FEDERAL REGISTER

VOLUME 36 • NUMBER 28

Wednesday, February 10, 1971 • Washington, D.C.

Pages 2769–2853

Agencies in this issue—

Detailed list of Contents appears inside.

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

3 CFR

PROCLAMATION:

4030 2775

EXECUTIVE ORDERS:

July 2, 1910 (revoked in part by PLO 5017) 2784
July 10, 1913 (revoked in part by PLO 5017) 2784
July 30, 1916 (revoked in part by PLO 5017) 2784
July 30, 1917 (revoked in part by PLO 5017) 2784
3373 (revoked by PLO 5016) 2784

7 CFR

910 2777

9 CFR

201 2777

12 CFR

220 2777

14 CFR

71 (2 documents) 2778
202 2779
203 2779
213 2779
302 2780
376 2781

PROPOSED RULES:

71 (7 documents) 2789–2791

18 CFR

PROPOSED RULES:

101 2803
104 2803
105 2803
141 2803
201 2803
204 2803
205 2803
260 2803

24 CFR

201 2781

PROPOSED RULES:

71 2786

29 CFR

463 2781

41 CFR

9–4 2782
9–51 2783
9–59 2783

42 CFR

PROPOSED RULES:

481 2791

43 CFR

PUBLIC LAND ORDERS:

3379 (revoked in part by PLO 5014) 2783
5014 2783
5015 2783
5016 2784
5017 2784
5018 2784
5019 2785
5020 2785

45 CFR

181 2785

47 CFR

PROPOSED RULES:

1 (2 documents) 2793, 2799
2 2793
21 2793
73 (2 documents) 2801, 2802
74 (2 documents) 2793, 2802
89 2793
91 2793
93 2793
95 2793

Presidential Documents

Title 3—The President

PROCLAMATION 4030

National Poison Prevention Week, 1971

By the President of the United States of America

A Proclamation

Although the number of children who die from poisoning has been declining, approximately 75,000 accidental poisonings and some 300 deaths among children under the age of five are still reported every year. Young children cannot differentiate between things that are meant to be swallowed and those that are not meant to be swallowed. We adults must make this distinction, and we must be constantly on the alert to avoid a poisoning incident.

The Poison Prevention Packaging Act, which I recently signed into law, will provide for child-resistant containers for toxic or harmful household substances, and will help to end the tragedy of childhood poisonings.

To focus attention on the dangers of accidental poisoning, the Congress in a joint resolution of September 26, 1961 (75 Stat. 681), requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning March 21, 1971, as National Poison Prevention Week.

I direct the appropriate agencies of the Federal Government, and I invite State and local governments and voluntary organizations to participate actively in programs designed to promote better protection against accidental poisonings, particularly as they relate to young children.

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

Richard Nixon

[FR Doc. 71-1952 Filed 2-8-71; 4:01 pm]

Rules and Regulations

Title 7—AGRICULTURE

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

[Lemon Reg. 465, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 910.765 (Lemon Regulation 465, 36 F.R. 1466) are hereby amended to read as follows:

§ 910.765 Lemon Regulation 465.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 47,000 cartons.

(ii) District 2: 103,000 cartons.

* * * * *

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

Dated: February 5, 1971.

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

[FR Doc.71–1873 Filed 2–9–71;8:53 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Payment and Accounting for Livestock and Live Poultry

On May 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8368) that the Packers and Stockyards Administration was considering an amendment to § 201.43 of the regulations which would clarify the requirements with respect to disclosure of deferred payment agreements in the records of market agencies or dealers selling livestock.

Interested persons were given 60 days within which to submit written data, views, or arguments concerning the proposed amendment. In response to the request of interested persons, the time for filing such written data, views, or arguments was extended to and including August 20, 1970 (35 F.R. 12769). After consideration of all relevant matters submitted by interested persons, paragraphs (b) and (c) of § 201.43, Part 201, Chapter II, Title 9, Code of Federal Regulations are hereby amended to read as follows:

§ 201.43 **Payment and accounting for livestock and live poultry.**

* * * * *

(b) *Purchasers to pay promptly for livestock.* Each packer, market agency, or dealer purchasing livestock shall, before the close of the next business day following the purchase of livestock and the determination of the amount of the purchase price, transmit or deliver to the seller or his duly authorized agent the full amount of the purchase price, unless otherwise expressly agreed between the parties before the purchase of the livestock. Any such agreement shall be disclosed in the records of any market agency or dealer selling the livestock, and in the purchaser's records and on the accounts or other documents issued by the purchaser relating to the transaction. The provisions of this section shall not be construed to permit any transaction prohibited by § 201.61(a) relating to financing by market agencies selling on a commission basis.

(c) *Purchasers to promptly reimburse agents.* Each packer, market agency, or dealer who utilizes or employs an agent to purchase livestock for him, shall, in transactions where such agent uses his own funds to pay for livestock purchased on order, transmit, or deliver to such agent the full amount of the purchase price before the close of the next business day following receipt of notification of the payment of such purchase price, unless otherwise expressly agreed between the parties before the purchase of the livestock. Any such agreement shall be disclosed in the records of the principal and in the records of any market agency or dealer acting as such agent.

The proposed amendment to paragraph (b) did not contain the reference to § 201.61(a) when originally published. However, since the prohibition contained in that section may affect deferred payment agreements it is deemed advisable to call attention to such prohibition. Section 201.61(a) was published in the FEDERAL REGISTER (19 F.R. 4530) and has been in effect since 1954, therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further public participation in rule making procedures concerning this amendment is impracticable and unnecessary.

This amendment shall become effective on March 15, 1971.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a); interprets or applies sections 202, 307, 312, 401, 42 Stat. 161 et seq., as amended; 7 U.S.C. 192, 208, 213, 221; 29 F.R. 16210, as amended, 32 F.R. 7186, 35 F.R. 18262)

Done at Washington, D.C., this 3d day of February 1971.

ODIN LANGEN,
Administrator, Packers and Stockyards Administration.

[FR Doc.71–1874 Filed 2–9–71;8:53 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Partial Delayed Issue Contracts

§ 220.123 **Partial delayed issue contracts covering nonconvertible bonds.**

(a) During recent years, it has become customary for portions of new issues of nonconvertible bonds and preferred stocks to be sold subject to partial delayed issue contracts, which have customarily been referred to in the industry as "delayed delivery" contracts, and the Board of Governors has been asked for its views as to whether such transactions involve any violations of the Board's margin regulations.

(b) The practice of issuing a portion of a debt (or equivalent) security issue at a date subsequent to the main underwriting has arisen where market conditions made it difficult or impossible, in a number of instances, to place an entire issue simultaneously. In instances of this kind, institutional investors (e.g., insurance companies or pension funds) whose cash flow is such that they expect to have funds available some months in the future, have been willing to subscribe to a portion, to be issued to them at a future date. The issuer has been willing to agree to issue the securities in two or more stages because it did not immediately need the proceeds to be realized from the deferred portion, because it could not raise funds on better terms, or because it preferred to have a certain portion of the issue taken down by an investor of this type.

(c) In the case of such a delayed issue contract, the underwriter is authorized to solicit from institutional customers offers to purchase from the issuer, pursuant to contracts of the kind described above, and the agreement becomes binding at the underwriters' closing, subject to specified conditions. When securities are issued pursuant to the agreement, the purchase price includes accrued interest or dividends, and until they are issued to it, the purchaser does not, in the case of bonds, have rights under the trust indenture, or, in the case of preferred stocks, voting rights.

(d) Securities sold pursuant to such arrangements are high quality debt issues (or their equivalent). The purchasers buy with a view to investment and do not resell or otherwise dispose of the contract prior to its completion. Delayed issue arrangements are not acceptable to issuers unless a substantial portion of an issue, not less than 10 percent, is involved.

(e) Sections 3(a) (13) and (14) of the Securities Exchange Act of 1934 provide that an agreement to purchase is equivalent to a purchase, and an agreement to sell to a sale. The Board has hitherto expressed the view that credit is extended at the time when there is a firm agreement to extend such credit (1968 Federal Reserve Bulletin 328; 12 CFR 207.101; ¶ 6800 Published Interpretations of the Board of Governors). Accordingly, in instances of the kind described above, the issuer may be regarded as extending credit to the institutional purchaser at the time of the underwriters' closing, when the obligations of both become fixed.

(f) Section 220.7(a) of the Board's regulation T (12 CFR § 220.7(a)), with an exception not applicable here, forbids a creditor subject to that regulation to arrange for credit on terms on which the creditor could not itself extend the credit. Sections 220.4(c) (1) and (2) (12 CFR §§ 220.4(c) (1) and (2)) provide that a creditor may not sell securities to a customer except in good faith reliance upon an agreement that the customer will promptly, and in no event in more than 7 full business days, make full cash payment for the securities. Since the underwriters in question are creditors subject to the regulation, unless some specific exception applies, they are forbidden to arrange for the credit described above. This result follows because payment is not made until more than 7 full business days have passed from the time the credit is extended.

(g) However, § 220.4(c)(3) provides that:

> If the security when so purchased is an unissued security, the period applicable to the transaction under subparagraph (2) of this paragraph shall be 7 days after the date on which the security is made available by the issuer for delivery to purchasers.

(h) In interpreting § 220.4(c)(3), the Board has stated that the purpose of the provision:

> * * * is to recognize the fact that, when an issue of securities is to be issued at some future fixed date, a security that is part of such issue can be purchased on a "when-issued" basis and that payment may reasonably be delayed until after such date of issue, subject to other basic conditions for transactions in a special cash account. (1962 Federal Reserve Bulletin 1427; 12 CFR 220.118; ¶ 5996, Published Interpretations of the Board of Governors.)

