12- 4-70	1- 4-71	1-17-71	18.5	21.25	
				----do----	5,610	12- 4-70	1- 4-71	1-17-71	17.0	21.25	
		98	3	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 239 Unit) (Offshore Louisiana).	14,000	12- 4-70	1- 4-71	1-17-71	20.0	21.25	RI71-318.
				----do----	14,100	12- 4-70	1- 4-71	1-17-71	17.0	21.25	
		99	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 230 Field) (Offshore Louisiana).	11,325	12- 4-70	1- 4-71	1-17-71	20.0	21.25	RI71-318.
				----do----	11,325	12- 4-70	1- 4-71	1-17-71	17.0	21.25	

* The pressure base is 15.025 p.s.i.a.
[1] For gas well gas—at present all gas is gas well gas.
[2] For casinghead gas.
[3] Applicant has changed name to Ciroco Exploration, Inc., but has not yet submitted filing to reflect name change.
[4] Not used.
[5] Includes 0.4271-cent B.t.u. adjustment.
[6] Applies to gas well gas sales only.
[7] Gas well gas sales only.
[8] As corrected.

Under the provisions of the Commission's order, issued October 27, 1970, in Docket No. AR69–1, producers in the Southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by Nov. 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of Jan. 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970, order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69–1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

[F.R. Doc. 71–106; Filed, Jan. 6, 1971; 8:45 a.m.]

[Docket No. RI71–525 etc.]

EDWIN L. COX ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 29, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before Feburary 19, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71–525	Edwin L. Cox	77	7	Texas Gas Transmission Corp. (Ramos Field, St. Mary's Parish, South Louisiana).	$44,250	11–30–70	12–31–70	1–13–71	[2] 19.5	[1] [3] 22.75	
RI71–526	Lyons & Logan (Operator) et al.	8	7	United Gas Pipe Line Co. (East Bell City Field, Calcasieu Parish) (South Louisiana).	3,931	11–30–70	12–31–70	1–13–71	[2] [4] 20.25	[1] [3] 22.375	
RI71–527	Franks Petroleum, Inc.	13	2	Transcontinental Gas Pipe Line Corp. (Crowley Field, Acadia Parish, South Louisiana).	22,812	11–30–70	12–31–70	1–13–71	[4] 20.0	[1] 21.25	
RI71–528	Exchange Oil & Gas Corporation et al.	11	3	Southern Natural Gas Co. (Block 19 Field, Breton Sound Area, Plaquemines Parish) (South Louisiana).	2,494	12– 2–70	1– 2–71	1–15–71	[4] 19.5	[1] 20.0	
RI71–529	Paul M. Tace (Operator) et al.	3	1	Michigan Wisconsin Pipe Line Co. (West Gueydan Field, Vermilion Parish) (South Louisiana).	3,967	12– 2–70	1– 2–71	1–15–71	[4] 20.0	[1] 21.25	

*The pressure base is 15.025 p.s.i.a.

[1] Increase to contractually due rate pursuant to orders issued Oct. 27, 1970, in Docket No. AR69–1.

[2] Opinion No. 546 rate temporary certificated 20 cents (G–14515) and 20.75 cents (G–14835) rates currently being collected.

[3] Includes 1.75-cent tax reimbursement.

[4] Temporary certificated initial rate.

Under the provisions of the Commission's order issued October 27, 1970, in Docket No. AR69–1, producers in the Southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by Nov. 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of Jan. 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970, order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69–1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

[F.R. Doc. 71–105; Filed, Jan. 6, 1971; 8:45 a.m.]

[Docket No. RP71–50]

EASTERN SHORE NATURAL GAS CO.

Order Permitting Rate Increase Filing To Become Effective Without Suspension

DECEMBER 30, 1970.

Eastern Shore Natural Gas Co. (Eastern Shore) on November 30, 1970, filed changes to its FPC Gas Tariff [1] proposing to increase the level of rates in its Rate Schedules Nos. CD–1, CD–E, G–1, and PS–1 by 1 cent per Mcf (from 31.4 cents to 32.4 cents) and in its Rate Schedule No. I–1, by 8 cents per Mcf (from 42 cents to 50 cents). The rate changes would result in an increase in jurisdictional revenues of approximately $32,000 per annum, based on operations for the 12-month period ended July 31, 1970. Eastern Shore requests an effective date of January 1, 1971.

