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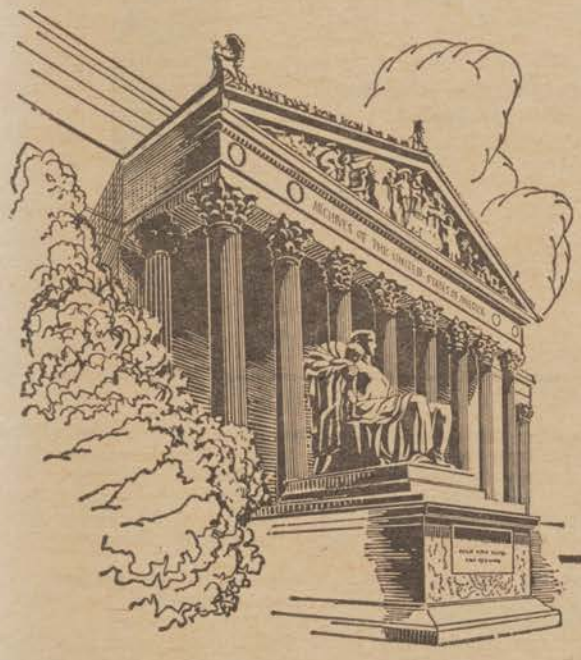

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

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Title 3—The President

EXECUTIVE ORDER 11579

Overseas Private Investment Corporation

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424), as amended (hereinafter the "Act"), and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Transfer to Overseas Private Investment Corporation.* All obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in sections 234(a), (b) and (d) of the Act are hereby transferred to the Overseas Private Investment Corporation (hereinafter the "Corporation").

SEC. 2. *Delegation of functions.* (a) The functions conferred upon the President by sections 621(b), 625(d)(1), 627, 628, 629(b), 630, and 635(d) of the Act insofar as such functions relate to the operation of the Corporation, its activities, or personnel are hereby delegated to the Corporation: *Provided,* That the concurrence of the Secretary of State shall be required with respect to the exercise by the Corporation of so much of the functions herein delegated pursuant to section 625(d)(1) of the Act as consists of authorization of compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 for persons employed or assigned by the Corporation.

(b) The function of prescribing regulations relating to the reinstatement or restoration of officers and employees of the Corporation to other government positions, when their appointment to a position in the Corporation was made from another government position and their separation from the Corporation was not made for cause, is hereby delegated to the Civil Service Commission.

SEC. 3. *Allocation and transfer of funds.* Funds made available under section 232 of the Act (repealed by section 105 of the Foreign Assistance Act of 1969) which are obligated but unexpended are hereby transferred to the Corporation.

SEC. 4. *General provisions.* (a) As used in this order, the words "function" or "functions" include any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(b) The Corporation shall be deemed to be the successor of the Agency for International Development and the Administrator thereof, with respect to all functions vested in the Corporation pursuant to law.

(c) Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates,

orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(d) Executive Order No. 10973 of November 3, 1961, as amended, is hereby superseded insofar as any provision therein is in conflict with any provision herein.

(e) The provisions of this order shall become effective upon adoption by the Board of Directors of bylaws for the Corporation.

Richard Nixon

THE WHITE HOUSE,
January 19, 1971.

[FR Doc.71-969 Filed 1-20-71;12:18 pm]

EXECUTIVE ORDER 11580

Establishing a Seal for the National Credit Union Administration

WHEREAS the Administrator of the National Credit Union Administration has caused to be made, and has recommended that I approve, a seal of office for the National Credit Union Administration, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

A ROOF symbolic of the credit union concept of cooperative protection, shared by the common-bond members of all Federal credit unions since the chartering of the first one in 1934;

A DOOR symbolic both of opportunity and of the protection given members' shares through a newly instituted program of insurance by an agency of the Federal Government;

ALL in white, against a blue background of four sections symbolic of the major advantages of credit union membership: cultivation of thrift, encouragement to save regularly, granting of loans for provident purposes at a reasonable interest rate, and budget and consumer counseling; circled by the title of the National Credit Union Administration;

AND WHEREAS it appears that such a seal is of suitable design and appropriate for adoption as the official seal of the National Credit Union Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the National Credit Union Administration.

Richard Nixon

THE WHITE HOUSE,
January 20, 1971

[FR Doc.71-970 Filed 1-20-71;12:18 pm]

Rules and Regulations

Title 7—AGRICULTURE

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

[Navel Orange Reg. 222]

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

Limitation of Handling

§ 907.522 Navel Orange Regulation 222.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 19, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 22, 1971 through January 28, 1971, are hereby fixed as follows:

(i) District 1: 629,000 cartons;

(ii) District 2: 221,000 cartons;

(iii) District 3: unlimited.

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

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

Dated: January 20, 1971.

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

[FR Doc.71–961 Filed 1–20–71;11:26 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under section 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of	Rate	Effective
Boston	5¼	Jan. 8, 1971
New York	5¼	Do.
Philadelphia	5¼	Do.
Cleveland	5¼	Do.
Richmond	5¼	Do.
Atlanta	5¼	Jan. 11, 1971
Chicago	5¼	Jan. 8, 1971
St. Louis	5¼	Do.
Minneapolis	5¼	Do.
Kansas City	5¼	Do.
Dallas	5¼	Jan. 15, 1971
San Francisco	5¼	Jan. 8, 1971

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of	Rate	Effective
Boston	5¾	Jan. 8, 1971
New York	5¾	Do.
Philadelphia	5¾	Do.
Cleveland	5¾	Do.
Richmond	5¾	Do.
Atlanta	5¾	Jan. 11, 1971
Chicago	5¾	Jan. 8, 1971
St. Louis	5¾	Do.
Minneapolis	5¾	Do.
Kansas City	5¾	Do.
Dallas	5¾	Jan. 15, 1971
San Francisco	5¾	Jan. 8, 1971

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of	Rate	Effective
Boston	7	Jan. 8, 1971
New York	7¼	Do.
Philadelphia	7	Do.
Cleveland	7	Do.
Richmond	7	Do.
Atlanta	7¼	Jan. 11, 1971
Chicago	7¼	Jan. 8, 1971
St. Louis	7	Do.
Minneapolis	7	Do.
Kansas City	7	Dec. 10, 1970
Dallas	7	Jan. 15, 1971
San Francisco	7	Jan. 8, 1971

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, January 15, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71–815 Filed 1–20–71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-1-AD; Amdt. 39-1146]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

There have been cracks and a failure of the body gear load evener system indicator tube on the Boeing Model 747 series airplanes that could result in passenger injury. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the replacement of the existing body gear indicator tube cover with a new cover that will contain the tube in the event of failure on Boeing Model 747 series airplanes.

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

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

BOEING. Applies to all Boeing Model 747 series airplanes.

Compliance required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the failure of the load evener indicator tube resulting in passenger injury:

Replace the existing body gear indicator tube cover with a new tube cover in accordance with Boeing Service Bulletin 32-2031, dated July 24, 1970, or later FAA approved revision, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective January 23, 1971.

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

Issued in Los Angeles, Calif., on January 13, 1971.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.71-833 Filed 1-20-71;8:47 am]

[Airworthiness Docket No. 70-WE-40-AD; Amdt. 39-1148]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas DC-8/DC-9 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the existing emergency evacuation slide cover latch assembly cadmium-plated pivot pin on Douglas DC-8/DC-9 series airplanes was published in 35 F.R. 17789.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment noted that the latches referred to in Douglas DC-9 Service Bulletin No. 25-150, Revision 1, are installed only at the tailcone slide on one operator's fleet and that latches installed by the manufacturer at the forward entrance and service doors for specific operators are of a different design which does not incorporate a pivot pin. In addition, the comment indicated that the forward latches are mounted on a sheet of fiber material covering the entire floor area between the entrance and service doors and that dissimilar metal corrosion could not occur between these latches and the floor.

The agency has determined that all DC-8/DC-9 series airplanes need not be included in the AD. The applicability statement in the adopted rule has been amended to include only those aircraft incorporating the cadmium-plated pivot pin as part of the slide girt bar latch assembly.

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

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

MCDONNELL DOUGLAS. Applies to DC-8/DC-9 series airplanes utilizing Douglas P/N 4750048-501 or -502 emergency evacuation slide girt bar latch assemblies incorporating a cadmium-plated pivot pin.

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

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

(a) Modify DC-8 series airplanes in accordance with Douglas Aircraft Co. Service Bulletin No. 25-183, dated July 11, 1969, or later FAA approved revisions, and

(b) Modify DC-9 series airplanes in accordance with Douglas Aircraft Co. Service Bulletin No. 25-150, Revision 1, dated October 14, 1969, or later FAA approved revisions, or

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

This amendment becomes effective February 26, 1971.

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

Issued in Los Angeles, Calif., on January 15, 1971.

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

[FR Doc.71-836 Filed 1-20-71;8:47 am]

[Airspace Docket No. 70-SW-56]

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

Alteration of Federal Airway

On November 14, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 17555) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would add a south alternate to V-68 between Junction, Tex., and San Antonio, Tex.

Interested persons were afforded an opportunity to participate in the proposed 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., April 1, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

In V-68 all after the phrase "Junction 310° radials;" is deleted and the phrase "San Antonio, Tex., including a south alternate via INT Junction 144° and San Antonio 290° radials." is substituted therefor.

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

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

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 71-834 Filed 1-20-71;8:47 am]

[Airspace Docket No. 70-CE-106]

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

Alteration of Federal Airway

On October 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16480) stating that the Federal Aviation Administration was proposing an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 138 from Fort Dodge, Iowa, to Mankato, Minn.

Interested persons were afforded an opportunity to participate in the proposed 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., April 1, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

In V-138 "Neola to Fort Dodge, Iowa." is deleted and "Neola; Fort Dodge, Iowa; Mankato, Minn." is substituted therefor.

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

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

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-835 Filed 1-20-71;8:47 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

EDITORIAL NOTE: The Foreign Direct Investment Regulations (the "regulations") appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations ("CFR"). Thus, all sections of the regulations contained in CFR are preceded by the designation "1000" (e.g., § 1000.201). The "1000" prefix has, for convenience, been eliminated from the section references contained in this notice. The term "part" when used in the regulations means Part 1000 of CFR. The abbreviations "DI" and "AFN" are used in this notice to refer to "direct investor" and "affiliated foreign national."

Notice is hereby given that the Office of Foreign Direct Investments (the "Office") has promulgated amendments to the Foreign Direct Investment Regulations (the "regulations"). Because these amendments ease the existing regulations, publication in proposed form is not deemed necessary in the public interest.

The amendments are summarized as follows:

1. *Section 503 minimum allowable.* The annual amount of positive direct investment that DIs may make in 1971 and succeeding years under the section 503 worldwide minimum allowable has been increased from $1,000,000 to $2,000,000.

2. *Section 507 alternative minimum and Schedule A supplemental allowable.* The annual amount of positive direct investment authorized in Schedules B and C for 1971 and succeeding years under the section 507(a)(1) alternative minimum allowable has been increased from $1,000,000 to $2,000,000. Moreover, if the increased Schedule B/C allowable is not used in Schedule B/C during 1971 but is "downstreamed" to Schedule A under section 507(b), the amount of positive direct investment that is authorized for Schedule A under § 507 for such year would be $6,000,000.

3. *Section 504(b) schedular earnings allowable.* The amount of positive direct investment that can be made in each scheduled area in 1971 and succeeding years under the section 504(b) earnings allowable has been increased from 30 percent to 40 percent of a DI's annual earnings for the immediately preceding year in the respective scheduled area. Correspondingly, the phrase "30 percent of annual earnings" in section 504(c), which provides for an "upstream" adjustment of historical allowables, has been amended to read "40 percent of annual earnings."

4. *Section 1302 foreign air transport allowable.* Section 1302(a) has been amended to increase the amount of positive direct investment authorized by Subpart M of the regulations from 30 percent to 40 percent of DI's aggregate annual foreign air transport earnings for the preceding year.

5. *Section 203(c)(2) liquid foreign balance exemption.* The minimum exemption provided by section 203(c)(2) for liquid foreign balances that may be held by a DI as of the end of each month has been increased from $25,000 to $100,000 for 1971 and succeeding years.

6. *Exemption from section 203(d)(1).* The amount of available proceeds that may be held by a DI in the form of foreign balances or other foreign property at year-end free of the prohibitions of section 203(d)(1) has been increased from $25,000 to $100,000 for 1971 and succeeding years.

7. *Miscellaneous technical amendments.* Section 505(a)(3) has been amended to delete the word "time" from the phrase "time charters" contained in the second proviso of such subparagraph. This amendment conforms the text of section 505(a)(3) to the policy of the Office as expressed in section B505-7(iii) of the 1970 General Bulletin.

8. *Effect on 1970 General Bulletin.* The 1970 General Bulletin published in the FEDERAL REGISTER on October 7, 1970 (35 F.R. 15671) interprets and explains the regulations as in effect for 1970, and will continue to apply to the regulations as in effect for 1971 to the extent not affected by these amendments. A 1971 supplement to the 1970 General Bulletin will be issued by the Office to reflect modifications necessitated by the foregoing amendments of the regulations.

The text of the amendments is as follows:

1. Section 1000.203 (c) and (d)(1) are amended to read as follows:

§ 1000.203 Liquid foreign balances.

* * * * *

(c) Each direct investor is hereby required to limit the amount of liquid foreign balances held at the end of any month (other than those that are Canadian foreign balances, as defined in § 1000.1105(a), or are available proceeds, as defined in § 1000.324(d) to the greater of (1) the average end-of-month amounts of such balances held by such direct investor during 1965 and 1966 (whether or not a direct investor at that time) or (2) $100,000.

(d) (1) A direct investor which holds available proceeds, as defined in § 1000.-324(d), in excess of $100,000 in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property as of the end of any year commencing with the year 1971 shall be prohibited from making a positive net transfer of capital to any scheduled area for such year, but only to the extent such positive net transfer of capital results in positive direct investment in such scheduled area for such year that is not authorized by § 1000.1002: *Provided,* That this subparagraph shall not apply to a direct investor which elects to be governed for such year by § 1000.503 or § 1000.507: *And provided further,* That for purposes of this subparagraph, allocations to positive direct investment under § 1000.306(e) or subparagraph (2) of this paragraph and reallocations under subparagraph (3) of this paragraph shall be deemed to reduce any positive net transfer of capital to a scheduled area and thereafter to reduce any reinvested earnings in such scheduled area.

* * * * *

2. Section 1000.503(a) is amended to read as follows:

§ 1000.503 Positive direct investment not exceeding $2,000,000; minimum allowable.

(a) If for any year commencing with the year 1971 a direct investor elects under § 1000.502(a)(1), positive direct investment is authorized for such year in all scheduled areas in an aggregate amount not exceeding $2,000,000.

* * * * *

3. Section 1000.504 (b) and (c) are amended to read as follows:

§ 1000.504 Authorized positive direct investment in scheduled areas; schedular allowables.

* * * * *

(b) *Earnings allowable.* If for any year commencing with the year 1971 a direct investor elects under § 1000.502(a)(3), positive direct investment for such year is authorized as follows:

(1) In Schedule A, in an amount not exceeding 40 percent of the annual earnings of the direct investor in Schedule A during the immediately preceding year.

(2) In Schedule B, in an amount not exceeding 40 percent of the annual earnings of the direct investor in Schedule B during the immediately preceding year;

(3) In Schedule C, in an amount not exceeding 40 percent of the annual earnings of the direct investor in Schedule C during the immediately preceding year.

* * * * *

(c) *Adjustment to historical allowable.* If for any year commencing with the year 1971 a direct investor elects under § 1000.502(a)(2),

(1) The amount of positive direct investment authorized in Schedule C under paragraph (a)(3) of this section shall be increased by the lesser of either the amount by which 40 percent of annual earnings in Schedule C during the immediately preceding year is in excess of positive direct investment authorized in Schedule C under said paragraph (a)(3) during the current year or the amount of positive direct investment authorized in Schedule A under paragraph (a)(1) of this section: *Provided,* That the amount of positive direct investment authorized in Schedule A under said paragraph (a)(1) shall be reduced by the amount of such increase;

(2) The amount of positive direct investment authorized in Schedule C under paragraph (a)(3) of this section shall be increased by the lesser of either the amount by which 40 percent of annual earnings in Schedule C during the immediately preceding year is in excess of positive direct investment authorized in Schedule C under paragraph (a)(3) of this section and subparagraph (1) of this paragraph during the current year or the amount of positive direct investment authorized in Schedule B under paragraph (a)(2) of this section: *Provided*, That the amount of positive direct investment authorized in Schedule B under said paragraph (a)(2) shall be reduced by the amount of such increase; and

(3) The amount of positive direct investment authorized in Schedule B under paragraph (a)(2) of this section shall be increased by the lesser of either the amount by which 40 percent of annual earnings in Schedule B during the immediately preceding year is in excess of positive direct investment authorized in Schedule B under said paragraph (a)(2) during the current year or the amount of positive direct investment authorized in Schedule A under paragraph (a)(1) of this section (calculated after the reduction provided in subparagraph (1) of this paragraph): *Provided*, That the amount of positive direct investment authorized in Schedule A under paragraph (a)(1) of this section shall be reduced by the amount of such increase.

* * * * *

4. Section 1000.505(a)(3) is amended to read as follows:

§ 1000.505 Transfers between affiliated foreign nationals.

(a) * * *

(3) For purposes of §§ 1000.312 (a) and (b) and 1000.313(a), if funds or other property are transferred (or deemed under paragraph (a)(1) to have been transferred) by an incorporated affiliated foreign national of a direct investor to another incorporated affiliated foreign national of such direct investor, the transfer shall be treated as a transfer of capital by the transferor affiliated foreign national to the direct investor (in an amount equal to the full amount or value of the funds or property so transferred) and as a further transfer of capital in an equivalent amount by the direct investor to the transferee affiliated foreign national: *Provided*, That the affiliated foreign national actually transferring the funds or other property or the affiliated foreign national actually receiving such funds or other property is an affiliate of the direct investor as defined in § 1000.903(a) and that the transfer, if actually made by the direct investor, would have constituted a transfer of capital under § 1000.312(a): *And provided further*, That a charter of a vessel by an incorporated affiliated foreign national of such direct investor shall not be subject to this subparagraph.

* * * * *

5. Section 1000.507(a) is amended to read as follows:

§ 1000.507 Alternative minimum and Schedule A supplemental allowable.

(a) If for any year commencing with the year 1971 a direct investor elects under § 1000.502(a)(4), positive direct investment for such year is authorized as follows:

(1) In Schedules B and C in an aggregate amount not exceeding $2,000,000; and

(2) In Schedule A in an amount not exceeding $4,000,000.

* * * * *

6. Section 1000.1302(a) is amended to read as follows:

§ 1000.1302 Foreign air transport allowable.

(a) Positive direct investment by a direct investor who is an "air carrier" or "supplemental air carrier" engaged in "foreign air transportation" as those terms are defined in the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1301 (3), (21), and (32), and who elects under § 1000.502(a) (2) or (3), is authorized during any year commencing with the year 1971 in an amount not to exceed 40 percent of aggregate annual foreign air transport earnings for the immediately preceding year: *Provided*, That such positive direct investment is primarily related to the direct investor's operations in foreign air transportation.

* * * * *

7. The amendments hereby adopted shall be effective as of the date of publication in the FEDERAL REGISTER (1-21-71) and shall apply to all direct investment transactions occurring during the year 1971 and succeeding years.

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

DONALD P. KATZ,
Director, Office of Foreign Direct Investments.

JANUARY 15, 1971.

[FR Doc.71-781 Filed 1-20-71;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5126, 34-9060]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Acquisitions of Securities and Making of Tender Offers

The Securities and Exchange Commission has adopted a new rule under the Securities Act of 1933 and has amended its rules and regulations under sections 13(d) and 14(d) of the Securities Exchange Act of 1934. The new and amended rules and regulations implement the amendments to sections 13(d) and 14(d) of the Securities Exchange Act contained in Public Law 91-567, recently passed by Congress and signed by President Nixon on December 22, 1970.

The statutory amendments referred to provide for the filing of information with respect to acquisitions of securities by persons who own more than 5 percent of the class, or the making of tender offers or requests for tenders of equity securities if after consummation thereof the persons making the tender offer or solicitation would be the beneficial owner of more than 5 percent of the class. Heretofore, the percentages were 10 percent in both cases. The amendments make the provisions of sections 13(d) and 14(d) applicable to insurance companies and the provisions of section 14(d) applicable to tender offers made by means of a registration statement under the Securities Act of 1933.

Statements with respect to reportable acquisition made after December 22, 1970, but prior to publication of the amended rules are to be filed within 10 days after the date of such publication. Statements with respect to reportable tender offers which commenced prior to the date of publication of the amended rules and continued thereafter would be filed within 10 days after such publication. Tender offers which commenced or continued after December 22, 1970, but were terminated prior to publication of the amended rules are not to be reported pursuant to section 14(d) but a statement with respect to the acquisition of the securities pursuant to the tender offer is to be made, if required, pursuant to section 13(d) of the Act.

Commission action: Parts 230 and 240 of Chapter II of Title 17 of the Code of Federal Regulations have been amended as indicated below:

I. Part 230 is amended by adding thereunder a new section 230.434b which reads as follows:

§ 230.434b Additional information required to be included in prospectuses relating to tender offers.

Notwithstanding the provisions of any form for the registration of securities under the Act, any prospectus relating to securities to be offered in connection with a tender offer for, or a request or invitation for tenders of, securities which is subject to section 14(d) of the Securities Exchange Act of 1934 shall, if used after January 28, 1971, include all of the information, not otherwise required to be included therein, required by § 240.14d-1(c) of this chapter to be included in all such tender offers, requests or invitations, published, sent or given to the holders of such securities.

II. Section 240.13d-1 is amended to read as follows:

§ 240.13d-1 Filing of Schedule 13D (§ 240.13d-101).

Any person who, after acquiring directly or indirectly the beneficial ownership of any security of a class which is registered pursuant to section 12 of the

Act, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of the Act, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, is directly or indirectly the beneficial owner of more than 5 percentum of such class shall, within 10 days after such acquisition, send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Commission, a statement containing the information required by Schedule 13D (§ 240.13d–101). Eight copies of the statement shall be filed with the Commission. Where an acquisition, not heretofore subject to this rule, was made subsequent to December 22, 1970, but prior to January 18, 1971, the specified statement shall be sent to the issuer and any exchange and, filed with the Commission not later than January 28, 1971.

III. In § 240.13d–4, the preamble which precedes paragraph (a) is amended to read as follows:

§ 240.13d–4 Exemption of acquisitions pursuant to pre-emptive rights.

Acquisitions of securities of an issuer by a security holder who prior to such acquisition was the beneficial owner of more than 5 percent of the outstanding securities of the same class as those acquired shall be exempt from section 13(d) of the Act if the following conditions are met:

* * * * *

IV. In § 240.14d–1, paragraph (a) has been amended, and a new paragraph (f) has been added, and as so amended § 240.14d–1 reads as follows:

§ 240.14d–1 Filing Schedule 13D (§ 240.13d–101) and furnishing of information to security holders.

(a) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security which is registered pursuant to section 12 of the Act, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of the Act, or any equity security issued by the closed-end investment company registered under the Investment Company Act of 1940, if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 5 percentum of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Commission a statement containing the information and exhibits required by Schedule 13D (§ 240.13d–101): *Provided, however,* That any person making a tender offer, or a request or invitation for tenders, not heretofore subject to this rule, which commenced prior to January 18, 1971, shall, if such offer, request or invitation continues after that date file the statement required by this section on or before January 28, 1971.

* * * * *

(f) If any securities to be offered in connection with the tender offer for, or request or invitation for tenders of, securities with respect to which a statement is required to be filed pursuant to paragraph (a) of this section have been or are to be registered under the Securities Act of 1933, a copy of the prospectus containing the information required to be included therein by § 230.434b of this chapter shall be filed as an exhibit to the statement required by paragraph (a) of this section. Any information contained in such prospectus may be incorporated by reference in such statement.

The foregoing action has been taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof, and the Securities Exchange Act of 1934, particularly sections 13(d), 14(d), and 23(a) thereof.

The Commission finds that it is necessary in the public interest and for the protection of investors that the foregoing amendments be adopted immediately to implement the recent amendments to sections 13 and 14 of the Act, that notice and procedure pursuant to 5 U.S.C. 553 are unnecessary and that the amended rules should be made effective immediately upon publication. Accordingly, the amended rules shall become effective immediately.

(Secs. 6, 7, 10, 19(a); 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685, 15 U.S.C. 77f, 77g, 77s(a); sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; secs. 2, 3, 82 Stat. 454, 456, secs. 1, 2, 3, 4, 5, Public Law 91–567, 15 U.S.C. 78m, 78n)

By the Commission, January 18, 1971.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71–886 Filed 1–20–71; 8:49 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 45—OLEOMARGARINE, MARGARINE

Oleomargarine, Margarine Identity Standard; BHA and BHT as Optional Ingredients

In the matter of amending the definition and standard of identity for oleomargarine, margarine (21 CFR 45.1) to permit the optional use of the antioxidants BHA (butylated hydroxyanisole) and BHT (butylated hydroxytoluene) in the animal fat ingredients presently permitted in the food:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of August 14, 1970 (35 F.R. 12951), based on a petition submitted by the National Association of Margarine Manufacturers, 545 Munsey Building, Washington, D.C. 20004.

In response to the proposal, three comments were received. A government agency and an ingredient supplier favored the proposal. A city health department official (with an endorsement by another official of the same department) opposed it, but this comment consisted essentially of undocumented opinions.

On the basis of the information submitted in the petition, the comments received, and other relevant information, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard as proposed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 45.1 be amended by adding a new subdivision to paragraph (a)(3) and by revising paragraph (b)(1), as follows:

§ 45.1 Oleomargarine, margarine; identity; label statement of optional ingredients.

(a) * * *

(3) * * *

(xii) BHA (butylated hydroxyanisole) or BHT (butylated hydroxytoluene), or a combination of these, incorporated in any animal fat ingredient permitted by subparagraph (1)(i) of this paragraph in an amount not to exceed 0.02 percent by weight of such animal fat content.

* * * * *

(b) * * *

(1) Fat ingredients shall be declared first in the ingredient statement by the name of the specific fat or oil or stearin used. Where combinations of fat ingredients are used, the names shall be arranged in order of decreasing predominance. If any fat ingredient is hydrogenated, the ingredient statement shall include the word "hydrogenated" or "hardened" at such place or places in the list of fats as to indicate which fats are hydrogenated; for example, "corn oil, hardened soybean oil." If any animal fat ingredient contains an ingredient provided for in paragraph (a)(3)(xiii) of this section, the statement "with _____ _____ added as (a) preservative(s)" or "with _____ added to retard rancidity" shall appear at such place or places in the list of fats as to indicate which animal fats contain these ingredients. The blank is to be filled in with "BHA" and/or "BHT" as appropriate; for example, "beef fat with BHA and BHT added as preservatives".

* * * * *

Due to a cross-reference, these amendments of the standard for margarine (§ 45.1), upon becoming effective, will have the effect of also providing for optional use of the antioxidants BHA and

BHT in the animal fat ingredients permitted in liquid margarine (§ 45.2).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-831 Filed 1-20-71;8:46 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 316—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Rules of practice and procedure for the issuance, amendment, or repeal of rules pursuant to section 201 of the Controlled Substances Act.

