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Atomic Energy Commission  
Civil Aeronautics Board  
Civil Service Commission  
Coast Guard  
Comptroller of the Currency  
Consumer and Marketing Service  
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Federal Communications Commission  
Federal Deposit Insurance Corporation  
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and Federal Service Impasses Panel  
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# Rules and Regulations

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Rev. 9, Amdt. 11]

#### PART 121—SMALL BUSINESS SIZE STANDARDS

##### Interpretation

##### Correction

In F.R. Doc. 71-32 appearing on page 43 in the issue of Tuesday, January 5, 1971, the bracket should read as set forth above.

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Department of Transportation

Section 213.3394 is amended to show that the positions of one Private Secretary and one Special Assistant to the Director, National Highway Safety Bureau, are no longer excepted under Schedule C. It is also amended to show that the following positions are excepted under Schedule C: The Deputy Administrator of the Urban Mass Transportation Administration, the Deputy Administrator of the National Highway Traffic Safety Administration, and one Private Secretary and one Special Assistant to the Administrator of the National Highway Traffic Safety Administration. Effective on publication in the FEDERAL REGISTER, subparagraphs (4) and (5) of paragraph (d) are revoked, and subparagraph (3) of paragraph (f) and paragraph (i) are added under § 213.3394 as set out below.

##### § 213.3394 Department of Transportation.

##### (d) Federal Highway Administration.

(4) [Revoked]

(5) [Revoked]

##### (f) Urban Mass Transportation Administration.

(3) Deputy Administrator.

##### (i) National Highway Traffic Safety Administration.

(1) Deputy Administrator.

(2) One Private Secretary to the Administrator.

(3) One Special Assistant to the Administrator.

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

### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 71-347; Filed, Jan. 7, 1971;  
2:51 p.m.]

## Chapter XIV—Federal Labor Relations Council and Federal Service Impasses Panel

### SUBCHAPTER B—FEDERAL LABOR RELATIONS COUNCIL

#### PART 2410—COUNCIL INTERPRETATIONS OF THE ORDER AND STATEMENTS ON MAJOR POLICY ISSUES

##### Interpretations and Statements of Policy

On September 29, 1970, there was published in the FEDERAL REGISTER (35 F.R. 15161) a notice of the proposed adoption of rules governing interpretations and statements of policy by the Council. Interested persons were invited to submit their views and suggestions in writing within 20 days after publication of the notice of proposed rule making. All relevant matter which was submitted has been carefully considered, and the Council has decided to adopt the proposed rules, with changes as set forth below.

Accordingly, the Council hereby amends Title 5 of the Code of Federal Regulations by adding to Chapter XIV, a new Part 2410 to read as follows:

- Sec.  
2410.1 Definitions.  
2410.2 Scope.  
2410.3 Procedures.  
2410.4 Issuance and publication.

**AUTHORITY:** The provisions of this Part 2410 issued under 5 U.S.C. 3301, 7301; E.O. 11491, 34 F.R. 17605, 3 CFR Comp., p. 197.

##### § 2410.1 Definitions.

(a) "Order" means Executive Order 11491 of October 29, 1969, entitled "Labor-Management Relations in the Federal Service."

(b) Terms defined in the order are used in this part with the meaning attached to them in the order.

##### § 2410.2 Scope.

Pursuant to section 4(b) of the order, and consistent with § 2411.21 of these regulations, the Council will issue interpretations of the order and statements on major policy issues as it deems appropriate to assure the effectuation of the purposes of the order. The Council will issue such an interpretation or policy

statement only where it deems the adjudicatory procedures provided would not be suitable.

##### § 2410.3 Procedures.

When considering issuance of an interpretation or policy statement, the Council will obtain views from interested agencies and labor organizations, orally or in writing, as it deems necessary and appropriate.

##### § 2410.4 Issuance and publication.

Interpretations and statements on major policy issues provided under this part shall be published in the FEDERAL REGISTER. Copies shall be distributed to agencies and labor organizations and made available to other interested persons at the Office of the Council.

For the Council.

ROBERT E. HAMPTON,  
Chairman.

[F.R. Doc. 71-276; Filed, Jan. 8, 1971;  
8:45 a.m.]

## Title 7—AGRICULTURE

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

[Lemon Reg. 462]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

##### § 910.762 Lemon Regulation 462.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon



which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 5, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 10, 1971, through January 16, 1971, are hereby fixed as follows:

- (i) District 1: 30,000 cartons;
- (ii) District 2: 55,000 cartons;
- (iii) District 3: 90,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the 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. 71-342; Filed, Jan. 8, 1971;  
8:49 a.m.]

## Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

### PART 3—BOARD OF IMMIGRATION APPEALS

#### Miscellaneous Amendments

Reference is had to the notice of proposed rule making which was published in the FEDERAL REGISTER on October 23, 1970 (35 F.R. 16545), pursuant to section

553 of title 5 of the United States Code (80 Stat. 383) and in which there were set out the terms of the proposed amendments pertaining to limitation on appeals in voluntary departure cases; summary dismissal of frivolous appeals; oral argument on appeal from orders denying motions; and stay of execution pending appeal. The representations which have been received concerning the proposed rules of October 23, 1970, have been considered. The only changes made in the proposed rules have been in § 3.6(b), by adding language defining the respective powers of the Board of Immigration Appeals and of special inquiry officers to stay deportation pending appeal from a special inquiry officer's order denying a motion; and in § 3.6(c), by adding a saving clause preserving existing stays pending disposition of the appeal by the Board. The proposed rules, as modified, are hereby adopted:

#### § 3.1 [Amended]

1. Subparagraph (2) of § 3.1(b), *Appellate jurisdiction*, is amended by changing the period at the end to a comma and adding the following: "except that no appeal shall lie from an order of a special inquiry officer under § 244.1 of this chapter granting voluntary departure within a period of at least 30 days, if the sole ground of appeal is that a greater period of departure time should have been fixed."

2. Subparagraph (1-a) of § 3.1(d) (1), *Summary dismissal of appeals*, is amended by striking the word "or" before the numeral "(iii)", changing the period at the end to a comma, and adding the following: "or (iv) the Board is satisfied, from a review of the record, that the appeal is frivolous and filed solely for purpose of delay."

3. Subparagraph (e) of § 3.1, *Oral argument*, is amended by changing the period at the end of the first sentence to a comma and adding the following: "except that oral argument shall not be heard on appeal from an order of a special inquiry officer under § 242.22 of this chapter denying a motion to reopen or reconsider or to stay deportation, unless the Board specifically directs that oral argument be granted."

4. Section 3.6, *Stay of execution of decision*, is amended to read as follows:

#### § 3.6 Stay of execution of decision.

(a) Except as provided in § 242.2 of this chapter and paragraph (b) of this section, the decision in any proceeding under this chapter from which an appeal to the Board may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed, nor shall such decision be executed while an appeal is pending or while a case is before the Board by way of certification.

(b) The provisions of paragraph (a) of this section shall not apply to an order of a special inquiry officer under § 242.22 of this chapter denying a motion to reopen or reconsider or to stay deportation, except when a stay pending appeal has been granted by the special inquiry

officer. The Board may, in its discretion, stay deportation while an appeal is pending from any such order if no stay has been granted by the special inquiry officer.

(c) *Saving clause.* Notwithstanding the provisions of paragraph (b) of this section, any stay of execution of decision existing under paragraph (a) of this section when paragraph (b) of this section becomes effective shall continue until the Board has disposed of the appeal.

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to delayed effective date, is unnecessary in this instance and would serve no useful purpose because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: January 4, 1971.

JOHN N. MITCHELL,  
Attorney General.

[F.R. Doc. 71-302; Filed, Jan. 8, 1971;  
8:47 a.m.]

### MISCELLANEOUS AMENDMENTS TO CHAPTER

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

#### PART 100—STATEMENT OF ORGANIZATION

District No. 1 of subparagraph (2) of paragraph (c) of § 100.4 is amended to read as follows:

#### § 100.4 Field Service.

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

DISTRICT NO. 1—ST. ALBANS, VT.

CLASS A

- \* Alburg, Vt.
- \* Alburg Springs, Vt.
- \* Beebe Plain, Vt.
- \* Beecher Falls, Vt.
- \* Canaan, Vt.
- \* Derby Line, Vt.
- \* East Richford, Vt.
- \* Highgate Springs, Vt.
- \* Morses Line, Vt.
- \* Newport, Vt.
- \* North Troy, Vt.
- \* Norton, Vt.
- \* Richford, Vt.
- \* St. Albans, Vt.
- \* West Berkshire, Vt.

### PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

#### § 103.1 [Amended]

Paragraph (g) *Officers in charge of § 103.1 Delegations of authority* is amended by adding the following at the end thereof: "Hong Kong—Authorize conditional entry under section 203(a) (7) of the Act."



**PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE**

**§ 212.7 [Amended]**

1. Item (c) of subdivision (ii) *Submission of statement of subparagraph (2) Section 212(a) (1) and (3) (certain mental conditions)* of paragraph (b) *Section 212(g) (tuberculosis and certain mental conditions)* of § 212.7 *Waiver of certain grounds of excludability* is amended to read as follows: "(c) that the specified facility or specialist will furnish the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333, an initial report giving a current evaluation of the mental status of the alien within 30 days after his arrival; semiannual reports of his mental status for a period of 5 years, even if he has been discharged from care, training, or schooling, unless approval has been granted by the U.S. Public Health Service to transfer responsibility for the medical supervision of the alien to another facility or specialist; prompt notification of the death of the alien, of his departure without approval of the facility or specialist, or of his failure to report to the facility or specialist as may be required in connection with semiannual reports, or of his failure to report to the facility or specialist within 30 days after the facility or specialist receives notice from the U.S. Public Health Service that he has arrived in the United States."

2. The first sentence of subparagraph (3) *Assurances: bonds of paragraph (b) Section 212(g) (tuberculosis and certain mental conditions)* of § 212.7 *Waiver of certain grounds of excludability* is amended to read as follows: "In all cases under paragraph (b) of this section the alien or his sponsoring family member shall also submit an assurance that the alien will comply with any special travel requirements as may be specified by the U.S. Public Health Service and that, upon the admission of the alien into the United States, he will proceed directly to the facility or specialist specified for the initial evaluation, and will submit to such further examinations, treatment, schooling, training, and medical regimen as may be required, whether in an outpatient, inpatient, study, or other status, and that, before responsibility for the medical supervision of the alien is transferred to another facility or specialist, the alien or the sponsoring family member will obtain approval from the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333."

**PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS**

**§ 234.2 [Amended]**

1. The last two sentences of subparagraph (1) *Applicants for status of permanent resident of paragraph (c) Civil surgeon reports of § 234.2 Examination in the United States of alien applicants for benefits under the immigration*

laws are amended to read as follows: "That office will forward to the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333, a copy of Form I-486A with X-ray and laboratory reports. In addition when the applicant has been found by the civil surgeon to be afflicted, Form FS-398 will be forwarded to the Director of the Foreign Quarantine Program for issuance of an appropriate medical certificate, and decision on the application for status of permanent resident shall be deferred pending receipt of the certificate."

2. The last sentence of subparagraph (1) *Applicants for status of permanent resident of paragraph (d) U.S. Public Health Service hospital and outpatient clinic reports of § 234.2 Examination in the United States of alien applicants for benefits under the immigration laws* is amended to read as follows: "The copy of Forms I-486A, PHS-124(FQ), or FS-398 retained by the U.S. Public Health physician will be sent to the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333, where a central file of these cases will be maintained."

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 100.4(c) (2) relates to agency management and the amendments to §§ 103.1(g), 212.7(b) (2), 212.7(b) (3), 234.2(c) (1), and 234.2(d) (1) relate to agency procedure.

Dated: January 5, 1971.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 71-301; Filed, Jan. 8, 1971;  
8:47 a.m.]

**PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL**

**PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES**

**Miscellaneous Amendments**

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on October 28, 1970 (35 F.R. 16684), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set out the terms of the proposed amendments to Parts 242 and 243 clarifying the jurisdiction to authorize release from custody and clarifying the jurisdiction of special inquiry officers to stay deportation pending appeal. Representations which were received concerning the

proposed rules of October 28, 1970, have been considered. The only change made in the proposed rules has been to change the last sentence of § 242.2(b) from: "The filing of such an appeal shall not operate to disturb the custody of the respondent or to stay the administrative proceeding or deportation." to: "The filing of such an appeal shall not operate to delay compliance, during the pendency of the appeal, with the custody directive from which appeal is taken, or to stay the administrative proceeding or deportation." The proposed rules, as modified, are hereby adopted:

1. Paragraphs (a), (b), and (c) of § 242.2 are amended to read as follows:

**§ 242.2 Apprehension, custody, and detention.**

(a) *Warrant of arrest.* At the commencement of any proceeding under this part, or at any time thereafter and up to the time the respondent becomes subject to supervision under the authority contained in section 242(d) of the Act, the respondent may be arrested and taken into custody under the authority of a warrant of arrest. However, such warrant may be issued by no one other than a district director, acting district director, or deputy district director, and then only whenever, in his discretion, it appears that the arrest of the respondent is necessary or desirable. If, after the issuance of a warrant of arrest, a determination is made not to serve it, any district director, acting district director, or deputy district director may authorize its cancellation. When a warrant of arrest is served under this part, the respondent shall have explained to him the contents of the order to show cause, the reason for his arrest and his right to be represented by counsel of his own choice at no expense to the Government. He shall be advised that any statement he makes may be used against him. He shall also be informed whether he is to be continued in custody or, if release from custody has been authorized, of the amount and conditions of the bond or the conditions under which he may be released. A respondent on whom a warrant of arrest has been served may apply to the district director, acting district director, or deputy district director for release or for amelioration of the conditions under which he may be released. The district director, acting district director, or deputy district director, when serving the warrant of arrest and when determining any application pertaining thereto, shall furnish the respondent with a notice of decision, which may be on Form I-286, indicating whether custody will be continued or terminated, specifying the conditions, if any, under which release is permitted, and advising the respondent appropriately whether he may apply to a special inquiry officer pursuant to paragraph (b) of this section for release or modification of the conditions of release or whether he may appeal to the Board. A direct appeal to the Board from a determination by a district director, acting district director, or deputy



district director shall not be allowed except as authorized by paragraph (b) of this section.