In that situation, the Board distinguished the case of mutual fund shares, which technically are not issued until the certificate can be delivered by the transfer agent. The Board held that mutual fund shares must be regarded as issued at the time of purchase because they are:

> * * * essentially available upon purchase to the same extent as outstanding securities. The mechanics of their issuance and of the delivery of certificates are not significantly different from the mechanics of transfer and delivery of certificates for shares of outstanding securities, and the issuance of mutual fund shares is not a future event in the sense that would warrant the extension of the time for payment beyond that afforded in the case of outstanding securities. (ibid.)

The issuance of debt securities subject to delayed issue contracts, by contrast with that of mutual fund shares, which are in a status of continual underwriting, is a specific single event taking place at a future date fixed by the issuer with a view to its need for funds and the availability of those funds under current market conditions.

(i) For the reasons stated above the Board concluded that the nonconvertible debt and preferred stock subject to delayed issue contracts of the kind described above should not be regarded as having been issued until delivered, pursuant to the agreement, to the institutional purchaser. This interpretation does not apply, of course, to fact situations different from that described in this section.

(Interprets and applies 15 U.S.C. 78g)

By order of the Board of Governors, February 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1770 Filed 2-9-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-WE-95]

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

Designation of Transition Area

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 designate a transition area at Willows, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Delete the FEDERAL REGISTER citation "* * * § 71.181 (35 F.R. 2134) * * *" and substitute "* * * § 71.181 (36 F.R. 2140) * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., April 1, 1971.

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

Issued in Los Angeles, Calif., on January 27, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the following transition area is added:

WILLOWS, CALIF.

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Maxwell, Calif., VORTAC 360° radial, extending from 3.5 to 19.5 miles north of the VORTAC.

[FR Doc.71-1823 Filed 2-9-71;8:49 am]

[Airspace Docket No. 70-AL-13]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Big Delta, Alaska, control zone (35 FR 2054).

The Big Delta, Alaska, control zone is designated on a continuous basis. However, the weather observation and reporting requirements to support the control zone are not available continuously. Weather observations are available continuous Monday through Saturday; 0600 to 2000 hours local time Sunday. Alteration, therefore, of the Big

Delta control zone designation is required. In addition, the few aircraft instrument operations at the Allen AAF, Fort Greely, Alaska, occurring between 2000 and 0600 hours local time do not justify designation of the control zone on a continuous basis during that period. However, should special military exercises occur at Big Delta, as they have in the past from time to time, and there is need for the control zone between 0600 and 2000 hours local time, the effective times of the control zone designation may be amended by a Notice to Airmen in order to protect instrument operations conducted during those hours.

Since the amendment is less restrictive, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration having reviewed these requirements in the terminal area of Big Delta, Alaska, the amendment is herewith made effective upon publication in the FEDERAL REGISTER (2-10-71) as follows:

1. Amend § 71.171 of the Federal Aviation Regulations so as to add the following to the description of the Big Delta, Alaska, control zone: "This control zone is effective from 0600 to 2200 hours local time daily or as established in advance by a Notice to Airmen and continuously published in the Flight Information Publication, Supplement Alaska."

(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 Anchorage, Alaska, on January 29, 1971.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.71-1830 Filed 2-9-71;8:50 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-666]

PART 202—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; INTERSTATE AND OVERSEAS ROUTE AIR TRANSPORTATION

Service of Applications on Airport Commissions or Boards

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

Section 4 of Part 202 (14 CFR Part 202) requires that applications for change in service pattern be served upon certain persons. However, under the heretofore existing rule, airport commissions, boards, or similar bodies—if they be distinct from the city or State—are not required to be served. In the interest of assuring prompt notification to airport governing bodies of pleadings affecting their interests, the Board is hereby amending its regulations to require service upon such bodies.

These amendments are purely procedural, and will not impose a significant burden upon any person. Therefore, the Board finds that notice and public procedure thereon are unnecessary, and the amendment shall become effective 10 days after adoption.

Accordingly, the Board hereby amends Part 202 of the Economic Regulations (14 CFR Part 202), effective February 12, 1971, as follows:

Amend § 202.4(c) by adding subparagraph (4) to read as follows:

§ 202.4 Service pattern change.

* * * * *

(c) * * *

(4) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport being used to serve each such point.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Effective: February 12, 1971.

Adopted: February 2, 1971.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1876 Filed 2-9-71;8:53 am]

[Reg. ER-667]

PART 203—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION [1]

Service of Notice or Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

Section 7 of Part 203 (14 CFR Part 203) requires that notices and applications under the part be served upon certain persons. However, the chief executives of the affected cities and States, and the managements of the affected airports, are not required to be served. In the interest of assuring prompt notification to city and State governments and airport managements of pleadings affecting their interests, the Board is hereby amending its regulations to require service upon city and State chief executives, and upon airport governing bodies.

These amendments are purely procedural, and will not impose a significant burden upon any person. Therefore, the Board finds that notice and public procedure thereon are unnecessary, and the amendments shall become effective 10 days after adoption.

Accordingly, the Board hereby amends Part 203 of the Economic Regulations (14 CFR Part 203), effective February 12, 1971, as follows:

1. Amend § 203.7 by adding paragraphs (b-1), (b-2), and (b-3) to read as follows:

[1] 27 F.R. 559, Jan. 19, 1962.

§ 203.7 Persons upon whom notice must be served.

* * * * *

(b-1) The chief executive of any State, territory, or possession of the United States in which is located any point with respect to which an application or notice pursuant to this part has been filed: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, the application or notice shall be served on such commission or agency rather than on the chief executive of the State;

(b-2) The chief executive of the city, town, or other unit of local government at any such point located in the United States;

(b-3) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport being used to serve each such point;

* * * * *

2. Amend the Certificate of Service in appendix A, Recommended Airport Notice—Foreign Air Transportation, to read as follows:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served (state manner of service) copies of this airport notice on the Postmaster General, marked for the attention of the Deputy Assistant Postmaster General for Logistics, Bureau of Operations (if the holder's certificate authorizes the transportation of mail); the Secretary of State, marked for the attention of Director, Office of Aviation, Bureau of Economic Affairs; the Mayor or Chief Executive of the cities _____ (address), and the Governor of the State of _____ (address), (or the State Commission or agency having jurisdiction of transporation by air within the State of _____ (address)); the airport managers of the following airports _____ (airport name and address); the Federal Aviation Administration, for the attention of the Director, Airport Services; and the following scheduled air carriers:

_____
_____ (name and address).

_____
(Signature)

_____
(Title)

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Effective: February 12, 1971.

Adopted: February 2, 1971.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1877 Filed 2-9-71;8:53 am]

[Reg. ER-668]

PART 213—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS

Service of Notice or Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

For the reasons set forth in ER–667 (Part 203), published simultaneously herewith, the Board hereby amends Part 213 of the economic regulations (14 CFR Part 213), effective February 12, 1971, as follows:

1. Amend § 213.4(c) by revising subparagraphs (4) and (5) and adding subparagraph (6), (7), and (8). As amended § 213.4(c) will read in part as follows:

§ 213.4 Airport authorization.

* * * * *

(c) * * *

(4) Each scheduled foreign air carrier or scheduled air carrier which regularly renders service to or from the point intended to be served through the proposed airport;

(5) The Federal Aviation Administration, marked for attention of Director of Airport Services;

(6) The chief executive of any State, territory, or possession of the United States in which is located any point with respect to which an application or notice pursuant to this part has been filed: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, the application or notice shall be served on such commission or agency rather than on the chief executive of the State;

(7) The chief executive of the city, town, or other unit of local government at any such point located in the United States; and

(8) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport being used to serve each such point.

2. Amend the Certificate of Service in Appendix B, Recommended Airport Notice—Foreign Air Transportation, to read as follows:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served (state manner of service) copies of this airport notice on the Postmaster General marked for the attention of the Deputy Assistant Postmaster General for Logistics, Bureau of Operations (if the holder's permit authorizes the transportation of mail); the Secretary of State, marked for the attention of Director, Office of Aviation, Bureau of Economic Affairs; the Secretary of the Treasury, marked for the attention of Commissioner of Customs, Bureau of Customs; the Federal Aviation Administration for the attention of the Director, Airport Services; the Mayor or Chief Executive of the cities of _____ (address), and the Governor of the State of _____ (address), (or the State commission or agency having jurisdiction of transportation by air within the State of _____ (address)); the airport managers of the following airports _____ (airport name and address); and the following scheduled foreign air carriers and scheduled air carriers: _____ (name and address).

_____
(Signature)

_____
(Title)

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Adopted: February 2, 1971.

Effective: February 12, 1971.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1878 Filed 2-9-71;8:53 am]

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR–116]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Service of Applications and Answers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

For the reasons set forth in ER–666 (Part 202),[1] published simultaneously herewith, the Board hereby amends Part 302 of the procedural regulations (14 CFR Part 302) effective February 12, 1971, as follows:

1. Amend § 302.403(b) by modifying subparagraph (4) and adding subparagraph (5). As amended § 302.403 will read as follows:

§ 302.403 Service of application.

* * * * *

(b) *Persons to be served.* Except in the case of an application for an exemption from sections 403 and 404 of the Act or an application for exemption which will permit the applicant to render irregular services only other than between specified points, a copy of an application shall be served on the following parties who shall be presumed to have an interest in the subject matter of the application:

(1) Any air carrier which is authorized to render regular service to any point involved in the application;

(2) Any person whose application for a certificate of public convenience and necessity, or for an exemption, authorizing regular service to or from any such point has been filed with, and has not finally been disposed of by the Board;

(3) The chief executive of any State, territory, or possession of the United States in which any such point is located;

(4) The chief executive of the city, town, or other unit of local government at any such point located in the United States; and

(5) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport located in the United States and which is being used to serve such point at the time the application is filed.