Under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations and, in the temporary absence of the Director, redelegated to the Deputy Director by Directive No. 11 (34 F.R. 4889) of the appendix to Subpart R of Part 0 of Title 28 of the Code of Federal Regulations, it is hereby ordered that Part 316 of Title 21 of the Code of Federal Regulations is rescinded and replaced with the following:

Subparts A–E—[Reserved]

Subpart F—Public Hearings

RULES OF PRACTICE AND PROCEDURE FOR ISSUANCE, AMENDMENT, OR REPEAL OF RULES PURSUANT TO SECTION 201 OF THE CONTROLLED SUBSTANCES ACT

GENERAL INFORMATION

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316.48 Scope of Subpart F.
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316.50 Information; special instructions.
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316.55 Notice of appearance.
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INITIATION OF PROCEEDINGS: NOTICE: COMMENTS AND OBJECTIONS

316.58 Petitions to initiate proceedings for rule making.
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PUBLIC HEARINGS

316.61 Hearings.
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316.71 Objections; offer of proof.
316.72 Exceptions to rulings.
316.73 Appeal from ruling of presiding officer.
316.74 Official transcript; index; corrections.

FINDINGS OF FACT AND CONCLUSIONS OF LAW; REPORT AND RECORD; FINAL ORDER

316.75 Proposed findings of fact and conclusions of law.
316.76 Report and record.
316.77 Final order.

JUDICIAL REVIEW

316.78 Copies of petitions for judicial review.

CONTROL UNDER INTERNATIONAL TREATY; CONTROL OF IMMEDIATE PRECURSORS

316.79 Control required under international treaty.
316.80 Control of immediate precursors.

PENDING PROCEEDINGS

316.81 Pending proceedings.

AUTHORITY: The provisions of this Part 316 issued under sec. 3(a)(2), 74 Stat. 374; 18 U.S.C. 1262 and Reorganization Plan No. 1 of 1968; 33 F.R. 5611.

Subparts A–E—[Reserved]

Subpart F—Public Hearings

RULES OF PRACTICE AND PROCEDURE FOR THE ISSUANCE, AMENDMENT, OR REPEAL OF RULES PURSUANT TO SECTION 201 OF THE CONTROLLED SUBSTANCES ACT

GENERAL INFORMATION

§ 316.48 Scope of Subpart F.

Procedure for the issuance, amendment, or repeal of rules pursuant to section 201 (classification of substances having a potential for abuse) of the Act is governed generally by the rulemaking procedures set out in the Administrative Procedure Act (5 U.S.C. 551–559) and specifically by section 201 of the Act and the sections of this Subpart F.

§ 316.49 Definitions.

As used in this Subpart F, the following terms shall have the meaning specified:

(a) The term "Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801).

(b) The term "Director" means the Director of the Bureau. The Director has been delegated authority under the Act by the Attorney General (28 CFR 0.100).

(c) The term "hearing" means any hearing held pursuant to this Subpart for the issuance, amendment, or repeal of any rule issued pursuant to subsection 201(a) of the Act.

(d) The term "Hearing Clerk" means the hearing clerk of the Bureau.

(e) The term "interested person" means any person adversely affected or aggrieved by any rule or proposed rule issuable pursuant to section 201 of the Act.

(f) The term "person" includes an individual, corporation, government or governmental subdivision or agency, business trust, partnership, association or other legal entity.

(g) The term "presiding officer" means a hearing examiner qualified and appointed as provided in the Administrative Procedure Act (5 U.S.C. 556).

(h) The term "proceeding" means all actions taken for the issuance, amendment, or repeal of any rule issued pursuant to subsection 201(a) of the Act, commencing with the publication by the Director of the proposed rule, amended rule or repeal in the FEDERAL REGISTER.

(i) Any term not defined in this section shall have the definition set forth in section 102 of the Act.

§ 316.50 Information; special instructions.

Information regarding procedure under these rules and instructions supplementing these rules in special instances will be furnished by the Hearing Clerk upon request.

§ 316.51 Waiver or modification of rules.

The Director or the presiding officer (with request to matters pending before him) may modify or waive any rule in this subpart by announcement at the hearing or by notice in advance of the hearing, if he determines that no party will be unduly prejudiced and the ends of justice will thereby be served.

§ 316.52 Filings; address; hours.

Documents required or permitted to be filed in, and correspondence relating to, proceedings governed by the regulations in this subpart shall be filed with the Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, Washington, D.C. This office is open Monday through Friday from 9 a.m. to 5:30 p.m., eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time, except on national legal holidays.

§ 316.53 Inspection of record.

The record bearing on any matter which is the subject of any proceeding,

and not entitled to protection under subsection 402(a)(8) of the Act, or any other law restricting public disclosure of information, shall be available for public inspection and copying during office hours in the office of the Hearing Clerk.

APPEARANCE AND PRACTICE

§ 316.54 Personal appearance; representation; authorization.

Any interested person may appear in person or by or with a representative in any proceeding or hearing and may be heard with respect to matters relevant to the issues under consideration. A representative must either be an employee of the interested party or an attorney at law who is a member of the bar, in good standing, of any State, territory, or the District of Columbia, and admitted to practice before the highest court of that jurisdiction. Any representative may be required by the Director or the presiding officer to show his authority to act in such representative capacity.

§ 316.55 Notice of appearance.

Any interested person desiring to appear in any proceeding or hearing shall, within the time specified in the notice of proposed rule making, file a written notice of appearance in the following form:

(Date)

DIRECTOR, BUREAU OF NARCOTICS
AND DANGEROUS DRUGS,
Department of Justice,
Washington, D.C.

DEAR SIR: Please take notice that ---
(Name of
--- will appear in the matter
interested person)
of: ---
(Identifying the proceeding set forth in the notice of proposed rule making)

(A) (State with particularity the interest of the person in the proceeding).

(B) (State with particularity the objection or issue, if any, concerning which the interested person desires to be heard).

(C) (State briefly the position of the interested person with regard to the particular objection or issue).

All notices to be sent pursuant to this appearance should be addressed to:

(Name)

(Street address)

(City and State)

Respectfully yours,

(Signature of interested party)

§ 316.56 Conduct of parties.

Interested persons and their representatives appearing in any proceeding, whether or not members of the bar, shall conduct themselves in accordance with judicial standards of practice and ethics. Refusal to comply with this section shall constitute grounds for immediate exclusion from any proceeding.

§ 316.57 Ex parte communications.

If any official of the Bureau is contacted by any individual in private or public life concerning any matter which is the subject of any proceeding, the official who is contacted shall prepare a memorandum setting forth the substance of the conversation and shall file this memorandum in the appropriate public docket file.

INITIATION OF PROCEEDINGS; NOTICE; COMMENTS AND OBJECTIONS

§ 316.58 Petitions to initiate proceedings for rule making.

(a) Any interested person may submit a petition to initiate proceedings for the issuance, amendment, or repeal of any issuable pursuant to the provisions of subsection 201(a) of the Act.

(b) Petitions shall be submitted in quintuplicate to the Director in the following form:

(Date)

DIRECTOR, BUREAU OF NARCOTICS
AND DANGEROUS DRUGS
Department of Justice,
Washington, D.C.

DEAR SIR: The undersigned---
hereby petitions the Director to initiate proceedings for the issuance (amendment or repeal) of a rule pursuant to subsection 201(a) of the Controlled Substances Act.

Attached hereto and constituting a part of this petition are the following:

(A) The proposed rule in the form proposed by the petitioner. (If the petitioner seeks the amendment or repeal of an existing rule, the existing rule, together with a reference to the section in the Code of Federal Regulations where it appears, should be included.)

(B) A statement of the grounds which the petitioner relies for the issuance (amendment or repeal) of the rule. (Such grounds shall include a reasonably concise statement of the facts relied upon by the petitioner, including a summary of any relevant medical or scientific evidence known to the petitioner.)

All notices to be sent regarding this petition should be addressed to:

(Name)

(Street address)

(City and State)

Respectfully yours,

(Signature of petitioner)

(c) Within a reasonable period of time after the receipt of a petition, the Director shall notify the petitioner of his acceptance or nonacceptance of the petition, and if not accepted, the reason therefor. The Director need not accept a petition for filing if any of the requirements prescribed in paragraph (b) of this section is lacking or is not set forth so as to be readily understood. If petitioner desires, he may amend the petition to meet the requirements of paragraph (b) of this section. If accepted for filing, a petition may be denied by the Director within a reasonable period of time thereafter if he finds the grounds upon which the petitioner relies are not sufficient to justify the initiation of proceedings.

§ 316.59 Publication of notice of proposed rule making.

(a) The Director, on his own initiative or upon his acceptance of a petition from any interested person accepted by him, shall publish in the FEDERAL REGISTER general notice of any proposed rule making to issue, amend, or repeal any rule pursuant to section 201 of the Act.

(b) Such published notice shall include a statement of the time, place, and nature of hearings on the proposal. Such hearings may not be commenced until after the expiration of at least 30 days from the date the general notice is published in the FEDERAL REGISTER. Such published notice shall also include a reference to the legal authority under which the rule is proposed, a statement of the proposed rule, and, in the discretion of the Director, a summary of the subjects and issues involved.

§ 316.60 Filing comments or objections.

The Director may permit any interested persons to file written comments on or objections to the proposal and, if he so permits, shall designate in the notice of proposed rule making the time during which such filings may be made.

PUBLIC HEARINGS

§ 316.61 Hearings.

The Director shall hold a public hearing for the purpose of receiving evidence regarding the issues involved in any proposal to issue, amend, or repeal any rule pursuant to subsection 201(a) of the Act.

§ 316.62 Burden of proof.

At any hearing, the proponent for the issuance, amendment, or repeal of any rule shall have the burden of proof.

§ 316.63 Time and place of hearing.

The hearing will commence at the place and time announced in the notice of proposed rule making, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than announcement thereof by the presiding officer at the hearing.

§ 316.64 Presiding officer.

A presiding officer shall preside over all hearings. The presiding officer shall be designated by the Director to conduct the hearing. The functions of the presiding officer shall commence upon his designation and terminate upon the certification of the record to the Director. Hearings shall be conducted in an informal but orderly manner in accordance with law and with the directions of the presiding officer. The presiding officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange and issue notice of the date, time, and place of hearings and prehearing conferences, and, upon proper notice to change the date, time, and place of hearings and prehearing conferences previously set.

(b) Hold conferences to settle, simplify, or determine the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(c) Require parties to state their position in writing with respect to the various issues in the proceeding and to exchange such statements with all other parties.

(d) Administer oaths and affirmations.

(e) Regulate the course of the hearing and the conduct of counsel therein.

(f) Examine witnesses and direct witnesses to testify.

(g) Receive, rule on, exclude, or limit evidence.

(h) Rule on procedural items pending before him.

(i) Take any action permitted to the presiding officer as authorized by this subpart or in conformance with the provisions of the Administrative Procedure Act (5 U.S.C. 551–559).

§ 316.65 Evidentiary purpose of hearing.

The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. Argument will not be received into evidence; rather, it should be presented in opening or closing statements of counsel, memoranda, or proposed findings of fact and conclusions of law, as determined by the presiding officer.

§ 316.66 Prehearing conference.

The presiding officer on his own motion, or on the motion of any party, may direct all parties to appear at a specified time and place for a conference for:

(a) The simplification of the issues.

(b) The possibility of obtaining stipulations, admission of facts, and documents.

(c) The possibility of limiting the number of expert witnesses.

(d) The identification, and if practicable, the scheduling of all witnesses to be called.

(e) The advance submission at the prehearing conference of all documentary evidence and affidavits to be marked for identification.

(f) Such other matters as may aid in the expeditious disposition of the proceeding.

§ 316.67 Prehearing ruling.

The presiding officer may have the prehearing conference reported verbatim and shall make a ruling reciting the action taken at the conference, the agreements made by the parties, the schedule of witnesses, and a statement of the issues for hearing. Such ruling shall control the subsequent course of the proceeding unless modified by a subsequent ruling.

§ 316.68 Submission of documentary evidence and affidavits and identification of witnesses subsequent to prehearing conference.

All documentary evidence and affidavits not submitted and all witnesses not identified at the prehearing conference shall be submitted or identified to the presiding officer as soon as possible, with a showing that the offering party had good cause for failing to so submit or identify at the prehearing conference. If the presiding officer determines that good cause does exist, the documents or affidavits shall be submitted or witnesses identified to all parties sufficiently in advance of the offer of such documents or affidavits or witnesses at the hearing to avoid prejudice or surprise to the other parties. If the presiding officer determines that good cause does not exist, he may refuse to admit as evidence such documents or affidavits or the testimony of such witnesses.

§ 316.69 Summary of testimony; affidavits.

(a) The presiding officer may direct that summaries of the direct testimony of witnesses be prepared in writing and served on all parties in advance of the hearing. Witnesses will not be permitted to read summaries of their testimony into the record and all witnesses shall be available for cross-examination. Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) Affidavits submitted at the prehearing conference or pursuant to § 316.68 with good cause may be examined by all parties and opposing affidavits may be submitted to the presiding officer within a period of time fixed by him. Affidavits admitted into evidence shall be considered in light of the lack of opportunity for cross-examination in determining the weight to be attached to statements made therein.

§ 316.70 Submission and receipt of evidence.

(a) *Admissibility.* The presiding officer shall admit only evidence that is competent, relevant, material and not unduly repetitious.

(b) *Opinion testimony.* Opinion testimony shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(c) *Authenticity of documents.* The authenticity of all published documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer, except that a party will be permitted to challenge such authenticity at a later time upon a showing of good cause for failure to have filed such written objection.

(d) *Samples.* Samples may be displayed at the hearing and may be described for purposes of the record, but shall not be admitted in evidence as exhibits.

(e) *Official notice.* Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party, on timely request, shall be afforded opportunity to controvert such fact.

(f) *Documents to be made exhibits.* The presiding officer shall file as exhibits copies of the following documents:

(1) The notice of proposed rule making published pursuant to § 316.59.

(2) The prehearing ruling, if any, made pursuant to § 316.67.

(3) Any other document necessary to show the basis for the proceeding.

§ 316.71 Objections; offer of proof.

If any party objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection without extended argument or debate thereon except as permitted by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made. An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 316.72 Exceptions to rulings.

Exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is sought, makes known the action that he desires the presiding officer to take, or his objection to an action taken, and his grounds therefor.

§ 316.73 Appeal from ruling of presiding officer.

Rulings of the presiding officer may not be appealed to the Director prior to his consideration of the entire proceeding, except with the consent of the presiding officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party or substantial detriment to the public interest. If an appeal is allowed, any party may file a brief in quintuplicate with the Director within such period that the presiding officer directs. No oral argument will be heard unless the Director directs otherwise.

§ 316.74 Official transcript; index; corrections.

(a) Testimony given at a public hearing shall be reported verbatim. The Bureau will make provision for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the transcript of the testimony and exhibits taken at the hearing or of any part thereof shall be entitled to the same upon application to the Hearing Clerk and upon payment of the costs thereof.

(b) Whenever it appears to the presiding officer that the transcript of the hearing will be of such length that an index to the transcript will permit a more orderly presentation of the evidence and reduce delay, the presiding officer shall require counsel for the parties to prepare a daily topical index which will be available to the presiding officer and all parties. Preparation of such an index shall be apportioned

among all counsel present in such manner as appears just and proper in the circumstances. The index should include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the transcript at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index should also contain the name of each witness, followed by the topics upon which he testified and the page of the transcript at which such testimony appears.

(c) At the close of the hearing, the presiding officer shall afford witnesses and their counsel time (not longer than 30 days, except in unusual cases) in which to submit written proposed corrections of the transcript, pointing out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony.

FINDINGS OF FACT AND CONCLUSIONS OF LAW; REPORT AND RECORD; FINAL ORDER

§ 316.75 Proposed findings of fact and conclusions of law.

Any party may file in quintuplicate proposed findings of fact and conclusions of law within the time fixed by the presiding officer. Any party so filing shall serve one copy of his proposed findings and conclusions upon each other party in the proceedings. The party shall include a statement of supporting reasons for the proposed findings and conclusions, together with evidence of record (including specific and complete citations of the pages of the transcript and exhibits) and citations of authorities relied upon.

§ 316.76 Report and record.

As soon as practicable after the time for the parties to file proposed findings of fact and conclusions of law has expired, the presiding officer shall prepare a report containing the following:

(a) His recommended rulings on the proposed findings of fact and conclusions of law.

(b) His recommended findings of fact and conclusions of law, with the reasons therefor.

(c) His recommended decision.

The presiding officer shall certify to the Director the record, which shall contain the transcript of testimony, exhibits, the findings of fact and conclusions of law proposed by the parties, and his report. Upon receipt of the certified record, the Director shall serve one copy of the report of the presiding officer upon each party in the proceedings.

§ 316.77 Final order.

As soon as practicable after the presiding officer has certified the record to the Director, the Director shall cause to be published in the FEDERAL REGISTER his order in the proceeding, which shall set forth the final rule and the findings of fact and conclusions of law upon which the rule is based. This order shall specify the date on which it shall take effect, which shall not be less than 30 days from the date of publication in the FEDERAL REGISTER unless the Director finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

JUDICIAL REVIEW

§ 316.78 Copies of petitions for judicial review.

Copies of petitions for judicial review, filed pursuant to section 507 of the Act, shall be delivered to and served upon the Director in quintuplicate. The Director shall certify the record of the proceedings upon which the rule is based and shall file the certified record in the appropriate United States Court of Appeals.

CONTROL UNDER INTERNATIONAL TREATY; CONTROL OF IMMEDIATE PRECURSORS

§ 316.79 Control required under international treaty.

Where control of a substance is required by U.S. obligations under international treaties, conventions, or protocols in effect on May 1, 1971, the Director shall issue and publish in the FEDERAL REGISTER an order controlling such substance under the schedule he deems most appropriate to carry out obligations. Issuance of such an order shall be without regard to the findings required by subsections 201(a) or 202(b) of the Act and without regard to the procedures prescribed by this subpart or subsections 201 (a) and (b) of the Act. An order controlling a substance shall become effective 30 days from the date of publication in the FEDERAL REGISTER, unless the Director finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

§ 316.80 Control of immediate precursors.

Pursuant to section 201(e) of the Act, the Director may, without regard to the findings required by subsection 201(a) or 202(b) of the Act and without regard to the procedures prescribed by this subpart or subsection 201 (a) and (b) of the Act, issue and publish in the FEDERAL REGISTER an order controlling an immediate precursor. The order shall designate the schedule in which the immediate precursor is to be placed, which shall be the same schedule in which the controlled substance of which it is an immediate precursor is placed or any other schedule with a higher numerial designation. An order controlling an immediate precursor shall become effective 30 days from the date of publication in the FEDERAL REGISTER, unless the Director finds that emergency conditions exist necessitating and earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

PENDING PROCEEDINGS

§ 316.81 Pending proceedings.

All administrative proceedings pending before the Bureau on the effective date of this subpart, including the matter of listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965, shall be continued and brought to final determination in accord with the laws and regulations in effect prior to such effective date.

Because the provisions of subchapter II of chapter 5 of title 5 of the United States Code, which require notice of proposed rule making, opportunity for public participation in the rule making, and delay in the effective date, are not applicable to these procedural rules, they shall become effective immediately upon publication in the FEDERAL REGISTER. The Bureau anticipates that, as experience gained in the administration of section 201 of the Controlled Substances Act, these rules may be revised, and it therefore invites public comment on these rules which will be considered for amendatory purposes. Such comments should be directed to the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 613, 1405 I Street NW., Washington, DC 20537.

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

[FR Doc.71-824 Filed 1-20-71;8:46 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 450-71]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart R—Bureau of Narcotics and Dangerous Drugs

DELEGATING FUNCTIONS UNDER COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970 AND REORGANIZATION PLAN NO. 1 OF 1968

By virtue of the authority vested in me by sections 1 and 2 of Reorganization Plan No. 1 of 1968; section 501 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236); 28 U.S.C. 509, 510; and 5 U.S.C. 301, it is hereby ordered as follows:

1. Order No. 442–70 of November 4, 1970 (35 F.R. 17332) is hereby rescinded. The issuance or termination of Order No. 442–70 shall not affect any act performed by, or under the authority redelegated by, the Director of the Bureau of Narcotics and Dangerous Drugs pursuant to the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968, from the date of publication of Order No. 442–70 to the date of this order. Any such act performed is hereby approved and confirmed.

2. Section 0.100 of Subpart R of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended to read as follows:

§ 0.100 General functions.

Subject to the general supervision of the Attorney General, the exercise of the powers and performance of the functions vested in the Attorney General by

sections 1 and 2 of Reorganization Plan No. 1 of 1968 and the Comprehensive Drug Abuse Prevention and Control Act of 1970 are assigned to, and shall be conducted, handled, or supervised by the Director of the Bureau of Narcotics and Dangerous Drugs.

Dated: January 13, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-832 Filed 1-20-71;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-92a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Atlantic Intracoastal Waterway, Palm Beach, Fla.

1. The town of Palm Beach, Fla., requested that the special operation regulations for the Flagler Memorial and Royal Park bridges across the Atlantic Intracoastal Waterway at Lake Worth be revised. A public notice dated August 7, 1970, setting forth the proposed revision of the regulations governing these drawbridges was issued by the Commander, Seventh Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of August 6, 1970 (35 F.R. 12554).

2. Interested persons were afforded an opportunity to participate in this rule making through the submission of comments. No comments were received. After consideration of all known factors in this case, the proposal, as submitted, is accepted.

3. Accordingly, § 117.440 is amended by revising paragraphs (a) and (b) to read as follows:

§ 117.440 Lake Worth (Intracoastal Waterway), Fla.; Flagler Memorial and Royal Park bridges, Palm Beach, Fla.

(a) From December 1 through April 30 between the hours of 7:30 a.m. and 6 p.m. the draws of these bridges need not be opened for the passage of vessels except that the Flagler Memorial draw shall be opened on the hour and half hour and the Royal Park draw shall be opened on the quarter hour and three-quarter hour during this period to permit any waiting vessel to pass. At all other times the draws shall be opened promptly on signal.

(b) The draws shall be opened to allow the passage of a vessel in distress, a public vessel of the United States or of a commercial tow at any time upon the sounding by the vessel of four blasts of a whistle or horn.

* * * * *

(Sec.5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959) 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: January 15, 1971.

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

[FR Doc.71-846 Filed 1-20-71;8:48 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

[CGFR 69-106a]

PART 2—VESSEL INSPECTIONS

Reports of Hazardous Materials Incidents; Correction

F.R. Doc. 70-14708 appearing at page 16832 in the issue of Saturday, October 31, 1970, is corrected by inserting a subparagraph (11) to § 2.20-65(a) to read as follows:

§ 2.20-65 Immediate notice of certain hazardous materials incidents.

(a) * * *

(11) Radioactive materials.

* * * * *

Dated: January 15, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-845 Filed 1-20-71;8:48 am]

Title 49—TRANSPORTATION

Chapter VI—Urban Mass Transportation Administration, Department of Transportation

PART 601—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Office of Program Demonstrations and Office of Civil Rights and Service Development

The purpose of this amendment is to revise Chapter VI, Part 601 of the regulations of the Urban Mass Transportation Administration to reflect the transfer of certain urban mass transportation functions from the Office of Program Demonstrations to the Office of Civil Rights, and to change the designation of the Office of Civil Rights to "Office of Civil Rights and Service Development."

The functions being transferred pertain to the management of approved urban mass transportation service development demonstration project contracts, undertaken by authority of section 6(a) of the Urban Mass Transportation Act of 1964 as amended (49 U.S.C. section 1605(a)), and are designed to demonstrate new techniques and methods which will assist in the reduction of urban transportation needs or the improvement of urban mass transportation service, with a particular emphasis on the needs of the transit disadvantaged, e.g., the poor, the young, the handicapped, the aged, the unemployed, and those who are constrained by lack of mobility.

Since this amendment relates to agency management, procedures, and practices, notice and public procedure thereon is not necessary, and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective February 1, 1971, § 601.1(c) (6) and (7) of Title 49, Code of Federal Regulations, is amended to read as follows:

§ 601.1 Organization and structure.

* * * * *

(c) The Administration is composed of the following offices:

* * * * *

(6) *Office of Program Demonstrations.* Directed by the Assistant Administrator for Program Demonstrations, this office is responsible for reviewing and processing all applications and proposals for urban mass transportation research, development, and demonstration projects (except service development demonstration projects), managerial training projects, and university research and training programs in urban transportation, and for managing the execution of the resulting projects. The Assistant Administrator for Program Demonstrations has been delegated authority to execute grant and procurement contracts or contract amendments for approved projects under sections 6(a) (except service development demonstration projects), 10 and 11 of the Act (49 U.S.C. sections 1605(a), 1607(b), and 1607(c)) and to approve requisitions for funds, third-party contracts and budget amendments within previously approved limits.

(7) *Office of Civil Rights and Service Development.* Directed by the Director of Civil Rights and Service Development, this office advises and assists the Administrator in implementing compliance with applicable laws and directives pertaining to civil rights and equal employment opportunity, both within the Administration and in the conduct of urban mass transportation projects and programs. This office also is responsible for reviewing and processing all applications and proposals for urban mass transportation service development demonstration projects under section 6(a) of the Act (49 U.S.C. section 1605(a)) and for managing the execution of the resulting projects. The Director of Civil Rights and Service Development has been delegated authority to execute grant and procurement contracts or contract amendments for approved service development demonstration projects, and to approve requisitions for funds, third-party contracts and budget amendments within previously approved limits.

* * * * *

Issued in Washington, D.C., on January 18, 1971.

CARLOS C. VILLARREAL,
Urban Mass Transportation Administrator.

[FR Doc.71-841 Filed 1-20-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[33 CFR Part 209]

PERMITS FOR DISCHARGES OR DEPOSITS INTO NAVIGABLE WATERS

Proposed Policy, Practice and Procedure

Proposed regulations prescribing the policy, practice and procedure to be followed by all Corps of Engineers' installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407) were published in the FEDERAL REGISTER of December 31, 1970 (35 F.R. 20005). Public comment on the proposed regulations was invited within a period of 45 days from December 31, 1970.

The proposed Memorandum of Understanding set forth below relates to the proposed regulations and to Executive Order 11574 which deals with the administration of the Refuse Act Permit Program (35 F.R. 19627). If executed, the proposed Memorandum of Understanding will be an additional paragraph to the proposed regulations 33 CFR 209.131(p).

Comments, suggestions, or objections to the proposed Memorandum of Understanding should be submitted in writing to the Office of Chief of Engineers, Washington, D.C. 20314, Attention: ENGCW-ON, within 30 days of publication of this notice in the FEDERAL REGISTER.

Dated: January 18, 1971.

F. P. KOISCH,
Major General, U.S. Army,
Director of Civil Works.

§ 209.131 Permits for discharges or deposits into navigable waters.