(b) *Authority of special inquiry officers; appeals.* After an initial determination pursuant to paragraph (a) of this section, and at any time before a deportation order becomes administratively final, upon application by the respondent for release from custody or for amelioration of the conditions under which he may be released, a special inquiry officer may exercise the authority contained in section 242 of the Act to continue or detain a respondent in, or release him from, custody, and to determine whether a respondent shall be released under bond, and the amount thereof, if any. The determination of the special inquiry officer in respect to custody status or bond shall be entered on Form I-342 at the time such determination is made and shall be accompanied by a memorandum by the special inquiry officer as to the reasons for his determination. The special inquiry officer shall promptly notify the respondent and the Service of such determination. Consideration under this paragraph by the special inquiry officer of an application or request of an alien regarding custody or bond shall be separate and apart from any deportation hearing or proceeding under this part, and shall form no part of such hearing or proceeding or of the record thereof. The determination of the special inquiry officer as to custody status or bond may be based upon any information which is available to the special inquiry officer, or which is presented to him by the alien or the Service. The alien and the Service may appeal to the Board of Immigration Appeals from any such determination. After a deportation order becomes administratively final, the respondent may appeal directly to the Board from a determination by the district director, acting district director, or deputy district director, except that no appeal shall be allowed when the Service notifies the alien that it is ready to execute the order of deportation and takes him into custody for that purpose. An appeal to the Board shall be taken from a determination by a special inquiry officer or from an appealable determination by a district director, acting district director, or deputy district director by filing a notice of appeal with the district director within 5 days after the date when written notification of the determination is delivered in person or mailed to the respondent and the Service. Upon the filing of a notice of appeal, the district director shall immediately transmit to the Board all records and information pertaining to the determination from which the appeal has been taken. The filing of such an appeal shall not operate to delay compliance, during the pendency of the appeal, with the custody directive from which appeal is taken, or to stay the administrative proceeding or deportation.

(c) *Revocation.* When an alien who, having been arrested and taken into cus-

tody, has been released, such release may be revoked at any time in the discretion of the district director, acting district director, or deputy district director, in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occurred, any outstanding bond shall be revoked and canceled. The provisions of paragraph (b) of this section shall govern availability to the respondent of recourse to other administrative authority for release from custody.

\* \* \* \* \*  
§ 242.22 [Amended]

2. The last two sentences of § 242.22 *Reopening or reconsideration* are deleted and the following two sentences are inserted in lieu thereof to read as follows: "The filing with a special inquiry officer of a motion under this section shall not serve to stay the execution of an outstanding decision; execution shall proceed unless the special inquiry officer who has jurisdiction over the motion specifically grants a stay of deportation. In his discretion, the special inquiry officer may stay deportation pending his determination of the motion and also pending the taking and disposition of an appeal from such determination."

§ 243.4 [Amended]

3. The last sentence of § 243.4 *Stay of deportation* is amended to read as follows: "Denial by the district director of a request for a stay is not appealable but such denial shall not preclude the Board from granting a stay in connection with a motion to reopen or a motion to reconsider as provided in Part 3 of this chapter, nor shall such denial preclude the special inquiry officer, in his discretion, from granting a stay in connection with, and pending his determination of, a motion to reopen or a motion to reconsider a case falling within his jurisdiction pursuant to § 242.22 of this chapter, and also pending an appeal from such determination."

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

The basis and purpose of the above-prescribed regulations are to clarify those rules of the Service pertaining to the jurisdiction to authorize release from custody and to clarify the jurisdiction of special inquiry officers to stay deportation pending appeal.

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to delayed effective date is unnecessary in this instance and would serve no useful purpose because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: January 5, 1971.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 71-303; Filed, Jan. 8, 1971;  
8:47 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-320]

#### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

##### Areas Quarantined

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

In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of South Carolina, and a new paragraph (e) (9) relating to the State of South Carolina is added to read:

(9) *South Carolina.* That portion of Horry County bounded by a line beginning at the junction of State Highway 905 and State Highway 9; thence, following State Highway 9 in a southeasterly direction to the Waccamaw Creek; thence, following the west bank of the Waccamaw Creek in a southwesterly and then northwesterly direction to State Highway 31; thence, following State Highway 31 in a northerly direction to State Highway 905; thence, following State Highway 905 in a generally northeasterly direction to its junction with State Highway 9.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

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

The amendment quarantines a portion of Horry County, South Carolina, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such County.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must



be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of January 1971.

GEORGE W. IRVING, Jr.,  
Administrator,  
Agricultural Research Service.

[F.R. Doc. 71-317; Filed, Jan. 8, 1971;  
8:49 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-SO-93]

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

##### Designation of 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 designate the Oneida, Tenn., transition area.

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

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 added:

##### ONEIDA, TENN.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Scott Municipal Airport (lat. 36°27'23" N., long. 84°35'10" W.); within 9.5 miles northwest and 4.5 miles southeast of the 221° bearing from Scott RBN (lat. 36°27'22" N., long. 84°35'16" W.), extending from the RBN to 18.5 miles southwest of the RBN.

(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 31, 1970.

JAMES G. ROGERS,  
Director, Southern Region.

[F.R. Doc. 71-286; Filed, Jan. 8, 1971;  
8:46 a.m.]

[Airspace Docket No. 70-SO-95]

#### 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. 18206), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vero 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-437 VOR RWY 11 Instrument Approach Procedure to Vero Beach Municipal Airport was inadequate with respect to the width of the transition area extension predicated on Vero Beach VORTAC 291° 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 amend the transition area 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 Vero Beach, Fla., control zone is amended to read:

##### VERO BEACH, FLA.

Within a 5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.).

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

##### VERO BEACH, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.); within 5 miles each side of Vero Beach VORTAC 291° radial, extending from the 8.5-mile radius area to 8.5 miles West of the VORTAC; within a 6.5-mile radius of St. Lucie County Airport, Fort Pierce, Fla. (lat. 27°29'38" N., long. 80°22'02" 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 31, 1970.

JAMES G. ROGERS,  
Director, Southern Region.

[F.R. Doc. 71-287; Filed, Jan. 8, 1971;  
8:46 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER D—SECURITY

#### PART 155—INDUSTRIAL PERSONNEL SECURITY CLEARANCE PROGRAM

##### Miscellaneous Amendments

The following amendments to Part 155 have been approved:

1. Section 155.6(a), as amended, now reads as follows:

##### § 155.6 Administration.

(a) The Assistant Secretary of Defense (Administration) shall provide overall policy guidance for the Program and is responsible for its administration, including the organization and composition of the various boards and staffs, and the establishment of field offices. The Assistant Secretary of Defense (Administration), or his designee, may issue such supplemental instructions and guidance as may be desirable for efficient and equitable operation of the Program or to accomplish the objectives set out in Executive Order 10885. (See § 155.12)

2. New § 155.12 has been added as follows:

##### § 155.12 Personnel clearance memorandums.

(a) *Personnel Clearance Memorandum No. 70-1, Clearance Applications—*

(1) *Purpose.* This § 155.12(a) is published under the authority of § 155.6(a) and establishes policy for administrative termination of the processing of an industrial personnel security clearance.

(2) *Policy.* A contractor employee who is being processed for an industrial security clearance must have a need for access to classified information in order for a clearance request to be processed. An employee who has submitted a Personnel Security Questionnaire (DD Forms 48 or 49), but who avers on the form, or otherwise makes it known during the processing of the clearance application, that he will not, under any circumstances, work on classified contracts or perform in a capacity requiring access to classified information, cannot be considered a bona fide candidate for clearance notwithstanding the formal initiation of a request for clearance. Such a reservation on the part of the employee negates the requirement for clearance because he will not, in fact, have access to classified information. The processing of such a request for clearance serves no useful Government purpose and causes needless

<sup>1</sup> Filed as part of original.



effort and expense to the Department of Defense and the contractor. Such a clearance request, when identified, will be administratively terminated without prejudice to the individual concerned. The contractor and the employee will be advised of the termination and will be informed that the clearance request may be reinstated on a showing of a change in the applicable facts.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division OASD  
(Administration).

[F.R. Doc. 71-304; Filed, Jan. 8, 1971;  
8:47 a.m.]

## Title 32A—NATIONAL DEFENSE, APPENDIX

### Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Regulation 1 (Rev. 5) Amdt. 26]

#### OI REG. 1—OIL IMPORT REGULATION

##### Miscellaneous Amendments; Correction

JANUARY 6, 1971.

In F.R. Doc. 70-17659 appearing at page 53 in the issue of Tuesday, January 5, 1971, there is an error in paragraph (b) of section 30. The word "July" should be deleted and the word "January" should be substituted therefor, so that the introductory phrase of paragraph (b) will read "For the period January 1, 1971 through December 31, 1971 \* \* \*."

FRED J. RUSSELL,  
Under Secretary of the Interior.

[F.R. Doc. 71-278; Filed, Jan. 8, 1971;  
8:45 a.m.]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration PART 17—MEDICAL

#### Retention Period for Records in Con- nection With Grants for Exchange of Medical Information

In § 17.266, paragraph (e) is amended to read as follows:

##### § 17.266 Applications.

(e) To include assurance records will be kept. Each application shall include sufficient assurances that the applicant shall keep records which fully disclose the amount and disposition of the proceeds of the grant, the total cost of the project or undertaking in connection with which the grant is made or used, the portion of the costs supplied by non-Federal sources, and such other records as will facilitate an effective audit. All

such records shall be retained by the applicant (grantee) in good condition for a period of 3 years after final payment unless, prior to that time, such records have been audited as provided in paragraph (f) of this section, and

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: January 5, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,  
Deputy Administrator.

[F.R. Doc. 71-297; Filed, Jan. 8, 1971;  
8:47 a.m.]

### PART 36—LOAN GUARANTY

#### Loans in Condominium Housing Development or Project

1. In § 36.4301, paragraphs (i), (aa), (ff), and (hh) are amended to read as follows:

##### § 36.4301 Definitions.

(i) "Dwelling" means any building designed primarily for use as a home consisting of not more than four family units plus an added unit for each veteran if more than one eligible veteran participates in the ownership thereof, except that in the case of a condominium housing development or project within the purview of 38 U.S.C. 1810(d) and § 36.4358, the term is limited to one single-family residential unit.

(aa) "Real-estate loan" means any obligation incurred for the purchase of real property or a leasehold estate as limited in §§ 36.4300 to 36.4375, inclusive, or for the construction of fixtures or appurtenances thereon or for alterations, improvements, or repairs thereon required by §§ 36.4300 to 36.4375, inclusive, to be secured by a lien on such property or is so secured. Loans for the purpose specified in 38 U.S.C. 1810(a)(5) (refinancing of mortgage loans or other liens on a dwelling or farm residence) and loans to purchase one-family residential units in condominium housing developments or projects within the purview of 38 U.S.C. 1810(d) and § 36.4358 shall also be considered real-estate loans.

(ff) "Residential property" means (1) any one-family residential unit in a condominium housing development within the purview of 38 U.S.C. 1810(d) and § 36.4358, (2) any improved real property (other than a condominium housing development) or leasehold estate therein as limited by §§ 36.4300 to 36.4375, inclusive, the primary use of which is for occupation as a home, consisting of not more than four-family units, plus an added unit for each eligible veteran if more than one participates in the ownership thereof, or (3) any land to be purchased out of the proceeds of a loan

for the construction of a dwelling, and on which such dwelling is to be erected.

(hh) "Condominium housing development" means a housing development as to which the Secretary of Housing and Urban Development has issued evidence of insurance of at least one mortgage loan for the purchase of a one-family residential unit under section 234 of the National Housing Act.

2. In § 36.4312(d), subparagraph A(6) under Part I is amended to read as follows:

##### § 36.4312 Charges and fees.

(d) The following schedule of permissible fees and charges shall be applicable to all Veterans' Administration-guaranteed or insured loans.

#### PART I—LOANS FOR THE PURCHASE, CONSTRUCTION, REPAIR, ALTERATION, OR IMPROVEMENT OF RESIDENTIAL PROPERTY (38 U.S.C. 1810)

A. \* \* \*

(6) Survey, if required by lender or veteran; except that any charge for a survey in connection with a loan under § 36.4358 (condominium loans) must have the prior approval of the Administrator.

3. In § 36.4313, paragraph (e) is added to read as follows:

##### § 36.4313 Advances and other charges.

(e) Notwithstanding the provisions of paragraph (a) or (b) of this section, holders of condominium loans guaranteed or insured under 38 U.S.C. 1810(d) shall not pay those assessments or charges allocable to the condominium unit which are provided for in the instruments establishing the condominium form of ownership in the absence of the prior approval of the Administrator.

4. In § 36.4320(h), subparagraph (7) is amended and subparagraph (10) is added to read as follows:

##### § 36.4320 Sale of security.

(h) \* \* \*

(7) As between the holder and the Administrator, the responsibility for any loss due to damage to or destruction of the property or due to personal injury sustained in respect to such property shall be governed by the provisions of this subparagraph and subparagraph (10) of this paragraph. Ordinary wear and tear excepted, the holder shall bear such risk of loss from the date of acquisition by the holder to the date such risk of loss is assumed by the Administrator. Such risk of loss is assumed by the Administrator from the date of his receipt of the holder's election to convey or transfer the property to him, or, in the event of receipt of notice of such election prior to acquisition, from the date of the Administrator's receipt of notice of acquisition by the holder: *Provided*, That if custody over the property has not been



delivered by the holder to the Administrator on the date when he otherwise would have assumed the risk of loss, his assumption of the risk of loss will be deferred until such custody over the property is delivered, or until the property has been conveyed or transferred to him. The amount of any loss chargeable to the holder may be deducted from the amount payable by the Administrator at the time the property is transferred. In any case wherein pursuant to the Veterans Administration Regulations rejection of the title is legally proper, the Administrator may surrender custody of the property as of the date specified in his notice thereof to the holder. The Administrator's assumption of such risk shall terminate upon such surrender.

(10) In respect to a property which was the security for a condominium loan guaranteed or insured under 38 U.S.C. 1810(d) the responsibility for any loss due to damage to or destruction of the property or due to personal injury sustained in respect to such property shall in no event pass to the Administrator until he expressly assumes such responsibility or until conveyance of the property to the Administrator, whichever first occurs. The holder shall have the right to convey such property to the Administrator only if the property (including elements of the development or project owned in common with other unit owners) is undamaged by fire, earthquake, windstorm, flooding, or boiler explosion. The absence of a right in the holder to convey such property which is so damaged shall not preclude a conveyance thereof, if the Administrator agrees in a given case to such a conveyance upon completion of repairs within a specified period of time and such repairs are so completed and the conveyance is otherwise in order.

5. In § 36.4336, that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

**§ 36.4336 Eligibility of loans; reasonable value requirements.**

(a) Evidence of guaranty or insurance shall be issued in respect to a loan for any of the purposes specified in 38 U.S.C. 1810 (a) and (d) only if:

6. Section 36.4358 is added to read as follows:

**§ 36.4358 Condominium loans (38 U.S.C. 1810(d)).**

A loan to an eligible veteran to purchase a one-family residential unit in a condominium housing development or project shall be eligible for guaranty or insurance to the same extent and on the same terms as other loans under 38 U.S.C. 1810, provided:

(a) Each such proposed loan is submitted to the Administrator for approval prior to closing.

(b) The Secretary of Housing and Urban Development has issued evidence of insurance of at least one mortgage loan for the purchase of a one-family residential unit in such development or project under section 234 of the National Housing Act.

(c) The loan otherwise conforms to the provisions of chapter 37, title 38, United States Code, except for sections 1805 (construction warranty), 1811 (direct loans), 1812 (farm loans), 1813 (business property), 1814 (refinancing), and 1827 (structural defects), and the automatic guaranty provisions of sections 1802, 1803, and 1810.