2. Amend § 302.1307(a) by amending subparagraphs (2) and (3) and adding subparagraph (4). As amended, § 302.1307(a) will read as follows:

§ 302.1307 Service of application and answer.

(a) *Persons to be served.* A copy of an application or an answer shall be served on

(1) Any certificated air carrier which is authorized to engage in individually ticketed or waybilled air transportation at one or both of the points with respect to which the applicant seeks nonstop authority;

(2) The chief executive of any State of the United States in which any point which is involved in the application is located: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, the application shall be served on such commission or agency rather than on the chief executive of the State;

(3) The chief executive of the city, town, or other unit of local government at each of the points located in the United States, between which the applicant seeks authority, as well as each certificated point intermediate thereto; and

(4) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport located in the United States and which is being used to serve such point at the time the application is filed.

* * * * *

3. Amend § 302.1407(a) by amending subparagraphs (2) and (3) and adding subparagraph (4). As amended, § 302.1407(a) will read as follows:

§ 302.1407 Service of application and answer.

(a) *Persons to be served.* A copy of an application or an answer shall be served on

(1) Any certificated air carrier which is authorized to engage in individually ticketed or waybilled air transportation at each of the points with respect to which the applicant seeks improved authority;

(2) The chief executive of any State of the United States in which any point which is involved in the application is located: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, the application shall be served on such commission or agency rather than the chief executive of the State;

(3) The chief executive of the city, town, or other unit of local government at each of the points located in the United States with respect to which the applicant seeks improved authority, as well as each certificated point which has during the 12-month period preceding the filing of an application received regularly scheduled service on a flight subject to the restriction sought to be removed or modified; and

(4) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport located

[1] Additionally, § 302.403(b)(4) is being amended to remove certain redundant language.

in the United States and which is being used to serve such point at the time the application is filed.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Effective: February 12, 1971.

Adopted: February 2, 1971.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1879 Filed 2-9-71;8:53 am]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-43]

PART 376—AMENDMENT OF FLIGHT PATTERNS OF HELICOPTER OPERATORS

Service of Notice of Applications for Flight Pattern Amendments Which Propose Suspension of Passenger Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

Section 4 of Part 376 (14 CFR Part 376) requires that notice of an application for flight pattern amendments which proposes suspension of passenger service be served upon certain persons. However, the chief executives of the affected States, and the managers of the affected airports, are not required to be served. In the interest of assuring prompt notification to State governments and airport managements of pleadings affecting their interests, the Board is hereby amending its regulations to require service upon the chief executives of States, and upon airport governing bodies.

These amendments are purely procedural, and will not impose a significant burden upon any person; therefore, the Board finds that notice and public procedure thereon are unnecessary, and the amendments shall become effective 10 days after adoption.

Accordingly, the Board hereby amends Part 376 of the Special Regulations (14 CFR Part 376), effective February 12, 1971, as follows:

Amend § 376.4 by adding paragraphs (a) and (c). As amended the section will read as follows:

§ 376.4 Filing and service.

Applications for flight pattern amendments shall be filed with the Docket Section of the Board not later than 20 days prior to the desired effective date. Prior to or coincident with the filing of an amended flight pattern application which proposes suspension of passenger service to any point, the carrier shall serve a notice of such filing together with a copy of the proposed amended flight pattern upon

(a) The chief executive of any State, territory, or possession of the United States in which is located any point which is regularly receiving passenger service, at which suspension of such service is proposed: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, service shall be made on such commission or agency, rather than the chief executive of the State;

(b) The chief executive of the city, town, or other unit of local government at each such point, and

(c) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport or heliport being used to serve such point.

Such service shall also be made upon any local service air carrier which serves any point at which it is proposed to terminate, suspend or inaugurate passenger service. If proposed flight patterns involve property and mail carriage, such service shall be made upon the Postmaster General, marked for the attention of the Deputy Assistant Postmaster General for Logistics, Bureau of Operations. Any such person may within 10 days after such service, file with the Board, and serve upon the carrier, a statement of position with respect to the proposed service pattern: *Provided,* That any person entitled to notice under the provisions of this part may, in writing, waive such notice and recommend that the Board approve the amended flight pattern as proposed.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Effective: February 12, 1971.

Adopted: February 2, 1971.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1875 Filed 2-9-71;8:53 am]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—HOUSING RENOVATION AND MOBILE HOME FINANCING

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart B—Mobile Home Loans

MOBILE HOMES COMPOSED OF TWO OR MORE MODULES

The following amendments to Part 201 increase the maximum insurable mobile home loan to $15,000 and the maximum term to 15 years and 32 days for mobile homes composed of two or more modules, as provided in the Housing and Urban Development Act of 1970. The annual percentage rate governing financing charges is also amended to reflect the change in term.

1. Section 201.530(a) is amended to read:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The mobile home loan proceeds shall not exceed the lesser of $10,000 ($15,000 where the mobile home is composed of two or more modules) or 115 percent of the total price for such home, as stated in the manufacturer's invoice (115 percent of the wholesale blue book price, if a previously financed used mobile home is involved). The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than $10,000 ($15,000 where the mobile home is composed of two or more modules).

* * * * *

2. Section 201.540(a) is amended to read:

§ 201.540 Financing charges.

(a) *Annual percentage rate.* The maximum permissible financing charge which may be paid or collected by the insured for interest discount and fees of all kinds in connection with the loan transaction expressed as an annual percentage rate varies from 7.63 percent to 10.57 percent depending upon the amount and term of the loan.

* * * * *

3. Section 201.560 is amended to read:

§ 201.560 Maturity provisions.

The obligation shall have a term of not less than 1 year or more than 12 years and 32 days from the date it is made, except that an obligation for a mobile home composed of two or more modules shall have a term of not more than 15 years and 32 days.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703)

Issued at Washington, D.C. February 5, 1971.

EUGENE A. GULLEDGE, *Federal Housing Commissioner.*

[FR Doc.71-1843 Filed 2-9-71;8:51 am]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 463—REPORTING REQUIREMENTS FOR PLANS COVERING LESS THAN 100 PARTICIPANTS

Rescission of Part

Section 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 1000; 29 U.S.C. 306), as amended by the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 36), requires the administrator of any welfare or pension benefit plan, a description of which is required to be published under section 6, to publish also an annual financial report with respect to such plan if it covers 100 or more participants. Section 7 further provides that the Secretary, after investigation, may require

the administrator of any plan otherwise covered by the Act to publish such report when necessary and appropriate to carry out the purposes of the Act. Pursuant to the authority of section 5 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304) section 7 of the Act was implemented by amending Chapter IV of 29 CFR to add new Part 463. Part 463 requires administrators of plans which cover fewer than 100 participants to submit one copy of U.S. Department of Labor Form D–3 (Revised), properly executed, within 150 days after the end of each calendar, policy, or other fiscal year during which the plan covers fewer than 100 participants.

It has come to the attention of this Office and experience indicates that the requirement for submitting Form D–3 creates an unnecessary burden. Therefore, this requirement has been reconsidered and it has been decided that henceforth administrators of plans covering fewer than 100 participants need not submit a copy of U.S. Department of Labor Form D–3 (Revised).

Rescission of 29 CFR Part 463 will not affect other requirements of the Welfare and Pension Plans Disclosure Act, as amended, and the regulations thereunder applicable to plans covering more than 25 participants. Therefore, administrators of such plans are cautioned that:

1. Plan description amendments must still be submitted, as required by 29 CFR 460.5, when the plan is amended. For this purpose, the term "amended" includes a plan termination or a merger with another plan or plans. Plan terminations or mergers must be reported on Employee Welfare or Pension Benefit Plan Amendment Form D–1A.

2. Annual financial reports must still be submitted, as required by 29 CFR 460.6, if the plan coverage rises to 100 or more participants at any time during the plan's calendar, policy, or other fiscal year.

3. As provided by 29 CFR 460.1, the Director, Office of Labor-Management and Welfare-Pension Reports, after investigation, may require the administrator of any plan, which is otherwise covered by the Welfare and Pension Plans Disclosure Act, to publish an annual financial report (U.S. Department of Labor Form D–2) when necessary and appropriate to carry out the purposes of the Act.

Accordingly, pursuant to section 5(a) of the Welfare and Pension Plans Disclosure Act, as amended (29 U.S.C. 304 (a)), and Secretary's Order No. 16–68 (33 F.R. 15574), Chapter IV of 29 CFR is hereby amended by rescinding Part 463.

Because the present requirement to file U.S. Department of Labor Form D–3 (Revised) is a burden which should be relieved immediately and the amendment of 29 CFR Chapter IV is necessary to relieve this burden, I find for good cause that notice and public procedure thereon and delay in the effective date are unnecessary. This amendment should be effective upon publication in the FEDERAL REGISTER (2–10–71).

Signed at Washington, D.C., this 29th day of January 1971.

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

[FR Doc.71–1773 Filed 2–9–71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to the AEC Procurement Regulations implement and supplement Amendment 29 to the Federal Procurement Regulations. The principal change is the addition of a new Subpart 9–4.4, Public Utilities, which prescribes policies and procedures for the economic and efficient procurement of public utility services by the Atomic Energy Commission. Subcontracts for utility services currently in existence under cost-type prime contracts for the operation and management of AEC facilities are not affected by this issuance until such time as those subcontracts are to be considered for renewal. Changes in other parts related to this addition are also included.