* * * * *

(p) *Memorandum of understanding between the Administrator of the Environmental Protection Agency and the Secretary of the Army.*

PERMIT PROGRAM

MEMORANDUM OF UNDERSTANDING BETWEEN THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY

In recognition of the responsibilities of the Secretary of the Army under section 13 of the Act of March 3, 1899, "the Refuse Act," (33 U.S.C. 407) relating to the control of discharges and deposits in navigable waters of the United States and tributaries thereof, and the interrelationship of those responsibilities with the responsibilities of the Administrator of the Environmental Protection Agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.) in recognition of our joint responsibilities under Executive Order No. 11574 (dated December 23, 1970) we hereby adopt the following policies and procedures:

POLICIES

1. It is our policy that there shall be full coordination and cooperation between our respective organizations on the above responsibilities at all organizational levels, and it is our view that maximum efforts in the discharge of those responsibilities, including the resolution of differing views, must be undertaken at the earliest practicable time and at the field organizational unit most directly concerned. Accordingly, District Engineers of the U.S. Army Corps of Engineers (hereinafter "the Corps") shall coordinate the review of applications for permits under the Refuse Act for discharges or deposits into navigable waters of the United States or tributaries thereof with Regional Representatives designated by the Environmental Protection Agency (hereinafter "EPA").

2. EPA shall advise the Corps with respect to the meaning, content and application of water quality standards applicable to a proposed discharge or deposit and as to the impact which the proposed discharge or deposit may or is likely to have on water quality standards and related water quality considerations. The Corps shall accept such advice on matters pertaining to water quality standards and related water quality considerations as conclusive and no permit shall be issued which is inconsistent with any finding, determination or interpretation of a Regional Representative with respect to such standards or considerations.

3. In acting upon applications for permits, the Corps shall be responsible for considering the impact which the proposed discharge or deposit may have on navigation and anchorage and, in cases where the Fish and Wildlife Coordination Act is applicable, on fish and wildlife resources.

PROCEDURES

1. Applicants for permits pursuant to section 13 of the Rivers and Harbors Act of 1899 shall be required by District Engineers to supply data identified by EPA and the Department of the Army. A uniform format for supplying such data will be developed by the Corps and EPA.

2. District Engineers shall provide Regional Representatives of EPA at the earliest practicable time with copies of an applicant's request for a permit, request for certification from a State pursuant to section 21(b) of the Federal Water Pollution Control Act, other requests for State approval, and State or interstate agency certifications or other actions relating to such permit applications.

3. In reaching determinations as to compliance with water quality standards, including determinations and interpretations arising from its review of State or interstate agency water quality certifications under section 21(b) of the Federal Water Pollution Control Act, Regional Representatives of EPA will determine and advise District Engineers with respect to the following:

(i) The meaning and content of water quality standards, which under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health and welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses."

(ii) The application of water quality standards to the proposed discharge or deposit, including the impact of the proposed discharge or deposit on such water quality standards and related water quality considerations;

(iii) The permit conditions required to comply with water quality standards;

(iv) The permit conditions required to carry out the purposes of the Federal Water Pollution Control Act where no water quality standards are applicable;

(v) The interstate water quality effect of the proposed discharge or deposit.

4. Regional Representatives of EPA shall provide advice as to the effect, if any, of the proposed discharge or deposit on the quality of the waters of any other State not later than 30 days after receipt of copies of both the completed permit application and the State certification or other State action from the District Engineer. The other information and advice identified above shall be provided not later than 45 days after such receipt. If, however, additional time is required to respond, the Regional Representative shall so notify the District Engineer and shall advise him as to the additional period of time which will be required to provide a report. In cases where a Regional Representative does not provide such information and advice to a District Engineer within the time periods specified herein (including any extensions of time requested by the Regional Representative), the advice furnished by a State or other certifying authority shall be considered by the District Engineer to be the advice of the Regional Representative.

5. In any case, where a District Engineer of the Corps has received notice that a State or other certifying agency has denied a certification prescribed by section 21(b) of the Federal Water Pollution Control Act, or, except as provided in a subsection G below, where a Regional Representative has recommended that a permit be denied because its issuance would be inconsistent with his determination or interpretation with respect to applicable water quality standards and related water quality considerations the District Engineer, within 30 days of receipt of such notice, shall deny the permit and provide notice of such denial to the Regional Representative of EPA.

6. In the absence of any objection by the Regional Representative to the issuance of a permit for a proposed discharge or deposit, District Engineers may take action denying a permit only if:

(i) anchorage and navigation will be impaired; or

(ii) the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made, and, after the consultations required by the Fish and Wildlife Coordination Act, the District Engineer determines that the proposed discharge or deposit will have significant adverse impact on fish or wildlife resources.

7. In any case where the District Engineer believes that following the advice of the Re-

gional Representative with respect to the issuance or denial of a permit would not be consistent with the purposes of the Refuse Act permit program, he shall, within 10 days of receiving such advice, forward the matter through channels to the Secretary of the Army to provide the Secretary with the opportunity to consult with the Administrator. Such consultation shall take place within 30 days of the date on which the Secretary receives the file from the District Engineer. Following such consultation, the Secretary shall accept the findings, determinations, and conclusions of the Administrator as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

8. No permit will be issued in cases where the applicant, pursuant to 21(b)(1) of the Water Quality Improvement Act of 1970, is required to obtain a State or other appropriate certification that the discharge or deposit would not violate applicable water quality standards and such certification was denied.

REGULATIONS

The Department of the Army shall consult with EPA before promulgating regulations pursuant to the Refuse Act which relate to the subject of this memorandum of understanding. In no case will such regulations be issued unless at least 30 days prior to issuance, they shall have been forwarded to EPA for comment or unless prior to that time the Department of the Army and EPA have reached agreement. EPA shall consult with the Department of the Army prior to the issuance of guidelines, policies or procedures relating to the subject of this memorandum of understanding. In no event shall such guidelines, policies or procedures be issued prior to 30 days from the date they were forwarded to the Department of the Army for comment unless prior to that time the Department of the Army and EPA have reached agreement. In no event shall regulations, guidelines, policies or procedures which are inconsistent with the provisions of this memorandum of understanding be published or issued.

PERMIT CONDITIONS

1. Every permit issued shall:

(i) Require compliance with applicable water quality standards, including implementing schedules adopted in connection with such standards;

(ii) Include provisions incorporating into the permit changes in water quality standards subsequent to the date of the permit, and requiring compliance with such changed standards;

(iii) Provide for possible suspension or revocation in the event that the permittee breaches any condition of the permit.

(iv) Provide for possible suspension, modification or revocation if, subsequent to the issuance of a permit, it is discovered that the discharge or deposit contains hazardous materials which may pose a danger to health or safety.

2. Permits shall also be subject to conditions, as determined by EPA, to be necessary for purposes of insuring compliance with water quality standards or the purposes of the Federal Water Pollution Control Act. Such conditions may include, but are not necessarily limited to:

(i) Requirements for periodic demonstrations of compliance with water quality criteria, established implementation schedules, or prescribed levels of treatment;

(ii) Site and sampling accessibility;

(iii) Requirements for periodic reports as to the nature and quantity of discharges or deposits.

3. Regional Representatives of EPA may also provide District Engineers with advice as to the duration for which permits should be issued. Relevant considerations shall include the nature of the discharge, basin plans, and changing treatment technology.

TECHNICAL DATA

EPA, in consultation with the Department of the Army, shall develop and make available analytical procedures, methods and criteria to be employed in identifying the meaning and application of water quality standards and pursuant to which EPA's determinations and interpretations respecting water quality standards will be made.

AMENDMENT

If, in the course of operations within this memorandum of understanding, either party finds its terms in need of modification, he may notify the other of the nature of the desired changes. In that event, the parties shall within 90 days negotiate such amendments as are considered mutually desirable.

(Secretary of the Army)	(Administrator of the Environmental Protection Agency)

[FR Doc.71-884 Filed 1-20-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to sections 14 and 17 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq.), the Consumer and Marketing Service is considering amending § 81.301(b) of the regulations in 7 CFR Part 81 by adding Hong Kong to the list of countries specified therein.

Statement of considerations. The Federal Poultry Products Inspection Act prohibits the importation of slaughtered poultry and poultry products into the United States unless they comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in the Act. The laws and regulations of Hong Kong concerning these matters have been reviewed and appear to be acceptable. Further, on-site review of the export poultry inspection program of Hong Kong indicates that it is the equivalent of that maintained in the United States, and that reliance can be placed upon certificates issued by the Hong Kong officials for export of slaughtered poultry and poultry products to the United States.

Any person who wishes to submit written data, views, or comments pertaining to the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, DC 20250, within 30 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)). Further, any interested person who desires opportunity for oral presentation of views on this matter should communicate with the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, DC 20250 (Telephone Area Code 202-388-7623) so that arrangements can be made for such oral presentation within the aforesaid 30-day period. A transcript of all oral presentations will be made and filed in the office of the Hearing Clerk where it will be available for public inspection as provided above for written submissions. Comments on the proposal should refer to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on January 18, 1971.

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

[FR Doc.71-856 Filed 1-20-71;8:49 am]

[7 CFR Part 1101]

MILK IN KNOXVILLE, TENNESSEE, MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Knoxville, Tenn., marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be terminated are as follows:

In § 1101.51, in the introductory text of paragraph (a), "and (2)" and all of subparagraphs (2), (3), and (4) of paragraph (a).

The termination of these provisions will eliminate the supply-demand adjustor now provided in the order. During 1970 the amount of the adjustment ranged from zero to minus 44 cents and averaged minus 22 cents for the year.

The termination has been requested by a group of handlers, some of whom are subject to full regulation under the Knoxville order, and the remainder of whom are subject to regulation under Part 1090 regulating the handling of milk in the Chattanooga marketing area. It is the contention of these handlers that elimination of the supply-demand adjustor is necessary to prevent erratic variations in the Class I price alignment between Knoxville and other markets, particularly the Chattanooga market. They state that the erratic price adjustments lead to disorderly marketing conditions by disrupting normal intermarket relationships.

Signed at Washington, D.C., on January 15, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-826 Filed 1-20-71;8:46 am]

DEPARTMENT OF LABOR

Office of Labor-Management and Welfare-Pension Reports

[29 CFR Part 462]

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING CONNECTICUT GENERAL LIFE INSURANCE CO.

Proposed Variation From Reporting

Where benefits under an employee benefit plan are provided by an insurance carrier or service or other organization which does not maintain separate experience records covering the specific groups it serves, section 7(d)(2)(A), of the Welfare and Pension Plans Disclosure Act, 29 U.S.C. 306(d)(2)(A) (hereinafter the Act) requires a copy of the financial report of the carrier or other organization to be included with the annual report of the plan. Section 5(a) of the Act (29 U.S.C. 304(a)) provides, among other things, that if information required to be published under the Act would be "duplicative", the Secretary of Labor may prescribe another manner for the publication of such information. By petition dated October 14, 1970, the Connecticut General Life Insurance Co., Hartford, Conn. 06115 (hereinafter referred to as the "carrier") asserting that it funds between 325 and 350 welfare plans with respect to which it does not maintain separate experience records, requested a variation from the requirement of section 7(d)(2)(A) that each of the plans attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act (29 U.S.C. 307(b)), a copy of the financial report of the carrier. It appears that the requirement of section 7(d)(2)(A) of the Act, as described above, is "duplicative" within the meaning of section 5(a) of the Act when applied to the employee benefit plans which utilize said carrier.

Therefore, in accordance with section 5(a) of the Welfare and Pension Plans Disclosure Act, Subpart A of Part 462, Code of Federal Regulations, and Secretary's Order No. 16-68 (33 F.R. 15574), a variation, to appear as new §§ 462.37 and 462.38 of that part preceded by an appropriate undesignated centerhead, is proposed in the manner indicated below.

Pursuant to 29 CFR 462.7(c), interested persons may file objections thereto within 15 days from the date of publication of this proposal in the FEDERAL REGISTER. Such objections shall be in writing and addressed to the Director, Office of Labor-Management and Welfare-Pension Reports, Room 801, 8701 Georgia Avenue, Silver Spring, MD 20910, and shall show wherein the person filing will be adversely affected by the proposed variation deemed objectionable and the grounds for the objections. If such interested person desires a hearing, he shall file a request for a hearing with his objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in triplicate.

As proposed, the new §§ 462.37 and 462.38 and their preceding undesignated centerhead would read as follows:

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING THE CONNECTICUT GENERAL LIFE INSURANCE CO.

§ 462.37 Rule of variation.

Every employee benefit plan which utilizes the Connecticut General Life Insurance Co. (hereinafter referred to as "carrier") to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the carrier will no longer be required to do so, subject to the following conditions.

§ 462.38 Conditions of variation.

(a) The carrier shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the carrier has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the carrier, each plan administrator of an employee benefit plan to which this variation applies shall report in Part III, section D of Department of Labor Annual Report Form D-2, or attachment thereto, the complete name and address of the carrier and shall place in Item 6 of said part and section the symbol "VAR" in the space provided for the code number.

(c) The carrier is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the carrier maintains separate experience records, since such plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the carrier to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and Part 461 of this chapter.

(Sec. 5, 72 Stat. 999; 76 Stat. 36, 29 U.S.C. 304)

Signed at Washington, D.C., this 12th day of January 1971.

W. J. USERY, Jr.,
Assistant Secretary for
Labor-Management Relations.

[FR Doc.71-822 Filed 1-20-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Part 1720]

INFORMAL PROCEDURES AND RULES OF PRACTICE

Notice of Proposed Rule Making

The Department of Housing and Urban Development is considering amending Chapter V of Title 24 of the Code of Federal Regulations by adding a new Part 1720 entitled "Informal Procedures and Rules of Practice." The proposed addition, which concerns the conduct of investigative and adjudicative proceedings under the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1718, consists of six subparts, the principle provisions of which are summarized as follows.

Subpart A, entitled "Rules and Rule Making," explains who may initiate rulemaking proceedings, including investigations and conferences, how they may be initiated, and establishes requirements for notice, promulgation, and effective dates of rules and regulations.

Subpart B, "Filing Assistance," explains that prefiling assistance is available from the Department, where it can be obtained, and the method for processing filing.

Subpart C, "Nonadjudicative Proceedings: Inquiry; Investigations; and Compliance," governs the conduct of inquiries and investigations, including designation of presiding officers, use of subpoenas and rights of witnesses. It describes also the manner by which respondents to investigations may voluntarily establish compliance with requirements or by which investigations may otherwise be concluded.

Subpart D pertains to adjudicative proceedings. It prescribes requirements governing the filing of motions, briefs, and other pleadings, and establishes rules of evidence. It explains the rights of aggrieved parties, the powers and duties of hearing examiners, and it prohibits unauthorized ex parte communications. It

also provides for initial decisions of hearing examiners and for review of such decisions by the Interstate Land Sales Board on appeal or on its own initiative.

Subpart E, "Miscellaneous Rules," establishes qualifications for appearances, restrictions on the appearance of former employees, standards of practice, form and filing requirements, the method of computing time, and procedures for service of process.

Subpart F describes the Interstate Land Sales Board panel, establishes final authority by the Board with respect to matters before it and authorizes representation of the Government by a Department representative.

Although this amendment to Chapter V is procedural in nature, the Secretary desires to have the views of all interested persons who wish to submit written comments or suggestions with respect to the proposed rules.

Comments and suggestions should be in writing, should identify the subject matter or the rule by the above title, and should be submitted in triplicate to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All communications received on or before February 19, 1971, will be considered by the Secretary before taking action on the proposal. The amendment described in this notice may be changed in light of comments received. A copy of all comments will be available during business hours both before and after the closing date at the above address for examination by interested persons.

The proposed rule is issued pursuant to section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), and section 1419 of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1718.

Accordingly, it is proposed to amend Chapter V as follows:

PART 1720—INFORMAL PROCEDURES AND RULES OF PRACTICE

Subpart A—Rules and Rulemaking

Subpart B—Filing Assistance

Subpart C—Nonadjudicative Proceedings: Inquiry; Investigation; Compliance

Subpart D—Adjudicative Proceedings in General

Subpart E—Miscellaneous Rules

Subpart F—Interstate Land Sales Board and Department Representative

Subpart A—Rules and Rulemaking

§ 1720.1 Scope of rules in this subpart.

The rules in this subpart apply to and govern procedure for the promulgation of rules and regulations under the Act. The rules in this subpart do not apply to interpretative rules, general statements of policy, rules of organization, procedure, or practice, or in any situation in which the Secretary for good cause finds (and incorporates the findings and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

§ 1720.5 Initiation of proceedings.

Proceedings for the issuance of rules and regulations may be commenced by the Secretary upon his own initiative or pursuant to petition filed with the Secretary by any interested person stating reasonable grounds therefor. If the Secretary determines that a petition is not sufficient to warrant the holding of a rulemaking proceeding, the petitioner shall be promptly notified and given an opportunity to submit additional data. Procedures for the amendment or repeal of a rule or regulation are the same as for the issuance thereof.

§ 1720.10 Investigations and conferences.

(a) In connection with a rulemaking proceeding, the Secretary may conduct such investigations, make such studies, and hold such conferences as he may deem necessary. All or any part of such investigation may be conducted under the provisions of Subpart C of Part 1720.

(b) At any such conferences, interested persons may appear to express views and suggest amendments relative to proposed rules and regulations.

§ 1720.15 Notice.

General notice of proposed rulemaking shall be published in the FEDERAL REGISTER and, to the extent practicable, otherwise made available to interested persons. Such notice shall include a

statement of the time, place, and nature of the proceeding; reference to the authority under which the rule or regulation is proposed; either the terms or substance of the proposed rule or regulation or a description of the subjects and issues involved; and the manner in which interested persons shall be afforded the opportunity to participate in the proceeding. If the rulemaking proceeding was instituted pursuant to petition, a copy of the notice shall be served on the petitioner.

§ 1720.20 Promulgation of rules and regulations.

The Secretary, after consideration of all relevant matters of fact, law, policy, and discretion, including all relevant matters presented by interested persons in the rulemaking proceedings, shall adopt and publish in the FEDERAL REGISTER an appropriate rule or regulation, together with a concise general statement of its basis and purpose and any necessary findings; or the Secretary will give other appropriate public notice of disposition of the rulemaking proceeding.

§ 1720.25 Effective date of rules and regulations.

The effective date of any rule or regulation, or of an amendment, suspension, or repeal of any rule or regulation, shall be specified in a notice published in the FEDERAL REGISTER. Such date shall not be less than 30 days after the date of such publication unless the Secretary specifies an earlier effective date for good cause found and published with the rule or regulation.

Subpart B—Filing Assistance

§ 1720.30 Scope of this subpart.

The rules in this subpart apply to and govern procedures under which developers may obtain prefiling assistance and be notified of and permitted to correct deficiencies in the statement of record.

§ 1720.35 Prefiling assistance.

Persons intending to file with the Office of Interstate Land Sales Registration may receive advice of a general nature as to the preparation of the filing, including information as to proper format to be used and the scope of the items to be included in the format. Inquiries and requests for informal discussions with staff members should be directed to the Administrator, Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20411.

§ 1720.40 Processing of filings.

(a) Statements of record and accompanying filing fees will be received on behalf of the Secretary by the Administrator, Office of Interstate Land Sales Registration, for determination of (1) completeness of the statement, (2) adequacy of the filing fee and (3) adequacy of disclosure. Where it appears that all three criteria are satisfied and it is otherwise practicable, acceleration of the effectiveness of the statement of record will normally be granted.

(b) Filings intended as statements of record but which do not comply in form with §§ 1710.105 and 1710.120 of this chapter, whichever is applicable, and statements of record accompanied by inadequate filing fees will not be accepted as statements of record within the meaning of the Act and will not be effective to accomplish any purpose under the Act. At the discretion of the Administrator, such filings and any monies accompanying them may be immediately returned to the sender, or after notification may be held pending the sender's appropriate response.

(c) Persons filing incomplete or inaccurate statements of record which are, nevertheless, correct in form and accompanied by adequate filing fees will be notified and given reasonable opportunity to correct deficiencies. Failure to correct will result in the application of the suspension procedures in § 1710.45 (a) of this chapter.

Subpart C—Nonadjudicative Proceedings: Inquiry; Investigation; Compliance

§ 1720.45 Scope of rules in this subpart.

(a) The rules in this subpart apply to and govern procedures for the conduct of inquiries and investigations undertaken by the Secretary and the manner in which persons alleged to have violated the Act or the rules and regulations may be permitted an opportunity to voluntarily comply with the Act or the rules and regulations.

(b) The Secretary may make inquiries and investigations to determine whether any person has violated or is about to violate any provision of the Act or the rules and regulations or to aid in the enforcement of the Act or in prescribing rules and regulations thereunder, or in securing information to serve as a basis for recommending further legislation.

§ 1720.50 Policy.

(a) The Secretary encourages voluntary cooperation in inquiries and investigations; and except as required by law or for the protection of the public, it is the policy of the Secretary not to divulge or publish the name of a party giving information to the Office of Interstate Land Sales Registration.

(b) Where the public interest requires, the Secretary may in any matter under investigation invoke any or all of the compulsory processes authorized by law.

§ 1720.55 Violation investigations or inquiries.

In connection with an investigation or inquiry involving a violation or threatened violation of the Act or rules and regulations, the Secretary may require or permit any person to file with him a signed statement setting forth all of the facts and circumstances concerning the violation or threatened violation. The Secretary may publish information concerning any violation of the Act or the rules and regulations.

§ 1720.60 By whom conducted.

Inquiries and investigations are conducted by the Secretary or his designee who shall have the authority to administer oaths and affirmations in any matter under investigation.

§ 1720.65 Notice of purpose.

Any person under investigation, who is compelled or requested to furnish information or documentary evidence, shall be advised with respect to the purpose and scope of the investigation.

§ 1720.70 Subpoenas in investigations.

(a) The Secretary or his designee may issue subpoenas relating to any matter under investigation for any or all of the following purposes:

(1) Requiring testimony to be taken by interrogatories.

(2) Requiring the attendance and testimony of witnesses at a specified time and place.

(3) Requiring access to, examination of, and the right to copy any documentary evidence.

(4) Requiring the production of documentary evidence at a specified time and place.

(b) Any motion to limit or quash such subpoenas shall be filed with the Secretary or his designee within 10 days after service of the subpoena, or, if the date for compliance is less than 10 days after service of the order, within such time as the Secretary or his designee may allow.

§ 1720.75 Investigational proceedings.

(a) Investigational proceedings as distinguished from adjudicative hearings, may be conducted in the course of any investigation, including rulemaking proceedings under Subpart A of this part.

(b) Investigational proceedings shall be presided over by the Secretray or his designee for the purpose of hearing the testimony of witnesses and receiving documents and other data relating to any subject under investigation.

(c) Investigational proceedings shall be stenographically or mechanically reported and a transcript thereof shall be made a part of the record of the investigation.

(d) Unless the Secretary or his designee determines otherwise investigational proceedings shall not be public.

§ 1720.80 Rights of witnesses in investigations.

(a) Any person compelled to testify or to submit data in connection with any investigational proceedings shall be entitled to retain a copy or, on payment of lawfully prescribed costs, procure a copy of any data submitted by him and of his own testimony as stenographically or mechanically reported, except that in a nonpublic proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

(b) Any witness compelled to appear in person in an investigational proceeding may be accompanied, represented and advised by counsel as follows:

(1) Counsel for a witness may advise his client, in confidence, and upon the initiative of either himself or the witness, with respect to any question asked of his client; and, if the witness refuses to answer a question, then counsel may briefly state on the record if he has advised his clent not to answer the question and the legal grounds for such refusal.

(2) Where it is claimed that the testimony or other evidence sought from a witness is outside the scope of the investigation, or it is claimed that the witness is privileged (for reasons other than self-incrimination, as to which immunity from prosecution or penalty is provided by section 1415(e) of the Act) to refuse to answer a question or to produce other evidence, counsel for the witness may object on the record to the question or requirement and may state briefly and precisely the grounds therefor.

(3) Objections made under the rules in this subpart will be considered as continuing objections and preserved throughout the course of the proceeding without the necessity for repeating them as to any similar line of inquiry. Cumulative objections are unnecessary. Repetition of the grounds for any objections will not be allowed.

(4) Counsel for a witness may not, for any purpose or to any extent not allowed by (1) and (2) of this subparagraph, interrupt the examination of the witness by making any objections or statements on the record. Motions challenging the authority of the Secretary to conduct the investigation or the sufficiency or legality of the subpoena must have been addressed to the Secretary in advance of the proceeding. Copies of such motions may be filed with the presiding official at the proceeding as part of the record of the investigation, but no arguments in support thereof will be allowed at the proceeding.

(5) Upon completion of the examination of a witness, counsel for the witness may on the record request the presiding official to permit the witness to clarify any of his answers which may need clarification in order that they may not be left equivocal or incomplete on the record. The granting or denial of such request shall be within the sole discretion of the presiding official.

(6) The presiding official shall take all necessary action to regulate the course of the proceeding to avoid delay and to prevent or restrain disorderly, dilatory, obstructionist, or contumacious conduct, or contemptuous language. Such official shall, for reasons stated on the record, immediately report to the Secretary any instances where an attorney has refused to comply with his directions, or has engaged in disorderly, dilatory, obstructionist, or contumacious conduct, or contemptuous language in the course of the proceeding. The Secretary acting pursuant to § 1720.425, may exclude the attorney from further participation in the particular investigation.

§ 1720.85 Noncompliance.

Failure to comply with the Secretary's investigational process may result in the initiation of appropriate action pursuant to section 1415 of the Act.

§ 1720.90 Disposition.

(a) When investigation by the Secretary indicates that corrective action is warranted, the Secretary pursuant to § 1710.45 of this chapter may issue a suspension notice or a notice of proceedings, whichever is applicable: *Provided, however,* That any person being investigated may be afforded an opportunity to submit to the Secretary a proposal for disposition of the matter in the form of an executed settlement agreement complying with the requirements of § 1720.100 for consideration by the Secretary.

(b) When an investigation discloses that corrective action is not necessary or warranted in the public interest for the protection of purchasers or lessees, the investigational file will be closed. The matter may at any time thereafter be reinvestigated if circumstances so warrant.

§ 1720.100 Settlements.

(a) *Offer of settlement.* At any time during a proceeding parties may be afforded an opportunity to submit to the Secretary or his designee a written proposal for disposition of the matter in the form of a settlement offer.

(b) *Settlement agreements.* When the Secretary or his designee determines the public interest will be fully safeguarded thereby, he may accept an executed offer of settlement. Where the Secretary or his designee rejects an offer of settlement, the party making the offer shall be notified and the offer of settlement shall be deemed withdrawn and such offer and any documents relating thereto shall not constitute a part of the record.

Subpart D—Adjudicative Proceedings in General

§ 1720.110 Scope of rules in this subpart.

The rules in this subpart are applicable to adjudicative proceedings which involve a hearing or opportunity for a hearing under the Interstate Land Sales Full Disclosure Act.

§ 1720.115 Policy.

It is the policy of the Secretary that, to the extent practicable and consistent with requirements of law, adjudicative proceedings shall be conducted expeditiously. In the conduct of such proceedings, the hearing examiner, the Interstate Land Sales Board and all parties shall make every effort at each stage of a proceeding to avoid delay.

§ 1720.120 Hearings—suspension notice pursuant to § 1710.45(a).

(a) A developer upon receipt of a suspension notice issued pursuant to § 1710.45(a) of this chapter, may obtain a hearing by filing a written request in accordance with the instructions regarding such request contained in the suspension notice. Such request must be filed within 10 days of receipt of the suspension notice and must be accompanied by an answer conforming to the requirements of § 1720.140. However, a motion for a more definite statement shall operate to postpone the time for filing a request for a hearing and answer until 10 days from the date the developer receives the more definite statement or receives notice of the denial of his motion.