In support of its filing Eastern Shore states the submittal is necessary to effectuate a partial tracking of the increases in the commodity component in its supplier's (Transcontinental's) Rate Schedule No. CD–3 which became effective on January 1, 1970, and a further increase proposed by that supplier to become effective on January 1, 1971. Eastern Shore's filing reflects a jurisdictional cost of service for the period ending July 31, 1970, utilizing an 8.25 percent rate of return. The filing contains a stipulation providing for rate reductions to track supplier's rate reductions and a further provision providing for flow-through of supplier refunds.

Notice of the proposed changes was issued by the Commission on December 4, 1970. No protests or petitions to intervene have been received.

A review of the cost of service submitted with the instant rate filing and the revenues developed from the resulting rates indicates that the 8.25 percent applied to the present capital structure results in a 11.5 percent on equity. This is comparable to the 11 percent return on equity reflected in the rate settlement approved by the Commission in Eastern Shore's Docket No. RP61–20 by order issued June 27, 1962 (27 FPC 1371). Therein a 6.25 percent overall rate of return was utilized.

Based on the foregoing we find that the filing should be permitted to be effective as of January 1, 1971, as hereinafter provided.

The Commission orders:

(A) The aforementioned tariff sheets filed on November 30, 1970, are accepted to be effective as of January 1, 1971, subject to the terms and conditions of the stipulation filed and this order.

(B) During the period that the rates hereby made effective shall remain in full force and effect, Eastern Shore shall make rate reductions and refunds to reflect rate reductions and refunds of its suppliers as provided in Articles I and II of the stipulation filed concurrently with the rate filing on November 30, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] 18th Revised Sheets Nos. 5, 8, and 11; 1st Revised Sheets Nos. 9B, 18C, and 18N; and 2d Revised Sheet No. 9E.

[F.R. Doc. 71–184; Filed, Jan. 6, 1971; 8:46 a.m.]

[Project No. 1895]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Application for New License for Constructed Project

DECEMBER 30, 1970.

Public notice is hereby given that application for a new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a–825r) by South Carolina Electric & Gas Co. (correspondence to: George H. Fischer, Esquire, Vice President and General Counsel, South Carolina Electric & Gas Co., Post Office Box 764, Columbia, SC 29202) for its constructed Columbia Project No. 1895, located on the Broad and Congaree Rivers in Richland and Lexington Counties, S.C., partly within the city limits of Columbia. The original license for the project expired June 30, 1970.

The existing project consists of (1) a dam composed of a rock filled timber crib overflow type section approximately 1,009 feet long and 14 feet high, a 120-foot-long nonoverflow diversion section, and a 240-foot-long canal headgate and lockgate section; (2) a 265-acre reservoir, approximately 3.5 miles long, with a controlled surface elevation of 153.8 feet, USGS; (3) a power canal approximately 200 feet wide extending about 3 miles downstream from the dam; (4) a masonry and brick powerhouse containing five 1,600-kw. generators and two 1,300-kw. generators; and (5) all other facilities and interests appurtenant to operation of the project.

Recreational features: The Broad River above the Diversion Dam is suitable for limited boating use, and the Applicant proposes to develop family picnic and fishing sites on both sides of the river in this area for general public use. Existing fairweather roads provide access to both sites. Applicant has shown evidence of cooperation with the South Carolina Department of Parks, Recreation, and Tourism in efforts for future development of recreational facilities, and refers to the possible publication of a plan for future downtown development for the city of Columbia.

According to the application: (1) The power generated by the project is delivered directly into the distribution system of the Columbia, S.C. metropolitan area for light, industrial, commercial and residential use; (2) the estimated net investment in the project as of the expiration date of the license was estimated to be $655,000, which is less than the estimated fair value; (3) the estimated severance damages in the event of "takeover" by the United States is over $617,000; and (4) the annual taxes paid to Federal, State, and local governmental agencies amounted to approximately $80,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71–185; Filed, Jan. 6, 1971; 8:46 a.m.]

[Docket No. CP71–6]

EL PASO NATURAL GAS CO.

Notice of Amended Application and Petition To Amend

JANUARY 4, 1971.

Take notice that on December 22, 1970, El Paso Natural Gas Co. (petitioner), Post Office Box 1492, El Paso, TX 79999, filed in Docket No. CP71–6 an amended application and a petition to amend the order of the Commission issued October 30, 1970, in the consolidated proceedings consisting of Dockets Nos. CP71–6, CP64–99, CP71–7, and CP71–8, all as more fully set forth in the amended application and petition to amend on file with the Commission and open to public inspection.

By order issued October 30, 1970, in the consolidated proceeding, the Commission, inter alia, issued a limited-term certificate of public convenience and necessity authorizing petitioner to render new firm winter service to customers served by its Northwest Division under Rate Schedule SGS–1 pursuant to an allocation filed by Petitioner on October 9, 1970. This certificate authority was to commence on November 1, 1970, and continue through the earlier of April 15, 1971, or final determination of the consolidated proceeding.