(d) The loan conforms to the otherwise applicable provisions of the regulations concerning the guaranty or insurance loans to veterans. Sections 36.4353, 36.4355, and 36.4364 shall not be applicable.

(e) For lenders of a class specified in the first sentence of 38 U.S.C. 1802(d), the effective date of the prior approval requirement in paragraph (a) of this section is February 16, 1971.

7. Section 36.4362 is revised to read as follows:

**§ 36.4362 Requirement of construction warranty.**

Each certificate of reasonable value issued by the Administrator relating to a proposed or newly constructed dwelling unit, except those covering one-family residential units in condominium housing developments or projects within the purview of § 36.4358, shall be subject to the express condition that the builder, seller, or the real party in interest in the transaction shall deliver to the veteran constructing or purchasing such dwelling with the aid of a guaranteed or insured loan a warranty, in the form prescribed by the Administrator, that the property has been completed in substantial conformity with the plans and specifications upon which the Administrator based his valuation of the property, including any modifications thereof, or changes or variations therein, approved in writing by the Administrator, and no certificate of guaranty or insurance credit shall be issued unless a copy of such warranty duly received by the purchaser is submitted with the loan papers.

8. In § 36.4363, paragraphs (a) and (c) are amended to read as follows:

**§ 36.4363 Nondiscrimination and equal opportunity in housing certification requirements.**

(a) Any request for a master certificate of reasonable value on proposed or existing construction, and any request for appraisal of individual existing housing not previously occupied, which is received on or after November 21, 1962, will not be assigned for appraisal prior to receipt of a certification from the builder, sponsor or other seller, in the form prescribed by the Administrator, that neither it nor anyone authorized to act for it will decline to sell any property included in such request to a prospective purchaser because of his race, color, religion, or national origin.

pective purchaser because of his race, color, religion, or national origin.

(c) Each builder, sponsor or other seller requesting approval of site and subdivision planning shall be required to furnish a certification, in the form prescribed by the Administrator, that neither it nor anyone authorized to act for it will decline to sell any property included in such request to a prospective purchaser because of his race, color, religion, or national origin. Site and subdivision analysis will not be commenced by the Veterans Administration prior to receipt of such certification.

9. In § 36.4364, paragraph (b) is amended to read as follows:

**§ 36.4364 Correction of structural defects.**

(b) A written application for assistance in the correction of structural defects shall be filed by a borrower under a guaranteed, insured or direct loan with the Director of the Veterans Administration office having loan jurisdiction over the area in which the dwelling is located. The application must be filed not later than 4 years after the date on which the first direct, guaranteed or insured mortgage loan on the dwelling was made, guaranteed or insured by the Administrator. A borrower under a direct, guaranteed or insured mortgage loan on the same dwelling which was made, guaranteed or insured subsequent to the first such loan shall be entitled to file an application if it is filed within 4 years of the date on which such first loan was made, guaranteed or insured by the Administrator.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective upon publication in the FEDERAL REGISTER.

Approved: January 5, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,  
Deputy Administrator.

[F.R. Doc. 71-298; Filed, Jan. 8, 1971; 8:47 a.m.]

**Title 43—PUBLIC LANDS:  
INTERIOR**

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

**APPENDIX—PUBLIC LAND ORDERS**

[Public Land Order 4988]

[Anchorage 4733]

**ALASKA**

**Modification of Public Land Order No. 4582 of January 17, 1969**

By virtue of the authority vested in the President by section 1 of the Act of



June 25, 1910, 36 Stat. 847, as amended, 43 U.S.C. § 141 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1969, as amended by Public Land Order No. 4962 of December 8, 1970, is hereby modified to permit the issuance of all permits necessary or convenient, including permits for the disposal of mineral materials under the Act of July 31, 1947, 61 Stat. 681, as amended, 30 U.S.C. §§ 601-604, for the construction, maintenance, or operation of those airports for which leases and conveyances are permitted by Public Land Order No. 4669 of June 16, 1969.

FRED J. RUSSELL,  
*Under Secretary of the Interior.*

JANUARY 5, 1971.

[F.R. Doc. 71-305; Filed, Jan. 8, 1971;  
8:48 a.m.]

## Title 50—WILDLIFE AND FISHERIES

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

#### PART 33—SPORT FISHING

##### Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

##### MICHIGAN

##### SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Seney, Mich. is permitted on areas as described under

special conditions below, and as delineated on maps available at refuge headquarters and from the office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, MN 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Streams and ditches, open only during the regular State trout fishing season, are:

(a) Driggs River from Highway M-28 south to the Diversion Ditch.

(b) Walsh Creek and Ditch from Highway M-28 south to C-3 Pool.

(c) Creighton River—entire length through refuge.

(2) Manistique River, entire length through refuge, open from January 1, 1971, through December 31, 1971.

(3) Pools are open to fishing, daylight hours only, as follows:

(a) All pools — January 1, 1971, through February 28, 1971.

(b) Show Pools (located west of Highway M-77 one-half mile north of the Headquarters entrance road) from Memorial Day (May 30, 1971) through Labor Day (Sept. 6, 1971).

(c) C-3 Pool from July 1, 1971 through Labor Day (Sept. 6, 1971).

(4) Night fishing, boats and the use of minnows for bait are prohibited except on the Creighton and Manistique Rivers.

(5) Snowmobiles, All-Terrain vehicles or motorized bikes are not allowed on the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

JOHN E. WILBRECHT,  
*Refuge Manager, Seney National Wildlife Refuge, Seney,  
Mich. 49883.*

DECEMBER 7, 1970.

[F.R. Doc. 71-408; Filed, Jan. 8, 1971;  
10:41 a.m.]



# Proposed Rule Making

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[ 33 CFR Part 117 ]

[ CGFR 70-129 ]

CEDAR BAYOU, TEX.

### Drawbridge Operation Regulations

1. The Chief, Office of Operations, U.S. Coast Guard Headquarters, is considering a request by the Missouri Pacific Railroad to establish special operation regulations that would permit automated operation of its vertical lift bridge across Cedar Bayou. This would allow the draw to be unmanned most of the time. Present regulations governing this bridge require that the draw be opened on signal. The proposed regulations would permit the draw to be maintained in the raised position with a minimum vertical clearance of 49.9 feet except when a train is or soon will be crossing the draw at which time the draw will be lowered. A clearance of 81.4 feet is available; however 12 hours' advance notice will be required when this clearance is needed due to the manually operated machinery used. Authority for this action is set forth in section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g) (2) of the Department of Transportation Act (49 U.S.C. 1655 (g) (2)) and 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4) (35 F.R. 15922).

2. Accordingly, it is proposed to amend Part 117 by adding § 117.550 to read as follows:

§ 117.550 Cedar Bayou, Tex., Missouri Pacific automated drawbridge.

(a) The bridge need not be manned by a regular attendant.

(b) The lift span shall normally be maintained at a minimum vertical clearance of 49.9 feet, and fixed green navigation lights shall be displayed on the left span. A clearance of 81.4 feet is available; however 12 hours' advance notice is required when this clearance is desired due to the fact that this greater height can only be attained manually.

(c) When a train approaches the bridge, the navigation lights shall change from green to red, alternating flashing red lights shall go on and a horn shall start sounding for 6 minutes. At the end of 6 minutes the horn stops and the draw starts to lower and lock provided the scanning equipment reveals nothing under the bridge. If the scanning equipment detects an obstruction, the draw shall remain in place until the obstruction is cleared.

(d) After the train has cleared the bridge, the draw shall raise to its normal height, the flashing red lights shall stop,

and the navigation lights shall change from red to green.

3. Interested persons may participate in this proposed rulemaking by submitting written data, views, arguments, or comments as they may desire on or before February 8, 1971. All submissions should be made in writing to the Commander, Eighth Coast Guard District, Customhouse, New Orleans, LA 70130.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, Eighth Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Chief, Office of Operations, U.S. Coast Guard, Washington, D.C. The Chief, Office of Operations will thereafter make a final determination with respect to these proposals.

Dated: December 4, 1970.

R. E. HAMMOND,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Operations.

[F.R. Doc. 71-409; Filed, Jan. 8, 1971;  
10:41 a.m.]

### Federal Aviation Administration

[ 14 CFR Part 71 ]

[ Airspace Docket No. 70-SW-74 ]

### TRANSITION AREA

#### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Artesia, N. Mex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All

communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed 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:

#### ARTESIA, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Artesia Municipal Airport (lat. 32°50'58" N., long. 101°28'02" W.); and within 3.5 miles each side of the Artesia NDB (lat. 32°51'11" N., long. 104°27'34" W.) 152° bearing, extending from the 9.5-mile radius area to 12 miles south of the NDB.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Artesia, N. Mex., Municipal Airport.

It is likely that an additional approach procedure will also be developed which will afford reciprocal course (southeast) capability for the Artesia, N. Mex., Municipal Airport. If so, a northwesterly extension of the proposed transition area similar to the southeasterly extension can be anticipated. Comments on the possible additional approach procedure are solicited at this time to preclude the necessity for issuance of a subsequent notice of proposed rule making.

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 Fort Worth, Tex., on December 28, 1970.

HENRY L. NEWMAN,  
Director, Southwest Region.

[F.R. Doc. 71-289; Filed, Jan. 8, 1971;  
8:46 a.m.]



## [ 14 CFR Part 71 ]

[Airspace Docket No. 70-SW-69]

## TRANSITION AREA

## Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Waco, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (35 F.R. 2134, 11617), the Waco, Tex., 700-foot transition area is amended by substituting "lat. 31°39'30" N., long. 96°43'50" W., to lat. 31°17'00" N., long. 96°47'00" W., to lat. 31°17'00" N., long. 97°13'00" W." for lat. 31°39'30" N., long. 96°43'50" W., to lat. 31°28'20" N., long. 96°55'40" W., to lat. 31°17'00" N., long. 96°56'00" W., to lat. 31°17'00" N., long. 97°13'00" W.;"

This proposed boundary change of the Waco, Tex., 700-foot transition area will provide controlled airspace for aircraft executing instrument approach/departure procedures proposed to serve the Marlin Airport at Marlin, Tex.

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 Fort Worth, Tex., on December 31, 1970.

HENRY L. NEWMAN,  
Director, Southwest Region.

[F.R. Doc. 71-290; Filed, Jan. 8, 1971;  
8:46 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 70-SW-78]

## TRANSITION AREA

## Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Dallas-Fort Worth, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

Proposed alteration of the Dallas-Fort Worth, Tex., 700-foot transition area will provide controlled airspace necessary to accommodate an instrument approach procedure proposed to serve Arlington Municipal Airport. This proposed procedure will utilize the Fort Worth Greater Southwest VORTAC and will supplant the current approach procedure based on the Britton VORTAC concurrently with decommissioning of the Britton VORTAC.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134, 11617), the Dallas-Fort Worth, Tex., transition area 700-foot portion is amended in part by deleting "lat. 32°32'00" N., long. 96°40'00" W.; to lat. 32°25'00" N., long. 97°29'00" W." and substituting therefor "lat. 32°32'00" N., long. 96°40'00" W., to lat. 32°29'00" N., long. 97°01'00" W., to lat. 32°23'00" N., long. 97°05'00" W., to lat. 32°25'00" N., long. 97°29'00" W."

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

Issued in Fort Worth, Tex., on December 31, 1970.

HENRY L. NEWMAN,  
Director, Southwest Region.

[F.R. Doc. 71-291; Filed, Jan. 8, 1971;  
8:46 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 70-SW-73]

## CONTROL ZONE AND TRANSITION AREA

## Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Hobbs, N. Mex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

HOBBS, N. MEX.

That airspace within a 5-mile radius of Lea County Airport (lat. 32°41'19" N., long. 103°13'01" W.), within a 5-mile radius of Crossroads Intercontinental Airport (lat. 32°46'00" N., long. 103°12'30" W.), and within 3.5 miles each side of the Hobbs VOR 222° radial, extending from the 5-mile radius zone of the Lea County Airport to 10.5 miles southwest of the VOR.

(2) In § 71.181 (35 F.R. 2134, 11617, 14304), the Hobbs, N. Mex., 700-foot transition area is amended to read:

HOBBS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lea County Airport (lat. 32°41'19" N., long. 103°13'01" W.), within a 9-mile radius



of Crossroads Intercontinental Airport (lat. 32°46'00" N., long. 103°12'30" W.), and within 3.5 miles each side of the Hobbs VOR 222° radial extending from the 9-mile radius zone of the Lea County Airport to 11.5 miles southwest of the VOR.

Alteration of the Hobbs, N. Mex., control zone and 700-foot transition area will provide controlled airspace to accommodate instrument approach/departure procedures proposed at Crossroads Intercontinental Airport. Procedures currently serving Lea County Airport also are being revised in accordance with standard terminal instrument approach/departure (TERPs) criteria.

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 Fort Worth, Tex., on December 31, 1970.

HENRY L. NEWMAN,  
Director, Southwest Region.

[F.R. Doc. 71-292; Filed, Jan. 8, 1971;  
8:46 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 70-WE-73]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Ephrata and Grant County, Wash., control zones and Moses Lake, Wash., transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed 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, 5651 West Manchester Avenue, Los Angeles, CA 90045.

As a result of new instrument approach procedures for Ephrata and Grant

County, Wash., airports, it is necessary to provide additional controlled airspace protection for aircraft executing the prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (35 F.R. 2054) the description of the Ephrata, Wash., control zone is amended to read as follows:

EPHRATA, WASH.

Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'27" N., longitude 119°30'38" W.) and within 3 miles each side of the Ephrata VORTAC 043° and 223° radials, extending from the 5-mile-radius zone to 8 miles northeast of the VORTAC.

In § 71.171 (35 F.R. 2054) the description of the Grant County, Wash., control zone is amended to read as follows:

GRANT COUNTY, WASH.

Within a 5-mile radius of Grant County Airport, Moses Lake, Wash. (latitude 47°12'35" N., longitude 119°18'50" W.); within 2 miles each side of the Ephrata VORTAC 156° radial, extending from the 5-mile-radius zone to 3 miles southeast of the VORTAC, and within 2 miles each side of the Moses Lake ILS localizer south course, extending from the 5-mile-radius zone to the Moses Lake VOR, excluding the portion within the Ephrata, Wash., control zone. This control zone shall be 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.

In § 71.181 (35 F.R. 2134) the description of the Moses Lake, Washington transition area is amended by beginning in the second line and deleting all between " \* \* \* longitude 119°18'50" \* \* \* " and " \* \* \* Moses Lake VOR 144° radial \* \* \* " and substituting therefore " \* \* \* within 3.5 miles west and 4 miles east of the Moses Lake ILS localizer south course extending from the 5-mile-radius area to 9.5 miles south of the Pelican RBN, within 7 miles southeast and 10 miles northwest of the Ephrata VORTAC 043° and 223° radials, extending from 8 miles southwest to 19 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Ephrata VORTAC 043° radial extending from the VORTAC to the ARC of a 21-mile-radius circle centered on the Ephrata VORTAC, within 5 miles southwest and 9.5 miles northeast of the Ephrata VORTAC 337° radial extending from the VORTAC to 19 miles northwest of the VORTAC \* \* \* "

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

Issued in Los Angeles, California, on December 28, 1970.