(b) Hearings held pursuant to § 1710.45(a) of this chapter shall be held within 20 days of receipt of the request. The time and place for hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives.

(c) Failure to hold a hearing as requested within the above 20-day period, or failure of the Secretary or his designee to appear at a hearing and to defend issuance of the suspension notice upon which the request for the hearing is based, shall cause the statement of record to become effective on the date that it would have become effective if no suspension notice had been issued. However, failure in either instance shall not prejudice the Secretary's right to later challenge the statement of record by issuing a notice of proceeding pursuant to § 1710.45(b) of this chapter.

§ 1720.125 Hearings—notice of proceeding pursuant to § 1710.45(b).

A developer, upon being served a notice of proceeding, pursuant to § 1710.45(b) of this chapter, shall have 15 days within which to answer in accordance with the provisions of §§ 1720.135 and 1720.140 of this subpart. The time and place for hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives.

§ 1720.130 Motion for more definite statement.

Where a reasonable showing is made by a respondent of his inability to respond to the allegations in a suspension notice or a notice of proceeding, motion may be made requesting a more definite statement of the allegations before filing an answer. Such motion shall be filed with the person or office designated in the suspension notice or in the notice of proceeding whichever is applicable. In either case, the motion shall be made within 5 days after service of the notice and shall specifically indicate in what manner the notice is indefinite or defective.

§ 1720.135 Time for filing answer to notice of proceeding.

(a) Within 15 days after service of the notice of proceeding, the respondent shall file with the hearing examiner named in the notice an answer and six copies thereof signed by the respondent or his attorney. Unless a different time is fixed by the hearing examiner, the filing of a motion for a more definite statement of the allegations shall alter the period of time in which to file an answer as follows:

(1) If the motion is denied, the answer shall be filed within 10 days after service of the denial or 15 days after service of

the notice of proceeding, whichever is later;

(2) If the motion is granted, in whole or in part, the more definite statement of allegations shall be filed within 10 days after service of the order granting the motion and the answer shall be filed within 10 days after service of the more definite statement of allegations.

(b) If a notice of proceeding is amended, the respondent shall have 15 days after service of the amended notice of proceeding within which to file an answer thereto.

§ 1720.140 Content of answer.

An answer to a suspension notice or a notice of proceeding shall contain:

(a) A brief statement of the facts constituting each defense; and

(b) Specific admission, denial or explanation of each fact alleged in the notice, or if the respondent is without knowledge thereof, a statement to that effect. Allegations not answered in this matter shall be deemed to have been admitted.

§ 1720.145 Failure to answer allegations in notice of proceeding.

Failure to answer within the time allowed by § 1720.135 shall result in an appropriate order under § 1710.45(b) of this chapter suspending the statement of record.

§ 1720.150 Applicability of succeeding sections of this subpart.

Succeeding sections of this subpart not specifically limited in applicability either to hearings conducted subsequent to a suspension notice under § 1710.45(a) of this chapter or to hearings conducted subsequent to a notice of proceeding under § 1710.45(b) of this chapter shall apply equally to both.

§ 1720.155 Amendments and supplemental pleadings.

(a) *Amendments.* The hearing examiner may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings whenever determination of a controversy on the merits will be facilitated thereby.

(b) *Conformance to evidence.* When issues not raised by the pleadings but reasonably within the scope of the notice of proceedings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings; and such amendments of the pleadings as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time.

(c) *Supplemental pleadings.* The hearing examiner may, upon reasonable notice and such terms as are just, permit service of a supplemental pleading setting forth transactions or events which have occurred since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 1720.160 Participation by interested persons.

(a) Upon timely application, the hearing examiner may upon petition in writing and for good cause shown, and if he deems it to be in the public interest, permit any person to participate by intervention in the proceeding. The petition shall contain (1) the petitioner's relationship to the matters contained in the proceeding; (2) the nature of the material he intends to present; (3) the nature of the argument he intends to make; and (4) any other reasons for the requested participation. The hearing examiner shall determine the rights of the interested person and the extent to which he may participate. Such determination shall be based upon applicable law, the directness and importance of the effect of the proceeding upon the participant and the effect upon the proceeding of allowing participation.

(b) The rights of any interested person allowed by the hearing examiner to become an aggrieved party, as contemplated by § 1720.250, shall be determined by that section.

§ 1720.165 Consolidation.

When more than one proceeding involves a common question of law or fact, the hearing examiner may order a joint hearing of any or all of the matters in issue in the proceedings; and he may make such orders concerning the proceedings as may tend to avoid unnecessary costs or delay.

PREHEARING PROCEDURES

§ 1720.170 Prehearing conferences.

(a) In any proceeding in which it appears that such procedure will expedite the proceeding, the hearing examiner may direct or allow the parties or their representatives to appear before him for a conference to consider: (1) Simplification and clarification of the issues; (2) necessity or desirability of amendments to the pleadings; (3) stipulations and admissions of fact and the contents and authenticity of documents; (4) expedition in the discovery and presentation of evidence; (5) matters of which official or judicial notice will be taken; and (6) such other matters as may aid in the orderly and expeditious disposition of the proceeding, including disclosure of the names of witnesses and of documents or other exhibits which will be introduced in evidence in the course of the proceeding. Prior to the conference, the hearing examiner may direct or allow the parties or their representatives to file memorandums specifying the issues of law and fact to be considered.

(b) If the circumstances are such that a conference is impracticable, the hearing examiner may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this section.

§ 1720.175 Reporting-prehearing conferences.

Prehearing conferences shall be stenographically or mechanically reported; and the hearing examiner shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written agreements or stipulations made by the parties at the conference or as a result of the conference.

MOTIONS

§ 1720.180 Motions—filing requirements.

During the time a proceeding is before a hearing examiner, all motions therein shall be in writing; and except as otherwise provided in this part, a copy of each motion shall be served on the other parties. Such motions shall be signed, addressed to and filed with the hearing examiner and shall be ruled upon by him.

§ 1720.185 Answers to motions.

Within 5 days after service of any motion, an opposing party shall answer or shall be deemed to consent to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the hearing examiner or the Interstate Land Sales Board.

§ 1720.190 Motions for extension.

As a matter of discretion, the hearing examiner or the Interstate Land Sales Board may waive the requirements of § 1720.185 as to motions for extensions of time, and may rule upon such motions ex parte.

§ 1720.195 Rulings on motions for dismissal.

(a) When a motion is granted with the result that the proceeding before the hearing examiner is terminated, the hearing examiner shall file an initial decision in accordance with the provisions of § 1720.345. If such a motion is not granted as to all allegations and as to all respondents, the hearing examiner shall enter his ruling on the record and take it into account in his initial decision. When a motion to dismiss, based upon an alleged failure to establish a prima facie case, is made at the close of the evidence offered in support of the notice of proceedings or suspension notice, the hearing examiner may defer ruling thereon until the close of the case for the reception of evidence.

(b) A motion to dismiss may be made by any party within 5 days after the close of the case for the reception of evidence. The hearing examiner shall enter his ruling on the record and take it into account in his initial decision.

§ 1720.200 Interlocutory appeals.

(a) Except as provided in §§ 1720.235 (b) and 1720.240 interlocutory appeals from rulings of a hearing examiner may be filed only after approval is first obtained from the Interstate Land Sales Board. Approval will be granted only in extraordinary circumstances upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision and that a determination of its correctness before conclusion of the hearing is essential to serve the interests of justice. The request for approval of the appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Interstate Land Sales Board.

(b) Any request for such approval shall be in writing not exceeding five

pages and shall be filed within 2 days after notice of the ruling complained of.

(c) Interlocutory appeals shall be in the form of a brief, conforming to § 1720.385, not exceeding 20 pages, and shall be filed within 5 days after notice of permission to file is given by the Interstate Land Sales Board.

§ 1720.205 Presentation and admission of evidence.

All witnesses at a hearing for the purpose of taking evidence shall testify under oath or affirmation, which shall be administered by the hearing officer. Every party shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing officer shall receive relevant and material evidence, rule upon offers of proof and exclude all irrelevant, immaterial, or unduly repetitious evidence.

§ 1720.210 Production of witnesses' statements.

After a witness called by the attorney for the Office of Interstate Land Sales Registration has given direct testimony in a hearing, any other party may request and obtain the production of any statement, or part thereof, of such witness, pertaining to his direct testimony, in the possession of the Office of Interstate Land Sales Registration, subject, however, to the limitations applicable to the production of witnesses' statements under the Jencks Act, 18 U.S.C. 3500.

§ 1720.215 Depositions.

(a) At any time during the course of a proceeding, the hearing examiner, in his discretion, may order the taking of a deposition and the production of documents by the deponent. Such order may be entered upon a showing that the deposition is necessary for the purpose of discovery and that such discovery could not be accomplished by voluntary methods. Such order may also be entered in extraordinary circumstances to preserve relevant evidence upon a showing that there is substantial reason to believe that such evidence could not be presented through a witness at the hearing. Insofar as consistent with considerations of fairness and the requirements of due process and the rules of this subpart, a deposition shall not be ordered when it appears that it will result in undue burden to any other party or in undue delay of the proceeding. A deposition shall not be ordered to obtain evidence from a person relating to matters with regard to which he is expected to testsify at the hearing, or to obtain evidence which there is reason to believe can be presented at a hearing without the need for deposition, or to circumvent the orderly presentation of evidence at the hearing. Depositions may be taken orally or upon written interrogatories and cross-interrogatories before any person having power to administer oaths who may be designated by the hearing examiner.

(b) Any party desiring to take a deposition shall make application in writing to the hearing examiner setting forth the justification therefor, the time, the place, and the name and address of the officer before whom the deposition is desired. The application shall include also the name and address of each proposed deponent and the subject matter concerning which each is expected to depose, and shall be accompanied by an application for any subpoenas desired.

(c) Such order as the hearing examiner may issue for taking a deposition shall state the circumstances warranting its being taken, and shall designate the time, the place and the officer before whom it will be taken and shall show the name and address of each person who is expected to appear and the subject matter with regard to which each is expected to depose. The time designated shall allow not less than 5 days from date of service of the order when the deposition is to be taken within the United States, and not less than 15 days when the deposition is to be taken elsewhere.

(d) After an order is served for taking a deposition, upon motion timely made by any party or by the person to be deposed and for good cause shown, the hearing examiner may issue any of the following orders which he considers to be appropriate:

(1) That the deposition shall not be taken.

(2) That it may be taken only at some designated place other than that stated in the order.

(3) That it may be taken only on written interrogatories.

(4) That certain matters shall not be inquired into.

(5) That the examination shall be held with no one present except the parties to the action and their counsel.

The hearing examiner may make any other order which justice requires to protect the party or deponent from annoyance, embarrassment, or oppression, or to prevent the unnecessary disclosure or publication of information contrary to the public interest and beyond the requirements of justice in the particular proceeding.

(e) Each deponent shall be duly sworn, and any adverse party shall have the right to cross-examine. Objections to questions or documents shall be in short form, stating the grounds of objections relied upon. The questions and the answers, together with all objections made, but excluding argument or debate, shall be reduced to writing and certified by the officer before whom the deposition was taken. Thereafter, the officer shall forward the deposition and one copy thereof to the party at whose instance the deposition was taken, and shall forward one copy thereof to the representative of each other party who was present or represented at the taking of the deposition.

(f) A deposition taken to preserve relevant evidence which any party intends to offer in evidence may be corrected in the manner provided by § 1720.325. Any such deposition, shall, in addition to the other required procedures, be read to or by the deponent and subscribed by him if the party intending to offer it in evidence so notifies the officer before whom the deposition was taken. Subject to appropriate rulings on such objections to the questions and answers as were noted at the time the deposition was taken or as may be valid when it is offered, a deposition taken to preserve relevant evidence, or any part thereof, may be used or offered in evidence as against any party who was present or represented at the taking of the deposition or who had due notice thereof, if the hearing examiner finds any of the following:

(1) That the deponent is dead.

(2) That the deponent is out of the United States or is located at such a distance that his attendance would be impractical, unless it appears that the absence of the deponent was procured by the party offering the deposition.

(3) That the deponent is unable to attend or testify because of age, sickness, infirmity or imprisonment.

(4) That the party offering the deposition has been unable to procure the attendance of the deponent by subpoena.

(5) That such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

§ 1720.220 Subpoenas ad testificandum.

Application for issuance of a subpoena requiring a person to appear and depose or testify at the taking of a deposition or at an adjudicative hearing shall be made to the hearing examiner who may issue such subpoena.

§ 1720.225 Subpoenas duces tecum.

(a) Application for issuance of a subpoena requiring a person to appear and depose or testify and to produce specific documents, papers, books, or other physical exhibits at the taking of a deposition, or at a prehearing conference, or at an adjudicative hearing shall be made in writing to the hearing examiner, who may issue such subpoena, and shall specify as exactly as possible the general relevancy of the material and the reasonableness of the scope of the subpoena.

(b) Subpoenas duces tecum may be used by any party for purposes of discovery or for obtaining documents, papers, books, or other physical exhibits for use in evidence, or for both purposes. When used for discovery purposes, a subpoena may require a person to produce and permit the inspection and copying of nonprivileged documents, papers, books, or other physical exhibits which constitute or contain evidence relevant to the subject matter involved and which are in the possession, custody, or control of such person.

§ 1720.230 Motion to limit or quash.

Any person to whom a subpoena is directed may, prior to the time specified

therein for compliance, but in no event more than 5 days after the date of service of such subpoena, apply to the hearing examiner to quash or modify such subpoena, accompanying such application with a brief statement of the reasons therefor. The hearing examiner shall have the discretion of granting, denying, or modifying said motion.

§ 1720.235 Rulings on applications for compulsory process; appeals.

(a) Applications for orders requiring the production of witnesses' statements pursuant to the provisions of § 1720.210, applications for orders requiring the taking of depositions pursuant to the provisions of § 1720.215, and applications for the issuance of subpenas pursuant to the provisions of §§ 1720.220 and 1720.225 (other than as provided in § 1720.240) may be made ex parte, and, if so made, such applications and the rulings thereon shall remain ex parte unless otherwise ordered by the hearing examiner. Such applications shall be ruled upon by the hearing examiner assigned to hear the case or, in the event he is not available, by another hearing examiner designated by the Secretary.

(b) Appeals to the Interstate Land Sales Board from rulings denying applications within the scope of paragraph (a) of this section, or from rulings on motions to limit or quash process issued pursuant to such applications (other than as provided in § 1720.240) will be entertained by the Interstate Land Sales Board only upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision, and that a determination of its correctness before conclusion of the hearing is essential to serve the interests of justice. Such appeals shall be made on the record and shall be in the form of a brief not to exceed 30 pages in length and shall be filed within 5 days after notice of the ruling complained of. Appeals from denials of ex parte applications shall have annexed thereto copies of the applications and rulings involved. Any answer to such appeal shall be filed within 5 days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Interstate Land Sales Board.

§ 1720.240 Form of and rulings on applications for subpoenas for confidential records of the Office of Interstate Land Sales Registration; for appearance of employees; appeals; review.

(a) An application for issuance of a subpoena requiring the production of documents, papers, books, physical exhibits, or other material, or the disclosure of confidential information, in the confidential records of the Office of Interstate Land Sales Registration, other than material or information to which the applicant is entitled by law, or for the issuance of a subpoena requiring the appearance of an official or employee of the Office of Interstate Land Sales Registration, shall be made in the form of a written motion filed in accordance with the provisions of § 1720.180.

(b) The motion shall specify as exactly as possible the material to be produced, the nature of the material to be produced, the nature of the information to be disclosed or the expected testimony of the official or employee of the Office of Interstate Land Sales Registration, and shall contain a statement showing the general relevancy of the material, information, or testimony, and the reasonableness of the scope of the application, together with a showing that such material, information, or testimony is not available from other sources by voluntary methods or through other provisions of the rules in this subpart.

(c) Applications in the form of written motions shall be ruled upon by the hearing examiner or, in the event the hearing examiner is not available, by such other hearing examiner as the Secretary may designate. To the extent that such motion is granted, the hearing examiner shall provide such terms and conditions for the production of the material, the disclosure of the information, or the appearance of the official or employee of the Office of Interstate Land Sales Registration as may appear necessary and appropriate for the protection of the public interest.

(d) Appeals to the Interstate Land Sales Board from rulings on motions to limit or quash subpoenas within the scope of paragraph (a) of this section shall be made on the record and shall be in the form of a brief not to exceed 30 pages in length which shall be filed within 5 days after notice of the ruling is received by the party objecting. Any answer to such appeal shall be filed within 5 days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Interstate Land Sales Board.

HEARINGS

§ 1720.245 Policy.

(a) All hearings in adjudicative proceedings shall be public.

(b) Hearings shall proceed with all reasonable speed; and, insofar as practicable, shall be held at one place and shall continue without suspension until concluded. The hearing examiner shall have the authority to order brief intervals of the sort normally involved in judicial proceedings and, in unusual and exceptional circumstances for good cause stated on the record, he shall have the authority to order hearings at more than one place and to order brief intervals to permit discovery necessarily deferred during the prehearing procedures.

§ 1720.250 Rights of aggrieved parties.

Every aggrieved party shall have the right of due notice, cross-examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing.

§ 1720.260 Hearing examiner.

Hearings in adjudicative proceedings shall be presided over by a duly qualified hearing examiner who shall be designated by the Secretary in a notice to the parties in the proceeding.

§ 1720.265 Powers and duties.

Hearing examiners shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(a) To administer oaths and affirmations.

(b) To issue subpoenas and orders requiring access.

(c) To take or to cause depositions to be taken.

(d) To rule upon offers of proof and receive evidence.

(e) To regulate the course of the hearings and the conduct of the parties and their counsel.

(f) To hold conferences for settlement, simplification and clarification of the issues, or any other purpose.

(g) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adjudicative proceeding, including motions to open defaults.

(h) To make and file initial decisions.

(i) To certify questions to the Interstate Land Sales Board for its determination.

(j) To take any action authorized by the rules in this part or other appropriate action.

§ 1720.275 Substitution of hearing examiner.

In the event of the substitution of a hearing examiner prior to the commencement of the hearing, any motion predicated upon such substitution shall be made prior to the commencement of the hearing but in no event later than 5 days from the date of notification of such substitution.

§ 1720.280 Ex parte communications.

(a) No participant or interested party in a proceeding shall make any unauthorized ex parte communication directly or indirectly about such proceeding after its commencement to any hearing examiner or member of the Interstate Land Sales Board; nor shall any hearing examiner or member of the Board request or consider any such unauthorized ex parte communication.

(b) Subject to the exceptions in paragraph (c) of this section, an unauthorized ex parte communication is any communication related to the proceeding unless at the time of its presentation, the contents are disclosed to all participants and interested parties in the proceeding.

(c) The following communications shall not be considered unauthorized:

(1) Any request made pursuant to §§ 1720.190, 1720.210, 1720.220, and 1720.225.

(2) Any request for information solely with respect to the status of the proceeding.

(3) Any communication made with respect to a proceeding about which no public notice has been issued if the communicator has no actual notice of the pendency of the proceeding.

(d) Any hearing examiner or member of the Board, who receives a communication which he knows or has reason to believe is unauthorized, shall promptly place the communication, or its substance, in the public file, and shall inform all participants and interested parties in the proceeding of its existence and shall notify the communicator of the provisions of this section.

(e) All participants and interested parties in a proceeding may request an opportunity to answer any allegations or contentions contained in an unauthorized ex parte communication. The hearing examiner or the Interstate Land Sales Board will grant such request if it is determined that it would be unfair to deny the request.

§ 1720.285 Disqualification of hearing examiner.

(a) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record and shall notify the Secretary of such withdrawal.

(b) Whenever any party believes that the hearing examiner should be disqualified to preside, or to continue to preside, in a particular proceeding, such party may file with the hearing examiner a motion that the hearing examiner disqualify and remove himself. Such motion shall be supported by affidavits setting forth the alleged grounds for disqualification. If the hearing examiner does not disqualify himself, he shall proceed with the hearing and the question of fair hearing and due process may be raised on appeal to the Interstate Land Sales Board which shall determine the matter as a part of the record and decision.

§ 1720.290 Failure to comply with hearing examiner's directions.

Any party who refuses or fails to comply with a lawfully issued order or direction of a hearing examiner may be considered to be in contempt of the Secretary. The circumstances of any such neglect, refusal, or failure, together with a recommendation for appropriate action, shall be promptly certified by the hearing examiner to the Secretary. The Secretary may make such orders in regard thereto as the circumstances may warrant.

EVIDENCE

§ 1720.300 Official notice.

Official notice may be taken of any material fact which might be judicially noticed by a District Court of the United States, any matter in the public official records of the Office of Interstate Land Sales Registration, or any matter which is peculiarly within the knowledge of the Interstate Land Sales Board as an expert body; provided, that when any decision of a hearing examiner or of the Interstate Land Sales Board rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted any party making timely request therefor.

§ 1720.305 Objections.

Objections to evidence shall timely and briefly state the grounds relied upon; rulings on all objections shall appear in the record.

§ 1720.310 Exceptions.

Formal exception to an adverse ruling is not required.

§ 1720.315 Excluded evidence.

When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, or the hearing examiner may, in his discretion, receive and report the evidence in full, unless it clearly appears that the evidence is not admissible on any ground or that the witness is privileged. Rejected exhibits, adequately marked for identification, shall be retained in the record.

RECORD

§ 1720.320 Reporting and transcription.

Hearings shall be stenographically or mechanically reported and transcribed under the supervision of the hearing examiner. The original transcript shall be a part of the record and the sole official transcript. Copies of transcripts are available from the reporter at rates not to exceed the maximum rates fixed by contract between the Secretary and the reporter.

§ 1720.325 Corrections.

Corrections of the official transcript ordered by the hearing examiner shall be included in the record. Corrections shall not be ordered by the hearing examiner except upon notice and opportunity for the hearing of objections. Such corrections shall be made by the reporter by furnishing substitute pages, under the usual certificate of the reporter, for insertion in the official record.

§ 1720.330 Proposed findings, conclusions and order.

At the close of the reception of evidence, or within a reasonable time thereafter fixed by the hearing examiner but not to exceed 30 days, any party may file with the hearing examiner proposed findings of fact, conclusions of law, and rule or order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. The record shall show the hearing examiner's ruling on each proposed finding and conclusion, except when his rule or order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

DECISIONS

§ 1720.335 Initial decision—by whom made.

The initial decision shall be made and filed by the hearing examiner.

§ 1720.345 Initial decisions: time for filing; when effective.

(a) The hearing examiner shall file an initial decision within one of the following periods of time:

(1) 60 days after the close of the taking of evidence.

(2) 30 days after failure to answer in cases of default under § 1720.145.

(3) Such further time as the Secretary may allow by order entered in the record based upon the hearing examiner's written request.

(b) The initial decision shall become the decision of the Secretary 30 days after service thereof upon the parties unless one of the following occurs:

(1) An appeal is perfected under § 1720.365.

(2) The Interstate Land Sales Board by order stays the effective date of the decision.

(3) The Interstate Land Sales Board on its own initiative orders review pursuant to § 1720.395. However, the failure of an appellant to file an appeal brief within the time prescribed by § 1720.365 shall extend for 10 days the period within which the Interstate Land Sales Board may by order stay the effective date of the initial decision or order a review on its own initiative.

§ 1720.350 Initial decision—content.

The initial decision shall include a statement of (a) findings (with specific references to principal supporting items of evidence in the record) and conclusions, as well as the reasons or basis therefor, upon all of the material issues of fact, law, or discretion presented on the record, and (b) an appropriate order. The initial decision shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence.

§ 1720.360 Reopening of proceeding by hearing examiner; termination of jurisdiction.

(a) At any time prior to the filing of his initial decision, a hearing examiner may reopen the proceeding for the reception of further evidence.

(b) Except for the correction of clerical errors, the jurisdiction of the hearing examiner is terminated upon the filing of his initial decision, unless and until the proceeding is remanded to him by the Interstate Land Sales Board.

§ 1720.365 Appeal from initial decision.

(a) *Notice of intention.* Any party to a proceeding may appeal an initial decision to the Interstate Land Sales Board: *Provided,* That within 10 days after the completion of service of the initial decision such party files a notice of intention to appeal.

(b) *Appeal brief.* The appeal brief shall be filed within 30 days after completion of service of the initial decision. The appeal brief shall contain a proposed form of rule or order for the consideration of the Interstate Land Sales Board in lieu of the rule or order contained in the initial decision.

§ 1720.375 Answering brief.

Within 30 days after service of the appeal brief upon a party, such party may file an answering brief.

§ 1720.380 Reply brief.

A brief in reply to an answering brief shall be limited to rebuttal of matters in the answering brief and will be received if filed and served within 7 days after receipt of the answering brief or the day preceding the oral argument, whichever comes first. No answer to a reply brief will be permitted.

§ 1720.385 Length and form of briefs.

No brief shall exceed 60 pages in length, except with the permission of the hearing examiner or the Interstate Land Sales Board and shall contain, in the order indicated, the following:

(1) The date of the brief on the front cover or title page.

(2) Subject index, with page references.

(3) Table of cases (alphabetically arranged), statutes, textbooks, and other authorities and materials used, with page references.

(4) A concise statement of the facts of the case.

(5) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the record and the legal or other material relied upon.

§ 1720.390 Oral argument.

Oral arguments will not be held in cases on appeal to the Interstate Land Sales Board, unless the Interstate Land Sales Board otherwise orders. Oral arguments before the Interstate Land Sales Board shall be reported stenographically or mechanically, unless otherwise ordered, and a member of the Interstate Land Sales Board absent from an oral argument may participate in the consideration and decision of the appeal in any case in which the oral argument is stenographically or mechanically reported. The purpose of oral argument is to emphasize and clarify the written argument appearing in the briefs and to answer questions.

§ 1720.395 Review by Interstate Land Sales Board on its own initiative.

(a) The Interstate Land Sales Board may initiate review of an initial decision of a hearing examiner if notice of such review is served on all parties within 30 days after the date of completion of service of the initial decision.

(b) The notice of review shall set forth the scope of such review, the issues which will be considered and the provisions for filing of briefs if briefs are deemed necessary and appropriate by the Interstate Land Sales Board.

§ 1720.400 Decision on appeal or review.

(a) Upon appeal from or review of an initial decision, the Interstate Land Sales Board will consider such parts of the record as are cited or as may be necessary to resolve the issues and, in addition, will, to the extent necessary or desirable, exercise all the powers which it could have exercised if it had made the initial decision.

(b) In rendering its decision, the Interstate Land Sales Board may affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, the initial decision by the hearing officer, and will include in the decision a statement of the reasons or basis for its action and any concurring and dissenting opinions.

(c) In those cases where the Interstate Land Sales Board believes that it should have further information or additional views of the parties as to the form and content of the rule or order to be issued, the Interstate Land Sales Board may withhold final decision pending the receipt of such additional information or views.

(d) The decision of the Interstate Land Sales Board disposing of adjudicative hearings shall be final and shall become the decision of the Secretary 30 days after service thereof upon the parties unless the Interstate Land Sales Board determines that the protection of the public interest necessitates an earlier effective date, in which event the Interstate Land Sales Board will specify in the order its findings as to such conditions.