Petitioner states that at the hearing in this proceeding on December 10, 1970, it was indicated that agreement had been reached between the distributor-intervenors and petitioner, and petitioner indicated its intention to file the instant amendment in order to effectuate the provisions of the stipulation and agreement dated December 9, 1970, between petitioner and the distributor-intervenors.

Petitioner amends its application to provide for a new allocation of gas, agreed to and incorporated into the December 9, 1970, stipulation and agreement. Further, petitioner requests that

the Commission's order issued October 30, 1970, in this proceeding be modified so as to grant a permanent certificate of public convenience and necessity to petitioner pursuant to the new allocation.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Accordingly, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 15, 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 71-231; Filed, Jan. 6, 1971; 8:50 a.m.]

[Docket No. E-7586]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION

Notice of Amendment to Interconnection Agreement and Proposed Rate Schedule Increase

DECEMBER 31, 1970.

Take notice that on December 11, 1970, the signatory utilities of the Pennsylvania-New Jersey-Maryland Interconnection (PJM) filed a Supplemental Agreement dated November 19, 1970, to the PJM Interconnection Agreement dated September 26, 1956, as amended and supplemented. Said amendment was filed with the Commission on December 11, 1970.

In order that the provisions of this Supplemental Agreement may apply throughout the calendar year 1971, PJM has requested that the 30-day notice requirement be waived and the new Supplemental Agreement be permitted to become effective on January 1, 1971.

The parties contend that the Supplemental Agreement best reflects the premise that coordination in installation of generating capacity additions results in parties having planned capacity excesses and deficiencies, whereas under the present Supplemental Agreement such planned capacity excesses and deficiencies are considered incidental.

It is further contended that the current level of costs being experienced in the installation and operation of new generating capacity is also reflected in the Supplemental Agreement by the increase in the annual factor in dollars per kilowatt for determining payments with respect to installed capacity deficiencies from the present $10.40 (one-half of $20.80 annual savings as of 1956) to $11.44 in 1971 and to $12.40 in 1972.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1971, file with the Federal Power Commission, Washington D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71-230; Filed, Jan. 6, 1971; 8:50 a.m.]

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PART II

DEPARTMENT OF THE INTERIOR

Bureau of Mines

•

COAL MINE HEALTH AND SAFETY

Mandatory Health Standards; Surface Work Areas of Underground Coal Mines and Surface Coal Mines

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 71]

COAL MINE HEALTH AND SAFETY

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173) to promulgate mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare, and in accordance with the provisions of section 101(i) of the Act which direct the Secretary to publish proposed mandatory health standards for surface coal mines and for surface work areas of underground coal mines not later than December 30, 1970, it is proposed that Part 71, as set forth below, be added to Subchapter O of Chapter I, Title 30, Code of Federal Regulations. This proposed Part 71 sets forth mandatory health standards prescribed by the Secretary of Health, Education, and Welfare which must be complied with in the surface work areas of each underground coal mine and at each surface coal mine.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 45 days following publication of this notice in the FEDERAL REGISTER.

FRED J. RUSSELL,
Under Secretary of the Interior.

DECEMBER 29, 1970.

Subchapter O of Chapter I, Title 30, Code of Federal Regulations would be amended by adding the following:

PART 71—MANDATORY HEALTH STANDARDS — SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Subpart A—General

Sec.
71.1 Scope.
71.2 Definitions.

Subpart B—Dust Standards

71.100 Dust standards; respirable dust; quartz.
71.101 Sampling; general requirements.
71.102 Sampling; by whom done.
71.103 Approved sampling devices.
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71.105 Approved sampling devices; equivalent concentrations.
71.106 Initial sampling cycle; establishment of basic sample; notice of violation.
71.107 Initial sampling cycle; basic sampling cycle; subsequent samples; semiannual sampling requirements.
71.108 Initial sampling cycle; basic sampling cycle; subsequent samples; annual sampling requirements.
71.109 Subsequent semiannual and annual samples; establishment of basic sample.
71.110 Partial sampling; initial samples; basic samples; additional samples required.
71.111 Respirable dust samples; transmission.
71.112 Respirable dust samples; analysis by the Secretary; report to the operator.
71.113 Report of data.
71.114 Spot health inspections.

Subpart C—Airborne Contaminants

71.200 Inhalation hazards; gas, dusts, fumes, mists, and vapors; threshold limit values.
71.201 Sampling; general requirements.