LEE E. WARREN,  
Acting Director, Western Region.

[F.R. Doc. 71-293; Filed, Jan. 8, 1971;  
8:46 a.m.]

[ 14 CFR Part 91 ]

[Docket No. 10759; Notice 71-1]

TAKEOFF WEATHER MINIMUMS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to apply the takeoff weather minimums in Part 91 to all aircraft, except U.S. military aircraft, operating under instrument flight rules.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before March 10, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 97 of the Federal Aviation Regulations prescribes standard instrument approach procedures for instrument let-down to many airports in the United States and prescribes the weather minimums that apply to takeoffs and landings under instrument flight rules (IFR) at those airports for which procedures are prescribed. Section 91.116(c) requires persons conducting certain kinds of operations under IFR to comply with the takeoff weather minimums prescribed for an airport in Part 97 or, if takeoff minimums are not prescribed in Part 97 for a particular airport, to comply with takeoff minimums prescribed in § 91.116(c). The kinds of operations to which the IFR takeoff minimums in § 91.116(c) apply are limited to those conducted under Parts 121, 123, 129, and 135; that is, operations conducted by air carriers and commercial operators of large aircraft, air travel clubs, foreign air carriers, and air taxi operators and commercial operators of small aircraft. Takeoff minimums have applied to these kinds of operations, in the form of regulations or operating limitations, for many years. However, the Federal Aviation Regulations do not presently require compliance with takeoff minimums during operations that are not conducted under those parts. Therefore, a person using an aircraft in an operation to which Part 121, 123, 129, or 135 does not apply may take off from a civil airport under IFR when the weather conditions are below the weather minimums prescribed in Part 97 or in § 91.116(c), and no lower minimums apply.

The FAA proposes to amend the civil airport takeoff minimums in § 91.116 to apply takeoff minimums to the operation of all aircraft, except military aircraft of the United States. Specifically,



the proposal would amend § 91.116(c) to make it applicable to all aircraft by deleting the limiting references to Part 121, 123, 129, or 135 in the current rule. As a result, the applicability of § 91.116(c) would be made the same as current § 91.116(b), which prescribes landing minimums. No further substantive changes are proposed. The full text of § 91.116(c), as proposed, is set out below.

In 1957, the Civil Aeronautics Board, which then had the responsibility for prescribing flight rules, proposed to apply takeoff weather minimums to all aircraft operations (Civil Air Regulations Draft Release No. 57-11; May 29, 1957; 22 F.R. 3758). The Board was then of the opinion that: "The minimums for IFR takeoff are established in careful consideration of the safety requirements dictated by local conditions and should, therefore, be consistently applicable in the interest of safety of not only the pilots and passengers but of the communities surrounding airports" (Item No. 7; Draft Release No. 57-11). On December 2, 1957, the proposal to introduce IFR takeoff minimums for all aircraft was withdrawn (Draft Release 57-27; Dec. 10, 1957; 22 F.R. 9868). The Board said: "The majority of airspace users appear to believe that such a prohibition would impose an unnecessary burden on IFR flight operations which heretofore have been conducted safely" (22 F.R. 9871). The takeoff minimums proposed for airports having no prescribed minimums were to be 300-foot ceiling and 1-mile visibility.

The Federal Aviation Administration has continued to consider the need for takeoff minimums. Takeoff minimums were discussed during "Air-Share" meetings in 1961. However, takeoff minimums were generally opposed on the basis of aircraft accident records. A study of aviation accidents revealed only one accident had occurred during an IFR takeoff from January 1956, through March 1961, and in that instance the takeoff was conducted in weather conditions that were better than the takeoff minimums applicable to operators to whom takeoff minimums applied. Nevertheless, it was noted at the Air-Share meetings in April and May of 1961 that some pilots were in favor of adopting the minimums as rules so they would be protected from the job demands of their employers. Historically, as companies operating airplanes become larger and more complex and their fleets larger, competitive pressures build toward operating under more marginal conditions. Many companies operating airplane fleets had established voluntary minimums as company policy. However, at the time of the Air-Share meetings, it appeared that there were a number of companies whose operations concerned the FAA inspectors to the extent that they believed that the apparently good safety record should be attributed to the fact that weather conditions rarely required takeoffs below minimums rather than to the argument that the takeoff operations below minimums were inherently safe.

Private operations are no longer typically conducted in small airplanes. The private operations of airplane fleets by business and industry have been rapidly increasing over the past few years and these include large transport category airplanes. The FAA believes that takeoff minimums should be required for all aircraft, since private operations involve the use of the same kinds of aircraft used by air carriers, including jet transports, and these aircraft have the same potential for endangering the safety of persons and property on the surface as aircraft operated by persons presently subject to IFR takeoff minimums.

The more recent record is not free of accidents involving takeoffs under IFR in weather conditions less than the prescribed minimums. During 1968 and 1969 there were at least three such accidents. In the light of this accident record there no longer appears to be any justification for excluding some kinds of operations from the applicability of reasonable takeoff minimums.

The Federal Aviation Administration is also considering amending § 91.116(c) to change the specific minimum visibility requirements. At airports where minimums are not specified in a standard instrument approach procedure, § 91.116(c) presently requires takeoff minimums of 1 statute mile visibility for aircraft having two engines or less and one-half statute mile visibility for aircraft having more than two engines. The FAA recognizes that the present visibility requirements in § 91.116(c) may not be appropriate for single-engine aircraft operations. Therefore, the FAA is especially interested in comments on the adequacy of the current rule regarding the visibility required for safe operation of aircraft under IFR takeoffs and on the relationship of the number of engines to the visibility required.

In light of comments received, the FAA may make appropriate changes relaxing the specific visibility minimum and engine requirements or, if suggested revisions are extensive and it is determined to be in the public interest to proceed with further rule making, the FAA will issue another notice of proposed rule making.

In consideration of the foregoing, it is proposed to amend § 91.116 of Part 91 of the Federal Aviation Regulations by revising paragraph (c) to read as follows:

**§ 91.116 Takeoff and landing under IFR: General.**

(c) *Civil airport takeoff minimums.* Unless otherwise authorized by the Administrator, no person operating an aircraft (except a military aircraft of the United States) may take off from a civil airport under IFR unless weather conditions are at or above the weather minimums for IFR takeoff prescribed for that airport in Part 97 of this chapter. If takeoff minimums are not prescribed in Part 97 of this chapter for a particular airport, the following minimums apply to takeoffs under IFR:

- (1) Aircraft having two engines or less: one statute mile visibility.
- (2) Aircraft having more than two engines: one-half statute mile visibility.

This amendment is proposed under the authority of sections 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 4, 1971.

JAMES F. RUDOLPH,  
Director, Flight Standards Service.

[F.R. Doc. 71-288; Filed, Jan. 8, 1971; 8:46 a.m.]

**National Highway Safety Bureau**  
[49 CFR Part 571]

[Docket No. 71-1, Notice No. 1]

**GLAZING MATERIALS FOR USE IN PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND MOTORCYCLES**

**Notice of Proposed Rule Making**

Federal Motor Vehicle Safety Standard No. 205, published February 3, 1967 (32 F.R. 2414) and amended July 8, 1967 (32 F.R. 10072), September 19, 1968 (33 F.R. 14162), and March 1, 1969 (34 F.R. 3688) specifies requirements for glazing materials for use in motor vehicles. The requirements of the standard, with minor exceptions, are based on the United States of America Standards Institute (now the American National Standards Institute) "American Standard Safety Code for Safety Glazing Material for Glazing Motor Vehicles Operating on Land Highways," ASA Standard Z26.1-1966, July 15, 1966 (hereinafter referred to as ANS Z26), which is incorporated into the standard by reference. The National Highway Safety Bureau has received, pursuant to 49 CFR 553.31 of the procedural rules, petitions for rulemaking concerning the standard from Eastman Chemical Products, Inc., a subsidiary of the Eastman Kodak Co., and from the State of California Highway Patrol. This notice proposes certain amendments to Standard No. 205 pursuant to the petitions received, and others initiated by the Bureau.

1. The Eastman petition requests that an additional "item" of motor vehicle glazing be established that would allow certain plastics that do not meet chemical resistance tests presently specified for them in ANS Z26 to be used in certain specified locations in motor vehicles. These tests require the material to resist chemical agents that are normally used for cleaning purposes, such that when the material is subjected to them, no tackiness, crazing, or loss of transparency occurs.

On the basis of the Eastman petition, the Director has determined that rule-making should be proposed to allow plastic materials that do not possess



these chemical resistance qualities to be used in specified locations of motor vehicles when, because of the location of the material relative to the driver, possession, or retention of optical qualities is unnecessary. The material would be required, however, to possess superior structural qualities that are not adversely affected by the chemical agents. They would be further required to be labeled with instructions for cleaning, indicating methods and agents which can be used to minimize the loss of transparency.

The proposed amendment to Standard No. 205 would add two new items of glazing materials to the list presently specified in ANS Z26. These items would be designated "Item 12—Rigid Plastics," and "Item 13—Flexible Plastics," consistently with the numbering scheme presently used in ANS Z26. Item 12 rigid plastics would be required to meet one of two tests for flammability presently specified in ANS Z26 (either test 23 or 24) and three new tests, numbered 33, 34, and 35, which are based on present Tests Nos. 19, 20, and 26, respectively, of ANS Z26. Tests Nos. 33 and 34 prescribe chemical resistance requirements that require retention of structural strength rather than optical qualities, while Test No. 35 prescribes a 5-pound ball penetration resistance requirement. Item 13 (flexible) plastics would be required to meet each of these requirements, as well as the flexibility requirement specified in present Test No. 22 of ANS Z26.

Materials meeting either of these series of requirements would be allowed to be used in specified locations in motor vehicles at levels not requisite for driving visibility. The locations proposed, discussed in further detail below, are: (a) Windows and doors in campers, pick-up caps, pick-up covers, and pick-up canopies, (b) motorcycle windscreens below the intersection of the horizontal plane 15 inches vertically above the lowest seating position, (c) standee windows in buses, (d) interior partitions and auxiliary wind deflectors, (e) folding doors, (f) openings in the roof, and (g) flexible curtains, readily removable windows, or ventilators used in conjunction with readily removable windows.

Standard No. 205 presently requires glazing for all but forward-facing windows of campers, pick-up caps, pick-up canopies, and pick-up covers to meet the specifications for glazing materials that, pursuant to ANS Z26, can be used in any location of a motor vehicle (FHWA Ruling 68-1, Mar. 26, 1968, 33 F.R. 5020). Forward-facing windows of these equipment items, however, are required to be constructed of either item 1 (AS 1), item 2 (AS 2), item 3 (AS 3), item 4 (AS 4), or item 5 (AS 5) glazing materials. With reference to other than forward-facing windows of campers and similar equipment, the proposed amendment would allow the use of item 12 and item 13 glazing materials because the structural qualities of item 12 or item 13 glazing

are greater than those of all the glazing materials presently allowed except item 1.

With reference to forward-facing windows of campers and similar equipment, a notice of proposed rulemaking published March 1, 1969 (34 F.R. 3699), would restrict glazing allowed in this location to item 1 (AS 1) glazing, or item 2 or item 3 glazing that meets the requirement of test 26 in ANS Z26. Because item 12 and item 13 glazing materials would meet penetration resistance requirements very similar to those proposed for forward-facing windows in the notice of March 1, 1969, and because forward-facing windows of campers and similar equipment are not generally important for driver visibility, item 12 and item 13 glazing would also be appropriate for this location. The use of item 12 or item 13 glazing, however, would not be allowed in the forward-facing window, commonly called a "boot window", that is adjacent to the rear pick-up cab window, when that window could be used by the driver for rearward visibility when operating the vehicle. The Bureau is continuing to investigate the safety hazard created when unrestrained occupants of campers lie close to the forward-facing window while the vehicle is moving, and are thus likely to suffer serious personal injury in the event of a crash. Data concerning accidents of this type, including details of occupant injury, are invited from the public as part of that investigation.

The proposed amendment would allow the use of item 12 and item 13 glazing in motorcycle windscreens, but only below the intersection of a horizontal plane 15 inches vertically above the lowest seating position. Glazing above this line is considered to be used for driver visibility, and should comply with the requirements of ANS Z26. The remaining locations where item 12 and 13 glazing would be permitted by the proposed amendment are locations, at levels not requisite for driving visibility, where plastics are presently allowed. They are (a) standee windows in buses, (b) interior partitions and auxiliary wind deflectors, (c) folding doors, (d) openings in the roof, and (e) flexible curtains, readily removable windows, or ventilators used in conjunction with readily removable windows.

2. The Director has also been petitioned to amend the standard by the State of California Highway Patrol. The petition requests that the standard be amended to require uniform specified markings on glazing materials that would identify the manufacturer, the type, and the model number of the glazing material. It further requests that the markings be required to be placed in specified locations on the glazing surface. The requirement would assist law enforcement personnel in enforcing applicable State and Federal requirements, by making glazing materials more readily identifiable.

Standard No. 205 presently incorporates the marking requirements of section 6 of ANS Z26, and provides that, by the addition of the symbol "DOT" and a

code number representing the name of the prime glazing material manufacturer, the marking will serve as an alternative to the certification requirement in section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. § 1403). Under S3.4 of the standard, a prime glazing material manufacturer is one who fabricates, laminates, or tempers the glazing material.

The proposed amendment to Standard No. 205 would make the certification alternative mandatory, and would also make some changes in and additions to the marking requirements presently specified in section 6 of ANS Z26. Under the proposed amendment, prime glazing material manufacturers would be required to mark glazing materials in accordance with section 6 of ANS Z26, and to add to that marking requirement the symbol "DOT", followed by a code number identifying the manufacturer. The symbol "DOT" and the code number together would represent the manufacturer's certification that his product complies with Standard No. 205. The code number would be assigned by the Bureau on the manufacturer's written request. The proposed amendment would further require the "DOT" symbol, the code number, and the glazing model number (required by section 6 of ANS Z26) to be on the same line, with no other mark on that line except, at the option of the manufacturer, the AS designation (also required by section 6 of Standard Z26). The amendment would require each person who cuts a section of glazing material for use in a motor vehicle to mark the section using the marking of the prime glazing material manufacturer. The marking would be required to be placed in the lower left corner of the windshield, and either the lower left or lower right corner of any other window.

3. The proposed amendment would change the requirements of tests nos. 19 and 20 of ANS Z26 as incorporated into Standard No. 205. These tests are designed to demonstrate the resistance of materials to certain chemicals normally used for cleaning purposes. The chemicals presently specified are carbon tetrachloride, one percent solution of a non-abrasive soap, kerosene, undiluted denatured alcohol and commercial motor car gasoline. The notice proposes to substitute trichlorethylene for carbon tetrachloride, because of the proposed Federal ban on the use of the latter chemical. Trichlorethylene would be included to test plastics for resistance against chlorinated hydrocarbons, chemicals which are likely to be used in cleaning solutions.