§ 1720.405 Reconsideration.

Within 10 days after completion of service of a decision by the Interstate Land Sales Board, any party may file with the Interstate Land Sales Board a petition for reconsideration of such decision, setting forth the relief desired and the grounds in support thereof. Any petition filed hereunder must relate to new questions raised by the decision or final order and upon which the petitioner had no opportunity to argue before the Interstate Land Sales Board. Any party desiring to oppose such a petition shall file an answer thereto within 10 days after service upon him of the petition. The filing of a petition for reconsideration shall not operate to stay the effective date of the decision or order or to toll the running of any statutory period affecting such decision or order unless specifically so ordered by the Interstate Land Sales Board.

Subpart E—Miscellaneous Rules

§ 1720.410 Qualifications for appearances.

(a) Members of the bar of a Federal Court or of the highest court of any State or of the United States are eligible to practice before the Secretary. No register of attorneys will be maintained.

(b) Any individual or member of a partnership involved in any proceeding or investigation may appear on behalf of himself or of such partnership upon adequate identification. A corporation or association may be represented by a bona fide officer thereof upon a showing of adequate authorization.

(c) A person shall not be represented except as stated in paragraphs (a) and (b) of this section unless otherwise permitted.

§ 1720.415 Restrictions on appearances as to former officers and employees.

(a) Except as specifically authorized by the Secretary, no former officer or employee of the Department of Housing and Urban Development shall appear as attorney or counsel or otherwise participate through any form of professional consultation or assistance in any proceeding or investigation, formal or informal, which was pending in any manner in the Office of Interstate Land Sales Registration while such former officer or employee served with the Department of Housing and Urban Development.

(b) In cases to which paragraph (a) of this section is applicable, a former officer or employee of the Department of Housing and Urban Development may request authorization to appear or participate in a proceeding or investigation by filing with the Secretary a written application disclosing the following relevant information: (1) The nature and extent of the former officer's or employee's participation in, knowledge of, and connection with the proceeding or investigation during his service with the Department of Housing and Urban Development; (2) whether the files of the proceeding or investigation came to his attention; (3) whether he was employed in the same office, division, or administrative unit in which the proceeding or investigation is or has been pending; (4) whether he worked directly or in close association with Office of Interstate Land Sales Registration personnel assigned to the proceeding or investigation; (5) whether during his service with the Department of Housing and Urban Development he was engaged in any matter concerning the individual, company, or industry involved in the proceeding or investigation.

(c) The requested authorization will not be given in any case (1) where it appears that the former officer or employee during his service with the Department of Housing and Urban Development participated personally and substantially in the proceeding or investigation, or (2) where the application is filed within one (1) year after termination of the former officer's or employee's service with the Department of Housing and Urban Development and it appears that within a period of one (1) year prior to the termination of his service the proceeding or investigation was within the official responsibility of the former officer or employee. In other cases, authorization will be given where the Secretary is satisfied that the appearance or participation will not involve any actual conflict of interest or impropriety or an appearance thereof.

(d) In any case in which a former officer or employee of the Department of Housing and Urban Development is prohibited under this section from appearing or participating in a proceeding or investigation, any partner or legal or business associate of such former officer or employee shall likewise be so prohibited, unless: (1) Such partner or legal or business associate files with the Secretary an affidavit that in connection with

the matter the services of the disqualified former officer or employee will not be utilized in any respect and the matter will not be discussed with him in any manner, and that the disqualified former officer or employee shall not share, directly or indirectly, in any fees or retainers received for services rendered in connection with such proceeding or investigation; (2) the disqualified former officer or employee files an affidavit stating that he will not participate in the matter in any manner, and that he will not discuss it with any person involved in the matter; and (3) upon the basis of such affidavits, the Secretary determines that the appearance or participation by the partner or associate would not involve any actual conflict or interest or impropriety or an appearance thereof.

§ 1720.425 Standards of practice.

(a) Attorneys shall conform to the standards of ethical conduct required by practitioners in the courts of the United States and by the bars of which the attorneys are members.

(b) The privilege of appearing or practicing may be denied, temporarily or permanently, to any person who is found after notice and opportunity for hearing, which, at his request or in the discretion of the Secretary, may be private, and for presentation of oral argument in the matter (1) not to possess the requisite qualifications to represent others, or (2) to be lacking in character or integrity, or (3) to have engaged in unethical or improper professional conduct.

(c) Contemptuous conduct at any hearing shall be ground for summary exclusion from said hearing for the duration of the hearing. There shall be no right of interlocutory appeal from such exclusion.

§ 1720.430 Form and filing requirements.

(a) *Filing.* Except as otherwise provided, six copies of all documents shall be filed with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, Washington, D.C. 20411, on official work days between the hours of 8:45 a.m. and 5:15 p.m.

(b) *Title.* Documents shall clearly show the file, docket number, and title of the action in connection with which they are filed.

(c) *Form.* Except as otherwise provided, all documents shall be printed, typewritten, or otherwise processed in clear, legible form and on good unglazed paper.

§ 1720.435 Time.

(a) *Computation.* Computation of any period of time prescribed or allowed by the rules and regulations in this part, by order of the Secretary or a hearing examiner, shall begin with the first business day following that on which the act, event, development, or default initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the Department of Housing and Urban Development is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, is 7 days or less, each of the Saturdays, Sundays, and such holidays shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, exceeds 7 days, each of the Saturdays, Sundays, and such holidays shall be included in the computation.

(b) *Extensions.* For good cause shown, the hearing examiner or the Interstate Land Sales Board may, in any proceeding, extend any time limit prescribed or allowed by the rules and regulations in this part or ordered by the Secretary: *Provided, however,* That in a proceeding pending before a hearing examiner, any motion for an extension upon which he may properly rule shall be made to him.

§ 1720.440 Service.

(a) *By the Secretary.* Service of notices, orders, other processes and determinations of the Secretary may be effected as follows:

(1) *By registered or certified mail (return receipt requested).* A copy of the document shall be addressed to a person at his or its residence or principal office or place of business; or

(2) *By delivery to a person.* A copy of the documents may be delivered to the person to be served; or

(3) *By delivery to an address.* A copy of the documents may be left at the residence, principal office, place of business, or address of the person to be served.

(b) *By other parties.* Service of documents by parties other than the Secretary shall be by delivering a copy thereof as follows:

(1) *Upon the Secretary.* By personal delivery or delivery by registered or certified mail to any of the following officials in the Office of Interstate Land Sales Registration: Administrator; Deputy Administrator; Director, Administrative Proceedings Division; Director, Examination Division.

(2) *Upon any other person.* By delivery of a copy of the documents to the person to be served, or by leaving the documents at his principal office or place of business with a person in charge thereof, or, if there is no one in charge or if the office is closed or if he has no office, leaving a copy at his residence with some person of suitable age and discretion then residing therein; or sending a copy by registered or certified mail.

(c) *Proof of service.* (1) When service is by registered or certified mail, it is complete upon delivery of the documents by the post office. (2) When a party is represented by a person qualified pursuant to § 1720.410, any notice, order, or other process or communication required or permitted to be served upon a party shall be served upon such representative in addition to any other service specifically required by statute. (3) When a party has appeared in a proceeding by a partner, officer, or attorney, service upon such partner, officer, or attorney of any document, order, or other process of the Secretary subsequent to an original complaint, shall be deemed service upon the party. (4) The return post office receipt for a document sent by registered or certified mail, or the verified return or certificate by the person serving the document by personal delivery, setting forth the manner of said service, shall be proof of the service of the document.

Subpart F—Interstate Land Sales Board and Department Representative

§ 1720.500 Functions of the Interstate Land Sales Board Panel.

There is hereby established within the Department an Interstate Land Sales Board Panel, referred to hereinafter in this subpart as the "Panel", the members of which may be appointed from time to time by the Secretary. The functions, powers and responsibilities delegated to the Panel, or to a Board designated from the Panel, as the authorized representative of the Secretary shall be to hear, consider and determine fully and finally appeals from decisions made pursuant to the rules in this part by Hearing Examiners and to conduct hearings pursuant to 15 U.S.C. § 1715.

§ 1720.510 Composition of the Interstate Land Sales Board Panel.

The Panel shall be composed of officers or employees of the Department of Housing and Urban Development other than those employed in the Office of Interstate Land Sales Registration. Members of the Panel shall be appointed from time to time to serve for one or more cases. Three members of the Panel shall be designated as a Board for the hearing of each case, and one of such members shall be an attorney from the staff of the General Counsel who shall not have previously participated through decision, approval, disapproval, recommendation or the rendering of advice in connection with such case. Records of proceedings before a Board shall be kept by a secretary to the Panel who shall be an employee of the Office of General Counsel.

§ 1720.520 Decisions of an Interstate Land Sales Board.

Decisions of a Board shall be considered the final action by this Department, and such a Board is authorized to take final action on behalf of the Secretary on matters properly before such a Board pursuant to the rules in this part.

§ 1720.530 Department representative.

In each case being heard before a Hearing Examiner or an Interstate Land Sales Board, pursuant to this part, the Government shall be represented by a Government Hearing Attorney. The General Counsel shall designate one or more attorneys under his jurisdiction to act as Government Hearing Attorneys.

Dated: January 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WE-96]

TRANSITION AREA

Proposed Alteration

On December 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19363) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Elko, Nev., transition area.

Subsequent to the notice of proposed rule making, it was noted that an insufficient 1,200-foot transition area had been proposed and this supplemental notice is required to effect the necessary change.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the 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 amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

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

In § 71.181 (35 F.R. 2134) the description of the Elko, Nev., transition area is amended to read as follows:

ELKO, NEV.

That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9 miles west of the Elko VORTAC 161° radial, extending from the VORTAC to 19 miles south of the VORTAC; and that airspace upward from 1,200 feet above the surface bounded by an arc of a 17-mile-radius circle centered on the Elko VORTAC extending clockwise from the 091° to the 258° radial of the Elko VORTAC, and that airspace bounded on the northwest and north by V6, on the southeast by V465 and on the south by V32.

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, Calif., on January 12, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-838 Filed 1-20-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-52]

FEDERAL AIRWAYS AND REPORTING POINTS

Proposed Designation, Alterations and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter numerous VOR Federal airway segments and reporting points within the greater Dallas/Fort Worth, Tex., terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, 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 amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to commission VORTAC navigation aids at Acton, Tex. (lat. 32°26'04" N., long. 97°39'49" W.); Scurry, Tex. (lat. 32°27'52" N., long. 96°20'14" W.); and Blue Ridge, Tex. (lat. 33°16'59" N., long. 96°21'53" W.), in February 1971. Associated with the commissioning of these VORTACs the following airspace actions are proposed:

1. Realign V-15 segment from Waco, Tex., direct Scurry; direct Blue Ridge; direct Ardmore, Okla., including a west alternate from Scurry to Blue Ridge via the intersection of Scurry 023° T (015° M) and Blue Ridge 153° T (145° M) radials. Revoke V-15 east and west alternate segments between Waco and Dallas, and V-15 west alternate segment between Dallas and Ardmore.

2. Realign V-16 segment from Mineral Wells, Tex., direct Acton; direct Scurry; direct to Sulphur Springs, Tex., including a standard 15° south alternate between Acton and Scurry. Revoke V-16 south alternate segment between Mineral Wells and Dallas.

3. Realign V-17 segment from Waco direct Acton; direct Bridgeport, Tex.

4. Realign V-18 segment from Quitman, Tex., via the intersection of Quitman 260° T (252° M) and Greater Southwest, Tex., 090° T (081° M) radials; Greater Southwest; direct to Mineral Wells.

5. Realign V-54 segment from Waco direct to Scurry; direct Quitman.

6. Revoke V-61 airway between Bridgeport and Wichita Falls, Tex.

7. Redesignate V-62 segment from Abilene, Tex., via intersection of Abilene 096° T (086° M) and Acton 264° T (255° M) radials; to Acton.

8. Designate V-63 segment from Blue Ridge direct to McAlester, Okla.

9. Realign V-66 segment from Bridgeport direct Blue Ridge; direct Sulphur Springs; including a north alternate from Bridgeport to Blue Ridge via the intersection of Bridgeport 071° T (062° M) and Blue Ridge 285° T (277° M) radials.

10. Realign V-94 segment from Tuscola, Tex., direct Acton; direct Scurry; direct Gregg County, Tex.

11. Realign V-114 segment from Wichita Falls, Tex., via the intersection of Wichita Falls 117° T (108° M) and Blue Ridge 285° T (277° M) radials; Blue Ridge; direct Quitman; direct Gregg County. Revoke V-114 north and south alternate segments between Dallas and Gregg County.

12. Redesignate V-124 segment from Blue Ridge direct Paris, Tex.

13. Redesignate V-161 segment from Bridgeport direct Ardmore.

14. Designate V-163 east alternate segment from Lometa, Tex., direct Acton; direct to Mineral Wells.

15. Realign V-278 segment from Bridgeport direct Blue Ridge; direct Paris.

16. Designate V-355 airway from Bridgeport direct to Wichita Falls, Tex.

17. Redesignate V-477 from Leona, Tex., direct to Scurry, including a west alternate segment via the intersection of Leona 330° T (322° M) and Scurry 182° T (174° M) radials. Revoke V-477 east alternate segment between Leona and Dallas.

18. Designate a new airway from Waco direct Greater Southwest, direct to Ardmore.

19. Designate Acton; Scurry; and Blue Ridge VORTACs as low altitude reporting points.

20. Revoke Dallas, and Britton low altitude reporting points.

The proposed airway changes will provide the capability to establish independent departure and arrival procedures which will provide for a more efficient movement of air traffic to and from the greater Dallas/Fort Worth terminal area.

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

partment of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 15, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-839 Filed 1-20-71;8:47 am]

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

Correction

In F.R. Doc. 71-272 appearing at page 326 in the issue for Saturday, January 9, 1971, the word "plan" in paragraph S4.1.2.2(b) of Motor Vehicle Safety Standard No. 205 in § 571.21 should read "plane".

Office of Pipeline Safety

[49 CFR Part 193]

[Notice 70-14A; Docket No. OPS-7]

RULEMAKING PROCEDURES FOR GAS PIPELINE REGULATIONS

Extension of Comment Period

On December 17, 1970, the Department of Transportation issued a notice of proposed rule making (35 F.R. 19521, Dec. 23, 1970) proposing procedural rules for gas pipeline regulations. The date for return of comments was set as January 29, 1971. Due to the holiday season, the mailing of copies of this proposal to the Office of Pipeline Safety mailing list was delayed more than had been anticipated. As a consequence, many persons may not have adequate time to prepare and submit comments before the prescribed date. Therefore, the date for submission of comments on Notice 70-14 is extended to February 18, 1971.

Interested persons are also requested to note that the docket for this rule making proceeding has been changed to Docket No. OPS-7.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. sec. 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on January 15, 1971.

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

[FR Doc.71-828 Filed 1-20-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket Nos. 18476 etc.]

CERTAIN FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Doniphan, Mo.; Princeton, W. Va.; Auburn, Nebr.; Cayce, S.C.; Sallisaw, Okla.; Heber Springs, Ark.; Preston, Minn.; Barnstable, Nantucket, and Falmouth, Mass.; Mineral Wells, Tex.; Fayette, Hartselle, and Talladega, Ala.; Mariposa, Calif.; Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky.; Flora, Ill.; Jasper, Arab, and Demopolis, Ala.); Docket No. 18476, RM-1356, RM-1359, RM-1360, RM-1364, RM-1368, RM-1373, RM-1374, RM-1376, RM-1377, RM-1378, RM-1379, RM-1382, RM-1383, RM-1389, RM-1390, RM-1391, RM-1414, RM-1417, RM-1496.

1. In the further notice of proposed rule making, released January 8, 1971 (FCC 71-22), it was inadvertently stated that the channel substitution at Demopolis is from "252A" to "296A". The latter figure should have been 292A. The table of cities, present, and proposed assignments in paragraph 9, at the top of page 5, is corrected to read as follows:

City (Alabama)	Channel No.	
	Present	Proposed
Talladega		224A
Hartselle or Arab		224A
Arab and Jasper		224A
Jasper	273	224A, 273
Fayette	225	251 or 224A or 249A
Demopolis	252A	292A

Released: January 13, 1971.

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

[FR Doc.71-798 Filed 1-20-71;8:45 am]

[47 CFR Part 73]

[Docket No. 19116]

CERTAIN FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Skowhegan, Augusta, Westbrook, and South Paris, Maine; Plymouth and Dover, N.H.; and Waterbury, Vt.; Docket No. 19116, RM-1442, RM-1464.

In the notice of proposed rule making, released January 8, 1971 (FCC 71-23), it was inadvertently stated that Channel 296A could be substituted for the present channel assignment at Waterbury, Vt. The correct designation is Channel 269A. The last sentence of paragraph 10, page 6, is corrected to read as follows:

Channel 269A can be assigned to Waterbury in conformance with the rules and without making any other changes in the table; accordingly, we herein propose to assign Channel 286 to Skowhegan, delete Channel 287 at Waterbury and substitute 269A at Waterbury.

And the table of cities, proposed assignments to be added and deleted in paragraph 11, page 8, is corrected to read as follows:

City	Add	Delete
Augusta, Maine	281 or 282 or 294	283
Skowhegan, Maine	286	296A
South Paris, Maine	224A	288A
Westbrook, Maine	265 or 288A	285A
Plymouth, N.H.	Class A or 248	
Dover, N.H.	287	248
Waterbury, Vt.	269A	287

Released: January 13, 1971.

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

[FR Doc.71-799 Filed 1-20-71;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 542]

[Docket No. 71-6]

FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Notice of Proposed Rule Making

On September 30, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 F.R. 15216) regulations to implement the financial responsibility provisions of section 11(p)(1) of the Federal Water Pollution Control Act as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97). These regulations (Commission General Order 27) set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States must evidence financial responsibility to meet the liability to the United States to which such vessel could be subjected for the discharge of oil into or upon the waters of the United States. The rules also include the qualifications required by the Commission for issuance of Certificates evidencing financial responsibility, and the basis for the denial, revocation, modification, or suspension of such Certificates.

Section 11(p)(3) of the Federal Water Pollution Control Act provides as follows:

Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under

this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

In implementing this provision, § 542.5 (a) (1) of General Order 27 sets forth the language of a uniform endorsement which must be included if evidence of financial responsibility is accomplished by a policy of insurance or cover note.

Item (2) of the approved uniform endorsement states:

(2) the Insurer agrees that any claims incurred under the aforementioned section 11(f) may be brought directly against the Insurer, provided that where a claim is brought directly against the Insurer, the Insurer shall be entitled to invoke all rights and defenses, as set forth in section 11(f) (1) of the Act, which would have been available to the assured if the action had been brought against said assured by the U.S. Government, and which would have been available to the Insurer if the action had been brought against him by the assured;

Section 542.5(c) requires that any evidence of financial responsibility filed with the Commission shall provide for direct suit against the insurer or other person providing evidence of financial responsibility and states that:

Such insurer or other person shall be entitled to invoke all rights and defenses, as set forth in section 11(f) (1) of the Act, which would have been available to the owner or operator if the action had been brought against said owner or operator by the U.S. Government, and which would have been available to such insurer or other person if the action had been brought against him by said owner or operator.

The Certificate of Insurance Form FMC–225 authorized by § 542.5(a) (1) contains a similar provision as follows:

The Insurer consents to be sued directly by the United States Government in respect of any claim against any of said owners and operators, arising under the said Section 11(f); provided however, that in any such direct action (a) its liability shall not exceed $100 per gross ton of the tonnage of the Vessel in respect of which the claim is made, or $14,000,000, whichever is the lesser, and (b) it shall be entitled to invoke all rights and defenses, as set forth in Section 11(f) (1) of Public Law 91–224, which would have been available to any one of said owners or operators if the action had been brought against such owner or operator by the United States Government, and which would have been available to the Insurer if the action had been brought against said Insurer by any one of said owners or operators.

The Surety Bond Form FMC–226, authorized by § 542.5(a) (2) of General Order 27 contains a similar provision as follows:

Any claim by the United States to recover costs for the removal of oil discharges which the Principal may be liable for under the provisions of section 11(f), Water Quality Improvement Act of 1970, may be brought directly against the Surety; provided, however, that in the event of such direct claim the Surety shall be entitled to invoke all rights and defenses as set forth in section 11(f) (1) of the Act, which would have been available to the Principal if the action had been brought against said Principal by the United States, and which would have been available to the Surety if the action had been brought against said Surety by the Principal.

The Guarantee Form FMC–227, authorized by § 542.5(a) (4) contains a similar provision as follows:

Any claim by the United States to recover costs for the removal of oil discharges which the Applicant may be liable for under the provisions of section 11(f), Water Quality Improvement Act of 1970, may be brought directly against the Guarantor; provided, however, that in the event of such direct claim the Guarantor shall be entitled to invoke all rights and defenses, as set forth in section 11(f) (1) of the Act, which would have been available to the Applicant if the action had been brought against said Applicant by the United States, and which would have been available to the Guarantor if the action had been brought against him by the Applicant.

It has come to the attention of the Commission that certain underwriters consider that the above referred to provisions in General Order 27 and Forms FMC–225, 226, and 227 may be subject to some misinterpretation regarding rights and defenses available to the insurer which would have been available to said insurer if the action had been brought against the insurer by vessel owners or operators. They request that the above-quoted provisions each be clarified by adding after the words "by the United States Government, and", in Form FMC–225, and after the words "by the United States, and", in Forms FMC–226 and 227, the following words: "shall also be entitled to invoke all rights and defenses".

While the Commission is of the view that the present language in General Order 27 and in Forms FMC–225, 226, and 227 is sufficiently clear, particularly in view of the discussion contained in the preamble to General Order 27, it is willing to accept and include the clarifying modification to the present language contained in General Order 27 and in Forms FMC–225, 226, and 227. The Commission would accept evidence of financial responsibility filed in accordance with the language now contained in General Order 27 and in Forms FMC–225, 226, and 227, but in the alternative would also accept from those applicants and operators who prefer to include the clarifying language, evidence of financial responsibility which incorporates the clarification proposed herein.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552), and sections 11(p) (1), 11(p) (2), and 11(p) (3) of the Federal Water Pollution Control Act as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97), notice is hereby given that the Federal Maritime Commission is considering the adoption of clarifying language in § 542.5 *Method of establishing financial responsibility; forms and requirements,* to accomplish the above-stated objectives. Accordingly § 542.5 of Title 46 CFR is proposed to be amended in the following respects:

1. Paragraph (a) (1) is proposed to be amended by adding the following new proviso at the end thereof:

Provided, however, the foregoing uniform endorsement may, at the discretion of the party furnishing the policy of insurance or cover note, include in Item (2) of the endorsement after the words "by the U.S. Government, and", the following words: "shall also be entitled to invoke all rights and defenses". The uniform endorsement will be acceptable to the Commission either with or without this clarifying language. Any person who has previously filed a policy of insurance or cover note containing the uniform endorsement without this clarifying language, may if he so desires, substitute a new uniform endorsement including the clarifying language.

2. Paragraph (b) is proposed to be amended by adding the following sentence at the end thereof:

The Certificate of Insurance Form FMC–225, Surety Bond Form FMC–226 and Guarantee Form FMC–227, as incorporated in the rules of this part, may be utilized in the form as originally promulgated, or in the alternative, each of these three forms may be clarified by any parties so desiring by adding after the words "by the United States Government, and", in Form FMC–225, and after the words "by the United States, and" in Forms FMC–226 and 227, the following words: "shall also be entitled to invoke all rights and defenses".

The use of Forms FMC–225, 226, and 227 will be acceptable to the Commission as evidence of financial responsibility either with or without said clarifying language, and any party who has previously filed any of these forms without the clarifying language may, if he so desires, submit a substitute Form FMC–225, 226, or 227 with the added clarifying language.

3. Paragraph (c) is proposed to be amended by adding after the words "by the U.S. Government, and" the words: "shall also be entitled to invoke all rights and defenses".

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days of the publication of this notice in the FEDERAL REGISTER, an original and 15 copies of their views or arguments pertaining to the proposed change in General Order 27. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired change.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-847 Filed 1-20-71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

SHEET GLASS FROM TAIWAN

Withholding of Appraisement Notice

Information was received on June 20, 1969, that sheet glass from Taiwan 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"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 24, 1969, on page 14738. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such sheet glass from Taiwan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information before the Bureau tends to indicate the probable basis of comparison will be between purchase price and home market price.

Preliminary analysis suggests that purchase price will be calculated on the basis of C&F duty paid, landed U.S. destination cost less applicable charges. It appears that the Taiwanese duty reimbursement and commodity tax will be added to that price.

Home market price will probably be based on a delivered price in the home market. Appropriate adjustments appear to be warranted for inland freight, packing charges, and interest.

Using the above criteria, there are reasonable grounds to believe that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of sheet glass from Taiwan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views, or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or 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.

This notice, which is published pursuant to § 153.34(b), Custom regulations, shall become effective upon publication in the FEDERAL REGISTER (1–21–71). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

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

Approved: January 15, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71–855 Filed 1–20–71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I–3760]

IDAHO

Order Providing for Opening of Public Lands

JANUARY 13, 1971.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 22 N., R. 22 E.,
Sec. 4, lot 4;
Sec. 23, NW¼NE¼, N½NW¼, SE¼NW¼.
T. 23 N., R. 22 E.,
Sec. 33, W½SW¼.
T. 22 N., R. 23 E.,
Sec. 22, E½SW¼;
Sec. 33, NE¼SE¼.

The areas described aggregate 400.94 acres.

2. All of the lands are located in Lemhi County, within 6 to 12 miles from Salmon. Elevation ranges from 4,000 to 6,400 feet above sea level. Soils are shallow silt loam of moderate fertility and low water holding capacity. Topography is steep ridges with rocky broken terraces and deep dry draws. Vegetation is fescue, wheatgrass, and sagebrush.

3. The following described lands are not opened to the mining and mineral leasing laws as the United States does not have jurisdiction of the minerals in these lands:

T. 22 N., R. 22 E.,
Sec. 4, lot 4.
T. 23 N., R. 22 E.,
Sec. 33, W½SW¼.
T. 22 N., R. 23 E.,
Sec. 33, NE¼SE¼.

The mineral status of the E½SW¼, Sec. 22, T. 22 N., R. 23 E. is not affected by this order.

4. As of 10 a.m. on February 17, 1971, the following described lands will be open to location and offers under the United States mining and mineral leasing laws:

T. 22 N., R. 22 E.,
Sec. 23, NW¼NE¼, N½NW¼, SE¼NW¼.

5. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m., on February 17, 1971 be open to application, petition and selection under the public land laws, with the exception that the NW¼NE¼, N½NW¼, SE¼NW¼, Sec. 23 T. 22 N., R. 22 E., are subject to multiple-use classification I–1639, and are not open to application under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334), or to public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m., on February 17, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

6. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71–818 Filed 1–20–71;8:45 am]

[Serial No. I–3761]

IDAHO

Order Providing for Opening of Public Lands

JANUARY 13, 1971.