Subpart D—Noise Standard

71.300 Noise standard; general requirements.
71.301 Measurement of noise levels.

Subpart E—Surface Bathing Facilities, Change Rooms and Sanitary Toilet Facilities

71.400 Bathing facilities; change rooms; adjacent sanitary toilet facilities.
71.401 Location of surface facilities.
71.402 Minimum requirements for bathing facilities, change rooms and adjacent sanitary toilet facilities.
71.403 Waiver of surface facilities requirements.
71.404 Application for waiver of surface facilities requirements.

Subpart F—Sanitary Toilet Facilities at Surface Work Sites

71.500 Sanitary toilet facilities at surface work sites; approved sanitary toilets; installation requirements.
71.501 Sanitary toilet facilities; maintenance.

Subpart G—Drinking Water

71.600 Drinking water; general.
71.601 Drinking water; quality.
71.602 Drinking water; quantity; location.
71.603 Drinking water; distribution.
71.604 Drinking water; dispensing requirements.

AUTHORITY: The provisions of this Part 71 are issued under sec. 101(i) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

Subpart A—General

§ 71.1 Scope.

This Part 71 sets forth health standards, compliance with which shall be mandatory, in the surface work areas of each underground coal mine and at each surface coal mine subject to the Federal Coal Mine Health and Safety Act of 1969. This Part 71 also prescribes certain actions, conditions, and requirements which must be met by each coal mine operator in carrying out the health standards set forth herein.

§ 71.2 Definitions.

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173).

(b) "Secretary" means Secretary of the Interior.

(c) "Average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust to which each miner in the active working of a mine is exposed (1) as measured, during the period ending June 30, 1971, over a number of continuous production shifts to be determined by the Secretary and the Secretary of Health, Education, and Welfare and (2) as measured thereafter, over a single shift only, unless the Secretary and the Secretary of Health, Education, and Welfare find, in accordance with the provisions of § 101 of the Act, that such single shift measurement will not, after applying valid statistical techniques to such measurement, accurately represent such atmospheric conditions during such shift.

(d) "Concentrations of respirable dust" means the average concentration of respirable dust if measured with an MRE instrument or such equivalent concentrations if measured with another device approved by the Secretary and the Secretary of Health, Education, and Welfare.

(e) "MRE Instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(f) "Respirable dust" means only dust particulates 5 microns or less in size.

(g) "Certified" or "registered" as applied to any person means a person certified or registered by the State in which the coal mine is located to perform duties prescribed by title II and title III of the Federal Coal Mine Health and Safety Act of 1969, except that, in a State where no program of certification or registration is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification or registration shall be by the Secretary.

(h) "Qualified person" means, as the context requires, an individual deemed qualified by the Secretary and designated by the operator to make tests and examinations required by the Act.

(i) "Miner" means any individual working in a coal mine.

(j) "Surface coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(k) "Surface work areas of an underground coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting bituminous coal, lignite, or anthracite from its natural deposits underground by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(l) "Surface installation" means any structure in the surface work areas of an underground coal mine or at a surface coal mine in which miners are regularly employed.

(m) "Surface work site" means any area in the surface work areas of an

underground coal mine or any area of a surface coal mine within which miners are regularly employed.

(n) "Work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine.

Subpart B—Dust Standards

§ 71.100 Dust standards; respirable dust; quartz.

(a) On and after June 30, 1971, each operator of an underground coal mine and each operator of a surface coal mine shall continuously maintain the average concentration of respirable dust in the atmosphere of each surface installation and at each surface work site during each shift to which each miner in such mine is exposed at or below 2.0 milligrams of respirable dust per cubic meter of air.

(b) Notwithstanding the provisions of paragraph (a) of this section, where the average concentration of respirable dust in samples taken in a surface installation or at a surface work site pursuant to this Subpart B contains more than 5 per centum quartz, the operator shall continuously maintain an average concentration of respirable dust in such installation or at such work site at or below a level, expressed in milligrams per cubic meter of air, which shall be determined by dividing the per centum of quartz present in such concentration into the number 10.

§ 71.101 Sampling; general requirement.

Each operator of an underground coal mine and each operator of a surface coal mine shall, as prescribed in this Subpart B, take accurate samples of the amount of respirable dust in the atmosphere to which each miner employed in a surface installation or at a surface work site is exposed.

§ 71.102 Sampling; by whom done.

The dust sampling required by this Subpart B shall be done by, or as directed by, a person—

(a) Who has had practical experience in a coal mine;

(b) Who has a working knowledge of the mining equipment employed in the mine in which samples are taken;

(c) Who has a working knowledge of the operation and care of the sampling devices mentioned in § 71.103 and the filters employed in such devices; and,

(d) Who has satisfactorily completed a course approved by the Secretary in the sampling and evaluation of respirable coal mine dust concentration with the sampling devices mentioned in § 71.103.