The Bureau is aware that fluoro-chloro hydrocarbons (freons) have also come into use as cleaning agents for glazing materials. While not proposing that glazing materials be tested for resistance to freons at this time, comments are requested concerning the prospective use of freons as cleaning agents, in particular whether they are sufficiently corrosive to glazing materials to warrant testing for chemical resistance, and which freon or freon derivative would be most suitable as a testing agent.



4. The proposed amendment would require glazing material used in all mirrors located in the interior of the vehicle to be constructed of one of the glazing types (items 1 through 13) for which requirements are specified in Standard No. 205, because of the potential of these items for causing injuries in crashes.

5. The proposed amendment would also revise the incorporation by reference of ANS Z26 to include supplement Z26.1a-1969, March 7, 1969. In addition, the United States of America Standards Institute has changed its name to the American National Standards Institute, and Standard 205 will, therefore, refer to ANS Z26 as the American National Standard Z26.1-1966, July 15, 1966, as supplemented by Z26.1a-1969, March 7, 1969.

Proposed effective dates: The proposed requirement adding item 12 and item 13 glazing materials, and the performance tests these materials must meet, impose no additional burdens and relieve restrictions under Standard No. 205. Accordingly, good cause exists for an effective date less than 180 days from issuance of the final rule. Therefore, it is proposed that these requirements become effective July 1, 1971.

The proposed effective date for requirements for certification, amendments of tests 19 and 20 of ANS Z26 as incorporated into Standard No. 205, the incorporation by reference of Z26.1a-1969 (Mar. 7, 1969), and requirements for mirrors is January 1, 1972.

In consideration of the above, it is proposed that Motor Vehicle Safety Standard No. 205, "Glazing Materials," in section 571.21 of Title 49, Code of Federal Regulations, be revised as set forth below. Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, DC 20591. Ten copies are requested but not required. All comments received before the close of business on March 9, 1971, will be considered, and will be available for examination both before and after the closing date. To the extent possible, comments filed after the closing date will be considered by the Bureau. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Bureau will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rulemaking is issued under the authority of sections 103, 112, 114, and 119 of the National

Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. § 1392, 1401, 1403, 1407), and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on December 31, 1970.

RODOLFO A. DIAZ,  
Acting Associate Director,  
Motor Vehicle Programs.

§ 571.21 Federal Motor Vehicle Safety Standards.

MOTOR VEHICLE SAFETY STANDARD  
No. 205

GLAZING MATERIALS—PASSENGER CARS,  
MULTIPURPOSE PASSENGER VEHICLES,  
TRUCKS, BUSES, AND MOTORCYCLES

S1. *Scope.* This standard specifies requirements for glazing materials for use in motor vehicles.

S2. *Purpose.* The purpose of this standard is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through the vehicle windows in collisions.

S3. *Application.* This standard applies to glazing materials for use in passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles.

S4. *Requirements.*

S4.1 *Materials.*

S4.1.1 Glazing materials for use in motor vehicles, except as otherwise provided in this standard, shall conform to the American National Standard "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1-1966, July 15, 1966, as supplemented by Z26.1a-1969, March 7, 1969, and hereinafter referred to as "ANS Z26".

S4.1.1.1 For the purposes of this standard, the chemicals specified for testing chemical resistance in Tests Nos. 19 and 20 of ANS Z26 shall be:

- (a) Trichlorethylene.
- (b) One percent solution of nonabrasive soap.
- (c) Kerosene.
- (d) Undiluted denatured alcohol, Formula SD No. 30 (1 part 100-percent methyl alcohol in 10 parts 190-proof ethyl alcohol by volume).
- (e) Commercial motor car gasoline.

S4.1.2 In addition to glazing materials specified in ANS Z26, materials conforming to S4.1.2.1 or S4.1.2.2 may be used in the locations of motor vehicles specified in those sections.

S4.1.2.1 *Item 12—Rigid plastics.* Safety glazing materials that comply with Tests Nos. 23 or 24 of ANS Z26, Tests Nos. 33, 34, and 35 as specified in S4.1.2.3, and the labeling requirements of S4.1.2.4, may be used in a motor vehicle only in the following specific loca-

tions at levels not requisite for driving visibility.

(a) Windows and doors in campers, pickup caps, pickup covers, and pickup canopies.

(b) Motorcycle windscreens below the intersection of a horizontal plane 15 inches vertically above the lowest seating position.

(c) Standee windows in buses.

(d) Interior partitions and auxiliary wind deflectors.

(e) Folding doors.

(f) Openings in the roof.

(g) Readily removable windows or in ventilators used in conjunction with readily removable windows.

S4.1.2.2 *Item 13—Flexible plastics.* Safety glazing materials that comply with Tests Nos. 22, and 23 or 24 of ANS Z26, Tests Nos. 33, 34, and 35 as specified in S4.1.2.3, and the labeling requirements of S4.1.2.4, may be used in a motor vehicle only in the following specific locations at levels not requisite for driving visibility.

(a) Windows and doors in campers, pickup caps, pickup covers, and pickup canopies.

(b) Motorcycle windscreens below the intersection of a horizontal plane 15 inches vertically above the lowest seating position.

(c) Standee windows in buses.

(d) Interior partitions and auxiliary wind deflectors.

(e) Folding doors.

(f) Openings in the roof.

(g) Flexible curtains or readily removable windows or in ventilators used in conjunction with readily removable windows.

S4.1.2.3 *Test specifications—(a) Test No. 33—Chemical Resistance (Unstressed)—(1) Purpose.* The purpose of this test is to determine whether unstressed plastic will resist degradation of structural properties when subjected to the following chemicals, likely to be used for cleaning purposes in motor vehicle service:

- (i) Trichlorethylene.
- (ii) One percent solution of nonabrasive soap.
- (iii) Kerosene.
- (iv) Undiluted denatured alcohol (Formula SD No. 30—1 part 100-percent methyl alcohol in 10 parts 190-proof ethyl alcohol by volume).
- (v) Commercial motor car gasoline.

(2) *Procedure.* The test procedure is the same as the procedure specified in paragraph 5.19.2 of ANS Z26, except that the sample size is 12" x 12".

(3) *Interpretation of results.* The tested specimens shall meet the requirements of Test No. 35 of this standard.

(b) *Test No. 34—Chemical Resistance (Stressed)—(1) Purpose.* The purpose of this test is to determine whether plastic under stress will resist degradation of structural properties when subjected to



the following chemicals, likely to be used for cleaning purposes in motor vehicle service.

- (i) Trichlorethylene.
  - (ii) One percent solution of nonabrasive soap.
  - (iii) Kerosene.
  - (iv) Undiluted denatured alcohol (Formula SD No. 30—1 part 100-percent methyl alcohol in 10 parts 190-proof ethyl alcohol by volume).
  - (v) Commercial motor car gasoline.
- (2) *Procedure.* The test procedure is the same as the procedure specified in paragraph 5.20.2 of ANS Z26, except that:

- (i) The sample size is 12" x 12".
- (ii) The load in pounds is  $222t^2$ , where  $t$  = thickness in inches, spread uniformly across the 12-inch width of the Class-I lever.
- (iii) The overhang of the load is 9 inches from the fulcrum point.

(3) *Interpretation of results.* The tested specimens shall meet the requirements of Test No. 35 of this standard.

(c) *Test No. 35—Penetration Resistance—(1) Purpose.* The purpose of this test is to determine whether the glazing material has satisfactory penetration resistance.

(2) *Procedure.* The test procedure is the same as the procedure specified in paragraph 5.26.2 of ANS Z26.

(3) *Interpretation of results.* The impact may damage the plastic; however, the ball shall not pass through any specimen within 5 seconds after impact.

S4.1.2.4 *Cleaning instructions.* Each manufacturer of glazing materials meeting the requirements of S4.1.2.1 or S4.1.2.2 shall affix a label, removable by hand, to each item of glazing material. The label shall specify instructions and agents for cleaning the material that will minimize the loss of transparency.

S4.2 *Edges.* In vehicles except school buses, exposed edges shall be treated in accordance with SAE Recommended Practice J673a, "Automotive Glazing," August 1967. In school buses, exposed edges shall be banded.

S4.3 *Mirrors.* Glazing material used in mirrors located in the interior of the vehicle shall be one of the glazing types (items 1 through 13) for which requirements are specified in this standard.

#### S5. Certification.

S5.1 Each prime glazing material manufacturer, except as specified below, shall mark glazing materials manufactured by him in accordance with section 6 of ANS Z26. A prime glazing material manufacturer is one who fabricates, laminates, or tempers the glazing material.

S5.2 Each prime glazing material manufacturer shall certify that his product complies with this standard, pursuant to section 114 of the National Traffic and Motor Vehicle Safety Act of 1966, by adding to the mark required by S5.1, in letters and numerals of the size specified in section 6 of ANS Z26, the symbol "DOT" and a manufacturer's code mark, which will be assigned by the Bureau on the written request of the manufacturer.

S5.3 The markings required by S5.1 and S5.2 shall be in the form specified by section 6 of ANS Z26 except that one line shall contain the "DOT" symbol followed by a hyphen and the manufacturer's code mark, which in turn shall be followed by the model number of the material. No other marking shall be placed on the line except, at the option of the manufacturer, the "AS" designation specified in section 6 of ANS Z26.

S5.4 Each person who cuts a section of glazing material for use in a motor vehicle shall mark the section, in accordance with S5.1 through S5.3, and S5.5, with the markings used by the prime glazing material manufacturer.

S5.5 The markings required by S5.1 through S5.4 shall be placed so as to be visible, after installation of the glazing material in the vehicle, in the lower left corner of each windshield, and in either the lower left or lower right corner of any other window.

[F.R. Doc. 71-272; Filed, Jan. 8, 1971; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19045]

### TELEVISION BROADCAST STATIONS

#### Table of Assignments, Clarksville, Tenn.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations. (Clarksville, Tenn.), Docket No. 19045, RM-1637.

1. This proceeding was begun by notice of proposed rule making (FCC 70-1099), adopted October 7, 1970, released October 12, 1970, and published in the FEDERAL REGISTER, October 15, 1970, 35 F.R. 16181. The dates presently designated for filing comments and reply comments are December 28, 1970 and January 11, 1971, respectively.

2. On December 24, 1970, Music City Video Corp. (Music City) filed a request to extend the time for filing comments to and including January 11, 1971. Music City states the additional time is necessary because of the holidays and other pressing obligations for which its counsel is already committed.

3. It appears that the additional time is warranted and would serve the public interest. Accordingly, it is ordered, That the request of Music City Video Corp. is granted to and including January 11, 1971 for comments and January 22, 1971 for reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d) of the Commission's rules and regulations.

Adopted: December 30, 1970.

Released: January 5, 1971.

[SEAL]

FRANCIS R. WALSH,  
Chief, Broadcast Bureau.

[F.R. Doc. 71-299; Filed, Jan. 8, 1971; 8:47 a.m.]



# Notices

## DEPARTMENT OF STATE

Agency for International Development  
MANAGER, PLANNING GROUP, OFFICE OF PRIVATE RESOURCES ET AL.

### Redelegation of Authority From Assistant Administrator, Office of Private Resources, Regarding Investment Guaranties, Loans to Private Borrower, and Surveys of Investment Opportunities

Pursuant to the authority delegated to me by the Administrator, Agency for International Development in Delegation of Authority No. 39, dated April 3, 1964 (29 F.R. 5355), as amended, I hereby redelegate authority as follows:

(1) Harry L. Freeman, Manager, Planning Group, Office of Private Resources, to the extent consistent with law, all the authorities now or hereafter delegated to or conferred by Delegation of Authority No. 39 as it may be amended, from time to time and by other A.I.D. delegations of authorities, regulations, manual orders, notices, or other documents, by law or by any competent authority;

(2) To the Manager and Associate Manager Insurance Group,

(a) To authorize and issue investment insurance under section 234(a)(1) of the Foreign Assistance Act of 1961, as amended (hereinafter the "Act"), covering investment (1) which takes the form of royalties or (2) which, as described in the Special Terms and Conditions of Contracts of Insurance, does not exceed \$10 million for each such investment and in connection therewith to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable as provided in sections 237(b), 237(d), 237(f), and 237(k) of the Act;

(b) To make arrangements for sharing liabilities under section 234(a)(2) of the Act; *Provided*, That the maximum share of liabilities assumed by the Corporation shall not exceed \$10 million and in connection therewith to make all related approvals and determinations as are deemed necessary or desirable therein or as provided in sections 237(b), 237(d), 237(f), and 237(k) of the Act;

(c) To amend and consent to the assignment of any investment insurance issued under section 234(a)(1) of the Act or under predecessor programs and authorities similar to that provided for in section 234(a)(1) of the Act provided that such amendment does not increase the amount of investment covered by such insurance to more than \$10 million;

(d) To issue written notice of delinquency to any investor who has failed to pay any fee due under any contract

of insurance issued under section 234(a)(1) or 234(a)(2) of the Act or under predecessor programs and authorities similar to that provided for in section 234(a)(1) of the Act; and

(e) To cancel any contract of insurance issued under section 234(a)(1) of the Act when the investor covered thereunder has failed to pay delinquent fees thereon within thirty (30) days following written notice of delinquency;

(3) To the Directors of the Latin American, Africa, Near-East—South Asia and East Asia Divisions, Insurance Group, each severally for the countries and areas within the jurisdiction of each of them,

(a) To authorize and issue investment insurance under section 234(a)(1) of the Act covering investment (1) which takes the form of royalties or (2) which, as described in the Special Terms and Conditions of Contracts of Insurance, does not exceed \$500,000 for each such investment and in connection therewith to exercise all related functions and to make all related approvals and determinations as provided in sections 237(b), 237(d), 237(f), and 237(k) of the said Act;

(b) To amend and consent to the assignment of any investment insurance issued under section 234(a)(1) of the Act or under predecessor programs and authorities similar to that provided for in section 234(a)(1) of the Act provided that such amendment does not increase the amount of investment covered by such insurance to more than \$500,000; and

(c) To issue written notice of delinquency to any investor who has failed to pay any fee due under any contract of insurance issued under section 234(a)(1) of the Act or under predecessor programs and authorities similar to that provided for in section 234(a)(1) of the Act;

(4) To the Chief, International Loan Branch, Accounting Division, to issue written notice of delinquency to any investor who has failed to pay any fee due under any contract of insurance issued under section 234(a)(1) of the Act or under predecessor programs and authorities similar to that provided for in section 234(a)(1) of the Act;

(5) To the Manager, Financial Administration Group,

(a) To amend contracts of insurance issued under section 234(a)(1) of the Act or under predecessor programs and authorities similar to those provided under section 234(a)(1) of the Act to modify the reporting requirements thereunder;

(b) To determine and certify reimbursement rights pursuant to contracts and grants issued under section 234(d) of the Act or under predecessor programs

and authorities similar to those provided in section 234(d) of the Act;

(c) To amend and implement any investment guaranty issued under section 234(b) of the Act or under predecessor programs and authorities similar to that provided for in section 234(b) of the Act and in connection therewith to amend and implement other related agreements and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, provided that no such amendment, related agreement, function, approval or determination shall increase the amount of the investment guaranty or change the interest rate on the loan covered by such investment guaranty; and