1. In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

BOISE MERIDIAN, IDAHO

TRACT 1

T. 10 S., R. 21 E.,
Sec. 23, lot 4;
Sec. 26, lots 2, 4, SW¼NE¼, NE¼SE¼.

TRACT 2

T. 13 S., R. 26 E.,
Sec. 31, lots 2, 3, SE¼NW¼, SW¼NE¼, NE¼SW¼, NW¼SE¼.

TRACT 3

T. 15 S., R. 27 E.,
Sec. 10, W½;
Sec. 15, W½;
Sec. 21, NE¼;
Sec. 22, NW¼;
Sec. 23, E½, E½W½;
Sec. 24, N½;
Sec. 26, E½W½.

TRACT 4

T. 16 S., R. 30 E.,
Sec. 5, SE¼SW¼, W½SE¼, SE¼SE¼.

The above tracts aggregate 2,492.50 acres in Cassia and Oneida Counties.

2. The land in Tract 1 is located 8 miles west of Burley on the Snake River. Access is over good state and county roads except for one-eighth mile over unimproved range road. Topography is rolling with some exposed rough and broken lava beds. Vegetation is big sagebrush, cheatgrass with an understory of native grasses. Soils are considered nonirrigable. The tract gives access to the Milner Wildlife Habitat Area.

3. The land in Tract 2 lies 6 miles southwest of Malta, Idaho. Access is by State Highway 77 west 4 miles, then 3½ miles southwest on a graveled road. Topography is rolling foothills sloping east into Raft River Valley at about 10 percent. Vegetation is black sagebrush and rabbit brush, with an understory of bluebunch wheatgrass and poa species, with a few junipers in the northwest corner. The soils are considered nonirrigable.

4. The land in Tract 3 comprises two parcels 2 to 5 miles southeast of Bridge, Idaho. Access to both is by U.S. Highway 30N. Topography is relatively flat, sloping west at about 4 percent. Elevations are from 4,400 to 5,200 feet above sea level. Vegetation consists of black sagebrush on flat areas, with minor understory of winterfat, squirrel tail, and halogeton. Drainages are covered with big sagebrush. Soils are irrigable, generally deep, but no known surface or ground water is available.

5. The land in Tract 4 lies about 1 mile southeast of the abandoned townsite of Black Pine, about 18–20 miles northwest of Snowville, Utah. Access is by range road, difficult to travel in winter and spring. Topography is flat. Vegetation is rabbit brush, big sagebrush and an understory of peppergrass, halogeton, foxtail, and cheatgrass. Soils are deep and well drained. Elevations range from 4,600 to 5,000 feet above sea level. Sandy soils are subject to wind erosion with some gullies 3–4 feet deep.

6. Subject to valid existing rights, the provisions of existing withdrawals, the provisions of the Multiple-Use Classifications of October 22, 1970 (I–3362) and October 28, 1970 (I–2836), and the requirements of applicable law, the lands are hereby restored to the public domain status and will at 10 a.m. on February 17, 1971, be open to application, petition, location, and selection, including location under the general mining laws. All valid applications received at or prior to February 17, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

7. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71–819 Filed 1–20–71;8:45 am]

[Serial No. I–3563]

IDAHO

Order Providing for Opening of Public Lands

JANUARY 13, 1971.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T.10 S., R. 26 E.,
Tract 1, sec. 5, E½SW¼, S½SE¼.
T. 15 S., R. 25 E.,
Tract 2, sec. 22, W½NE¼;
Tract 3, sec. 26, SW¼NW¼.
T. 15 S., R. 34 E.,
Tract 4, sec. 24, NW¼NW¼;
Tract 5, sec. 25, SE¼.

The areas described aggregate 480 acres in Cassia and Oneida Counties.

2. Tract 1 lies 18 miles northeast of Burley, Idaho and is bisected by Interstate I–15W. Topography is gentle undulating with many drainage basins, with a general slope north from 4 to 12 percent. Vegetation is large sagebrush, rabbit brush, and an understory of grass. Soils are thin generally, some rock with a low waterholding capacity.

3. Tract 2 is located 6½ miles east of Almo, Idaho. Access is good except for last 3 miles of unimproved range road which is closed in winter. Topography is mountainous, bisected by a major drainage way. The slope varies, but averages 20 percent. Vegetation is mainly Utah junipers with some sagebrush and an understory of grasses. Soils are shallow and extremely stony and gravelly.

4. Tract 3 lies 7 miles east of Almo. Access is good to within 2 miles which is over unimproved range road closed during winter. Topography is steep, may exceed 20 percent slopes, generally to the south. Vegetation is big sagebrush with scattered junipers along drainageways. Soils are shallow, extremely rocky and gravelly.

5. Tract 4 is located 11 miles southwest of Malad, Idaho, and about one-third mile north of the Samaria-Pocatello Valley Road. Access to within one-third mile is good year round. Topography is low rolling to steep foothills. Vegetation is big sagebrush with grass understory. Soils are shallow, well drained, generally very rocky or gravelly.

6. Tract 5 is located 12 miles southwest of Malad, Idaho, and about 1 mile south of the Samaria-Valley Road in Pocatello Valley. Access is across private land. One-third of the tract is gently sloping and the remaining area is hilly and mountainous. Vegetation is big sagebrush with a grass understory, some rabbit brush and service berries. Soils are deep, well drained on the gentle slopes; very shallow, rocky and gravelly on the hilly slopes.

7. Subject to valid existing rights, the provisions of existing withdrawals, the provisions of the Multiple-Use Classifications of October 4, 1966, and October 28, 1970, and the requirements of applicable law, the lands are hereby restored to the public domain status and open to application, petition, location, and selection, including location under the U.S. mining laws. All valid applications received at or prior to February 17, 1971 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

8. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71–820 Filed 1–20–71;8:45 am]

Fish and Wildlife Service

DEPREDATING AMERICAN COOTS

Order Permitting Killing in Designated Agricultural Areas in California

It has been determined from investigations and observations by the Bureau of Sport Fisheries and Wildlife and the California Department of Fish and Game that serious depredations to agricultural crops are occurring because of large numbers of coots (Fulica Americana) in the Sacramento and San Joaquin Valleys of California. This cannot be considered of a localized nature. It was further determined that damages to crops can best be minimized or alleviated by permitting the depredating coots to be killed and taken by shooting in the affected areas under specific conditions and restrictions. Accordingly, pursuant to authority contained in § 16.25, Title 50, Code of Federal Regulations, it is ordered as follows:

1. (a) Coots may be killed by shooting only with a shotgun not larger than No. 10 gauge fired from the shoulder; in the counties of Alameda, Butte, Colusa, Contra Costa, Fresno, Glenn, Imperial, Kern, Kings, Madera, Merced, Placer, Riverside, Sacramento, San Bernardino, San Joaquin, Solano, Stanislaus, Sutter, Tulare, Yolo, and Yuba.

(b) Shooting of coots shall be limited to the hours between sunrise and sunset. The authorization to kill coots, as contained in this order shall terminate on May 16, 1971; provided, if prior to that date it is found that the emergency condition no longer exists, the killing of coots as permitted under this order will be terminated earlier on the date of publication of an order of revocation in the FEDERAL REGISTER.

(c) Coots killed under the provision of this order may be used for food, donated to hospitals or other charitable institutions within the State for use as food, and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific, or educational purposes. Birds killed under provisions of this order may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed.

2. This order does not permit the killing of coots in violation of any State law or regulation. This order contemplates emergency measures designed to aid in relieving crop depredations and it is not to be construed as a reopening or extension of any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act (sec. 3, 40 Stat. 755, as amended, 16 U.S.C. 704).

Effective date: January 23, 1971.

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 14, 1971.

[FR Doc.71-821 Filed 1-20-71;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Temporary Reg. D-25]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Health, Education, and Welfare to lease space in Salt Lake City, Utah.

2. *Effective date.* This regulation is effective November 30, 1970.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is delegated to the Secretary of Health, Education, and Welfare to perform all functions in connection with the leasing of special purpose space in Salt Lake City, Utah, as he may deem necessary, for an Artificial Heart Test and Evaluation Center in connection with a heart research program of the National Heart and Lung Institute, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

b. This delegation includes the authority to lease the required space and to assign, reassign, operate, maintain, control, and protect the demised space. This authorization shall extend to leasing space under authority contained in section 210(h)(1) of the above-cited Act for a firm period not to exceed 20 years.

c. The Secretary of Health, Education, and Welfare may redelegate this authority to any officer or employee of the Department of Health, Education, and Welfare (40 U.S.C. 486(d)).

d. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), as amended, and other applicable statutes and regulations.

ROBERT L. KUNZIG,
Administrator of General Services.

JANUARY 15, 1971.

[FR Doc.71-843 Filed 1-20-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

BAXTER SALE CO. ET AL.

Notice of Changes in Names of Posted Stockyards

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

Original name of stockyard, location and date of posting	*Current name of stockyard and date of change in name*
IOWA	
Baxter Sale Co., Baxter, June 8, 1959	Baxter Sale Company, Nov. 30, 1970.
MICHIGAN	
Lake Odessa Stockyards, Lake Odessa, Apr. 23, 1959	Lake Odessa Livestock Auction, Oct. 26, 1970.
NEW YORK	
Central Livestock, Lowville Division, Lowville, Aug. 8, 1960.	Empire Livestock Marketing Cooperative, Inc., Jan. 1, 1971.
TEXAS	
Brenham Livestock Auction, Inc., Brenham, Apr. 3, 1957.	Brenham Livestock Auction Company, Jan. 1, 1971.
Owen Bros. Livestock Commission Company, Inc., Texarkana, Nov. 7, 1958.	J & J Livestock Commission Company, Inc., Oct. 1, 1970.

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

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

[FR Doc.71-860 Filed 1-20-71;8:49 am]

SAM GIDDENS LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Sam Giddens Livestock Auction, Booneville, Ark.
Hamilton County Livestock Auction, Noblesville, Ind.
Stardust Horseman's Park Horse Auction, Las Vegas, Nev.
Empire Livestock Marketing Cooperative, Inc. (Market 2), Bath, N.Y.
Maysville Livestock Auction, Maysville, Okla.
Midwest Livestock Producers Cooperative, Shullsburg, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, DC 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

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

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

[FR Doc.71-861 Filed 1-20-71;8:49 am]

Rural Electrification Administration

LOAN REQUIREMENTS

Environmental Statements

Notice is hereby given that adoption of the following Bulletin is contemplated to implement section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, as it relates to loans by the Rural Electrification Administration.

All interested persons who desire to submit written comments or suggestions should send them to the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after publication of this notice in the FEDERAL REGISTER. Written submissions received pursuant to this notice will be made available for public inspection in the office of the Director, Office of Program Analysis, Room 4322, South Building, U.S. Department of Agriculture, Washington, DC, during regular business hours.

[REA Bulletin 20–21 (Electric) and 320–21 (Telephone)]

SUBJECT: ENVIRONMENTAL STATEMENTS IN CONNECTION WITH REA LOANS

I. *Purpose.* This Bulletin provides for the implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91–190) as it relates to REA loans.

II. *National Environmental Policy Act.* A. The stated purposes of this Act include: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

B. Section 102(2)(C) requires the preparation of a detailed Environmental Statement in connection with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, and requires that such Environmental Statements shall be made available to the President, the Council on Environmental Quality, and to the public, and shall accompany the proposal through agency review processes.

III. *Loan contract provisions.* REA includes in all new Loan Contracts a provision to the effect that the borrower shall observe all applicable Federal and State requirements for the protection of the environment.

IV. *Loans requiring environmental statements.* A. An Environmental Statement, in accordance with section 102(2)(C) of Public Law 91–190, will be required in connection with the consideration of any REA loan for construction purposes which individually, or together with other loans made by the Rural Electrification Administration and funds from all other sources, will result in the borrower or a group of REA borrowers owning a 50 percent or greater interest in the following types of facilities.

1. Electric generating equipment which will create generating capacity of, or increase the capacity of a generating plant to, 300,000 kilowatts or more.

2. Electric transmission lines and associated equipment designed for, or capable of, operation at nominal voltage of 230 kilovolts or more.

B. Environmental Statements will not normally be required in connection with loans for other types of electric facilities, or for telephone loans. If it is determined that an Environmental Statement will be required in connection with an application to finance such other types of facilities, the applicant will be notified.

V. *Submission of environmental analysis.* A. It will be the applicant's responsibility to prepare and submit an Environmental Analysis when application is made for a loan for which an Environmental Statement is required. This analysis shall discuss the following environmental considerations:

1. The impact of the proposed loan on the environment, including impact on ecological systems such as wildlife, fish and marine life.

2. Favorable environmental effects.

3. Any adverse environmental effects which cannot be avoided if the proposed facilities are constructed (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to environmental goals).

4. Alternatives to the proposed action, including the study, development and description of appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

5. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

6. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

B. To expedite action on the applications, the applicant should request comments on the proposed construction from all State and local agencies which are authorized to develop and enforce environmental standards, and should attach any comments and views received from such agencies to the Environmental Analysis. Fifty (50) copies of the Environmental Analysis should be submitted to REA as part of the loan application.

C. Material in the applicant's Environmental Analysis may be incorporated in whole or in part into a draft Environmental Statement which will be sent by REA to the Council on Environmental Quality and various Federal agencies, and which will be made available to various State agencies and the public.

VI. *Provision for public hearings.* A. Public hearings may be held concerning environmental aspects of a proposed loan for which an Environmental Statement is required under the provisions of this Bulletin, at the discretion of the Administrator. Such hearings will be held only in cases where, in the Administrator's opinion, the need for hearings is clearly indicated in order to adequately bring out the environmental implications of the proposed loan. If hearings are held, notice of the hearings will be published in the FEDERAL REGISTER at least thirty (30) days in advance of the hearings.

B. All persons desiring to make statements at the hearings will be invited to submit a copy of their proposed statement in writing. The hearings will be informal, and will be confined to the environmental aspects of the proposed loan.

VII. *Requests for comments on draft environmental statement.* A. REA will send copies of the draft Environmental Statement to various Federal agencies and offices which have jurisdiction by law or special expertise requesting comments on the environmental aspects of the proposed action. Comments are to be submitted within thirty (30) days. The Council on Environmental Quality will also be furnished copies of the draft Environmental Statement.

B. REA will publish a notice of receipt of the loan application, together with a brief description of the proposed facilities, in the FEDERAL REGISTER. The notice will invite comments on the environmental aspects of the project from State and local agencies which are authorized to develop and enforce environmental standards, stating that if any such agency fails to provide comments within 60 days of publication of the notice, it will be presumed that the agency has no comments to make. If any such State or local agency requests additional information, it will be sent a copy of the draft Environmental Statement. The draft Environmental Statement will be available for public review in REA's offices.

C. The final Environmental Statement will be prepared after consideration of all comments received within the time limits, including any comments obtained in connection with a public hearing, if one is held (see section VI). Copies of comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards, together with the final Environmental Statement, will be supplied to the Council on Environmental Quality in the Executive Office of the President, and will be available to the public as provided for by the Freedom of Information Law, Public Law 89–487, 5 U.S.C. 552.

VIII. *Agency action on loan applications requiring environmental statements.* In the case of loan applications requiring Environmental Statements, the loan will not normally be approved until after the final Environmental Statement has been completed. The loan may however be approved conditionally with an agreement that no funds for facilities requiring an Environmental Statement under such loan will be advanced to the borrower until after the final Environmental Statement has been completed.

Dated at Washington, D.C., this 18th day of January 1971.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.71–862 Filed 1–20–71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration), formerly Part 5, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to Section 3–B, formerly 5–B, Organization, as follows:

Delete the center head "Health Facilities Planning and Construction Service (2500)" and the first two paragraphs and the last paragraph, and insert in place thereof the following center head and new paragraphs:

HEALTH CARE FACILITIES SERVICE (3M00)

(1) Administers a grant, loan, and consultation program for the planning, construction, modernization, equipping, and utilization of public and nonprofit health facilities, including hospitals and health centers, long-term care facilities, outpatient facilities, and rehabilitation centers; (2) administers a similar program under the District of Columbia Medical Facilities Act; (3) advises on projects assisted under the Appalachian Redevelopment Act and the Vocational Rehabilitation Act; (4) provides consultation and conducts seminars on hospital functions; and (5) develops program guide materials.

Office of the Director (3M01). (1) Plans, directs, coordinates, and evaluates the operations of the Health Care Facilities Service; (2) coordinates program relationships with other components of the Department, with other Federal agencies, with State and local agencies, and with national professional organizations; (3) provides program leadership to regional office staffs and coordinates

provision of technical support and guidance to such staff; (4) advises the Administrator on policy matters affecting the programs of the Service; and (5) directs the development and reevaluation of regulatory, procedural, and other guide materials.

* * * * *

Office of State Plans (3M55). (1) Directs the Service's formula grant program for the planning, construction, and modernization of hospitals, diagnostic and treatment centers, long-term care facilities, and rehabilitation facilities; (2) conducts consultation, study, and evaluation programs which support and supplement the grant programs; and (3) develops regulations, policies, procedures, and other guide materials.

Dated: January 15, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-844 Filed 1-20-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-371]

GULF ENERGY & ENVIRONMENTAL SYSTEMS, INC.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on November 17, 1970 (35 F.R. 17678), the Atomic Energy Commission has issued License No. XR-75 to Gulf Energy & Environmental Systems, Inc., San Diego, Calif., authorizing the export of a 1,000 kilowatt thermal TRIGA Mark III nuclear research reactor to Gesellschaft fur Strahlenforschung, Munich, West Germany. The export of the reactor to West Germany is within the purview of the present Agreement for Cooperation Betwen the Government of the United States and the European Atomic Energy Community.

Dated at Bethesda, Md., this 22d day of December 1970.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[FR Doc.71-814 Filed 1-20-71;8:45 am]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

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

The Long Island Lighting Co., 250 Old Country Road, Mineola, NY 11501, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated May 15, 1968, for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 553 megawatts.

The proposed reactor, designated by the applicant as the Shoreham Nuclear Power Station Unit 1, is to be located at the applicant's 540-acre site on the north shore of Long Island in the town of Brookhaven in Suffolk County, N.Y.

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 to the Commission within 60 days after January 21, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 18th day of January 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-840 Filed 1-20-71;8:47 am]

[Dockets Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Availability of Draft Detailed Statement and Applicant's Environmental Report and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Commonwealth Edison Co. and the Iowa-Illinois Gas and Electric Co. have submitted an environmental report, dated November 12, 1970, which discusses environmental considerations relating to the proposed operation of the Quad-Cities Nuclear Power Station Units 1 and 2. The Commission's regulatory staff has prepared a draft detailed statement dated January 14, 1971. Copies of both the report and draft statement have been placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the Chairman, Rock Island County Board of Supervisors, Rock Island, Ill.

The Commission hereby requests comments on the proposed action, the draft statement and the applicant's report from State and local agencies of any affected State (with respect to matters within their jurisdiction), which are authorized to develop and enforce environmental standards. If the Commission is not provided with comments by any State or local agency within 60 days of the publication of this notice in the FEDERAL REGISTER, the Commission will presume that the agency has no comments to make.

Copies of the applicant's report dated November 12, 1970, the draft statement dated January 14, 1971, and available comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 19th day of January 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-917 Filed 1-20-71;8:50 am]

ENVIRONMENTAL STATEMENT FOR REACTOR TESTING AT NUCLEAR ROCKET DEVELOPMENT STATION, NEV.

Notice of Availability

Notice of Availability of the USAEC General Manager's and the NASA Associate Administrator's draft.

Notice is hereby given that a draft document entitled, "Environmental Statement for Reactor Testing During FY 1971 at the Nuclear Rocket Development Station, Nevada" issued jointly by the Atomic Energy Commission and the National Aeronautics and Space Administration toward those matters set forth in the National Environmental Policy Act, section 102(2)(C), is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; the Nevada Operations Office, 2753 South Highland, Las Vegas, Nev. 89102; the Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; and the New York Operations Office, 376 Hudson Street, New York, NY 10014. This draft statement describes the Nuclear Rocket Development Station and the reactor testing planned at the station during fiscal year 1971 as these operations relate to potential effects on the human environment.

The Commission requests comments on the draft environmental statement from State and local agencies, with respect to matters within their jurisdiction and on which they are authorized to develop and enforce environmental standards, within 60 days of publication of this notice in the FEDERAL REGISTER. Copies of the draft environmental statement may be obtained upon request addressed to the General Manager, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 19th day of January 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-918 Filed 1-20-71;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71-1-67]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority January 14, 1971.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 and Joint Conferences 2-3 and 1-2-3 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted at December 1970 meetings in Geneva subsequent to the recessed Honolulu Worldwide Passenger Fare Conference.

The agreement adopts, for application in certain geographical areas which generally do not directly involve United States points, resolutions of a technical nature which have recently been approved by the Board for application in various other areas of the world. For example, the agreement includes provisions for the alteration of fare levels and baggage charges in order to reflect the introduction in February of decimal currency in the United Kingdom, Ireland, and Gibraltar. Other provisions of the agreement are procedural in character.

Pursuant to authority duly delegated by the Board in the Board's Economic Regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that the following resolution, which is incorporated in the agreement indicated, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
22050:			
R-20	014a	Construction Rule for Passenger Fares	1/2/3

2. It is not found that the following resolutions, which are incorporated in the agreement indicated and which do not directly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
22050:			
R-15	001kk	Special Effectiveness Resolution	2.
R-16	001mm	TC2 Special Effectiveness Resolution	2.
R-17	001nn	TC2 Special Effectiveness Resolution	2.
R-18	001rr	JT23 and JT123 Special Effectiveness Resolution	2/3; 1/2/3.
R-19	001xx	Special Escape Resolution for International Route Charges	2.
R-21	021b	Rates of Exchange	2; 2/3.
R-22	021d	Decimalization of U.K., Irish, and Gibraltar Currency	2; 2/3.
R-23	023a	Rounding-off Passenger Fares	2; 2/3.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 22050, R-20, be and hereby is deferred with a view toward eventual approval; and

2. Those portions of Agreement CAB 22050 as set forth in finding paragraph 2 be and hereby are approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Economic Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-848 Filed 1-20-71;8:48 am]

[Docket No. 20993; Order 71-1-72]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 15, 1971.

By Order 70-12-138, dated December 24, 1970, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-12-138 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22096, R-1 through R-6, be and it hereby is approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further,* That tariff filings shall not be made to implement the agreement prior to this date, and such tariff filings shall be marked to become effective on not less than 30 day's notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-849 Filed 1-20-71;8:48 am]

[Docket No. 20993; Order 71-1-73]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Rate Matters

Issued under delegated authority January 15, 1971.

By Order 70-12-140, dated December 24, 1970, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement would amend the resolution governing rounding-off of cargo rates by the inclusion of the currency of Malawi.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-12-140 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22121 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-850 Filed 1-20-71;8:48 am]

[Docket No. 22646; Order 71-1-79]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority January 15, 1971.

In response to a petition filed October 14, 1970, on behalf of Jim Hankins Air Service, Inc. (Hankins), by the Postmaster General, the Board established a final service mail rate of 50.40 cents per great circle aircraft mile for the transportation of mail by aircraft between Gulfport, Miss., and Memphis, Tenn., via Laurel and Jackson, Miss. This final service mail rate was fixed by Order 70-11-86, issued November 19, 1970.

On December 11, 1970, Hankins filed a petition to amend the service mail rate currently in effect. While maintaining the same overall revenue per flight, Hankins requests a correction of the mileage from 692 to 690 miles and a revision of the applicable rate from 50.40 cents to 50.55 cents per great circle aircraft mile between the above points. The Postmaster General filed a petition in support of Hankins' request.

The Board finds it is in the public interest to adjust, determine, and fix the fair and reasonable rate of compensation to be paid to Hankins by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the carrier's petition, and other matters officially noticed, the Board proposed to

issue an order[1] to include the following findings and conclusions:

1. On and after December 11, 1970, the fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 50.55 cents per great circle aircraft mile between Gulfport, Miss., and Memphis, Tenn., via Laurel and Jackson, Miss., based on five round trips per week.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General;

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's Regulations 14 CFR Part 302, 14 CFR Part 298 and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.16(f),

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-851 Filed 1-20-71;8:48 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23000]

MITSUILINE TRAVEL SERVICE OF AMERICA, INC.

Notice of Prehearing Conference

Mitsui Air & Sea Service Co., Ltd., doing business as Mitsuiline Travel Service of America, Inc.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on February 3, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Edward T. Stodola.

Dated at Washington, D.C., January 18, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-854 Filed 1-20-71;8:48 am]

[Docket No. 19078; Order 71-1-74]

NORTHEAST CORRIDOR VTOL INVESTIGATION

Order Regarding Environmental Quality

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of January 1970.

By Order 70-9-44, September 8, 1970, the Board affirmed, subject to certain modifications, the examiner's disposition of the issues in Phase I of the above-entitled proceeding and, in addition, broadened the scope of Phase II in several respects. The Board modified the scope of the issues further in Order 70-11-111, November 23, 1970.

Since this proceeding might result in a major Federal action significantly affecting the quality of the human environment, the Board is invoking the procedures outlined in its policy statement implementing the National Environmental Policy Act of 1969 (14 CFR 399.110, 35 F.R. 10582).[1]

Section 399.110(b) requires the Board to state "the manner in which the contemplated action might" significantly affect the quality of the human environment and to indicate "the geographic areas in which the environmental impact is likely to occur." At this stage in the proceeding it is not possible for the Board to indicate with certainty the exact geographic areas in which any environmental impact might be expected to occur since the occurrence of any impact hinges on the locations which might be selected as metroflight airports. Obviously, however, the geographic area is limited generally to the nine metropolitan areas in issue and possible flight paths between them.[2] Similarly, the extent of any noise or air pollution, or other environmental impact which might significantly affect the quality of the human environment is also unknown at this time, hinging as it does on the aircraft types, if any, actually chosen for operations—a choice to be made from among many possible aircraft types, including some as yet undeveloped—and the nature of the operations (including altitudes, flight paths, frequencies and timing) which might ultimately be authorized.

In accordance with 14 CFR 399.110(d) the Board encourages participation in this proceeding, in accordance with its rules of practice, by the appropriate Federal, State, and local agencies and by other interested persons to the end of insuring that a complete record is developed which will permit full consideration of any possible environmental impact. All parties to this investigation are directed to proceed in conformity with the requirements of 14 CFR 399.110.

Accordingly, it is ordered, That:

1. This proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110.

2. A copy of this order shall be served upon all persons served with the initial decision in this proceeding and, in addition, a copy of this order and of Orders 70-9-44 and 70-11-111 shall be served upon the Environmental Protection Agency, the Council on Environmental Quality, and the Governors of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia.[3]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-852 Filed 1-20-71;8:48 am]

[1] In the first phase of this case, the examiner found that Northeast Corridor metroflight service could be established without causing unreasonable noise or resulting in significant emission of chemical pollutants. These conclusions, however, were based on a relatively limited record developed before the Board promulgated its new environmental policy. We find it appropriate at this time to reexamine the environmental issues on the basis of the guidelines set out in the policy statement.

[Docket No. 17665; Order 71-1-75]

REOPENED WASHINGTON/BALTIMORE HELICOPTER SERVICE INVESTIGATION

Order Regarding Environmental Quality

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of January 1971.

By Order 70-11-85, November 19, 1970, the Board instituted the above-entitled proceeding. We have determined that this proceeding might result in a major Federal action significantly affecting the quality of the human environment and are therefore invoking the procedures outlined in our policy statement implementing the National Environmental Policy Act of 1969 (14 CFR 399.110, 35 F.R. 10582).