§ 71.103 Approved sampling devices.

The samples which this Subpart B requires to be taken shall be taken only with a coal mine dust personal sampler unit approved under Part 74 of this chapter or with an MRE instrument.

§ 71.104 Approved sampling devices; operation, rates of flow.

An approved coal mine dust personal sampler unit shall be operated at a flow rate of 2.0 liters of air per minute. An MRE instrument shall be operated at a flow rate of 2.5 liters of air per minute.

§ 71.105 Approved sampling devices; equivalent concentrations.

The concentration of respirable dust expressed in milligrams per cubic meter of air shall be determined by dividing the weight of dust in milligrams collected on the filter by the volume of air in cubic meters passing through the filter. To convert a concentration of respirable dust as measured with an approved coal mine dust personal sampler unit to an equivalent concentration of respirable dust as measured with an MRE instrument, the concentration of respirable dust measured with an approved coal mine dust personal sampler unit shall be multiplied by a constant factor of 1.6 and the product shall be the equivalent concentration as measured with an MRE instrument.

§ 71.106 Initial sampling cycle; establishment of basic sample; notice of violation.

(a) On or before December 30, 1971, one respirable dust sample shall be taken with respect to each miner employed in a surface installation and with respect to each miner employed at a surface work site.

(b) If the data recorded pursuant to § 71.112 for an initial sample establish a concentration of respirable dust in excess of 2.0 milligrams per cubic meter of air in the normal work position of the miner to be sampled, the Secretary shall advise the operator that additional samples will be required to determine compliance with the respirable dust standard set forth in this Subpart B.

(c) Upon receipt of advice pursuant to paragraph (b) of this section, the operator shall take samples of respirable dust in the normal work position of the miner to be sampled on 10 consecutive shifts, each of which is worked on a separate calendar day beginning with the first shift worked by such miner following receipt of such advice. This series of 10 samples shall constitute the basic sample with respect to that miner.

(d) If the data recorded pursuant to § 71.112 for a basic sample establish a cumulative concentration in excess of 20 milligrams per cubic meter of air in the normal work position of the miner initially sampled without regard to the number of samples analyzed, the Secretary shall issue a notice to the operator that he is in violation of the respirable dust standard set forth in this Subpart B. Upon receipt of a Notice of Violation, the operator shall take continuous samples with respect to the normal work position of the miner initially sampled as required under Section 104(i) of the Act.

§ 71.107 Initial sampling cycle; basic sampling cycle; subsequent samples; semi-annual sampling requirements.

(a) Where the data recorded pursuant to § 71.112 for an initial sample taken in accordance with § 71.106(a), a basic sample taken in accordance with § 71.106(c), or a subsequent sample taken in accordance with § 71.108 establish a concentration of respirable dust which falls within a range of more than 0.5 milligrams per cubic meter of air and no more than 2.0 milligrams per cubic meter of air with respect to the miner sampled, the operator shall, during each succeeding six-month period, take one sample of the mine atmosphere to which each such miner sampled is exposed.

§ 71.108 Initial sampling cycle; basic sampling cycle; subsequent samples; annual sampling requirements.

The data recorded pursuant to § 71.112 for an initial sample (same as in § 71.107), a basic sample or a subsequent sample, establish a concentration of respirable dust which is 0.5 milligrams or less per cubic meter of air, the operator shall, during each succeeding 12-month period, take one sample of the mine atmosphere to which each miner sampled is exposed.

§ 71.109 Subsequent semiannual and annual samples; establishment of basic sample.

(a) Where the data recorded pursuant to § 71.112 for any subsequent semiannual sample taken in accordance with the provisions of § 71.107 or for any annual sample taken in accordance with § 71.108 establish a concentration of respirable dust in excess of 2.0 milligrams per cubic meter of air, the Secretary shall advise the operator pursuant to paragraph (b) of § 71.106 and the operator shall be required to establish a basic sample with respect to the miner sampled in accordance with the provisions of paragraph (c) of § 71.106.

(b) Where the data recorded pursuant to § 71.112 for any subsequent semiannual sample taken in accordance with the provisions of § 71.107 or for any annual sample taken in accordance with § 71.108 establish a concentration of respirable dust of 0.5 milligrams or less per cubic meter of air, the operator shall, during each succeeding 12-month period, take one sample for the mine atmosphere of each such miner sampled.

§ 71.110 Partial sampling; initial samples; basic samples; additional samples required.