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

1. The following subpart is added:

Subpart 9–4.4—Public Utilities

Sec.
9–4.400 Scope of subpart.
9–4.401 Definitions.
9–4.402 Applicability.
9–4.406 Policy.
9–4.411 Prior review of certain proposed procurements.

AUTHORITY: The provisions of this Subpart 9–4.4 issued under sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, U.S.C. 486.

Subpart 9–4.4—Public Utilities

§ 9–4.400 Scope of subpart.

This subpart implements and supplements FPR Subpart 1–4.4, Public Utilities, which prescribes policies and procedures for the economic and efficient procurement of public utility services by executive agencies.

§ 9–4.401 Definitions.

As used in this Subpart 9–4.4, "utility services" include all utility services (except telecommunications services), such as electricity, gas, steam, water, and sewerage, including facilities on both sides of the delivery point for the supply of such services.

§ 9–4.402 Applicability.

(a) The provisions of this subpart apply to the procurement by the AEC of utility services, including the modification and extension of existing utility contracts.

(b) The requirements of FPR 1–4.4 and this subpart shall be applied to cost-type contractors that manage and operate Government-owned facilities for AEC when such contractors are authorized pursuant to § 9–4.406(b) to procure utility services.

§ 9–4.406 Policy.

(a) All utility services that are required for Government-owned and contractor-operated facilities shall be procured directly by the AEC and not by the cost-type contractors that manage and operate these facilities for the AEC.

(b) However, when it is economically advantageous or otherwise in the best interest of the Government, and subject to the provisions of § 9–4.411(b), Managers of Field Offices may authorize a cost-type contractor that manages and operates an AEC facility to procure utility services on a subcontract basis. When a manager does authorize an operating contractor to subcontract for utility services, under the authority of this paragraph (b), a copy of the authorization, together with a statement of justification, should be sent to the Director, Division of Construction, Headquarters, for informational purposes. Managers of Field Offices shall require cost-type contractors which they authorize to subcontract for utility services to comply with the requirements of § 9–4.411, dealing with the prior review of certain proposed procurements.

§ 9–4.411 Prior review of certain proposed procurements.

(a) In accordance with the provisions of FPR 1–4.411–3, GSA has authorized AEC to accomplish its own prior review of the proposed utility procurements specified in FPR 1–4.411–1(a). FPR 1–4.411–4 requires that this prior review be conducted in accordance with the guidelines set forth therein.

(b) Managers of Field Offices shall submit for headquarters review and approval, proposed contracts for utility services, including proposed authorizations under applicable GSA area-wide contracts, and proposed memorandums of understanding for consolidated purchase, joint use, or cross-service by the AEC with other government agencies, when one or more of the following circumstances applies:

(1) The annual cost of the service to be procured is estimated to exceed $50,000;

(2) A proposed connection charge, termination liability, or any other facilities charge (whether or not refundable) is estimated to exceed a total of $5,000; or

(3) The proposed term of the contract or agreement is in excess of 1 year.

PART 9–51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Subpart 9–51.1—Headquarters Review and Approval of Field Office Actions

2. In § 9–51.102, *Contract actions requiring Headquarters review and approval,* a new paragraph (g) is added to read as follows:

§ 9–51.102 Contract actions requiring Headquarters review and approval.

* * * * *

(g) Contracts and subcontracts for public utility services (except telecommunication services) shall be reviewed and approved in accordance with the provisions of AECPR Subpart 9–4.4, Public Utilities.

Subpart 9–51.5—Contracts or Subcontracts Requiring Advance Notice

§ 9–51.50 [Deleted]

3. In Subpart 9–51.5, Contracts or Subcontracts Requiring Advance Notice § 9–51.501, *Contracts for electric power* is deleted.

§ 9–51.502 [Deleted]

4. In Subpart 9–51.5, Contracts or Subcontracts Requiring Advance Notice, § 9–51.502, *Contracts for gas* is deleted.

PART 9–59—ADMINISTRATION OF COST-TYPE CONTRACTOR PROCUREMENT ACTIVITIES

5. Section 9–59.004, *AECPR–FPR provisions pertaining to cost-type contractor procurement,* is amended as follows:

§ 9–59.004 AECPR–FPR provisions pertaining to cost-type contractor procurement.

* * * * *

Subject	*Reference*
Federal Paper Specifications.	9–1.305–1(b).
Contingent Fees	9–1.501.
Small Business and Labor Surplus Area Concerns.	1–1.710–1(a) and (c), 9–1.702(b)(2), 1–1.805–1.
Qualified Products	9–1.11.
Organizational Conflicts of Interest.	9–1.5403.
Price Negotiation Policies and Techniques.	1–3.8, 9–3.800.
Subcontracting Policies and Procedures.	1–3.9, 9–3.901.
Public Utilities	9–4.402(b).
Livestock Products	9–4.601.
Indemnity Representation.	9–4.5008.
Measurement Differences, SSNM Transfers.	9–4.5300.
Enriched Uranium Agreements.	9–4.5400.
Multiyear Procurement.	9–4.5500.
Special and Directed Sources.	1–1.319, 9–5.000.
Foreign Purchases	9–6.100, 9–6.800, 9–18.600.
Clauses	9–7.000–50, 9–14.–5002, 9–7.5003(c).
Termination	9–8.000.
Patents and Copyrights.	9–9.5001, 9–9.5101.
Bonds and Insurance	9–10.000.
Taxes	9–11.203, 9–11.350, 9–11.4.
Labor	9–12.000, 1–12.8.
Cost Principles	9–15.50.
Construction	9–18.150, 1–18.305 (b), 9–18.305, 9–18.50, 9–18.108.
Contract Finance	1–30.4, 1–30.5, 9–30.4, 9–30.5, 9–30.7.
Approval of Contracts	9–51.200, 9–51.400, 9–51.500, 9–51.600.
Procedures for handling mistakes under cost-type contractor procurement.	9–59.005.
Contractor-controlled sources.	
Subcontractor Selection.	9–56.002, 9–56.–405.
Records and Reports	
Small Business and Labor Surplus Reports.	9–1.709, 9–1.807.
Possible Antitrust Violations.	9–1.901.
Identical Bids	9–1.1603.
Dissemination of Procurement Information.	9–3.103.
Contract Reporting	9–54.
Justifications	9–55.102–3, 9–55.–204.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments shall become effective 30 days following the date of publication in the FEDERAL REGISTER, but may be observed sooner.

Dated at Germantown, Md., this 2d day of February 1971.

For the U.S. Atomic Energy Commission.

ROBERT A. KOHLER,
Acting Director,
Division of Contracts.

[FR Doc.71–1840 Filed 2–9–71;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5014]

[Oregon 6843]

OREGON

Partial Revocation of Public Land Order No. 3379

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

1. Public Land Order No. 3379 of April 8, 1964, withdrawing lands for national forest administrative sites and recreation areas is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

MALHEUR NATIONAL FOREST

Burnt Mountain Lookout

T. 19 S., R. 30 E.,
Sec. 36, SW¼NW¼NW¼.

Cove Springs Work Center

T. 18 S., R. 33 E.,
Sec. 13, W½NW¼SE¼.

The areas described aggregate 30 acres in Harney County.

2. At 10 a.m. on March 10, 1971, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71–1811 Filed 2–9–71;8:48 am]

[Public Land Order 5015]

[Arizona 033154]

ARIZONA

Revocation of Air Navigation Site Withdrawals No. 11 and No. 23

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 43 Stat. 729, 49 U.S.C. § 214 (1964), it is ordered as follows:

1. The departmental orders of October 18, 1928, and February 20, 1929, withdrawing the following described land as Air Navigation Sites No. 11 and No. 23, respectively, are hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 10 E.,
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½.

The areas described aggregate 455.68 acres in Pinal County.

2. Of the lands described above the NE¼ sec. 19, is patented land, the remainder being public lands. At 10 a.m. on March 10, 1971, the public lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 10, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The public lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 3022 Federal Building, Phoenix, AZ 85025.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71–1812 Filed 2–9–71;8:48 am]

[Public Land Order 5016]

[Sacramento 3611]

CALIFORNIA

Revocation of Executive Order No. 3373 of December 22, 1920

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

1. Executive Order No. 3373 of December 22, 1920, which withdrew the following described land in California for use by the United States Forest Service as a ranger station, is hereby revoked:

MOUNT DIABLO MERIDIAN

CONFIDENCE ADMINISTRATIVE SITE

T. 2 N., R. 16 E.,
Sec. 10, lots 3 and 4.

The area described contains approximately 63.24 acres of public domain land in Tuolumne County.

2. At 10 a.m. on March 10, 1971, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, including certain power transmission line withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 10, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land shall be open to location for nonmetalliferous minerals at 10 a.m. on March 10, 1971. The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71-1813 Filed 2-9-71;8:48 am]

[Public Land Order 5017]

[Oregon 6093 (Wash.)]