[2] Boston, Providence, Hartford, New York, Trenton, Philadelphia, Wilmington, Baltimore, and Washington.

[3] We expect the various State and local governmental bodies served with these orders to coordinate their activities with the appropriate agencies within their jurisdictions which deal with environmental issues relevant to this proceeding.

Section 399.110(b) requires the Board to state "the manner in which the contemplated action might" significantly affect the quality of the human environment and to indicate "the geographic areas in which the environmental impact is likely to occur." At this stage in the proceeding it is not possible for the Board to indicate with certainty the exact geographic areas in which any environmental impact might be expected to occur. Generally, however, the affected geographic area is limited to the Washington and Baltimore metropolitan areas in issue and possible flight paths between them. Similarly, the extent of any noise or air pollution, or other environmental impact which might significantly affect the quality of the human environment is also unknown at this time, hinging as it does on the aircraft types, if any, actually chosen for operations and the nature of the operations (including altitudes, flight paths, frequencies and timing) which might ultimately be authorized.

In accordance with 14 CFR 399.110(d) the Board encourages participation in this proceeding, in accordance with its rules of practice, by the appropriate Federal, State, and local agencies and by other interested persons to the end of insuring that a complete record is developed which will permit full consideration of any possible environmental impact. All parties to this investigation are directed to proceed in conformity with the requirements of 14 CFR 399.110.

Accordingly, it is ordered, That:

1. This proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110.

2. A copy of this order shall be served upon all persons served with Order 70–11–85, and, in addition, a copy of this order and Order 70–11–85 shall be served upon the Environmental Protection Agency, the Council on Environmental Quality, and the Governors of Maryland and Virginia.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-853 Filed 1-20-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. G-4616, etc.]

TEXACO INC. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JANUARY 12, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 4, 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 becime parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4616 C 12-14-70	Texaco, Inc., Post Office Box 52332, Houston, TX 77052.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	14.2693	15.025
G-11818 12-21-70 [1]	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Natural Gas Pipeline Co. of America, LaGloria Field, Jim Wells and Brooks Counties, Tex.	16.72945	14.65
G-12583 D 11-19-70	Union Oil Co. of California, Union Oil Center, Los Angeles, CA 90017 (Partial abandonment).	The Jupiter Corp., Rollover Block 39 Field, Offshore Vermilion Parish, La.	(2)	-------
G-13415 E 12-9-70	R. W. Lange (successor to Skelly Oil Co.), Post Office Box 1034, Garden City, KS 67846.	Northern Natural Gas Co., acreage in Finney County, Kans. 67846.	[3] 13.0	14.65
C161-731 E 12-3-70	Suerte Oil Co. and Universal Well Service Co. (successors to Skelly Oil Co.), 3734 South Darlington, Tulsa, OK 74135.	Northern Natural Gas Co., Bearns A Unit, Clark County Kans.	16.0	14.65
C163-66 E 12-14-70	Alamo Petroleum Co. (successor to Sword Co., Operator), 1150 First National Bank Bldg., Dallas, TX 75202.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	[4] 14.0536	15.025
C165-548 E 11-27-70 as amended 12-7-70	Beco Engineering Production Supplies, Inc. (successor to Carol Daube Sutton et al.), Box 283, Duncan, OK 73533.	Lone Star Gas Co., Nellie Field, Stephens County, OK.	15.0	14.65
C165-565 E 12-14-70	Delcie B. Sanford (successor to John T. Sanford), c/o Guy P. Clark, attorney, 724 Edgewood, Ponca City, OK 74601.	Cities Service Gas Co., South Hominy Field, Osage County, OK.	13.0	14.65
C168-156 D 11-23-70	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Northeast Custer City Field, Custer County, OK.	(3)	-------
C169-1037 [5] E 12-14-70	Tonkawa Gas Processing Co. (successor to Southwest Gas Producing Co., Inc.), Fidelity Union Tower Bldg., Dallas, TX 75201.	Transcontinental Gas Pipe Line Corp., Nancy Field, Clarke County, MS.	20.6	15.025
C169-1048 [5] E 12-14-70	Tonkawa Gas Processing Co. (successor to Placid Oil Co.).	do	20.6	15.025
C169-1128 [6] E 12-21-70 [7]	Mobley & Davis 1968 (Operator) et al. (successor to King Resources Co.), 1011 Commercial National Bank Bldg., Shreveport, LA 71101.	Florida Gas Transmission Co., Port Allen Field, West Baton Rouge Parish, La.	20.0	15.025
C171-453 (C167-18) F&C 12-2-70	Clark Oil Producing Co. (successor to Pennzoil Producing Co.).	Southern Natural Gas Co., Plum Point Field, Lafourche Parish, La.	[8] 20.625 [9] 20.0 [10] 18.5	15.025
C171-454 (C169-535) F 12-1-70	R. J. Patrick (successor to Shenandoah Oil Corp. (Operator) et al.), Post Office Box 1273, Liberal, KS 67901.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	17.0	14.65
C171-455 (G-17864) F 12-3-70	Suerte Oil Co. and Universal Well Service Co. (successors to Skelly Oil Co.).	Panhandle Eastern Pipe Line Co.; Frank Classen Unit, Meade County, Kans.	[11] 18.0	14.65
C171-456 (G-5632) F 12-3-70	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., R. M. Boyd Lease, Morton County, Kans.	16.0	14.65
C171-457 (G-5303) F 12-3-70	do	Kansas-Nebraska Natural Gas Co., Inc., Ralph Beach Lease, Finney County, Kans.	12.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

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

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C171-458..... (C 164-157) F 12-3-70	Suerte Oil Co., Operator and Universal Well Service Co. (successors to Skelly Oil Co.).	Kansas-Nebraska Natural Gas Co., Inc., F. E. Good Lease, Hamilton County, Kans.	13.5	14.65
C171-460..... A 12-8-70	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Caprito Area, Ward County, Tex.	[12] 27.0	14.65
C171-461..... A 12-9-70	Jones-O'Brien, Inc., Post Office Box 5152, Shreveport, LA 71105.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Plaquemines Parish, La.	[13] 26.0	15.025
C171-462..... (G-13416) F 12-4-70	Suerte Oil Co. and Universal Well Service Co. (successors to Skelly Oil Co.).	Northern Natural Gas Co., Merkle Gas Unit, Meade County, Kans.	15.0	14.65
C171-463..... A 12-10-70	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, LA 70112.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bay Jaque Field, Lafourche Parish, La.	[12] 27.5	15.025
C171-464..... A 12-10-70	William G. Darsey III, Post Office Box 2458, Lafayette, LA 70501.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Cameron Parish, La.	26.0	15.025
C171-465..... B 12-10-70	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Nathan Tatman A-631 Survey, Tyler County, Tex.	Depleted	.....
C171-466..... A 12-11-70	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Evetts Area, Loving and Winkler Counties, Tex.	[12] 27.0	14.65
C171-468..... (G-5304) F 12-9-70	R. W. Lange (successor to Skelly Oil Co.).	Northern Natural Gas Co., Hugoton Field, Stevens County, Kans.	11.0	14.65
C171-469..... (G-5304) F 12-9-70	do	Northern Natural Gas Co., acreage in Stevens County, Kans.	[14] 14.0 [15] 16.0	14.65
C171-470..... (G-16224) F 12-9-70	do	Northern Natural Gas Co., acreage in Finney County, Kans.	[16] 13.0	14.65
C171-471..... (G-5303) F 12-9-70	do	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney County, Kans.	[17] 12.0	14.65
C171-472..... A 12-14-70	George W. Armor, et al., 722 Southwest 22d, Oklahoma City, OK 73109.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Laverne Field, Harper County, Okla.	20.0	14.65
C171-473..... A 12-14-70	Union Oil Co. of California	Transcontinental Gas Pipe Line Corp., Fresh Water Bayou Field, Vermilion Parish, La.	[12] 26.0	15.025
C171-474..... A 12-11-70	The California Co., a division of Chevron Oil Co.	Texas Eastern Transmission Corp., Main Pass Block 103 Field (Block 19), Offshore Louisiana.	27.5	15.025
C171-475..... A 12-16-70	Texaco, Inc.	United Fuel Gas Co., Erath Field, Vermilion Parish, La.	25.0	15.025
C171-476..... B 12-15-70	George A. Bernat (Operator) et al. 320 Morningside Dr., Sarasota, FL 33577.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	Uneconomical	.....
C171-477..... A 12-16-70	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, OK 73118.	The Inland Gas Co., Inc., Eastern Kentucky Field, Knott County, Ky.	20.0	15.325
C171-478..... (CS67-41) F 12-14-70	C & K Petroleum, Inc. (successor to Chambers & Kennedy), 607 Midland National Bank Bldg., Midland, TX 79701.	El Paso Natural Gas Co., Toro Field, Reeves County, Tex.	[18] 17.565625	14.65
C171-480..... B 12-16-70	Imperial Production Corp., et al., A-108 Petroleum Center, 900 Northeast Loop Expressway, San Antonio, TX 78209.	Mississippi River Fuel Corp., Waskom Field, Harrison County, Tex.	Depleted	.....

[1] Amendment to certificate filed to increase daily contract quantity.
[2] Applicant proposes to abandon delivery of gas to the Jupiter Corp. for transportation to the gas purchaser. Applicant states that gas would be delivered to Vermilion Pipeline Co., Applicant in Docket No. CP71-108, for transportation to the purchaser at a lower rate.
[3] Rate in effect subject to refund in Docket No. RI69-191.
[4] Rate in effect subject to refund in Docket No. RI64-606.
[5] Deletes nonproductive lease.
[6] Pending—temporary authorization only granted.
[7] Change in Operator.
[8] Applicable to gas produced from acreage acquired from Pennzoil Producing Co.
[9] Applicable to gas-well-gas produced from added acreage.
[10] Applicable to casinghead gas produced from added acreage.
[11] Subject to 0.5 cent per Mcf deduction if Buyer desulfurizes gas.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Applicant proposes 26 cents per Mcf or area ceiling rate, whichever is higher.
[14] For gas produced from those formations deeper than the base of the Wolfcamp Series of the Permian System and above the top of the Morrowan Series of the Pennsylvanian System.
[15] For gas produced from those formations below the top of the Pennsylvanian System.
[16] Rate in effect subject to refund in Docket No. RI69-104. An increase in rate to 14 cents per Mcf was suspended in Docket No. RI71-119, but not yet made effective.
[17] Rate in effect subject to refund in Docket No. RI69-130.
[18] Includes 0.065625 cent per Mcf tax reimbursement. Rate of 17.5 cents per Mcf currently being collected subject to refund in Docket No. RI70-1484.

[FR Doc 71-749 Filed 1-20-71; 8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on October 20, 1970.[1]

The information reviewed at this meeting suggests that real output of goods and services increased slightly further in the third quarter but that employment declined and unemployment continued to rise; activity in the current quarter is being adversely affected by a major strike in the automobile industry. Wage rates generally are continuing to rise at a rapid pace, but improvements in productivity appear to be slowing the increase in costs, and some major price measures are rising less rapidly than before. Most interest rates have declined since mid-September, although yields on corporate and municipal bonds have been sustained by the continuing heavy demands for funds in capital markets. The money supply rose slightly on average in September and increased moderately over the third quarter as a whole. Bank credit expanded further in September but at a rate considerably less than the fast pace of the two preceding months. Banks continued to issue large-denomination CD's at a relatively rapid rate and experienced heavy inflows of consumer-type time and savings funds, while making substantial further reductions in their use of nondeposit sources of funds. The balance of payments deficit on the liquidity basis diminished in the third quarter from the very large second-quarter rate, but the deficit on the official settlements basis remained high as banks repaid Euro-dollar liabilities. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to orderly reduction in the rate of inflation, while encouraging the resumption of sustainable economic growth and the attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to promote some easing of conditions in credit markets and moderate growth in money and attendant bank credit expansion over the months ahead. System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining bank reserves and money market conditions consistent with those objectives, taking account of the forthcoming Treasury financings.

By order of the Federal Open Market Committee, January 14, 1971.

[SEAL] ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-816 Filed 1-20-71;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of October 20, 1970, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SECURITY NEW YORK STATE CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Security New York State Corp., Rochester, N.Y., for approval of acquisition of voting shares of the successor by merger to First National Bank and Trust Company of Ithaca, Ithaca, N.Y.

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)), the application of Security New York State Corporation, Rochester, N.Y. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of a new national bank into which would be merged First National Bank and Trust Company of Ithaca, Ithaca, N.Y. (Ithaca National). The new national bank has significance only as a means of acquiring

all of the shares of the bank to be merged into it; the proposal is treated herein as a proposal to acquire shares of Ithaca National.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

The New York State Banking Board, in accordance with a recommendation of the New York Superintendent of Banks, approved an application with respect to the pending proposal, filed with it pursuant to New York law.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 10, 1970 (35 F.R. 17280), 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.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the State's 20th largest banking organization, controls five banks which hold deposits of $397 million, representing 0.5 percent of New York's commercial bank deposits. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) The acquisition by Applicant of Ithaca National ($48 million deposits) would increase its share of State deposits by 0.1 percent and would have no significant effect on the concentration of banking resources.

Ithaca National, which operates two offices in Ithaca and an office in nearby Cayuga Heights, is the smaller of two banks in Ithaca and the second largest of four banks in Tompkins County. Applicant's closest subsidiary to Ithaca National is located 25 miles northeast of Ithaca, and no office of Applicant's present subsidiary banks, which are located in the Sixth, Eighth, and Ninth New York Banking Districts, competes to any significant extent with Ithaca National which is located in the Seventh District. Furthermore, it does not appear that substantial competition is likely to develop between them because of the distances involved, the location of the banks in separate banking districts and the State law restricting branching, and, in some instances, the lack of suitable branching sites due to the rural nature of the intervening areas.

Based upon the foregoing, the Board concludes that consummation of the proposal would not have a significant adverse effect on competition in any relevant area. The banking factors, as they relate to Applicant, its subsidiaries, and Ithaca National are consistent with approval of the application. Convenience and needs considerations are consistent with approval and lend some weight thereto because Applicant plans to expand and improve present services offered by Ithaca National in such areas as investment services, municipal bond financing, electronic data processing, and fiduciary services. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] January 14, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-817 Filed 1-20-71;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

SECRETARY OF LABOR

Delegation of Authority

Pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970, to administer the Disaster Relief Act of 1970 (Public Law 91-606), I hereby delegate to the Secretary of Labor subject to the general policy guidance and coordination of the Director of the Office of Emergency Preparedness (1) the authority, functions and powers granted by section 240 of that Act to provide assistance to individuals unemployed as a result of a major disaster, (2) the authority, functions and powers granted by that part of section 226(b) to provide reemployment assistance services under other laws administered by the Department of Labor to individuals who are unemployed as a result of a major disaster, and (3) to issue such rules and regulations as may be necessary and appropriate to effectuate this delegation.

Dated: January 8, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

I consent: January 15, 1971.

JAMES D. HODGSON,
Secretary of Labor.

[FR Doc.71-842 Filed 1-20-71;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel and Brimmer. Absent and not voting: Governor Sherrill.

TARIFF COMMISSION

NONRUBBER FOOTWEAR

Report to the President

JANUARY 15, 1971.

Vote of Commission divided in investigation under the Trade Expansion Act of 1962.

The U.S. Tariff Commission today reported to the President the results of its investigation of the effect of imports of nonrubber footwear on the domestic industry producing like or directly competitive products, which it had made under section 301(b)(1) of the Trade Expansion Act of 1962. The investigation had been requested by the President on July 15, 1970.

In the investigation (TEA-I-18), the Commission was to determine whether nonrubber footwear is, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive articles.

The vote of the Commission was divided.[1]

Commissioners Clubb and Moore found that nonrubber footwear for men, youths, and boys and for women and misses (except for work and athletic footwear, and slippers), is, as a result in major part of concessions granted under trade agreements, being imported in such increased quantities as to threaten to cause serious injury to the domestic industries producing men's and women's leather footwear. They further found that, in order to prevent serious injury, the rates of duty on the types of footwear described above and provided for in TSUS items 700.35, 700.43, 700.45, and 700.55 must be increased as follows: 700.35 to 10 percent and the other three items to the 1969 rates. They concluded that adjustment of the industry to the import competition depended on the grant of adjustment assistance to the firms and workers concerned. Commissioners Clubb and Moore also determined that work and athletic footwear and slippers for men, youths, and boys, and women and misses are not, as a result in major part of trade-agreement concessions, being imported in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive articles.

Commissioners Sutton and Leonard found in the negative.

Under the law, the President may consider the findings of either group of Commissioners as the findings of the Commission. If the President agrees with the affirmative finding of Commissioners Clubb and Moore, he may provide tariff adjustment or adjustment assistance or both.

[1] Commissioner Young did not participate in the investigation.

Copies of the Commission's report (TC Publication 359), which contains statements of the reasons for the Commissioners' findings, are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-827 Filed 1-20-71;8:46 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AND STUDENT WORKERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners, and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Anthracite Shirt Co., Shamokin, Pa.; 12-1-70 to 11-30-71 (men's and boys' shirts and women's blouses).

Blanchard Shirt Corp., Inc., Mountain View, Ark.; 11-26-70 to 11-25-71 (men's shirts).

Collinwood Manufacturing Co., Collinwood, Tenn.; 12-14-70 to 12-13-71 (men's and women's washable service garments).

Connellsville Sportswear Co., Connellsville, Pa.; 12-5-70 to 12-4-71 (men's and boys' trousers).

East Salem Manufacturing Co., Mifflintown, Pa.; 12-28-70 to 12-27-71 (ladies' blouses and dresses).

Edric Manufacturing Corp., Columbia, Tenn.; 12-30-70 to 12-29-71 (men's shirts).

Franklin Ferguson Co., Inc., Florala, Ala.; 12-19-70 to 12-18-71 (men's and boys' shirts).

Frisco Sportswear Co., Inc., Frisco City, Ala.; 12-4-70 to 12-3-71 (women's slacks).

G-B Manufacturers, Inc., Oswego, Kans.; 12-17-70 to 12-16-71 (men's trousers and men's, ladies', and boys' jeans).

Garan, Inc., Philadelphia, Miss.; 12-7-70 to 12-6-71 (boys' pants).

Garan, Inc., Starkville, Miss.; 1-3-71 to 1-2-72 (juveniles' knit shirts).

Gattman Sportswear, Inc., Gattman, Miss.; 12-8-70 to 12-7-71 (men's slacks).

Hagale Industries, Inc., Reeds Springs, Mo.; 12-18-70 to 12-17-71 (men's pants).

The Hercules Trouser Co., Hillsboro, Ohio; 12-1-70 to 11-30-71 (men's and boys' pants).

The Hercules Trouser Co., Manchester, Ohio; 12-1-70 to 11-30-71 (men's and boys' pants).

Hicks-Ponder Co., Yuma, Ariz.; 12-5-70 to 12-4-71 (men's pants).

Industrial Garment Manufacturing Co., Erwin, Tenn.; 12-12-70 to 12-11-71 (men's work clothing).

Juniata Garment Co., Inc., Mifflin, Pa.; 12-9-70 to 12-8-71 (women's dresses).

The H. D. Lee Co., Inc., Boaz, Ala.; 12-4-70 to 12-3-71 (men's work clothing).

Lismore Manufacturing Corp., Fall River, Mass.; 12-1-70 to 11-30-71; 10 percent of the total number of factory production workers engaged in the production of women's and children's woven underwear and sleepwear (women's and children's underwear and sleepwear).

Livingston Shirt Corp., Livingston, Tenn.; 12-31-70 to 12-30-71 (men's shirts and pajamas).

McAdoo Manufacturing Co., Inc., McAdoo, Pa.; Franglo, Inc., Hazleton, Pa.; 12-6-70 to 12-5-71 (children's polo shirts).

McNair Clothing Manufacturing Co., Brownsville, Tex.; 12-5-70 to 12-4-71 (men's and boys' pants and men's shirts).

Charles Meyers & Co., Belleville, Ill.; 11-28-70 to 11-27-71 (men's trousers).

Monroe Industries, Inc., Tellico Plains, Tenn.; 12-15-70 to 12-14-71 (men's and boys' shirts).

Panola Incorporated of Batesville, Batesville, Miss.; 12-2-70 to 12-1-71 (women's foundation garments).

Pittston Apparel Co., Pittston, Pa.; 12-8-70 to 12-7-71 (brassieres and girdles).

Punxy Sportswear Co., Inc., Punxsutawney, Pa.; 12-22-70 to 12-21-71 (misses' and ladies' slacks and blouses).

Richfield Manufacturing Co., Richfield, Pa.; 12-28-70 to 12-27-71 (men's and boys' sport and dress shirts).

Rogin, Inc., Winder, Ga.; 12-18-70 to 12-17-71; 10 learners (men's pants).

Royal Manufacturing Co., Inc., Sandersville, Ga.; 12-26-70 to 12-25-71 (men's, boys', and juveniles' sport shirts and ladies' blouses).

Samsons Manufacturing Corp., Washington, N.C.; 12-17-70 to 12-16-71 (men's shirts).

Scott Co., Inc., Anderson, S.C.; 11-26-70 to 11-25-71 (men's shirts).

Shane Manufacturing Co., Inc., Evansville, Ind.; 12-9-70 to 12-8-71; 10 learners (men's washable service apparel).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; 12-26-70 to 12-25-71 (men's and boys' pants).

Southern Garment Co., Robbins, N.C.; 12-4-70 to 12-3-71; 10 learners (women's dresses).

Stein-Way Clothing Co., Inc., Johnson City, Tenn.; 12-7-70 to 12-6-71 (men's and boys' trousers and shirts).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; 1-2-71 to 1-1-72 (men's and boys' pants).

Tri-County Shirt Co., Inc., Salem, Ark.; 11-26-70 to 11-25-71 (men's shirts).

Vernon Manufacturing Co., Inc., Vernon, Tex.; 12-31-70 to 12-30-71 (men's and boys' trousers and shorts).

Warner's, Marianna, Fla.; 12-28-70 to 12-27-71 (women's corsets and brassieres).

Warner's, Thomasville, Ga.; 12-28-70 to 12-27-71 (women's corsets and brassieres).

Warsaw Manufacturing Co., Kingstree, S.C.; 11-29-70 to 11-28-71 (ladies' capris, shorts, and jamaicas).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Denise Lingerie Corp., Johnson City, Tenn.; 11-30-70 to 2-27-71; 20 additional learners (ladies' slips, gowns, and pajamas) (supplemental certificate).

Mayflower Manufacturing Co., Inc., Scranton, Pa.; 12-12-70 to 6-11-71; 15 learners (men's and boys' pants).

Tri-County Shirt Co., Inc., Salem, Ark.; 12-11-70 to 6-10-71; 35 learners (men's shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Union Manufacturing Co., Union Point, Ga.; 12-14-70 to 12-13-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (mens' hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Athens Lingerie Corp., Athens, Ala.; 11-25-70 to 11-24-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie, sleepwear, and loungewear).

Lismore Manufacturing Corp., Fall River, Mass.; 12-1-70 to 11-30-71; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear and sleepwear for normal labor turnover purposes (women's and children's underwear and sleepwear).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rate, occupation, learning period and the number of learners authorized to be employed, are as indicated.

Emily, Inc., Adjuntas, P.R.; 12-7-70 to 12-6-71; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.29 an hour (brassieres).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Oak Park Academy, Nevada, Iowa; 9-8-70 to 8-31-71; authorizing the employment of: (1) 16 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of $1.40 an hour for the first 500 hours and $1.45 an hour for the remaining 500 hours; and (2) 20 student-workers in the broom manufacturing industry in the occupations of broommaker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.40 an hour for the first 180 hours and $1.45 an hour for the remaining 180 hours.

Union Springs Academy, Union Springs, N.Y.; 12-22-70 to 8-31-71; authorizing the employment of 15 student-workers in the broom manufacturing industry in the occupations of broommaker, sorter, winder, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rate of $1.40 an hour.

The student-worker certificates were issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 13th day of January 1971.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.71-823 Filed 1-20-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 4]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 15, 1971.

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

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

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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

No. MC 868 (Sub-No. 8) (Amendment), filed July 28, 1970, published in the FEDERAL REGISTER issue of October 8, 1970, amended, and republished in part, as amended, this issue. Applicant: SIGNAL TRUCKING SERVICE LTD., 3770 East 26th Street, Vernon, CA 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. NOTE: The purpose of this partial republication is to broaden the scope of authority sought by adding the following: *Irregular routes:* (4) *General commodities* (subject to note), except petroleum products in bulk in tank vehicles, uncrated household goods, livestock, and commodities of unusual value, between points in the San Francisco-East Bay (California) Cartage Zone listed below; (5) *general commodities* (subject to note) except as follows: (1) Used household goods and personal effects, uncrated; (2) automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment; (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank semitrailers or a combination of such highway vehicles; (6) commodities when transported in bulk in dump trucks or in hopper-type trucks, and (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit, between points in the Greater San Francisco Bay Area as defined below. NOTE: The commodity exceptions listed in paragraphs 4 and 5 shall not be construed as being restrictions to the commodity descriptions set forth in paragraphs 1, 2, and 3. Applicant also states that Paxton will authorizbe concurrent revocation of its certificates of registration Nos. MC 13522 (Sub-No. 10) and MC 13522 (Sub-No. 14). The rest of the application remains the same.

LIMITS OF SAN FRANCISCO-EAST BAY CARTAGE ZONE

San Francisco-East Bay Cartage Zone includes that area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point 1 mile west of Highway U.S. 101; thence southeasterly along an imaginary line 1 mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the city of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to kits intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point 1 mile south of Toll Bridge Road; thence easterly along an imaginary line 1 mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mount Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line 1 mile

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

south and southeasterly of and paralleling Mount Eden Road and Jackson Road to its intersection with an imaginary line 1 mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line 1 mile easterly of and paralleling State Sign Route 9 to its intersection with B Street, Hayward; thence easterly and northerly along B Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the city of Oakland; thence easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County boundary line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point 1 mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line 1 mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Co. right of way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

LIMITS OF THE GREATER SAN FRANCISCO BAY AREA

Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly, and northerly along said corporate boundary to its intersection with State Highway 17; northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to the San Leandro-Oakland boundary line; easterly and northerly along the boundary line of the City of Oakland to the Berkeley-Oakland boundary line; southerly along said boundary to the campus boundary of the University of California; westerly southerly and westerly along said boundary line to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. NOTE: Applicant holds Certificates of Public Convenience and Necessity in Nos. MC–868 and No. 868 (Sub 6) thereunder, dated December 20, 1945, and October 22, 1964, respectively, issued by the Interstate Commerce Commission, authorizing transportation of certain commodities, in interstate or foreign commerce, between points solely within the State of California. Applicant is hereby cautioned that the order, of which this Appendix is a part, authorizes issuance of a "grandfather" certificate of registration as evidence of a right to continue to engage in operations, in interstate or foreign commerce, as described in the appendix above, *only insofar as such operations do not duplicate those authorized in certificate No. MC–868, and Sub-No. 6*) as issued by the Interstate Commerce Commission.