(a) If the Secretary fails to receive the number of valid samples required under the provisions of § 71.106 or if samples have been rejected by the Secretary as invalid samples, the Secretary shall, in accordance with the provisions of § 71.112 analyze the valid samples received to determine whether the concentration of respirable dust is in compliance with the respirable dust limit.

(b) If the Secretary receives less than the required number of valid samples

with respect to a miner, and has determined in accordance with the provisions of paragraph (a) of this section that the cumulative concentration of respirable dust does not exceed the limit set forth in this Subpart B, the Secretary shall advise the operator to take a specified number of additional samples. Upon receipt of advice that additional sampling is required the operator shall commence such sampling on the first day on which the miner is employed in his regular duties following the day upon which he receives such advice from the Secretary.

(c) Where additional sampling is required under the provisions of paragraph (b) of this section to establish a basic sample and the Secretary receives more than the number of samples required, such additional samples shall be combined with the samples previously received and the most recent valid sample or more recent valid 10 samples shall, where appropriate, constitute the initial sample or the basic sample.

(d) Where additional samples are received by the Secretary in accordance with paragraph (b) of this section and combined with the valid samples already received pursuant to § 71.106(c), a daily determination of compliance or noncompliance shall be made with respect to the miner sampled. If the data recorded pursuant to § 71.112 with respect to the miner sampled establish a cumulative concentration of respirable dust in excess of 20 milligrams, the Secretary shall issue a notice to the operator that he is in violation of the respirable dust limit.

§ 71.111 Respirable dust samples; transmission.

(a) At the conclusion of each production shift, the operator shall promptly collect and transmit all samples in a container provided by the manufacturer of the cassette to:

Pittsburgh Field Health Group, Bureau of Mines, Department of the Interior, Pittsburgh, PA 15213.

(b) Each sample shall be accompanied by a completed 3- x 5-inch white data card provided for this purpose by the cassette manufacturer. The card shall have an identification number identical to that on the cassette used to take the sample, and only the name, Social Security number, and the normal work position of the miner whose environment was being sampled shall be provided. The data card shall be initialed by the miner whose environment was sampled and the representative of the company responsible for the dust sampling program.

§ 71.112 Respirable dust samples; analysis by the Secretary; report to the operator.

Upon receipt by the Secretary of respirable dust samples taken with respect to a miner, each sample shall be analyzed and the following data shall be recorded:

(a) The mine identification number;

(b) The surface installation or surface work site within the mine where the sample was taken;

(c) The dust concentration, expressed in milligrams per cubic meter of air, for each sample;

(d) The cumulative total of respirable dust for all valid samples with respect to the miner sampled, expressed in milligrams per cubic meter of air; and

(e) The Social Security number of the individual miner whose atmosphere was sampled.

§ 71.113 Report of data.

The Secretary shall provide the operator with a report of the data recorded pursuant to § 71.112 as soon as practicable.

§ 71.114 Spot health inspections.

In order to obtain compliance with the provisions of this Subpart B, the Secretary shall conduct frequent spot health inspections in surface installations and at the surface work sites of each underground coal mine and each surface coal mine.

Subpart C—Airborne Contaminants

§ 71.200 Inhalation hazards; threshold limit values for gases, dust, fumes, mists, and vapors.

On and after June 30, 1971, each operator of an underground coal mine and each operator of a surface coal mine shall not permit concentrations of noxious or poisonous gases, dusts, fumes, mists, and vapors, other than respirable coal dust and respirable dust containing quartz, in surface installations and at surface work sites to exceed the recommendations of the American Conference of Governmental Industrial Hygienists in "Threshold Limit Values of Airborne Contaminants" and any revisions or any amendments to this document which is hereby incorporated by reference and made a part hereof. This document is available for examination at the Bureau of Mines, 18th and C Streets NW., Washington, DC; and at the Bureau of Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD; and at the Public Health Service Information Centers as listed in 45 CFR 5.31. Copies of the document may be purchased for $0.50 from the Secretary-Treasurer, American Conference of Governmental Industrial Hygienists, Post Office Box 1937, Cincinnati, OH 45202. An official historic file of Threshold Limit Values of Airborne Contaminants will be maintained at the Bureau of Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD.

§ 71.201 Sampling; general requirements.

(a) Air samples shall be taken periodically and analyzed by the Secretary to determine the concentration of noxious or poisonous gases, dusts, fumes, mists, and vapors in surface installations and at surface work sites.

(b) Upon written notification by the Secretary, each operator of an underground coal mine and each operator of a surface coal mine shall conduct such additional air sampling tests and analyses as the Secretary may from time to time require in order to ensure compliance with the standard set forth in this section in each surface installation and at each surface work site.