WASHINGTON

Powersite Restoration No. 701, Powersite Cancellation No. 294, Partial Revocation of Powersite Reserve Nos. 72, 384, 532 and 639, and Cancellation of Powersite Classification Nos. 109, 328 and 408

By virtue of the authority vested in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. § 818 (1964), and pursuant to an order of the Federal Power Commission dated December 30, 1968, appearing in 34 F.R. 284 of January 8, 1969, it is ordered as follows:

1. The unnumbered Executive Orders of July 2, 1910, July 10, 1913, June 30, 1916, July 30, 1917, creating Powersite Reserve Nos. 72, 384, 532, and 639, and the Departmental Orders of June 22, 1925, October 17, 1941, and May 19, 1950, creating Powersite Classification Nos. 109, 328, and 408, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

POWERSITE RESERVE NO. 72

T. 38 N., R. 43 E.,
Sec. 7, SE¼SE½ (now lot 5).
T. 39 N., R. 43 E.,
Sec. 2, lots 3, 4, 7;
Sec. 3, lot 5;
Sec. 10, lots 3, 6, 7;
Sec. 15, lots 2 and 5;
Sec. 16, lots 1 and 2;
Sec. 21, lots 1, 2, 6, 7;
Sec. 22, lot 2;
Sec. 28, lots 2, 3 (now lot 8), and 6 (now lot 9);
Sec. 29, lots 6 (now lots 15 and 16), and 13 (now lot 17);
Sec. 32, lots 5, 9, 11, 12.
T. 40 N., R. 43 E.,
Sec. 3, lots 2 (now lot 9), 4, 7;
Sec. 10, lots 2, 3, 4, 5;
Sec. 14, lots 2, 5, 6;
Sec. 15, lots 1, 2;
Sec. 23, lots 2, 3, 6, 7;
Sec. 26, lots 2, 3, 6 (now lot 9), and 7 (now lot 11);
Sec. 35, lots 2, 3, 6, 7.

POWERSITE RESERVE NO. 384

T. 39 N., R. 43 E.,
Sec. 2, lots 2, 5, 6, 8;
Sec. 10, lots 1, 4, 5, 8;
Sec. 15, lots 1, 3, 4, 6;
Sec. 21, lots 3, 4, 8;
Sec. 22, lots 1 and W½ lot 3 (now lot 10);
Sec. 28, lots 5, 7, 10 (part of old lot 4), and 11 (part of old lot 4);
Sec. 32, lot 6;
Sec. 33, lots 1, 2, 3, 4, 5.
T. 40 N., R. 43 E.,
Sec. 3, lots 1 (now lot 8), 5, 6;
Sec. 10, lots 1, 6;
Sec. 11, lots 1, 2, 3;
Sec. 14, lots 1, 3, 4, 7;
Sec. 23, lots 1, 4, 5, 8 (now lot 9);
Sec. 26, lots 1, 4, 5, 8;
Sec. 35, lots 1, 4, 5, 8.

POWERSITE RESERVE NO. 532

T. 39 N., R. 43 E.,
Sec. 29, SE¼SE¼NE¼.

POWERSITE RESERVE NO. 639

T. 38 N., R. 43 E.,
Sec. 4, lots 1 (now lot 7), 3, 4, 5, and NE¼NW¼ (now lot 14);
Sec. 17, NW¼SW¼.

POWERSITE CLASSIFICATION NO. 109

T. 39 N., R. 43 E.,
Sec. 32, lots 11* and 12.*
T. 40 N., R. 43 E.,
Sec. 2, lot 8, W½SW¼;
Sec. 11, NW¼NW¼;
Sec. 14, NE¼NW¼, NW¼SE¼;
Sec. 23, NE¼NE¼.

*Also withdrawn in Powersite Reserve No. 72.

POWERSITE CLASSIFICATION NO. 328

T. 39 N., R. 43 E.,
Sec. 3, lot 6;
Sec. 21, lot 5.

POWERSITE CLASSIFICATION NO. 408

T. 39 N., R. 43 E.,
Sec. 16, NE¼NE¼ (now lot 5), W½SE¼, SE¼SE¼;
Sec. 21, lot 9.
T. 40 N., R. 43 E.,
Sec. 35, NW¼SW¼.

The areas described aggregate approximately 3,898 acres of private, public, and national forest lands in Pend Oreille County.

2. In its order of December 30, 1968, the Federal Power Commission vacated the withdrawal of lands under section 24 of the Federal Power Act of June 10, 1920, supra, outside of the project No. 2144, Pend Oreille River, Wash., and found that it would be appropriate to revoke any power withdrawals made under other statute which affect public lands not included within the boundary of Project No. 2144.

The larger portion of the lands described in paragraph 1 are located within the Colville National Forest, some of which are patented. The remainder are public and patented lands lying outside of said national forest.

The State of Washington failed to exercise its preference right of application for highway rights-of-way and material sites afforded it by section 24 of the Act of June 10, 1920, supra, when notified of the proposed restoration of the public and national forest lands from the powersite withdrawals.

3. At 10 a.m. on March 10, 1971, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 10, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on March 10, 1971, the national forest lands, not otherwise withdrawn or appropriated, shall be open to such forms of disposition as may by law be made of such lands.

The public and national forest lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71-1814 Filed 2-9-71;8:48 am]

[Public Land Order 5018]

[Montana 1786-SD]

SOUTH DAKOTA

Withdrawal for National Forest Roadside Zones and a Highway Interchange

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

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C.,

Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

BLACK HILLS NATIONAL FOREST

BLACK HILLS MERIDIAN

Keystone "Y" and U.S. Highway 16 Roadside Zone

T. 1 S., R. 6 E.,
Sec. 30, S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 31, N½NE¼, NE¼NE¼NW¼, SE¼NE¼;
Sec. 32, NW¼NE¼NW¼, NW¼NW¼.

Except the land in mineral patents identified as M.S. 1257 Oregon and Colorado Lodes, and portion of M.S. 1198 Golden Lode and M.S. 1895 Yankton Lode, containing 22.3 acres, more or less.

The net area described aggregates 187.7 acres.

A strip of land 350 feet on each side of the centerline on undivided portions of U.S. Highway 16 through the following legal subdivisions:

T. 1 S., R. 6 E.,
Sec. 12, lot 8;
Sec. 13, lot 1, SW¼NE¼;
Sec. 21, SE¼SE¼;
Sec. 28, N½NE¼, N½NW¼, SW¼NW¼;
Sec. 29, SE¼NE¼, N½SE¼, SW¼SE¼, S½SW¼, NE¼SW¼;
Sec. 30, lot 7, SE¼SW¼;
Sec. 31, lot 1, NW¼NE¼NW¼.

These described undivided highway areas aggregate 212 acres.

A strip of land including 350 feet outside of the centerline of each of the roadways and the interspace between divided portions of U.S. Highway 16 through the following legal subdivisions:

T. 1 S., R. 6 E.,
Sec. 13, SW¼NE¼;
Sec. 14, SW¼SE¼;
Sec. 21, SE¼SE¼;
Sec. 22, SE¼SE¼;
Sec. 23, NE¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 27, NW¼NE¼;
Sec. 28, NE¼NE¼.

Except the land in H.E.S. 279, containing 23.18 acres in the SW¼ of section 23.

The net areas described aggregate 202 acres.

The total net areas described aggregate 601.7 acres in Pennington County.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71-1815 Filed 2-9-71;8:49 am]

[Public Land Order 5019]

[Colorado 10820]

COLORADO

Withdrawal for Public Recreation Site

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

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the protection of public recreation values:

SIXTH PRINCIPAL MERIDIAN

T. 22 S., R. 73 W.,
Sec. 19, lots 4, 6, 7, 8, 9, and E½SW¼;
Sec. 30, lots 1, 2, S½NE¼, E½NW¼.

The area described aggregates 476.42 acres in Custer County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71-1816 Filed 2-9-71;8:49 am]

[Public Land Order 5020]

[Arizona 5300]

ARIZONA

Powersite Cancellation No. 297, Cancellation of Powersite Classification No. 55 of Unsurveyed Lands

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. § 818 (1964), and pursuant to the findings of the Federal Power Commission in DA-145-Arizona, California, Nevada, it is ordered as follows:

The Departmental Order of June 22, 1923, creating Powersite Classification No. 55, is hereby canceled so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

Tps. 18 and 19 N., R. 22 W.

Every smallest legal subdivision of unsurveyed land in these townships any portion of which, when surveyed, shall be less than 700 feet in elevation above sea level.

The estimated areas when withdrawn described approximately 7,000 acres in Mohave County, within the Fort Mohave Indian Reservation.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71-1817 Filed 2-9-71;8:49 am]

Title 45—PUBLIC WELFARE

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

PART 181—EMERGENCY SCHOOL ASSISTANCE PROGRAM

Appeal From, or Review of, Initial Decisions

Part 181 of Title 45 CFR is hereby amended by adding at the end thereof a new § 181.15 reading as follows:

§ 181.15 Appeal from, or review of, initial decisions.

The initial decision of a hearing examiner regarding the termination of a grant under the program shall become the decision of the Commissioner without further proceedings unless there is an appeal to, or review on motion of, the Commissioner made in writing no later than 15 days after receipt of the initial decision of the hearing examiner. A request for appeal from the initial decision of a hearing examiner under this section shall be accompanied by the exceptions to such decision upon which the appealing party relies, accompanied by supporting reasons and briefs. Upon the filing of such exceptions and supporting materials (and any responsive briefs), the Commissioner shall review the decision of the hearing examiner and issue his own decision thereon.

(20 U.S.C. 2, 5 U.S.C. 557)

Effective date. This regulation will not become effective before 30 days after publication in the FEDERAL REGISTER.

Dated: February 1, 1971.

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

Approved: February 3, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-1890 Filed 2-9-71;8:54 am]

Proposed Rule Making

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 71]

FAIR HOUSING

Proposed Complaint Procedures

It is proposed to amend Part 71 to revise the procedures for filing complaints under section 810, title VIII (Fair Housing) of the Civil Rights Act of 1968, 42 U.S.C. 3610. These revisions would reflect the delegation of authority with respect to Fair Housing by the Secretary of Housing and Urban Development to the Assistant Secretary for Equal Opportunity (35 F.R. 6877) and embody at the same time changes which the Department considers will promote the expeditious and just enforcement of title VIII. The principal revisions are as follows:

Section 71.12 is changed to provide for filing of complaints "no later than 180 days" after an alleged discriminatory practice, thereby permitting a complainant to file in anticipation of, as well as after, the fact.