(d) To amend and implement loan agreements under section 234(c) of the Act or under section 104(e) of the Agricultural Trade, Development and Assistance Act of 1954 (Public Law 480), as amended (7 U.S.C. section 1704(e)), and in connection therewith to execute, amend and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, provided that no such amendment, related agreement, function, approval or determination shall increase the amount of the loan or change the interest rate of the loan;

(6) To the Manager, Financing Group,

(a) To amend, implement, and consent to the assignment of any investment guaranty issued under section 234(b) of the Act, or under predecessor programs and authorities similar to that provided for in section 234(b) of the Act and in connection therewith to execute, amend, and implement other related agreements and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, provided that no such amendment, related agreement, function, approval or determination shall increase the amount of the investment guaranty;

(b) To amend and implement loan agreement denominated in United States dollars under section 234(c) of the Act and in connection therewith to execute, amend and implement other related agreements and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, provided that no such amendment, related agreement, function, approval or determination shall increase the amount of the loan;

(c) To authorize, execute, amend and implement loan agreements denominated in currencies other than U.S. dollars under section 234(c) of the Act or under



section 104(e) of the Agricultural Trade, Development and Assistance Act of 1954 (Public Law 480), as amended (7 U.S.C. section 1704(e)), and in connection therewith to execute, amend and implement other related agreements and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, and

(d) To execute contracts or grant agreements obligating amounts not to exceed \$500,000 under section 234(d) of the Act, and without regard to the amount obligated by the contract, to exercise all related functions and to make all related approvals and determinations in connection with contracts issued under section 234(d) of the Act or in connection with predecessor programs and authorities similar to those provided for in section 234(d) of the Act provided that no amendment to any such contract or grant agreement shall increase the amount obligated thereby;

(7) To the Directors for Near-East—South Asia, East Asia, Latin America, and Africa, Financing Group each separately for the areas and countries within the jurisdiction of each of them,

(a) To amend, implement, and consent to the assignment of any investment guaranty issued under section 234(b) of the Act, or under predecessor programs and authorities similar to that provided for in section 234(b) of the Act, and in connection therewith to execute, amend, and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable: *Provided*, That no such amendment, related agreement, function, approval, or determination shall increase the amount of the investment guaranty, or extend the date of the last maturity of the loan covered by such investment guaranty or change the interest rate on such loan, or change the fee due on the guaranty;

(b) To amend and implement loan agreements and section 234(c) of the Act or under section 104(e) of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), as amended, 7 U.S.C. section 1704(e), and in connection therewith to execute, amend and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, provided that no such amendment, related agreement, function, approval or determination shall increase the amount of the loan or extend the date of the last maturity of the loan, or change the interest rate of the loan; and

(c) Amend and implement contracts and grants issued under section 234(d) of the Act and to exercise all related functions and to make all related approvals and determinations in connection with contracts issued under section 234(d) of the Act or in connection with predecessor programs and authorities similar to those provided for in section 234(d) of the Act

provided that no amendment to any such contract shall increase the amount obligated thereby.

This redelegation of authority is effective as of the date hereof. The authority delegated in paragraphs 1 and 6 (a)-(b) may be further redelegated. All authority redelegated herein other than the authority referred to in the preceding sentence may not be further redelegated.

Dated: December 31, 1970.

HERBERT SALZMAN,  
Assistant Administrator  
for Private Resources.

[F.R. Doc. 71-295; Filed, Jan. 8, 1971;  
8:47 a.m.]

#### Office of the Secretary

[Public Notice 335]

#### BOISE CASCADE CORP.

#### Notice of Application for Pipeline Permit

The Department of State has received an application, dated December 9, 1970, from the Boise Cascade Corp., a Delaware corporation, for a permit to construct, connect, operate, and maintain three pipelines for bark and refuse, pulp, and treated water, at the international boundary line between the United States and Canada near International Falls, Minn., and Fort Frances, Ontario.

Notice is hereby given pursuant to section 2(a) of Executive Order 11423 of August 16, 1968, that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the FEDERAL REGISTER.

For the Secretary of State.

JOHN B. RHINELANDER,  
Deputy Legal Adviser.

[F.R. Doc. 71-279; Filed, Jan. 8, 1971;  
8:45 a.m.]

## DEPARTMENT OF THE TREASURY

### Comptroller of the Currency

#### INSURED BANKS

#### Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 71-280, Federal Deposit Insurance Corporation, *infra*.

#### Office of the Secretary

[Order No. 173-4]

#### DIRECTOR, U.S. SECRET SERVICE

#### Delegation of Authority

Pursuant to the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and pursuant to the authority vested in me by Treasury Department Order No. 190 (Revision 7, dated Sept. 4, 1969; 34 F.R. 15846), there is delegated

to the Director, U.S. Secret Service, the authority to perform the functions of the Secretary of the Treasury with respect to the Executive Protective Service under the laws of the District of Columbia relating to the Metropolitan Police force. These laws include, but are not limited to, the Act of October 24, 1951, as amended (4 D.C. Code 807), relating to compensation for working on holidays, the Act of August 1, 1958, as amended (4 D.C. Code 828), relating to positions to be included as technicians, and section 201(a) of the Act of June 30, 1970 (84 Stat. 354), relating to the uniform of officers.

Dated: January 5, 1971.

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.

[F.R. Doc. 71-318; Filed, Jan. 8, 1971;  
8:49 a.m.]

#### CERAMIC WALL TILE FROM THE UNITED KINGDOM

#### Determination of Sales at Less Than Fair Value

JANUARY 5, 1971.

Information was received on February 27, 1969, that ceramic wall tile from the United Kingdom was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisalment Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 10, 1970.

I hereby determine that for the reasons stated below, ceramic wall tile from the United Kingdom is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

*Statement of reasons on which this determination is based.* The information before the Bureau indicates that the basis for comparison is between purchase price or exporter's sales price and the home market price.

Exporter's sales price was calculated on the delivered price in the United States with adjustments made for discounts, ocean freight, brokerage fee, U.S. duty, and selling expense, when the merchandise is sold on an f.o.b. port of entry basis. When sold on a warehouse delivery basis, an additional adjustment was made for warehousing expenses.

Purchase price was calculated on the established price list prices, with appropriate adjustments for discounts and included inland freight.

Home market price was based upon the price list prices with adjustments for discounts, inland freight, differences in circumstances of sale, and a packing differential. Adjustments for differences in circumstances of sale include bad debts, advertising expenses, and technical services.

Comparison between purchase price or exporter's sales price and the adjusted home market price revealed the home



market price to be higher than purchased price or exporter's sales price by amounts that are considered more than minimal in relation to the total volume of sales. Offers of assurances to make no future sales at less than fair value were, therefore, not accepted.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.

[F.R. Doc. 71-282; Filed, Jan. 8, 1971;  
8:46 a.m.]

## MICROANALYZERS FROM JAPAN

### Notice of Intent To Discontinue Antidumping Investigation

JANUARY 5, 1971.

Information was received on January 27, 1969, that electron probe micro-analyzers manufactured by Hitachi, Ltd., Tokyo, Japan, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of June 28, 1969, on page 10005.

I hereby announce an intent to discontinue the antidumping investigation of electron probe micro-analyzers manufactured by Hitachi, Ltd., Tokyo, Japan.

*Statement of reasons on which this notice of intent to discontinue antidumping investigation is based.* Sales to U.S. purchasers were made to related parties within the meaning of section 207 of the Act (19 U.S.C. 166).

Such or similar merchandise was found to be sold in sufficient quantities in the home market to furnish a basis of comparison.

Accordingly, exporter's sales price was compared with the adjusted home market price of similar merchandise.

Exporter's sales price was computed by deducting from the resale price to the U.S. purchasers by a related firm, air freight and insurance, United States duty, clearance charges, the applicable selling expenses, demonstration laboratory expenses and the inland shipping charges incurred both in Japan and the United States.

Adjusted home market price of similar merchandise was computed on the basis of the weighted average delivered prices. From such prices were deducted, as applicable, inland freight, differences in credit terms, technical assistance and selling expenses. Adjustments were made for differences in the merchandise, and for any differences in packing costs.

The comparisons made revealed that exporter's sales price was lower than adjusted home market price of similar merchandise.

Subsequently, formal assurances were received from the manufacturer responsible for effecting all exports to the United States of the merchandise under

investigation, that he would make no future sales for exportation to and importation into the United States of electron probe micro-analyzers of those specific models under investigation, or of models constituting the same class or kind of merchandise.

The facts recited above, together with the fact that very few electron probe micro-analyzers were shipped from Japan to the United States during the period under investigation, constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views. Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraph, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)). (19 CFR 153.15(b)).

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.

[F.R. Doc. 71-319; Filed, Jan. 8, 1971;  
8:49 a.m.]

## PLATE AND FLOAT GLASS FROM JAPAN

### Determination of Sales at Less Than Fair Value

JANUARY 5, 1971.

Information was received on May 16, 1969, that plate and float glass from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisalment Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 10, 1970.

I hereby determine that for the reasons stated below, clear plate and clear float glass from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

*Statement of reasons on which this determination is based.* Information gathered during the course of the investigation indicated that sales in the home market were sufficient to afford a basis for comparison.

None of the parties involved in these sales was related within the meaning of section 207 of the Act.

Purchase price was based on the delivered price to purchasers in the United States. Deductions were made

for discounts, commissions, freight, port charges, U.S. duty, insurance and packing. An addition was made for reimbursement of Japanese duties.

Home market price was based on a delivered price to domestic purchasers. Adjustments were made for discounts, rebates, freight, credit costs, breakage compensations, technical assistance, advertising costs, selling expenses and packing.

Comparisons between purchase price and home market price revealed that purchase price was lower than home market price.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.

[F.R. Doc. 71-283; Filed, Jan. 8, 1971;  
8:46 a.m.]

## PRECISION MINIATURE AND INSTRUMENT BALL BEARINGS FROM JAPAN

### Notice of Intent To Discontinue Antidumping Investigation

JANUARY 5, 1971.

Information was received on February 28, 1969, that precision miniature and instrument ball bearings from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of June 24, 1969, at page 9767.

I hereby announce an intent to discontinue the antidumping investigation of precision miniature and instrument ball bearings from Japan.

*Statement of reasons on which this notice of intent to discontinue antidumping investigation is based.* Sales to the United States were made to a wholly owned subsidiary, a related party, within the meaning of section 207 of the Act (19 U.S.C. 166).

Such or similar merchandise was found to be sold in sufficient quantities in the home market to furnish an appropriate basis for comparison.

Accordingly, exporter's sales price was compared with the adjusted home market price of such or similar merchandise.

Exporter's sales price was computed by deducting from the resale price to the U.S. purchasers by the related subsidiary, ocean freight and marine insurance, Customs brokerage charges, U.S. freight charges, applicable selling expenses, letter of credit bank charges, shipping charges, packing cost differential, the inland shipping charges incurred in Japan, and U.S. duty.

Adjusted home market price of such or similar merchandise was computed on the basis of the weighted average delivered prices. From such prices were deducted inland freight, applicable selling expenses, and a discount given for commercial billing.



The comparisons made revealed some instances where exporter's sales price was lower than adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of sales involved.

Subsequently, formal assurances were received from the manufacturer and the wholly owned U.S. subsidiary that they would make no future sales at less than fair value within the meaning of the Act.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views. Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraph, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15 of the Customs Regulations (19 CFR 153.15).

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.  
[F.R. Doc. 71-320; Filed, Jan. 8, 1971;  
8:49 a.m.]

### SHEET GLASS FROM JAPAN

#### Determination of Sales at Less Than Fair Value

JANUARY 5, 1971.

Information was received on February 11, 1969, that sheet glass from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act").

A "Withholding of Appraisal Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 10, 1970.

I hereby determine that for the reasons stated below, sheet glass from Japan is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

*Statement of reasons on which this determination is based.* The information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price.

Purchase price was calculated by deducting Japanese inland freight, ocean freight, marine insurance, U.S. duty, clearance charges, U.S. inland freight, commissions, rebates, and discounts from the price for exportation to the United States.

Home market price was based on a weighted average price. Adjustments

were made for inland freight, credit costs, rebates, discounts, and breakage.

Comparisons between purchase price and home market price revealed that home market price is higher than purchase price by amounts that were more than minimal in relation to the total volume of sales.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.  
[F.R. Doc. 71-284; Filed, Jan. 8, 1971;  
8:46 a.m.]

### TAPERED ROLLER BEARINGS FROM JAPAN

#### Notice of Tentative Negative Determination

JANUARY 5, 1971.

Information was received on August 28, 1969, that tapered roller bearings manufactured by the Koyo Seiko Co., Tokyo, Japan, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of December 19, 1969, on page 19914.

I hereby make a tentative determination that tapered roller bearings manufactured by the Koyo Seiko Co., Tokyo, Japan, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

*Statement of reasons on which this tentative determination is based.* It was determined that the appropriate basis of comparison for fair value purposes was between home market price and exporter's sales price.

Home market price was based upon sales of identical or similar merchandise in the home market. Where similar merchandise was used, due allowance was made for differences in the merchandise. Adjustments were made for interest costs, quality claims, general selling expenses, inland freight, and for the packing differential.

Exporter's sales price was based upon the price to all original equipment manufacturers in the United States, with the deductions of all costs, charges, and expenses incurred on these sales in the United States.

Exporter's sales price was found to be higher than the home market price in all cases.

In accordance with § 153.33(b), Customs Regulations (19 CFR 153.33(b)), interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K

Street NW., Washington, DC 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs Regulations (19 CFR 153.33).

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.  
[F.R. Doc. 71-321; Filed, Jan. 8, 1971;  
8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Serial No. U-8742]

#### UTAH

### Notice of Classification of Public Lands for Multiple-Use Management, and Designation of Outstanding Natural Areas

#### Correction

In F.R. Doc. 70-17321 appearing at page 19529 in the issue for Wednesday, December 23, 1970, the seventh line under the heading "(B) Calf Creek Recreation Area", now reading "SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{4}$ SE $\frac{1}{4}$ ", should read "SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{4}$ SE $\frac{1}{4}$ ".

#### National Park Service

### WHISKEYTOWN NATIONAL RECREATION AREA

#### Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Oak Bottom Marina, a partnership, authorizing it to provide concession facilities and services for the public at Whiskeytown National Recreation Area for a period of five (5) years from January 1, 1971, through December 31, 1975.

The foregoing concessioner has performed its obligations under an expiring Concession Permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and



evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: December 30, 1970.

THOMAS FLYNN,  
Deputy Director,  
National Park Service.

[F.R. Doc. 71-307; Filed, Jan. 8, 1971;  
8:48 a.m.]

## WASHINGTON OFFICE

### Revocation of Authority

SECTION 1. *Revocation.* National Park Service Delegation of Authority Order No. 40 (32 F.R. 11172) which vested authority in Land Liaison Officers located in the Southeast, Midwest, Southwest, and Western National Park Service Regional Offices for performing certain functions relating to the acquisition of lands or interests therein is hereby revoked.

(205 DM 11.1; 245 DM 1; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: December 7, 1970.