(c) Where inhalation hazards are known by the operator to exist in a surface installation or at a surface work site, he shall immediately institute control measures and take appropriate air sampling tests to determine the concentration of any noxious or poisonous gas, dust, fume, mist, or vapor which may be present.

(d) Where potential inhalation hazards are known by the operator to exist in a surface installation or at a surface work site, he shall institute appropriate air sampling tests and immediately provide control measures where the standards set forth in this section are exceeded.

Subpart D—Noise Standard

§ 71.300 Noise standard; general requirements.

(a) On and after June 30, 1971, each operator of an underground coal mine and each operator of a surface coal mine shall comply with the minimum standard for noise exposure prescribed in Subpart F, Part 70, of this Subchapter O.

(b) Each operator shall maintain the noise level in each surface installation and at each surface work site at or below the maximum noise exposure allowed under paragraph (a) of this section.

§ 71.301 Measurement of noise levels.

Each operator shall measure the noise levels in each surface installation and at each surface work site in the manner prescribed in Subpart F, Part 70, of this Subchapter O.

Subpart E—Surface Bathing Facilities, Change Rooms and Sanitary Toilet Facilities

§ 71.400 Bathing facilities; change rooms; adjacent sanitary toilet facilities.

On and after June 30, 1971, each operator of an underground coal mine and each operator of a surface coal mine shall provide bathing facilities, clothing change rooms, and adjacent sanitary facilities, as hereinafter prescribed, for the use of miners employed in the surface installations and at the surface work sites of such mines.

§ 71.401 Location of surface facilities.

Bathhouses, change rooms, and adjacent sanitary toilet facilities shall be in a location convenient for the use of the miners. Where such facilities are designed to serve both an underground mine and the surface work areas of an underground mine or more than one mine, they shall be centrally located so as to be as convenient for the use of all miners served by such facilities.

§ 71.402 Minimum requirements for bathing facilities, change rooms, and adjacent sanitary toilet facilities.

(a) All bathing facilities, change rooms, and adjacent sanitary toilet

facilities shall be provided with adequate, light, heat, and ventilation so as to maintain a comfortable air temperature and to minimize the accumulation of moisture and odors, and such facilities shall be maintained in a clean and sanitary condition.

(b) Bathing facilities, change rooms, and adjacent sanitary facilities shall be constructed and equipped so as to comply with applicable State and local building codes: *Provided, however,* That where no State or local building codes apply to such facilities, or where no State or local building codes exist, such facilities shall be constructed and equipped so as to meet the minimum construction requirements in the National Building Code (1967 edition) and the plumbing requirements in the National Plumbing Code (ASA A 40.8–1955) which documents are hereby incorporated by reference and made a part hereof. These documents are available for examination at the Bureau of Mines, 18th and C Streets NW., Washington, DC; at the Bureau of Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD; and at the Public Health Service Information Centers as listed in 45 CFR 5.31. Copies of the National Building Code (1967 edition) may be purchased from the American Insurance Association, 85 John Street, New York, NY 10038, for $2.50 per copy and copies of the National Plumbing Code (ASA A 40.8–1955) may be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018, for $6 per copy. An official historic file of the National Building Code (1967 edition) and of the National Plumbing Code (ASA A 40.8–1955) will be maintained at the Bureau of Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD.

(c) In addition to the minimum requirements specified in paragraphs (a) and (b) of this § 71.402, facilities maintained in accordance with § 71.400 shall include the following:

(1) *Bathing facilities.* (i) Showers shall be provided with both hot and cold water.

(ii) At least one shower head shall be provided where five or less miners use such showers.

(iii) Where five or more miners use such showers, sufficient showers shall be furnished to provide approximately one shower head for five miners.

(iv) A suitable cleansing agent shall be provided for use at each shower.

(2) *Sanitary toilet facilities.* (i) At least one sanitary flush toilet shall be provided where 10 or less miners use such bathing, change rooms and sanitary facilities.

(ii) Where 10 or more miners use such sanitary toilet facilities, sufficient toilets shall be furnished to provide approximately one sanitary flush toilet for each 10 miners.

(iii) Where 30 or more miners use sanitary toilet facilities, one urinal may be substituted for one sanitary flush toilet, however, where such substitutions are made they shall not reduce the number of toilets below a ratio of two toilets to one urinal.

(iv) An adequate supply of toilet paper shall be provided with each toilet.

(v) Adequate handwashing facilities or hand lavatories shall be provided in or adjacent to each toilet facility.