Section 71.13 permits complaints to be mailed to any HUD facility. Previously, personal presentation was required except at Headquarters.

Section 71.15 clarifies the requirements for verification of complaint documents.

Section 71.16 explains the computation of the 30-day period within which a complainant may file suit under section 810(d) of the statute. The section also permits both complainant and respondent to demand notification that a right-to-sue letter has been issued by the Department.

Section 71.17 reduces the time for filing of answers to complaints.

Section 71.20 clarifies the basis upon which the Department may reactivate proceedings suspended pursuant to §71.19.

Section 71.21 omits paragraph (e) which permitted requests for reconsideration of suspended proceeding reactivations.

Section 71.22 states, in conformance with the delegation of authority to the Assistant Secretary, 35 F.R. 6877, that the General Counsel shall approve the legality of subpoena and interrogatory issuances.

Section 71.34 explains the computation of the 30-day period for instituting a civil action, consistent with § 71,16.

The appendix revises the list of HUD Regional Offices and their jurisdictions in accordance with the Department's recent Regional Reorganization.

Although this amendment to Part 71 is procedural in nature, the Assistant Secretary desires to have the views of all interested persons wishing to submit comments or suggestions with respect to the revisions. Comments should be filed on or before April 9, 1971, and addressed to the Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. A copy of each submittal will be available for public inspection during business hours in the HUD Information Center at the above address.

These amendments are proposed under section 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d), and the delegation of authority to the Assistant Secretary for Equal Opportunity, 35 F.R. 6877, April 30, 1970. The proposed amendments are set out in full below.

Subpart A—Purpose and Definitions

Sec.

Subpart B—Procedures for Enforcement of Complaints Against Discriminatory Housing Practices

Subpart C—Procedures To Rectify Discriminatory Housing Practices

Subpart A—Purpose and Definitions

§ 71.1 Purpose.

(a) The regulations set forth in this part contain the procedures established by the Assistant Secretary for Equal Opportunity in the Department of Housing and Urban Development for carrying out his responsibility with respect to any complaint filed with him under section 810 of title VIII of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3610.

(b) Where a person charged with a discriminatory housing practice in a complaint filed under section 810 of title VIII is also prohibited from engaging in similar practices under title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d—2000d–5, or Executive Order 11063 of November 20, 1962, on Equal Opportunity in Housing (27 F.R. 11527–30, Nov. 24, 1962) or other applicable law, such person may also be subject to action by the Department of Housing and Urban Development or other Federal agency under the rules, regulations, and procedures prescribed from time to time pursuant to title VI or Executive Order 11063 or other applicable law.

§ 71.2 Definitions.

As used in this part,

(a) "Department" means Department of Housing and Urban Development.

(b) "Discriminatory housing practice" means an act that is unlawful under sections 804, 805, or 806 of title VIII.

(c) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(d) "Family" includes a single individual.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(f) "Assistant Secretary" means the Assistant Secretary for Equal Opportunity in the Department of Housing and Urban Development.

(g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

(h) "Title VIII" means title VIII of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3601—3619.

(i) "To rent" includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Subpart B—Procedures for Enforcement of Complaints Against Discriminatory Housing Practices

§ 71.11 Submission of information.

The Assistant Secretary will receive information concerning alleged violations of title VIII from any person. Where the information constitutes a complaint within the meaning of title VIII and this part, it shall be so recorded under § 71.16. Where additional information is required for purposes of perfecting a complaint under title VIII, the Department will

promptly advise what additional information is needed and will provide appropriate assistance in the filing of such complaint. At the same time, if the information disclosed so warrants, appropriate enforcement procedures may be initiated by the Department under E.O. 11063 on Equal Opportunity in Housing or title VI of the Civil Rights Act of 1964, and the information may also be referred to any other Federal, State, or local agency having an interest in the matter.

§ 71.12 Complaints to be filed by persons aggrieved.

Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (in this part called "person aggrieved") may file a complaint no later than 180 days after the alleged discriminatory housing practice occurred. Such complaint may be filed with the assistance of an authorized representative of the person aggrieved, including any organization acting on behalf of the person aggrieved.

§ 71.13 Where to file complaints.

Complaints may be filed with the Assistant Secretary by mailing them to Fair Housing, Department of Housing and Urban Development, Washington, DC 20410, or by mailing them to any regional, area, or FHA Insuring office of the Department. Complaints will be processed through the Department's Regional Administrator having jurisdiction in the State in which the alleged discriminatory housing practice occurred or is about to occur. A list of Department Regional Offices with their addresses and areas of jurisdiction appears as an appendix to this part.

§ 71.14 Contents of complaint.

Each complaint should contain substantially the following information:

(a) The name and address of the person aggrieved.

(b) The name and address of the person against whom the complaint is filed (in this part called "respondent").

(c) A description and the address of the dwelling, if any, which is the subject of the alleged discriminatory housing practice.

(d) A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory housing practice.

§ 71.15 Form of complaint; amendments.

Each complaint shall be in writing and signed, and shall be sworn to before a notary public; or sworn to before a duly authorized representative of the Assistant Secretary. The Assistant Secretary may also require complaints to be made on prescribed forms. Complaint forms shall be available to all persons in any regional, area, or FHA Insuring Office of the Department. Appropriate assistance in filling out forms and in filing a complaint will be rendered by personnel in any of such offices. Complaints may be reasonably and fairly amended at any time.

§ 71.16 Date of filing of complaint; when notice issues.

(a) For purposes of section 810(d) of title VIII, a complaint shall be considered to be filed when it is received in such form as is found reasonably to meet the standards of §§ 71.14 and 71.15. The person aggrieved shall be notified of the date of filing and of his right to bring court action under sections 810 and 812. The thirty (30) days provided in section 810(d) of title VIII shall be deemed to begin with the receipt by the complainant of a notice from the Assistant Secretary that he does not intend to resolve the complaint or he is terminating his efforts to conciliate the matter.

(b) At any time after the expiration of thirty (30) days from the date of the filing of a complaint, or upon dismissal of the complaint at any stage of the proceedings, the complainant or the respondent may demand in writing that a notice issue pursuant to section 810(d) of title VIII, and the Assistant Secretary shall promptly issue such notice, with copies to all parties. The parties shall be advised by certified mail of the right to request such notice of the expiration of the 30-day period.

(c) In the case of a complaint referred to a State or local agency and subsequently reactivated by the Assistant Secretary pursuant to § 71.20, the person aggrieved and the respondent shall each be notified of the date of reactivation and his right to request a notice under paragraph (b) of this section.

(d) Issuance of notice pursuant to paragraph (b) of this section shall suspend further proceedings by the Department unless the Assistant Secretary determines that it is in the public interest to continue such proceedings, or unless, within twenty (20) days after receipt of such notice, a party requests the Assistant Secretary in writing to continue the case.

(e) Notwithstanding paragraph (a) of this section, a complaint may be deemed filed, for purposes of the 180-day period of section 810(b) of title VIII, upon the receipt of written information sufficiently precise to identify the parties and describe generally the action or practice complained of. Such a complaint may be amended, as provided in § 71.15, to cure technical defects or omissions, including failure to verify the complaint, or to clarify and amplify allegations made therein, and any amendment shall be deemed to be made as of the original filing date.

§ 71.17 Service of complaint; filing of answers.

Upon the filing of a complaint within the meaning of § 71.16(a), and upon any amendment of such a complaint, a copy thereof shall be furnished the respondent by certified mail or through personal service. The respondent may file an answer to the complaint at any time prior to the expiration of 7 days after the date the complaint is received by him. The answer shall be sworn to before a notary public or sworn to before a duly authorized representative of the Assistant Secretary. With leave of the Assistant Secretary an answer may be amended at any time and sworn to as provided in this section. The Assistant Secretary will permit answers to be amended whenever he believes it would be reasonable and fair to do so.

§ 71.18 Referrals to State or local fair housing agencies.

Whenever the Assistant Secretary determines that a State or local fair housing law provides rights and remedies substantially equivalent to those provided by title VIII for a person aggrieved by a discriminatory housing practice alleged in a complaint filed with the Assistant Secretary hereunder, the Assistant Secretary shall notify the appropriate State or local agency of such complaint. The Assistant Secretary shall give the complainant and the respondent notice in writing of such referral.

§ 71.19 Suspension of proceedings.

When a fair housing complaint has been referred to a State or local fair housing agency pursuant to § 71.18, then proceedings under the regulations in this part for title VIII shall be suspended and no further action shall be taken by the Assistant Secretary hereunder except as provided in § 71.20.

§ 71.20 Reactivation of referred complaints.

(a) Whenever proceedings have been suspended pursuant to § 71.19, the Assistant Secretary may reactivate the case if he certifies that in his judgment the protection of the rights of the parties or the interests of justice require such action.

(b) Such certification shall not be made prior to thirty (30) days following the referral of the complaint to the State or local agency, except when the State or local agency voluntarily tenders the return of the complaint to the Assistant Secretary.

(c) As a matter of policy, such certification shall be made when the State or local agency has not commenced proceedings within thirty (30) days following the referral of the complaint to it, or having commenced action has not carried forth such proceedings with reasonable promptness within the judgment of the Assistant Secretary.

§ 71.21 Investigation and decision to resolve.