PHILIP O. STEWART,  
Chief, Division of  
Land Acquisition.

[F.R. Doc. 71-306; Filed, Jan. 8, 1971;  
8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-249]

### COMMONWEALTH EDISON CO.

#### Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on the Environmental Considerations by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Related to the proposed operation of Dresden Nuclear Power Station, Unit No. 3 by the Commonwealth Edison Company," is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the Office of the Chairman of the Board of Supervisors, Grundy County Courthouse, Morris, Ill., where it will be available for public inspection. Appended to the statement are the applicant's environmental report and the comments of various Federal, State, and local agencies. A notice of proposed issuance of an operating license for the Dresden Nuclear Power Station Unit No. 3 was published in the FEDERAL REGISTER on November 20, 1970 (35 F.R. 17876).

Single copies of the statement may be obtained by writing to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 31st day of December 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 71-294; Filed, Jan. 8, 1971;  
8:47 a.m.]

[Docket No. 50-346]

### TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

#### Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter

The Toledo Edison Co., 420 Madison Avenue, Toledo, OH 43601, and The Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, OH 44101, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application dated August 1, 1969, for a construction permit and a facility license to authorize construction and operation of a pressurized water nuclear reactor on the applicants' approximately 900-acre site on the southwest shore of Lake Erie, about 21 miles east of Toledo and about 9 miles northwest of Port Clinton, in Ottawa County, Ohio.

The proposed reactor, designated by the applicants as the Davis-Besse Nuclear Power Station (the station), is designed for initial operation at approximately 2,633 megawatts thermal, with a net electrical output of approximately 872 megawatts.

The Toledo Edison Co., and The Cleveland Electric Illuminating Co., as tenants in common will share undivided ownership of the station and the site, with each sharing the costs of construction and operation of the station. Toledo Edison will have complete responsibility for the design, installation and operation of the facility.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views within sixty (60) days from date of publication of this notice in the FEDERAL REGISTER.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Ida Rupp Public Library, Port Clinton, Ohio.

Dated at Bethesda, Md., this 31st day of December 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,  
Acting Director,  
Division of Reactor Licensing.

[F.R. Doc. 71-377; Filed, Jan. 8, 1971;  
9:52 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 22966]

### KOREAN AIR LINES

#### Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on January 14, 1971, at 10 a.m., e.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless on or before January 13, 1971, a person objects or shows reason for further postponement.

Dated at Washington, D.C., January 6, 1971.

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

[F.R. Doc. 71-310; Filed, Jan. 8, 1971;  
8:48 a.m.]

[Docket No. 22975; Order 71-1-11]

### OVERSEAS NATIONAL AIRWAYS, INC.

#### Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of January 1971.

By Tariff revision<sup>1</sup> filed November 16, and effective December 16, 1970, Overseas National Airways, Inc. (ONA), established a charge for a cargo charter in its DC-9 aircraft from Atlanta to Detroit of \$1,000.42, applicable Mondays through Fridays, inclusive.

Complaints were filed by Airlift International, Inc. (Airlift), and Eastern Air Lines, Inc. (Eastern), which were ultimately as requests for suspension. They were due on November 30, according to the Board's regulations, 14 CFR 302.505. The complaints, however, were received in telegraphic form on December 11 and December 14, respectively, followed by written complaints on December 14 and 16, respectively. The complaints will, therefore, be considered as requests for investigation only. Delta Air Lines, Inc. (Delta), submitted an answer in support of Airlift's complaint.

The complaints and Delta's supporting answer variously claim, inter alia, that ONA's filing would result in an unduly low charge, below experienced costs of ONA and other air carriers, that other carriers are providing a considerable volume of scheduled air service in the market and that the charge filed would undermine the rate structure in the markets and would result in unreasonable diversion.

In answer to the complaints, ONA points to their lateness as requests for suspension, and asserts, inter alia, that

<sup>1</sup> Revision to Overseas National Airways, Inc., Tariff CAB No. 22 (Overseas National Airways Series).



(1) charter services involve significant cost reductions below those applicable to the individually waybilled services offered by complainants, and (2) the charge filed would be profitable to ONA.

In view of all relevant factors, the Board finds that ONA's charter charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated.

The charge amounts to \$1.68 per revenue plane mile. The cargo charter rate in effect for ONA's DC-9 aircraft for general application is \$2.40 per charter mile plus \$2.20 per ferry mile, with additional stops involving a charge of \$500 per stop. Thus, the charge filed involves a reduction of approximately 30 percent, disregarding any charge that may be required for ferry mileage. However, the carrier presents no explanation or reasons for its filing, nor the basis of the rate-making employed.

The charges in effect for other carriers for DC-9 aircraft are considerably higher than that established by ONA. For example, the charge in effect for Delta's DC-9-42 aircraft (used in the transportation of passengers or property) amounts to \$2.25 per charter mile plus a departure charge of \$1,100, and a ferry rate of \$1.70 per mile, with a departure charge of \$350. The charge in effect for Allegheny Airlines, Inc.'s DC-9-31 aircraft amounts to \$2.25 per charter mile plus a departure charge of \$1,200 and a ferry rate of \$2 per mile plus a departure charge of \$100. Other carriers have similar charges.

On the basis of ONA's reports, fully allocated costs for its DC-9 aircraft are estimated to average \$1.90 per aircraft mile for the first three quarters of 1970. The foregoing figure includes both direct and indirect costs, but does not include an earnings element. The revenue yield from the proposed charge, \$1.68 per aircraft mile, would be 12 percent below the carrier's operating costs.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the cargo charter charge and provisions on Second Revised Page 9 of Overseas National Airways, Inc.'s CAB No. 22 (Overseas National Airways Series) including subsequent revisions and reissues thereof and rules, regulations, and practices affecting such charge 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 charge and provisions, and rules, regulations, or practices affecting such charge and provisions;

2. The complaints of Airlift International, Inc., in Docket 22872, and Eastern Air Lines, Inc., in Docket 22883 are dismissed, except to the extent granted herein;

3. The proceeding herein be assigned for hearing before an examiner of the

Board at a time and place hereafter to be designated; and

4. Copies of this order shall be served upon Overseas National Airways, Inc., Airlift International, Inc., Delta Air Lines, Inc., and Eastern Air Lines, Inc., which are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 71-311; Filed, Jan. 8, 1971;  
8:48 a.m.]

## FEDERAL DEPOSIT INSURANCE CORPORATION INSURED BANKS

### Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business December 31, 1970, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 476,<sup>1</sup> and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 198,<sup>1</sup> and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 94,<sup>1</sup> and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1970.<sup>1</sup> The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and

<sup>1</sup> Filed as part of original document.

the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by the State Member Banks of the Federal Reserve System," dated December 1970.<sup>1</sup> The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated December 1970.<sup>1</sup>

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),<sup>1</sup> prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December, 1962, and any amendments thereto,<sup>1</sup> and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,  
Chairman, Federal Deposit  
Insurance Corporation.

THOMAS G. DESHAZO,  
Acting Comptroller  
of the Currency.

J. L. ROBERTSON,  
Vice Chairman, Board of Govern-  
ors of the Federal Reserve  
System.

[F.R. Doc. 71-280; Filed, Jan. 8, 1971;  
8:45 a.m.]

## INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

### Call for Annual Report of Income and Dividends

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured mutual savings bank not a member of the Federal Reserve System is required to make a Report of Income and Dividends for the calendar year 1970 on Form 73 (Savings), revised December 1951,<sup>1</sup> to the Federal Deposit Insurance Corporation within 10 days after notice that such report shall be made. Said Report of Income and Dividends shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)," dated December 1962, and any amendments thereto.<sup>1</sup>

FEDERAL DEPOSIT INSURANCE CORPORATION,  
[SEAL] E. F. DOWNEY,  
Secretary.

[F.R. Doc. 71-322; Filed, Jan. 8, 1971;  
8:49 a.m.]

<sup>1</sup> Filed as part of original F.R. Doc. 71-280, *supra*.



**INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS**

**Call for Annual Report of Income**

Pursuant to the provisions of section 7 (a) of the Federal Deposit Insurance Act each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is required to make a Report of Income for the calendar year 1970 on Form 73 (revised December, 1969)<sup>1</sup> to the Federal Deposit Insurance Corporation within 30 days after December 31, 1970. Said Report of Income shall be prepared in accordance with "Instructions for the preparation of Report of Income on Form 73," dated December 1970.<sup>2</sup>

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL] E. F. DOWNEY,  
Secretary.

[F.R. Doc. 71-323; Filed, Jan. 8, 1971; 8:49 a.m.]

**FEDERAL HOME LOAN BANK BOARD**

[H.C. 82]

**TRUSTEES OF CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND**

**Notice of Receipt of Application for Permission To Retain Control of Mendocino-Lake Savings and Loan Association**

JANUARY 6, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Trustees of Central States, Southeast and Southwest Areas Pension Fund Chicago, Ill., for approval of retention of control of the Mendocino-Lake Savings and Loan Association, Ukiah, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies. Said control was acquired pursuant to a pledge of the guarantee stock of Mendocino-Lake Savings and Loan Association to secure a loan. Comments on the application should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,  
Secretary,  
Federal Home Loan Bank Board.

[F.R. Doc. 71-300; Filed, Jan. 8, 1971; 8:47 a.m.]

<sup>1</sup> Filed as part of original F.R. Doc. 71-280, *supra*.

**FEDERAL MARITIME COMMISSION**

[Independent Ocean Freight Forwarder License No. 58]

**CONTINENTAL FORWARDERS CO.**

**Order of Revocation**

By letter dated October 7, 1970, Continental Forwarders Co., 228 East 58th Street, New York, NY 10022, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 58 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before October 28, 1970.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Continental Forwarders Co. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated Sept. 29, 1970).

It is ordered, That the Independent Ocean Freight Forwarder License of Continental Forwarders Co., be and is hereby revoked effective October 28, 1970.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Continental Forwarders Co.

AARON W. REESE,  
Managing Director.

[F.R. Doc. 71-308; Filed, Jan. 8, 1971; 8:48 a.m.]

**SCANDINAVIA BALTIC GREAT LAKES WESTBOUND CONFERENCE**

**Notice of Agreement Filed**

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 205753, 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 ac-

companied 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. Lars-Inge Carlso, Secretary, Scandinavia Baltic Great Lakes Westbound Freight Conference, Packhusplatsen 6, Gothenburg, Sweden.

Agreement No. 9408-1, modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: January 5, 1971.

By order of the Federal Maritime Commission,

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 71-309; Filed, Jan. 8, 1971; 8:48 a.m.]

**FEDERAL POWER COMMISSION**

[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. 71-348; Filed, Jan. 8, 1971;  
8:49 a.m.]

[Docket No. CP71-7]

### WASHINGTON NATURAL GAS CO.

#### Notice of Amended Application and Petition To Amend

JANUARY 7, 1971.

Take notice that on January 5, 1971, Washington Natural Gas Co. (petitioner), 815 Mercer Street, Seattle, WA 98111, filed in Docket No. CP71-7 an amendment to its application in the subject docket and a petition to amend the order of the Commission issued October 30, 1970, in consolidated Dockets Nos. CP71-6, CP64-99, CP71-7, and CP71-8, as hereinafter described, all as more fully set forth in the amended application and the petition to amend on file with the Commission and open to public inspection.

Petitioner proposed in its application in this proceeding to construct and operate certain pipeline facilities connecting the Jackson Prairie Storage Project (Storage Project) with the mainline facilities of El Paso Natural Gas Co.'s Northwest Division (El Paso), near Chehalis, Wash., and further, to operate the Storage Project under the terms of an agreement with El Paso, and Washington Water Power Co. By order issued September 25, 1970, petitioner was authorized to construct the facilities proposed in its application, and by order issued on October 30, 1970, petitioner was further granted a limited-term certificate to operate the Storage Project and related facilities for the current winter season, and El Paso was authorized for a similarly limited-term to render service under its Rate Schedule SGS-1 according to an interim allocation of new winter service.

Petitioner states that at the beginning of the scheduled hearing, discussions among the parties resulted in a settlement of various issues. This settlement

was recorded in the stipulation and agreement, dated December 9, 1970, copied into the record at Tr. 422-436.

Petitioner herein amends its application in the subject docket to conform the operation of the Storage Project and related facilities to the terms and provisions of the above-mentioned 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 to permanently operate the Storage Project and appurtenant facilities pursuant to its amended application.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest. 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,  
Secretary.

[F.R. Doc. 71-349; Filed, Jan. 8, 1971;  
8:49 a.m.]

## FEDERAL RESERVE SYSTEM INSURED BANKS

### Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 71-280, Federal Deposit Insurance Corporation, *supra*.

### FIRST NATIONAL BANCORPORATION, INC.

#### Order Disapproving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of The First National Bancorporation, Inc., Denver, Colo., for approval of acquisition of more than 80 percent of the voting shares of Montbello State Bank, Denver, Colo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The

First National Bancorporation, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of Montbello State Bank, Denver, Colo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Colorado State Bank Commissioner and requested his views and recommendation. The Commissioner offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 11, 1970 (35 F.R. 14352), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement<sup>1</sup> of this date, that said application be and hereby is denied.

By order of the Board of Governors,<sup>2</sup>  
January 4, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 71-273; Filed, Jan. 8, 1971;  
8:45 a.m.]

## NATIONAL SCIENCE FOUNDATION NATIONAL HAIL RESEARCH EXPERIMENT

### Summary Statement of Proposed Federal Action Affecting the Environment

DECEMBER 29, 1970.

This summary statement is published pursuant to section 102 of the National Environmental Policy Act (Public Law 91-190) and paragraph 9(c) of the Interim Guidelines issued thereunder (35 F.R. 7390-7393, Apr. 30, 1970). The proposed Federal activity is described as follows:

The proposed experiment to develop and test techniques for modifying hailstorms in order to suppress the formation of hail of damaging size would be conducted in a test area approximately 50 miles on a side, comprising parts of Logan, Morgan, and Weld Counties, Colo., Cheyenne and Kimball Counties, Nebr., and Laramie County, Wyo., and centered over the Pawnee National Grasslands in northeastern Colorado. Recommended

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City, Dissenting Statement of Chairman Burns and Governors Daane and Sherrill filed as part of the original document and available upon request.

<sup>2</sup> Voting for this action: Governors Robertson, Mitchell, Maisel, and Brimmer. Voting against this action: Chairman Burns and Governors Daane and Sherrill.



by a committee of the Federal Council for Science and Technology in 1965, the experiment is sponsored by the National Science Foundation and would be managed in the field by the National Center for Atmospheric Research, Boulder, Colo. Contingent upon the availability of funds, the project will begin in the early summer of 1972 and run for approximately 5 years. Universities planning to participate in the experiment include Colorado State University, South Dakota School of Mines and Technology, the University of Chicago, the University of Illinois, the University of Nevada, and the University of Wyoming. Participating Federal agencies would include the Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of the Interior, the Department of Transportation, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

Silver-iodide nucleating material would be delivered into a developing hail cell by aircraft-launched exploding rockets or by dropping from above. Resulting precipitation would be observed and its effects studied. Storms would be monitored by a synchronous meteorological satellite, by aircraft, and by ground instrumentation. Field observations would be used to construct a dynamic mathematical model for developing operational procedures to reduce hail.