(3) *Change rooms.* (i) Individual clothes storage containers or lockers shall be provided for storage of miners clothing and other incidental personal belongings during and between shifts.

(ii) Change rooms shall be provided with ample space to permit the use of such facilities by all members changing clothes prior to and after each shift.

§ 71.403 Waiver of surface facilities requirements.

The Coal Mine Health and Safety District Manager for the district in which the mine is located may, upon written application by the operator, waive any or all of the requirements for §§ 71.400 through 71.402 if he determines that the operator of the mine cannot or need not meet any part or all of such requirements, and upon issuance of such waiver, he shall set forth the facilities which will not be required and the specific reason or reasons for such waiver.

§ 71.404 Application for waiver of surface facilities requirements.

Applications for waivers of the requirements of §§ 71.400 through 71.402 shall be filed with the Coal Mine Health and Safety District Manager and shall contain the following information:

(a) The name and address of the mine operator;

(b) The name and location of the mine;

(c) A statement explaining why, in the opinion of the operator, the installation or maintenance of surface facilities is impractical or unnecessary.

Subpart F—Sanitary Toilet Facilities at Surface Work Sites

§ 71.500 Sanitary toilet facilities at surface work sites; approved sanitary toilets; installation requirements.

(a) On and after June 30, 1971, each operator of a surface coal mine shall provide and install one approved sanitary toilet, together with an adequate supply of toilet tissue, within 1,000 feet of each surface work site where miners are regularly employed. A single approved sanitary toilet may serve two or more surface work sites in the same surface mine where the sanitary toilet is located within 1,000 feet of each such work site.

(b) Only sanitary toilets approved by the Health Division, Coal Mine Health and Safety, Bureau of Mines shall meet the requirements of this section.

(c) Applications for approval of sanitary toilets shall be submitted to: Health Division, Coal Mine Health and Safety, Bureau of Mines, U.S. Department of the Interior, Washington, DC 20240.

§ 71.501 Sanitary toilet facilities; maintenance.

Sanitary toilets provided in accordance with the provision of § 71.500 shall be regularly maintained in a clean and sanitary condition. Holding tanks shall be serviced and cleaned when full and in no case less than once each week by draining or pumping or by removing them for cleaning or recharging. Transfer tanks and transfer equipment shall be equipped with suitable fittings to permit complete drainage and allow for the sanitary transportation of wastes. Waste shall be disposed of in accordance with State and local laws and regulations.

Subpart G—Drinking Water

§ 71.600 Drinking water; general.

On and after June 30, 1971, an adequate supply of potable water shall be provided for drinking purposes in each surface installation and at each surface work site of the mine, and such water shall be carried, stored, and otherwise protected in sanitary containers.

§ 71.601 Drinking water; quality.

(a) Potable water provided in accordance with the provisions of § 71.600 shall meet the applicable minimum health requirements for drinking water established by the State or community in which the mine is located.

(b) Where no State or local health requirements apply to drinking water or where no State or local minimum health requirements exist, drinking water provided in accordance with the provisions of § 71.600 shall contain a minimum of 0.2 milligrams of free chlorine per liter of water, and otherwise conform to the Public Health Service Drinking Water Standards, 42 CFR Part 72 Subpart J.

§ 71.602 Drinking water; quantity; location.

(a) Each operator shall provide an adequate supply of potable water for drinking purposes in the surface work areas of each underground coal mine and at each work site of a surface coal mine.

(b) A minimum of 4 quarts of potable water shall be provided for each person employed in the surface work areas of each underground coal mine and at each work site of a surface coal mine and such water shall be located within 500 feet of each work site on the surface.

§ 71.603 Drinking water; distribution.

(a) Water shall be piped to each work site or transported to each work site in sanitary containers. Water pipes shall be constructed of smooth, nontoxic material, fixtures and appurtenances to the water supply system shall be constructed and maintained in accordance with state and local requirements, and the water supply system shall be adequately protected against cross-connections.

(b) Water transported to the site shall be carried, stored and otherwise protected in sanitary containers constructed of smooth, impervious heavy gauge, unbreakable, corrosion resistant materials.

§ 71.604 Drinking water; dispensing requirements.

(a) Water shall be dispensed through a drinking fountain or from a water storage container with an adequate supply of single service cups stored in a clean, sanitary manner. Water shall not be dipped from inside water storage containers.

(b) Water containers shall remain sealed at all times during use and shall not be refilled with water for reuse without first being disinfected with the use of heat or sanitizers.

(c) Drink fountains from which water is dispensed shall be thoroughly cleaned and disinfected once each week.

(d) Ice used for cooling drinking water shall not be immersed or in direct contact with the water to be cooled.

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