(a) Within thirty (30) days after a complaint is filed or within thirty (30) days after reactivation by the Assistant Secretary in the case of a complaint referred to a State or local agency and subsequently reactivated pursuant to § 71.20, the Assistant Secretary shall investigate the complaint and give notice in writing to the person aggrieved and to the respondent if the Assistant Secretary intends to take further action with respect to the complaint.

(b) Notwithstanding paragraph (a) of this section, where the allegations of

a complaint on their face, or as amplified by the statements of the complainant, disclose that the complaint is not timely filed or otherwise fails to state a valid claim for relief under title VIII, the Assistant Secretary may dismiss the complaint without further action.

(c) If the Assistant Secretary decides not to resolve a complaint, or to dismiss it under paragraph (b) of this section, he shall advise the person aggrieved in writing of the disposition of the case. Respondent shall also be notified in any case where he has been served with a copy of the complaint.

(d) The Assistant Secretary may, in the processing of a case, utilize, with their consent, the services of State or local agencies charged with the administration of fair housing laws or of appropriate Federal agencies.

§ 71.22 Subpoenas, interrogatories, and investigative powers.

The Assistant Secretary encourages voluntary cooperation in his investigations but will resort to the compulsory processes authorized by section 811 of title VIII when, in his judgment, such resort becomes appropriate in order reasonably to expedite handling of complaints. The provisions of section 811 of title VIII shall apply, in such cases, to the issuance and use of subpoenas by the Assistant Secretary on his own behalf or on behalf of a respondent, and to the issuance and use by the Assistant Secretary of interrogatories to a respondent; however, the legality of each such issuance shall be approved by the General Counsel. Payment of witness and mileage fees shall be made as provided for in section 811(c) in an amount allowed under the rules governing such payment by the United States district courts. Fees payable to a witness summoned by subpoena issued at the request of a respondent shall be paid by respondent.

Subpart C—Procedures To Rectify Discriminatory Housing Practices

§ 71.31 Conference, conciliation, and persuasion.

If the Assistant Secretary has decided to resolve a complaint, he shall endeavor to eliminate or correct the discriminatory housing practice alleged therein by informal methods of conference, conciliation, and persuasion. These endeavors need not be terminated even if the person aggrieved has commenced a civil action in an appropriate court under title VIII, but all efforts to obtain voluntary compliance shall immediately terminate when such civil action comes to trial, unless the court specifically requests assistance from the Assistant Secretary, or directs otherwise.

§ 71.32 Conciliation agreements.

In conciliating or taking other action pursuant to § 71.31, the Assistant Secretary shall attempt to achieve a just resolution of the complaint and to obtain assurances, where appropriate, that the respondent will satisfactorily remedy any violations of the rights of the person aggrieved and will take such action as will assure the elimination of discriminatory housing practices or the prevention of their occurrence in the future. The terms of such settlement shall be reduced to a written conciliation agreement, signed by both parties, and by the Assistant Secretary or his representative. Such conciliation agreement shall seek to protect the interests of the complainant, his group, and the public interest. Written notice of disposition of a case pursuant to § 71.31 and of the terms of settlement shall be given to the parties by the Assistant Secretary or his representative. The Assistant Secretary may, from time to time, review compliance with the terms of any settlement agreement and may, upon a finding of noncompliance, take such enforcement action as is provided for under the settlement agreement or as may otherwise be appropriate.

§ 71.33 Inability to obtain voluntary compliance.

Should a respondent fail or refuse to confer with the Assistant Secretary or his representative, or fail or refuse to make a good faith effort to resolve any dispute, or should the Assistant Secretary find for any other reason that voluntary agreement is not likely to result, the Assistant Secretary may terminate his efforts to conciliate the dispute. In such event, the parties shall be notified promptly in writing that such efforts have been unsuccessful, and the complainant will be notified of his legal rights in regard to his complaint.

§ 71.34 Notification where voluntary compliance is not obtained.

The person aggrieved shall be notified in writing by registered or certified mail when the Assistant Secretary has determined that he is unable to obtain voluntary compliance through informal methods of conference, conciliation, or persuasion. The thirty (30) days provided in section 810 of title VIII for the commencement of a civil action shall be deemed to commence upon the receipt of such notice.

§ 71.35 Confidentiality of conciliation conferences.

Once the Assistant Secretary has decided to resolve a complaint under title VIII and respondent has agreed to participate in informal endeavors by the Assistant Secretary for such purposes, nothing that is said or done thereafter, during and as a part of the Assistant Secretary's endeavors to resolve the complaint by informal methods of conference, conciliation, and persuasion, may be made public, or used as evidence in a subsequent proceeding under title VIII, without the written consent of the persons concerned.

§ 71.36 Other action by the Assistant Secretary.

If voluntary compliance has not been obtained and the Assistant Secretary has terminated efforts at conciliation in a case where after evaluation of the investigation the evidence on balance indicates there has been a discriminatory housing practice, the Assistant Secretary may pursue one or more of the following courses of action:

(a) Recommend to the Attorney General of the United States that he institute a civil action under section 813 of title VIII for relief against a pattern or practice of resistance to the full enjoyment of any of the rights granted by said title or a denial of rights under the title to a group of persons raising an issue of general public importance.

(b) Refer the matter to the Attorney General for such other action as he may deem appropriate.

(c) Institute enforcement proceedings under E.O. 11063 or title VI of the Civil Rights Act of 1964, in accordance with regulations and procedures prescribed therefor.

(d) Inform any other Federal agency appearing to have an interest in the enforcement of respondent's obligations with respect to discrimination in housing.

SAMUEL J. SIMMONS,
Assistant Secretary
for Equal Opportunity.

APPENDIX—LIST OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REGIONAL OFFICES AND JURISDICTIONAL AREAS

Region	Address	Jurisdictional area
I	405 John F. Kennedy Federal Bldg., Boston, MA 02203.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
II	26 Federal Plaza, New York, NY 10007.	New Jersey, New York, Puerto Rico, Virgin Islands.
III	Curtis Bldg., Sixth and Walnut Sts., Philadelphia, PA 19106.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
IV	Peachtree-Seventh Bldg., Atlanta, GA 30323.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
V	360 North Michigan Ave., Chicago, IL 60601.	Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin.
VI	Federal Office Bldg., 819 Taylor St., Fort Worth, TX 76102.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
VII	300 Federal Office Bldg., 911 Walnut St., Kansas City, MO 64106.	Iowa, Kansas, Missouri, Nebraska.
VIII	Samsonite Bldg., 1050 South Broadway, Denver, CO 80209.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
IX	450 Golden Gate Ave., Post Office Box 36003, San Francisco, CA 94102.	Arizona, California, Hawaii, Nevada, Guam, American Samoa.
X	Arcade Plaza Bldg., 1321 Second Ave., Seattle, WA 98101.	Alaska, Idaho, Oregon, Washington.

[FR Doc.71-1896 Filed 2-9-71;8:55 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WE-100]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of Corvallis, Oreg., control zone and transition area.

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 Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

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

Two new instrument approach procedures (VOR-A, VOR/DME Rwy 35) and a revision to the current VOR Rwy 17 approach are proposed for Corvallis Municipal Airport. The two new approaches will utilize the 090° T (069° M) and 180° T (159° M) radials of the Corvallis VOR as final approach radials. The VOR Rwy 17 approach will be modified to provide for the procedure turn within 10 miles of the Fischer fan marker.

The airspace requirements have been reviewed in accordance with the U.S. Standard for Terminal Instrument Procedures (TERPs) and additional control zone and 700-foot transition area will be required.

The 700-foot transition area will provide controlled airspace protection for aircraft operating between 1,500 feet and 700 feet above the surface. The additional control zone will provide controlled airspace protection for aircraft executing the prescribed instrument procedures when operating below 1,000 feet above the surface.

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

In § 71.171 (36 F.R. 2055) the description of the Corvallis, Oregon, control zone is amended to read as follows:

CORVALLIS, OREG.

Within a 5-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.), within 3 miles each side of the Corvallis VOR 090° radial, extending from the 5-mile-radius zone to 8 miles east of the VOR and within 3.5 miles each side of the Corvallis VOR 180° radial extending from the 5-mile-radius zone to 10 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140) the description of the Corvallis, Oreg., transition area is amended to read as follows:

CORVALLIS, OREG.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.) within 4.5 miles each side of the Corvallis VOR 029° radial, extending from the 7-mile-radius area to 14 miles northeast of the VOR, within 5 miles each side of the Eugene, Oreg., VORTAC 345° radial, extending from 10 to 17 miles north of the VORTAC, and within 5 miles each side of the Corvallis VOR 180° radial, extending from the 7-mile-radius area to 11 miles south of the VOR excluding that portion overlying the Eugene, Oreg., transition area; that airspace extending upward from 1,200 feet above the surface within 6 miles northwest and 8 miles southeast of the Corvallis VOR 029° and 209° radials, extending from 6 miles southwest to 17 miles northeast of the VOR.

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 29, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-1825 Filed 2-9-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-120]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Potsdam, N.Y., Transition Area.

A new VOR/DME Runway 24 instrument approach procedure for Potsdam Municipal (Damon Field) Airport, Potsdam, N.Y., will require designation of a 700-foot floor transition area to provide protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Potsdam, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Potsdam, N.Y., transition area described as follows:

POTSDAM, N.Y.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center of Potsdam Municipal (Damon Field) Airport 44°40'30" N., 74°57'00" W.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 25, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-1826 Filed 2-9-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-111]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is proposing to amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Massena, N.Y., Transition Area (35 F.R. 2219).