Only one-half of the suitable hail cells (about 10 per summer) passing over a designated "protected area" of 20 by 30 miles would be seeded. Probably no more than 1 kilogram of silver iodide would be inserted into each storm to see whether the hail cell would dissipate in rainfall following seeding rather than precipitate hail on the protected area. The level of silver in precipitation is expected to be at the lower limit of detectability, well below the U.S. Public Health Service standard for drinking water. The protected and surrounding areas are not expected to be affected adversely by the experiment.

A copy of the draft Environmental Statement with an attached sketch map of the experiment site and a schematic drawing of the experiment, as filed with the Council on Environmental Quality and other Federal agencies, is available from the Assistant Director for National and International Programs, National Science Foundation, Washington, D.C. 20550 (telephone area code 202, 632-7360). Comments from appropriate State and local agencies, addressed as above, should be submitted within 60 days of the date of this summary notice.

Dated: December 29, 1970.

R. L. BISPLINGHOFF,  
Acting Director.

[F.R. Doc. 71-274; Filed, Jan. 8, 1971;  
8:45 a.m.]

## WINTER OROGRAPHIC CLOUD MODIFICATION EXPERIMENT IN THE ROCKY MOUNTAINS OF COLORADO

### Summary Statement of Federal Action Affecting the Environment

DECEMBER 29, 1970.

This summary statement is published pursuant to section 102 of the National Environmental Policy Act (Public Law 91-190) and paragraph 9(c) of the Interim Guidelines issued thereunder (35 F.R. 7390-7393, Apr. 30, 1970). The Federal activity is described as follows:

Since 1960, the National Science Foundation has funded Colorado State University, Fort Collins, for systematic investigation of orographic cloud and precipitation processes over the Rocky Mountains in the vicinity of Cimarron, Colo. The experiment to improve the scientific understanding of natural processes involved in the increase of snowpack from winter storms requires seeding of clouds with silver-iodide ground generators. Randomized seeding of mountain storms is conducted on selected storms systems during the months of November through April over the target area, which included parts of Eagle, Lake, Park, and Summit Counties. An average of about 15 seeded storms per year yield approximately twice the depth of snowpack that similar unseeded storms produce naturally. The net increase in snowfall in the target area for the 6 winter months averages approximately 20 percent (about 1 foot). Downwind from the target area, in Adams, Arapahoe, Boulder, Denver, Douglas, Elbert, Jefferson, and Weld Counties, an increase in snowfall is sometimes detectable on days when seeding is performed; this downwind effect is to be investigated.

The overall seasonal increase in snow depth on roadways and in residential and mining areas resulting from the experiment is considered to be within the yearly variation of mountain snow accumulation and causes no serious snow removal problem. Ski areas welcome the additional snow, and mining interests have endorsed the project from the early years. There is little impact on agriculture since practically none exists in the area; the increase in snowpack is not believed to have limited significantly the availability of grazing to cattle and wildlife. Avalanches have not been a critical problem in this area. The level of silver in precipitation resulting from seeding storms is generally less than that allowed by U.S. Public Health Service standards for drinking water; the normal level of silver in mountain streams flowing over natural silver ore beds has been measured at 1,000 times the level of concentration of silver in seeded precipitation.

A copy of the draft Environmental Statement with an attached sketch map of the experiment site, as filed with the Council on Environmental Quality and

other Federal agencies is available from the Assistant Director for National and International Programs, National Science Foundation, Washington, D.C. 20550 (telephone area code 202, 632-7360). Comments from appropriate State and local agencies, addressed as above, should be submitted within 60 days of the date of this summary notice.

Dated: December 29, 1970.

R. L. BISPLINGHOFF,  
Acting Director.

[F.R. Doc. 71-275; Filed, Jan. 8, 1971;  
8:45 a.m.]

## INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

### CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

#### Entry or Withdrawal From Warehouse for Consumption

DECEMBER 31, 1970.

On December 11, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral cotton textile agreement with the Republic of Korea, concerning exports of cotton textiles and cotton textile products from the Republic of Korea to the United States. Under this agreement the Republic of Korea has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. Among the provisions of the agreement are those providing export limitations for categories 7, 9, 18/19, 22, part of 26 (duck only), part of 26 (other than duck), 31 (wiping cloth only), 34, 38, 39, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 63, parts of 64 (tablecloths and napkins only), and part of 64 (zipper tapes only).

On December 31, 1970, the two Governments exchanged notes amending and extending the agreement for a period of 6 months.

There is published below a letter of December 31, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories produced or manufactured in the Republic of Korea which may be entered or withdrawn from warehouse for consumption in the United States for the 6-month period beginning January 1, 1971, and extending through June 30, 1971, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are



designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,  
Chairman, Interagency Textile  
Administrative Committee,  
and Deputy Assistant Secretary  
for Resources.

THE SECRETARY OF COMMERCE  
PRESIDENT'S CABINET TEXTILE ADVISORY  
COMMITTEE

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20226

DECEMBER 31, 1970.

DEAR MR. COMMISSIONER: This directive cancels and supersedes, effective January 1, 1971, the directive issued to you on November 30, 1970, by the Chairman, President's Cabinet Textile Advisory Committee, regarding imports of cotton textiles and cotton textile products from the Republic of Korea in Categories 39, 53, 55, and 63.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 11, 1967, as amended and extended, between the United States and the Republic of Korea, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed effective January 1, 1971, and for the 6-month period extending through June 30, 1971, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile and cotton textile products in Categories 7, 9, 18-19, 22, 26, 31 (T.S.U.S.A. No. 366.2740 only), 34, 38, 39, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 63, and 64 (T.S.U.S.A. Nos.: 366.4500, 366.4600, 366.4700, and 347.3340 only), produced or manufactured in the Republic of Korea, in excess of the following 6-month levels of restraint:

Category	6-month level of restraint
7.....square yards...	303,877
9.....do.....	1,519,383
18/19.....do.....	1,154,731
22.....do.....	486,203
26 (duck only) <sup>1</sup> .....do.....	6,685,285
26 (other than duck).....do.....	577,366
31 (only T.S.U.S.A. No. 366.2740).....pieces.....	577,974
34.....do.....	54,090
38.....pounds.....	78,644
39.....dozen pairs.....	66,492
45.....dozen.....	18,233
46.....do.....	14,586
47.....do.....	14,470
48.....do.....	5,788
49.....do.....	15,194
50.....do.....	25,526
51.....do.....	34,642
52.....do.....	18,233
53.....do.....	5,788
54.....do.....	27,349
55.....do.....	5,788
60.....do.....	15,802
63.....pounds.....	50,982
64 (only T.S.U.S.A. Nos.: 366.4500, 366.4600, and 366.4700).....do.....	277,744
64 (only T.S.U.S.A. No. 347.3340).....do.....	34,034

<sup>1</sup> Only T.S.U.S.A. Nos.:  
320...01 through 04, 06, 08  
321...01 through 04, 06, 08  
322...01 through 04, 06, 08  
326...01 through 04, 06, 08  
327...01 through 04, 06, 08  
328...01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories except Categories 38, 39, 47, 48, 53, 55, and 63 produced or manufactured in the Republic of Korea, which have been exported to the United States from the Republic of Korea prior to January 1, 1971, shall, to the extent of any un-filled balances be charged against the level of restraint established for such goods for the 12-month period beginning January 1, 1970, and extending through December 31, 1970. In the event that the level of restraint for the 12-month period ending December 31, 1970, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter. Entries of cotton textile products in Categories 39, 53, 55, and 63 produced or manufactured in the Republic of Korea, shall be subject to this directive regardless of the date of their export from the Republic of Korea. Cotton textile products in Categories 38, 47, and 48 produced or manufactured in the Republic of Korea and exported from the Republic of Korea prior to January 1, 1971, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 11, 1967, as amended and extended, between the Governments of the United States and the Republic of Korea which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carry over of short falls in certain categories to that next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,  
Rocco C. Siciliano,  
Acting Secretary of Commerce,  
Chairman, President's Cabinet  
Textile Advisory Committee.

[F.R. Doc. 71-313; Filed, Jan. 8, 1971;  
8:48 a.m.]

## CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRO- DUCED OR MANUFACTURED IN YUGOSLAVIA

### Entry or Withdrawal From Warehouse for Consumption

DECEMBER 31, 1970.

On December 31, 1970, the Government of the United States, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new bilateral cotton textile agreement with the Government of the Socialist Federal Republic of Yugoslavia, concerning exports of cotton textiles and cotton textile products from Yugoslavia to the United States. Under this agreement the Government of the Socialist Republic of Yugoslavia has undertaken to limit its exports to the United States of all cotton textiles and cotton textile products to an aggregate limit of 23,360,000 square yards equivalent for the first agreement year beginning January 1, 1971. Among the provisions of the agreement are those applying specific export limitations to Categories 9, 18-19, 22, 26 (duck), 26 (other than duck), 48, and 49.

Accordingly, there is published below a letter of December 31, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that for the period beginning January 1, 1971, and extending through December 31, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 18-19, 22, 26 (duck), 26 (other than duck), 48, and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States on or after January 1, 1971, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,  
Chairman, Interagency Textile  
Administrative Committee,  
and Deputy Assistant Secretary  
for Resources.

THE SECRETARY OF COMMERCE  
PRESIDENT'S CABINET TEXTILE ADVISORY  
COMMITTEE

COMMISSIONER OF CUSTOMS  
Department of the Treasury,  
Washington, D.C. 20226.

DECEMBER 31, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton agreement of December 31, 1970, between the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order



11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1971, and for the 12-month period extending through December 31, 1971, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 18-19, 22, 26 (duck only<sup>1</sup>), 26 (other than duck), 48 and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia, in excess of the following levels of restraint:

Category	12-Month level of restraint
9-----square yards--	10,000,000
18-19-----do-----	500,000
22-----do-----	4,000,000
26 (duck <sup>1</sup> )-----do-----	2,000,000
26 (other than duck)-----do-----	2,500,000
48-----dozen-----	14,000
49-----do-----	27,700

Entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Yugoslavia, and exported to the United States prior to January 1, 1971, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period January 1, 1970, through December 31, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 31, 1970, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carry-over of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp.

<sup>1</sup> T.S.U.S.A. Nos.:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

Rocco C. Siciliano,  
Acting Secretary of Commerce,  
Chairman, President's Cabinet  
Textile Advisory Committee.

[F.R. Doc. 71-312; Filed, Jan. 8, 1971;  
8:48 a.m.]

## TARIFF COMMISSION

[337-L-42]

### LIGHTWEIGHT LUGGAGE

#### Extension of Time for Filing Written Views

On November 24, 1970, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Atlantic Products Corp., of Trenton, N.J., alleging unfair methods of competition and unfair acts in the importation and sale of lightweight luggage (35 F.R. 18222). Interested parties were given until January 11, 1971, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business February 10, 1971.

Issued: January 5, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[F.R. Doc. 71-277; Filed, Jan. 8, 1971;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 224]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 5, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will

offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 5619 (Sub-No. 2 TA), filed December 29, 1970. Applicant: CLEVELAND GENERAL TRANSPORT CO., INC., 1 Van Street, Staten Island, NY 10310. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Ores, iron pyrites, welding compounds, foundry sand, ferro alloys, other than in bulk vehicles, from the plant of C. E. Minerals Division, Combustion Engineering, Inc., Wilmington, Del., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, for 180 days. Supporting shipper: C. E. Minerals Division, Combustion Engineering, Inc., Valley Forge, Pa. 19481. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 53965 (Sub-No. 70 TA), filed December 29, 1970. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Box 838, Salina, KS 67401. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, dry acids, and chemicals, in bulk, and liquid commodities, in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Aristo Kansas Meat Packers, a Division of Aristo Foods, Inc., located at or near Holton, Kans., to points in Arkansas, Colorado (on and east of the Continental Divide), Nebraska, Oklahoma, Texas, Louisiana, Kentucky, Tennessee, and Mississippi. NOTE: Applicant states it does not intend to tack the authority held here applied for to other authority held by it, or to interline with other carriers, for 180 days. Supporting shipper: Aristo Kansas Meat Packers, a division of Aristo Foods, Inc., Fourth and Indiana, Holton, KS 66436. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, KS 66603.

No. MC 103993 (Sub-No. 593 TA), filed December 29, 1970. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a common carrier,



by motor vehicle, over irregular routes, transporting: *Commercial greenhouses in sections and parts and hydroponic grass buildings*, from Long Beach, Calif., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Hydroculture, Inc., Phoenix, Ariz. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 119641 (Sub-No. 98 TA), filed December 29, 1970. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Box 471, Fowler, IN 47944. Applicant's representative: Leo A. Macdolek (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts therefor*, from Huntsville, Ala., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, for 150 days. Supporting shipper: Corn States Hybrid Service, Inc., 6139 Fleur Drive, Des Moines, IA. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 128988 (Sub-No. 11 TA), filed December 29, 1970. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, Calif. 90022. Applicant's representative: Louis C. Currier (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heating and air-conditioning units*, from plantsites and warehouse facilities, of Fraser & Johnson Co. located at San Lorenzo,

Calif., to points in Alabama, Georgia, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas; and (2) *materials, equipments, and supplies* used in the manufacture and distribution of the products described above, from points in Alabama, Georgia, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas, to the plantsites and warehouse facilities of Fraser & Johnson Co. located at San Lorenzo, Calif. Restriction: The transportation service is restricted against the transportation of commodities in bulk or those which by reason of size or weight require special equipment or handling and is limited to a transportation service to be performed under continuing contract, or contracts, with Fraser & Johnson Co., for 150 days. Supporting shipper: Fraser & Johnson Co., 2222 Grant Avenue, San Lorenzo, CA 94580. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135142 (Sub-No. 1 TA), filed December 29, 1970. Applicant: K & R TRANSPORTATION, INC., 253 East 21st South Street, Salt Lake City, UT 84115. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gourmet foodstuffs*; (1) from points in New York, New Jersey, Pennsylvania, Massachusetts, Maine, Maryland, Illinois, Virginia, and Ohio, to points in Salt Lake County, Utah, and San Francisco, Calif.; and (2) from points in Salt Lake County, Utah, to San Francisco, Calif.; and (3) from points in California to points in Salt

Lake County, Utah, for 180 days. Supporting shipper: Holly World Foods, Inc., 2520 South Seventh West, Salt Lake City, UT 84119. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 135195 TA, filed December 29, 1970. Applicant: JOSEPH L. STOVER, doing business as STOVER AIR CARGO, 3619 Meadowbrook Road, Quincy, IL 62301. Applicant's representatives: Routman and Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between Quincy, Ill., and Hannibal, Louisiana, Monroe City, and Troy, Mo., on the one hand, and, on the other, Lambert Field, St. Louis, Mo., on traffic having an immediately prior or subsequent movement by air (restricted to transportation of said commodities in straight trucks), for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 71-316; Filed, Jan. 8, 1971; 8:48 a.m.]

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