No. MC 51603 (Sub-No. 5), filed December 18, 1970. Applicant: REESE TRUCK LINE, INCORPORATED, Highway 24 Bypass, Centreville, MS 39631. Applicant's representative: John A. Crawford, 700 Petroleum Building, Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), over the following routes: (1) Between McComb and Brookhaven, Miss.; from McComb over U.S. Highway 51 and/or Interstate Highway 55 to Brookhaven; (2) between Gloster and Fayette, Miss.; from Gloster over Mississippi Highway 33 to Fayette, serving Crosby, Miss., as an intermediate point and Roxie, Miss., as an off-route point; and (3) between Centreville and Woodville, Miss.; from Centreville over Mississippi Highway 24 to Woodville, and return over the same routes in connection with (1), (2), and (3) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at McComb or Jackson, Miss.

No. MC 52465 (Sub-No. 38), filed December 29, 1970. Applicant: RICE TRUCK LINES, 1627 Third Street Northwest, Great Falls, MT 59401. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, between points in Montana and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Montana or Wyoming.

No. MC 56823 (Sub-No. 3), filed December 17, 1970. Applicant: O'KEEFE TRANSPORTATION COMPANY, INC., 1234 Warwick Neck Avenue, Warwick, RI 02889. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Genaral commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in the Commonwealth or Massachusetts. NOTE: Applicant states joinder or tacking would occur at any Massachusetts point which is within 15 miles of Providence, R.I. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 59680 (Sub-No. 188), filed December 17, 1970. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black* (except in bulk), from plants at Tate Cove, Cabot, Westlake, Carboco, Hancock, and North Bend, La.; El Dorado, Ark.; and Youens, Tex., to points in Rhode Island, Delaware, Maryland, Kentucky, Virginia, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Westlake, La., Youens, Tex., and Rhode Island points, to provide through service. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 61592 (Sub-No. 199), filed December 21, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, between points in

New Hampshire, Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Virginia, North Carolina, Maryland, New Jersey, Massachusetts, and New York. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 200), filed December 29, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and packaged animal and pet food, and canned and packaged foodstuffs*, from Siloam Springs and Gentry, Ark., and the plantsite of Allen Canning Co., located approximately 10 miles northeast of Siloam Springs, Ark., and from Kansas and Proctor, Okla., to points in Alabama, Arizona, California, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, Nevada, New Mexico, South Dakota, North Dakota, Oklahoma, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 201), filed December 30, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating units, storage units, and heating and storage units combined*, between Albuquerque, N. Mex., on the one hand, and, on the other, points in the United States (including Alaska but excepting Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 65916 (Sub-No. 14) (Correction), filed December 9, 1970, published in the FEDERAL REGISTER issue of December 30, 1970, and republished as corrected this issue. Applicant: WARD TRUCKING CORP., Altoona, Pa. 16603. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) between Brookville and Greenville, Pa., from Brookville over U.S. Highway 322 to Franklin, Pa., thence over U.S. Highway 62 to Sandy Lake, Pa., thence over Pennsylvania Highway 358 to Greenville, and return over the same route, and (2) between Brookville and Sharon, Pa., from Brookville over U.S. Highway 322 to its junction with Interstate Highway 80, thence over Interstate Highway 80 to its junction with Pennsylvania Highway 518, thence over Pennsylvania Highway 518 to Sharon, and return over the same route, serving all intermediate points on the above-described routes and points in Clarion, Mercer, and Venango Counties, Pa., as off-route points. NOTE: The purpose of this republication is to correctly set forth the proposed operation. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 69492 (Sub-No. 36), filed December 10, 1970. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, KY 42301. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum extrusions*, from Union City, Tenn., to Pinckneyville, Ill. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville, Ky., or St. Louis, Mo.

No. MC 103993 (Sub-No. 594), filed December 14, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Weber and Box Elder Counties, Utah, to points in the United States (except Alaska, Hawaii, Arizona, California, Idaho, Nevada, Oregon, and Washington); and (2) *buildings and sections of buildings*, from points in Weber and Box Elder Counties, Utah, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 103993 (Sub-No. 595), filed December 23, 1970. Applicant MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, from points in Marion County, Oreg., to points in the United States (except Alaska, Hawaii, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, and Wyoming; and (2) *buildings and sections of buildings*, from points in Marion County, Oreg., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salem, Oreg.

No. MC 103933 (Sub-No. 596), filed December 23, 1970. Applicant MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements and *buildings and sections of buildings*, from Tulsa County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 103993 (Sub-No. 597), filed December 29, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building sections, parts, materials and supplies*, (1) from Long Beach, Calif., to points in the United States including Alaska (excluding Hawaii), and (2) from Phoenix, Ariz., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Long Beach, Calif., or Phoenix, Ariz.

No. MC 103993 (Sub-No. 598), filed December 29, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building systems and components*, from points in Dubuque County, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dubuque, Iowa.

No. MC 103993 (Sub-No. 599), filed December 29, 1970. Applicant: MORGAN DRIVE–AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings and sections of buildings*, from points in Chicasaw County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 103993 (Sub-No. 600), filed December 29, 1970. Applicant: MORGAN DRIVE–AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings*, from points in Creek County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 106674 (Sub-No. 78) (Correction), filed December 7, 1970, published in the FEDERAL REGISTER issue of December 24, 1970 and republished as corrected this issue. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46921. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. NOTE: The purpose of this republication is to show that Terre Haute, Ind., is located in Vigo County, Ind., in lieu of Marion County, Ind. The rest of the application remains as previously published.

No. MC 107295 (Sub-No. 453) (Amendment), filed September 28, 1970, published in the FEDERAL REGISTER issue of October 15, 1970, and republished as amended, this issue. Applicant: PREFAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stoves and ranges*, from Cleveland, Tenn., to Ironwood, Mich.; (2) *plywood, wallboard, siding* in coils and *accessories*, from Elkhart, Ind., to Ironwood, Mich.; and (3) *doors*, from Elkhart, Ind., to Ironwood, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect an additional commodity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107403 (Sub-No. 801), filed December 14, 1970. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from the plantsite of the American Cyanamid Co., at or near Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 107496 (Sub-No. 796), filed December 21, 1970. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, from Memphis, Tenn., to points in Arkansas, Alabama, Illinois, Indiana, Georgia, Kentucky, Louisiana, Mississippi, and Missouri; (2) *sand and gravel*, from Muscatine, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, and Wisconsin; (3) *liquified petroleum gas*, from Oostburg, Wis., to Upper Michigan Peninsula; (4) *ammonium nitrate fertilizer* in bags, from Marseilles, Ill., to Lower Michigan Peninsula; and (5) *catalyst, clay and silica gel*, from points in Wyoming to Colorado, Kansas, Nebraska, Missouri, Illinois, Minnesota, North Dakota, South Dakota, Utah, Idaho, Washington, Oregon, Oklahoma, Texas, California, Arizona, New Mexico, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 109462 (Sub-No. 13), filed December 11, 1970. Applicant: LUMBER TRANSPORT, INC., Post Office Box 6181, South Station, Fort Smith, AR 72901. Applicant's representatives: Dean Williamson, 600 Leininger Building, Oklahoma City, OK 73112 and Robert G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, from Miami, Okla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, and (2) *wood chips and wood waste*, from points in Texas, Louisiana, Arkansas, Missouri, Kansas, Mississippi, and Tennessee, to Miami, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Fort Smith, Ark.

No. MC 110525 (Sub-No. 991), filed December 11, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terpinolene and turpentine*, in bulk, in tank vehicles, from Jacksonville, Fla., to Addyston, Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not indentify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo., or Washington, D.C.

No. MC 111170 (Sub-No. 154), filed December 23, 1970. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Novacite and novaculite (silica)*, in bulk, from Hot Springs, Ark., to Chesterfield, Mo., and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111545 (Sub-No. 151), filed December 28, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, from Anniston, Ala., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that

it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 112016 (Sub-No. 6), filed December 14, 1970. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's, men's, and children's ready-to-wear apparel stores and supplies and equipment used in the conduct of such business, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, Kentucky, Tennessee, Alabama, Oklahoma, North Carolina, and South Carolina, under contract with Jubilee Shops, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 113843 (Sub-No. 164), filed December 21, 1970. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials and supplies* used in the conduct of meat packing businesses, between the plant site and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, New Hampshire, Maine, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117344 (Sub-No. 210), filed December 14, 1970. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, OH 45215. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, OH. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terpinolene and turpentine*, in bulk, in tank vehicles, from Jacksonville, Fla., to Addyston, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117574 (Sub-No. 189) (Amendment), filed September 14, 1970, published FEDERAL REGISTER issue of October 8, 1970, amended, and republished as amended, this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representatives: E. S. Moore, Jr. (same address as applicant) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water and sewer pipe, conduit, attachments and fittings* for conduit, water, and sewer pipe (except clay pipe, conduit, attachments, and fittings), between Orangeburg, N.Y., Waukegan, Ill., and St. Louis, Mo., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Ohio, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, and, (2) *water and sewer pipe, conduit, attachments and fittings* for conduit, water, and sewer pipe (except clay pipe, conduit, attachments, and fittings; pipe, conduit, attachments, and fittings which because of size or weight require the use of special equipment, and pipe and conduit used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products or byproducts), between points in the United States (except Orangeburg, N.Y., Waukegan, Ill., and St. Louis, Mo.), in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states tacking possibilities but it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. No duplicate authority is sought. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117883 (Sub-No. 147), filed December 21, 1970. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. 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 I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and *equipment, materials, and supplies* used in the conduct of the meat packing business, between the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to the transportation of traffic originating at the above named origins and destined to the above-named destinations. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118263 (Sub-No. 41) (Correction), filed December 14, 1970, published in the FEDERAL REGISTER issue of January 14, 1971, under MC 118263 (Sub-No. 14), and republished in part, as corrected, this issue. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, IN 47131. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. NOTE: The sole purpose of this partial republication is to reflect the correct docket number assigned as No. MC 118263 (Sub-No. 41) inadvertently shown as MC 118263 (Sub-No. 14) in the previous publication. The rest of the application remains as previously published on January 14, 1971.

No. MC 118318 (Sub-No. 21), filed December 7, 1970. Applicant: IDA-CAL FREIGHTLINES, INC., Post Office Box 422, Twin Falls, ID 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soap and soap products*, from Long Beach and Berkeley, Calif.; (2) *burlap bags*, from Los Angeles, Calif.; and (3) *such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, *equipment, materials and supplies* used in conduct of such business, when moving to, from or between such establishments, from Fresno, San Francisco, Los Angeles, San Jose, Hayward, Oakland, Berkeley, Long Beach, Wilmington, Anaheim, Burbank, El Segundo, Fullerton, Glendale, Los Angeles Harbor, South Gate, San Pedro, Terminal Island, Fowler, Ivanhoe, Tulare, South San Francisco, Alameda, Emeryville, Palo Alto, Crockett, Sacramento, and Stockton, Calif., to points in Idaho on and south of the southern boundaries of Adams, Valley, and Lemhi Counties, Idaho, in connection with (1), (2), and (3) above. NOTE: Applicant states it presently can provide the service proposed by tacking its Subs 1 and 13 at Twin Falls, Idaho. Applicant further states the purpose of this application is to eliminate the Twin Falls, Idaho, gateway. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 118959 (Sub-No. 94), filed December 21, 1970. Applicant: JERRY

LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets or rugs, and carpet or rug cushioning or underlay*, rubber and plastic, and *rubber and plastic coated materials, and equipment, materials, and supplies*, between Columbus, Miss., on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Columbus, Miss.

No. MC 118959 (Sub-No. 95), filed December 21, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical instruments and parts, transformers, poles and pole accessories and materials and supplies* used in the manufacture of electrical instruments and parts, transformers, poles and pole accessories, between Pickens and Wallhalla, S.C., on the one hand, and, on the other hand, points in the United States (except Alaska and Hawaii). NOTE: Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 118959 (Sub-No. 96), filed December 21, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical instruments and parts, transformers, poles and pole accessories, and materials and supplies* used in the manufacture of electrical instruments and parts, transformers, poles, and pole accessories, (1A) between Springfield, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (1B) between Vicksburg, Miss., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119012 (Sub-No. 10), filed December 28, 1970. Applicant: RIVER TERMINALS TRANSPORT, INC., Post Office Box 176, Aurora, IN 47001. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry bulk commodities* (not including cement), in bulk, in dump trucks or other similar type self-unloading equipment; and (2) *pig iron and ferro alloys*, in dump vehicles or other similar type unloading equipment, from river terminals, located at Aurora, Ind., to points in that part of Indiana on and south of U.S. Highway 30, that part of Ohio on and south of a line beginning at the Ohio-Indiana State line, and extending along U.S. Highway 30 to junction U.S. Highway 30N, and thence along U.S. Highway 30N to junction U.S. Highway 23, and on and west of U.S. Highway 23, from junction U.S. Highways 30N and 23 to the Ohio-Kentucky State line, and that part of Kentucky on and north of a line beginning at the Ohio River, near Ashland, Ky., and extending along U.S. Highway 60 to junction U.S. Highway 62, near Versailles, Ky., and thence along U.S. Highway 62, near Versailles, Ky., and thence along U.S. Highway 62 to the Ohio River, at Paducah, Ky. Restriction: The authority applied for herein is to be limited to commodities having a prior movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Cincinnati, Ohio.

No. MC 119789 (Sub-No. 45), filed November 6, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Dallas and Fort Worth, Tex., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee (except Memphis), Kentucky, and Pensacola and Panama City, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 120582 (Sub-No. 4), filed December 18, 1970. Applicant: McMINNVILLE FREIGHT LINE, INC., Morrison Road, Post Office Box 790, McMinnville, TN 37110. Applicant's representative: E. J. Herald (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Warren County, Tenn., and Nashville, Tenn., as off-route points in connection with applicant's presently held authority between Nashville and McMinnville. NOTE: Applicant states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123407 (Sub-No. 76), filed December 22, 1970. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse of North Star Steel Co. at Newport, Minn., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Maryland, North Carolina, Pennsylvania, South Carolina, Ohio, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125506 (Sub-No. 13) (Amendment), filed November 27, 1970, published in the FEDERAL REGISTER December 30, 1970, amended and republished as amended, this issue. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, NY. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops, dealing primarily in wearing apparel (excluding new furniture and appliances) and, *advertising, display materials, store fixtures and furniture;* (1) between New York, N.Y., on the one hand, and, on the other, Boston, Mass., and Chevy Chase, Md., under contract with Saks & Co., and (2) between shipper's stores, distribution centers and warehouses located at New York, N.Y.; Paramus and Eatontown, N.J.; under contract with Lane Bryant, Inc. NOTE: The purpose of this republication is to broaden the scope of the authority sought and to add an additional shipper. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127042 (Sub-No. 70), filed December 21, 1970. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities* used by packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from Green Bay, Wis., to points in Colorado, Florida, Georgia, Louisiana, Minnesota, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Alabama. NOTE: Applicant states tacking possibilities, but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking.

Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 128375 (Sub-No. 52) (Amendment), filed September 28, 1970, published in the FEDERAL REGISTER Issue of October 22, 1970, and republished as amended this issue. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, NE 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. NOTE: The purpose of this partial republication is to redescribe the territorial scope of the application as follows: (1) From points in Los Angeles County, Calif., to points in Washington, Oregon, Idaho, Utah, Arizona, New Mexico, Texas, and Colorado; and (2) from Harvey, Ill., to all points in Los Angeles County, Calif., all under continuing contract with Maremont Corp. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Denver, Colo. The rest of the application remains as previously published.

No. MC 128504 (Sub-No. 3), filed August 26, 1970. Applicant: JAMES M. BARNETT AND MRS. JAMES M. BARNETT, a partnership, doing business as BARNETT'S MOVING AND STORAGE, Post Office Box 726, 507 West Adams Street, Kosciusko, MS 39090. Applicant's representatives: Mrs. James M. Barnett and Alton Massey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps with globes, lamps without globes, pole lamps and shades*, in truckload quantities, and raw materials for the maufacture thereof to factory, from Kosciusko, Miss., to points in Mississippi, Alabama, Arkansas, Connecticut, Delaware, Virginia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Wisconsin, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Missouri, and West Virginia, and on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson or Greenwood, Miss., or Memphis, Tenn.

No. MC 129282 (Sub-No. 9), filed December 11, 1970. Applicant: FRED S. BERRY, doing business as BERRY TRANSPORTATION COMPANY, 305 Lancaster Street, Post Office Box 1824, Longview, TX 75601. Applicant's representative: Fred S. Berry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, except in bulk in tank vehicles, from Monroe and West Monroe, La., to points in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex., or Shreveport, La.

No. MC 129307 (Sub-No. 46), filed December 15, 1970. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, MI 49071. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, materials, supplies, and products* used in or produced by the food processing industry (except in bulk or commodities which because of size or weight require the use of special equipment); (1) between Springdale, Ark., on the one hand, and, on the other, points in Missouri, Iowa, Illinois, Kentucky, Kansas, and Nebraska; and (2) between Lawton, Mich., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, Kansas, Nebraska, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133775 (Sub-No. 8), filed December 17, 1970. Applicant: REEFER TRANSIT LINE, INC., 55 East Washington Boulevard, Chicago, IL 60602. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Indiana, Ohio, Pennsylvania, New York, West Virginia, New Jersey, Maryland, Delaware, and the District of Columbia; and (2) *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers as described in section D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Indiana, Ohio, Pennsylvania, New York, West Virginia, New Jersey, Maryland, Delaware, and the District of Columbia, to the plantsite of and storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133777 (Sub-No. 4), filed December 15, 1970. Applicant: METAL CARRIERS, INC., 400 West Main Street, Dallas, TX 75208. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap nonferrous metals*, from Dallas and Fort Worth, Tex., to points in Illinois, Missouri, Tennessee, and Louisiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territory which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Houston, Tex.

No. MC 133805 (Sub-No. 3), filed December 21, 1970. Applicant: LONE STAR CARRIERS, INC., Post Office Box 11304, 740 North Houston, Fort Worth, TX 76109. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. 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 I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Georgia, North Carolina, South Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134182 (Sub-No. 4), filed December 18, 1970. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION CORP., Second and West Turnpike Road, Lawrence, KS 65340. Applicant's representative: Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Indiana, Wisconsin, and that part of the Lower Peninsula of Michigan situated on and south of a line commencing at Muskegon, thence easterly over Interstate Highway 96 to Grand Rapids, thence over Michigan Highway No. 21 to Port Huron; and from Rossville, Ill.; Glencoe and Owatonna, Minn.; and Biglerville, Pa.; to the point in the Kansas City, Mo.-Kans. commercial zone and to Springfield, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 134449 (Sub-No. 2), filed December 14, 1970. Applicant: LESTER V. MOZNIK, 3753 Grandview Highway, Burnaby, BC Canada. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, counter tops and parts thereof*, from ports of entry on the international boundary between the United States and Canada at or near Blaine and Sumas, Wash., to points in King and Pierce Counties, Wash., and points in Alameda, San Francisco, Contra Costa, Marin, San Mateo, Santa Cruz, Santa Clara, Sonoma, and Solano Counties, Calif., under contract with Crestwood Kitchens, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134460 (Sub-No. 3), filed December 16, 1970. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, CA 94063. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, Suite 1401, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in temperature controlled equipment, from Los Angeles Harbor Commercial Zone, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134793 (Sub-No. 2), filed August 26, 1970. Applicant: EDWIN LINDEN, doing business as EAST-WEST REFRIGERATED FREIGHT LINES, 520 East Ogden Avenue, Naperville, IL 60540. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Chicago, IL 60606. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Storm windows and doors*, completely assembled and glazed; (2) *awnings*, fibreglass and aluminum, assembled and knocked down; and (3) *aluminum patio covers*, knocked down, from the plantsite of Kinkead Industries, Inc., at Warrenville, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, under contract with Kinkead Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Wahington, D.C.

No. MC 134978 (Sub-No. 2), filed December 10, 1970. Applicant: C. P. BELUE, doing business as BELUE'S TRUCKING, Route 2, Chesnee, SC 29323. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products* for building, highway, sewer, and utility construction, from Fairforest, S.C., to points in Georgia and North Carolina, and points in Tennessee on and east of U.S. Highway 231. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Spartanburg, S.C.

No. MC 135172, filed December 8, 1970. Applicant: SAM CASH, doing business as CASH CONTRACT CARRIER, 1113 North 48th Street, Muskogee, OK 74401. Applicant's representative: Frank R. Hickman, 825 Wright Building, Tulsa, OK 74102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Climate control systems and their byproducts*, and *furniture* for commercial use, generally for Stephens Manufacturing Co., Muskogee, Okla., from Muskogee, Okla., to points in Oklahoma, under contract with Stephens Manufacturing Co., and P. & H. Supply Co., Muskogee, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 135173, filed December 10, 1970. Applicant: ANTHONY DI COLA, 42 Harlam Street, Providence, RI 02909. Applicant's representative: S. Thomas Cotroneo, 111 Industrial Bank Building, Providence, RI 02903. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, between Massachusetts, Connecticut, New York, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rhode Island, Massachusetts, or Connecticut.

MOTOR CARRIER OF PASSENGERS

No. MC 134317 (Sub-No. 2), filed January 6, 1971. Applicant: P & L PROCESSORS, INC., Stockton, MD 21864. Applicant's representative: E. Dale Adkins, Jr., 111 High Street, Salisbury, MD 21801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between points in Accomack and Northampton Counties, Va., on the one hand, and, on the other, plantsite of P & L Processors, Inc., Stockton, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salisbury or Snow Hill, Md.

MOTOR CARRIER OF PASSENGERS

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 163), filed December 21, 1970. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: Route 1A: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Wooster and Mansfield, Ohio: From Wooster, Ohio, over relocated U.S. Highway 30 to Mansfield, Ohio, and return over the same route, serving all intermediate points; Route 2A: between New Albany, Ind., and the junction of relocated U.S. Highway 150 and old U.S. Highway 150 (unnumbered highway known as Paoli Pike) approximately 2 miles southeast of Galena, Ind.; from New Albany, Ind., over relocated U.S. Highway 150 to the junction of old U.S. Highway 150 (unnumbered highway known as Paoli Pike) approximately 2 miles southeast of Galena, Ind., and return over the same route, serving all intermediate points.

Part B—*Authority Sought To Be Abandoned by Applicant*—Route 1B. In connection with Route 1A, authority is sought to abandon that portion of applicant's present authority over old U.S. Highway 30 (renumbered Ohio Highway 430) between Wooster and Mansfield, Ohio, as contained in certificate No. MC 1501, Sub 92 (renumbered MC 1515 Sub 8), Sheet No. 1. Route 2B—In connection with Route 2A, authority is sought to abandon that portion of applicant's present authority over old U.S. Highway 150 (presently unnumbered highway known as State Street and Paoli Pike) between New Albany, Ind. and the junction of relocated U.S. Highway 150 approximately 2 miles southeast of Galena, Ind., as contained in certificate No. MC 1501, Sub 104 (renumbered MC 1515, Sub 8), Sheet No. 2. Route 3B—To abandon authority as contained in certificate No. MC 1501, Sub 92 (renumbered MC 1515, Sub 8), Sheet No. 10 as follows: "Between Indianapolis and Marion, Ind.: From Indianapolis over Indiana Highway 37 to junction Indiana Highway 13, thence over Indiana Highway 13 to Elwood, Ind., thence over Indiana Highway 28 to junction Indiana Highway 37, and thence over Indiana Highway 37 to Marion, and return over the same route, serving the intermediate points of Allisonville, Noblesville, Clare, Strawtown, Elwood, Rigdon, and Radley, Ind. (That portion of Indiana Highway 37 between Indianapolis and a point 2 miles east of Noblesville is presently designated as Indiana Highway 37A.)"

By the Commission.

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

[FR Doc.71-782 Filed 1-20-71;8:45 am]

[Notice 636]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 15, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant

to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72499. By order of January 13, 1971, the Motor Carrier Board approved the transfer to James O. Shives, Melvin, Ill., of permit No. MC-127252, issued April 29, 1966, to Wayne Tarvin and Richard Tarvin, doing business as Tarvin Trucking Co., Dewey, Ill., authorizing the transportation of Farm machinery, as specified, from Des Moines, Dubuque, Ottumwa, and Waterloo, Iowa, and Horicon, Wis., to Gibson City, Ill. Mack Stephenson, Attorney at Law, 301 North Second Street, Springfield, IL 62702, attorney for applicants.

No. MC–FC–72566. By order of January 13, 1971, the Motor Carrier Board approved the transfer to Bessette Transport, Inc., 505 Provost Street, Iberville, Quebec, Canada, of Certificate No. MC–118934 (Sub-No. 1) issued to Maurice Bedard Transport, Inc., 30 Cardinal St., St. Johns, PQ Canada, authorizing the transportation of: Agricultural machinery, implements, and parts therefor, from Belleville, Intercourse, Mountville, and New Holland, Pa., to ports of entry on the United States-Canada boundary line, at Champlain and Rouses Point, N.Y.

No. MC–FC–72570. By order of January 13, 1971, the Motor Carrier Board approved the transfer to Savage Trucking Co., Inc., Chester Depot, Vt., of permit No. MC–124545, issued April 21, 1964, to Ernest E. Gilman, doing business as Gilman Transportation Co., Lebanon, N.H., authorizing the transportation of mined and ground talc, in bags, in shipper-owned trailers, from Chester, Vt., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Vermont Talc Co., of Chester, Vt. Dual authority is authorized. Werner and Alfano, 2 West 45th Street, New York, NY 10036, attorneys for transferee. Marshall and Marshall, 135 State Street, Springfield, MA 01103, attorneys for transferor.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–784 Filed 1–19–71;8:48 am]

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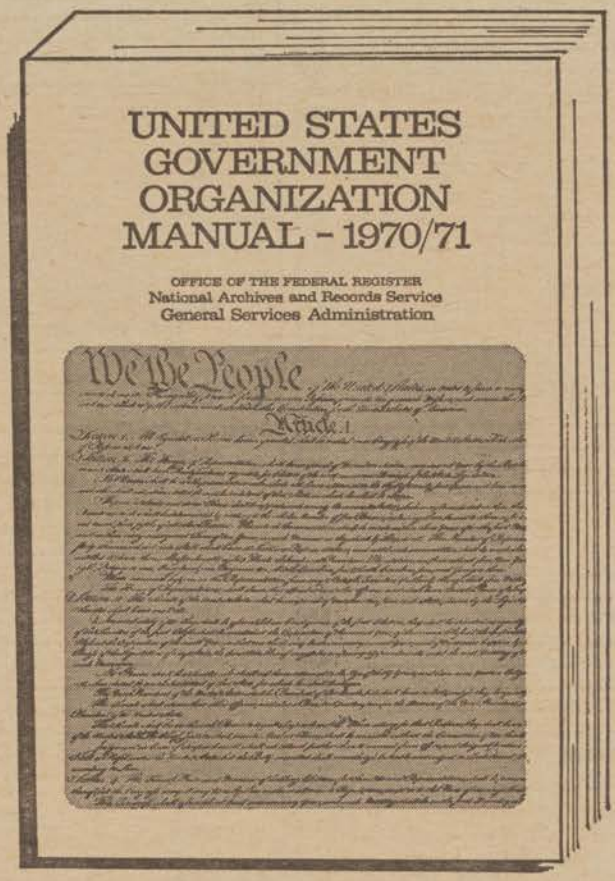

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