Two new instrument approach procedures for Richards Field, Massena, N.Y., require the alteration of the transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in

triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Massena, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Massena, N.Y., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the center, 44°56'10" N., 74°50'50" W. of Richards Field, Massena, N.Y.; within 3 miles each side of the Massena VORTAC 104° radial extending from the 6.5-mile-radius area to 8 miles east of the VORTAC, excluding the airspace within Canada.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 25, 1971.

WAYNE HENDERSHOT,
Eastern Region, Acting Director.

[FR Doc.71-1827 Filed 2-9-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-115]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Bangor, Maine (35 F.R. 2059) and Old Town, Maine (35 F.R. 2108), control zones and Bangor, Maine, transition area (35 F.R. 2144).

The revised instrument approach procedures for Bangor International Airport, Bangor, Maine, and De Witt Field—Old Town Municipal Airport, Old Town, Maine, require alteration of the control zones, and transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bangor, Maine, and Old Town, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to:

(a) Delete the description of the Bangor, Maine control zone, and insert the following in lieu thereof:

Within a 5-mile radius of the center, 44°48'28" N., 68°49'41" W. of Bangor International Airport, Bangor, Maine; within 2.5 miles each side of the Bangor, Maine, VOR TAC 318° radial, extending from the 5-mile-radius zone to 8 miles northwest of the VORTAC; within a 1-mile radius of the center, 44°53'56" N., 69°01'12" W. of Levant Private Landing Area, West Levant, Maine; within 3.5 miles each side of the Bangor ILS localizer southeast course, extending from the 5-mile-radius zone to 11.5 miles southeast of the OM.

(b) Delete the description of the Old Town, Maine, control zone, and insert the following in lieu thereof:

Within a 5-mile radius of the center, 44°57'15" N., 68°40'30" W. of De Witt Field—Old Town Municipal Airport, Old Town, Maine; within 1.5 miles each side of the Bangor, Maine, VORTAC 052° radial, extending from the 5-mile-radius zone to the VORTAC; within 3.5 miles each side of the Bangor VORTAC 050° radial, extending from the 5-mile-radius zone to 23.5 miles northeast of the VORTAC; within 3.5 miles each side of the 028° bearing and the 208° bearing from the Old Town, Maine, RBN, 45°00'24" N., 68°38'02" W., extending from the 5-mile-radius zone to 10.5 miles northeast of the RBN, excluding the portion which coincides with the Bangor, Maine control zone.

2. Delete the description of the Bangor, Maine 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius arc of the center, 44°48'28" N., 68°49'41" W. of Bangor International Airport, Bangor, Maine, extending clockwise from 245° to 093°; within a 12-mile-radius arc of Bangor International Airport, extending clockwise from 093° to 245°; within 3 miles each side of the Bangor, Maine, VORTAC 318° radial, extending from the VORTAC to 9 miles northwest of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Bangor International Airport ILS localizer southeast course, extending from the OM to 18.5 miles southeast of the OM; within a 5-mile radius of the center, 44°57'15" N., 68°40'30" W. of De Witt Field—Old Town Municipal Airport, Old Town, Maine; within 1.5 miles each side of the Bangor VORTAC 052° radial extending from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to the VORTAC; within 4 miles each side of the Bangor VORTAC 050° radial, extending from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to 25.5 miles northeast of the VORTAC; within 3.5 miles each side of the 028° bearing and the 208° bearing from the Old Town, Maine, RBN 45°00'24" N., 68°38'02" W., extending from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to 10.5 miles northeast of the RBN; within 2 miles each side of the De Witt Field—Old Town Municipal Airport runway 22 centerline extended from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to 6 miles south of the end of the runway; within 2 miles each side of the De Witt Field—Old Town Municipal Airport runway 33 centerline extended from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to 6 miles northwest of the end of the runway; within 2 miles each side of the De Witt Field—Old Town Municipal Airport runway 15 centerline extended from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to 5 miles southeast of the end of the runway.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 25, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-1828 Filed 2-9-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-121]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a New Castle, Pa., transition area.

New VOR instrument approach procedures have been developed for New Castle Municipal Airport, New Castle, Pa. We will require designation of a 700-foot floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of New Castle, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a New Castle, Pa., transition area described as follows:

NEW CASTLE, PA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center (41°01'34" N., 80°24'49" W.) of New Castle Municipal Airport, New Castle, Pa.; within 3 miles each side of the Castle VOR (41°01'32" N., 80°24'58" W.) 043° radial, extending from the VOR to 8.5 miles northeast and within 3 miles each side of the Castle VOR 217° radial, extending from the VOR to 8.5 miles southwest.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 25, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-1829 Filed 2-9-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No.71-SO-6]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Bay St. Louis, Miss., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis TN 38118. 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 hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted 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 light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Bay St. Louis transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Gulf Central-Stennis Field (lat. 32°22'15" N., long. 89°27'16" W.). This transition area is effective from sunrise to sunset daily.

The proposed designation is required to provide controlled airspace protection for IFR operations at Gulf Central-Stennis Field. A prescribed instrument approach procedure to this airport, utilizing Gulfport, Miss., VOR, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on January 29, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-1831 Filed 2-9-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-7]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Fayetteville, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. 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 hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. 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 light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Fayetteville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fayetteville Municipal Airport (lat. 35°03'28" N., long. 86°33'53" W.); within 3 miles each side of the 188° bearing from Highland RBN (lat. 35°03'32" N., long. 86°33'58" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Fayetteville Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Highland (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on January 29, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-1832 Filed 2-9-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Illinois as set forth in the following new §§ 481.206-481.212 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the designated Burlington-Keokuk Interstate Air Quality Control

Region and the Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region.

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

Interested authorities of the States of Illinois, Wisconsin, Iowa, Kentucky, and Missouri, and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revisions are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 10 a.m., on February 11, 1971, in the Training Room, Fourth Floor, 325 West Adams Street, Springfield, IL 62704.

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

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

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

§ 481.206 Bloomington-Champaign-Danville-Kankakee Intrastate Air Quality Control Region.

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

In the State of Illinois:

Champaign County.	Kankakee County.
De Witt County.	Livingston County.
Douglas County.	McLean County.
Ford County.	Piatt County.
Iroquois County.	Vermilion County.

§ 481.207 Illinois River Valley Intrastate Air Quality Control Region.

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

In the State of Illinois:

Bureau County.	Lee County.
Grundy County.	Marshall County.
Kendall County.	Putnam County.
La Salle County.	Stark County.

§ 481.208 Metropolitan Peoria Intrastate Air Quality Control Region.

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

In the State of Illinois:

Fulton County.	Peoria County.
Knox County.	Tazewell County.
Mason County.	Woodford County.

§ 481.209 Southeastern Illinois Intrastate Air Quality Control Region.

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

In the State of Illinois:

Clark County.	Hardin County.
Clay County.	Jasper County.
Coles County.	Lawrence County.
Crawford County.	Moultrie County.
Cumberland County.	Richland County.
Edgar County.	Shelby County.
Edwards County.	Wabash County.
Effingham County.	Wayne County.
Gallatin County.	White County.
Hamilton County.	

§ 481.210 Southern Illinois Intrastate Air Quality Control Region.

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

In the State of Illinois:

Bond County.	Marion County.
Clinton County.	Perry County.
Fayette County.	Randolph County.
Franklin County.	Saline County.
Jackson County.	Washington County.
Jefferson County.	Williamson County.

§ 481.211 Springfield-Decatur Intrastate Air Quality Control Region.

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

In the State of Illinois:

Cass County.	Menard County.
Christian County.	Montgomery County.
Logan County.	Morgan County.
Macon County.	Sangamon County.
Macoupin County.	

§ 481.212 Western Illinois Intrastate Air Quality Control Region.

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

In the State of Illinois:

Brown County.	Pike County.
Calhoun County.	Schuyler County.
Greene County.	Scott County.
Jersey County.	Warren County.
McDonough County.	

§ 481.98 [Amended]

The Burlington-Keokuk Interstate Air Quality Control Region (Illinois-Iowa) (§ 481.98) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Hancock County.	Henderson County.

In the State of Iowa:

Des Moines County.	Lee County.

It is proposed to add Adams County in the State of Illinois to the designated Burlington-Keokuk Interstate Air Quality Control Region (Illinois-Iowa).

§ 481.69 [Amended]

The Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region (§ 481.69) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:

Ballard County.	Marshall County.
McCracken County.	

In the State of Illinois:

Alexander County.	Pope County.
Massac County.	Pulaski County.

It is proposed to add Johnson and Union Counties in the State of Illinois to the designated Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region.

This action is proposed under the authority of (Section 301(a), 81 Stat. 504

42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: February 6, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1950 Filed 2-9-71;8:55 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 2, 21, 74, 89, 91, 93, 95]

[Docket No. 19150; FCC 71-122]

ESTABLISHMENT OF FIRST REGIONAL SPECTRUM MANAGEMENT CENTER IN CHICAGO, ILL.

Notice of Proposed Rule Making

INTRODUCTION

1. This proceeding is concerned with the establishment of new systems, techniques, and methodologies for the more efficient management of the non-Government portion of the radio spectrum. It is directed primarily to that portion of the spectrum allocated for Land Mobile purposes—as reflected in Part 2 of the Commission's rules—and is geographically confined in its applicability to an area of approximately 96,000 square miles which has Chicago, Ill., at its approximate center.

2. This notice consists of two parts: Part I relates primarily to problem definition and is intended to serve as background or introduction to the rules changes proposed; Part II contains the substance of the proposed amendments to the various rules parts noted in the caption. Comments are to be directed to the proposals contained in Part II. Notice of proposed rule making in these matters is hereby given.

PART I

NATIONAL SPECTRUM MANAGEMENT

3. The Commission has, since its inception, been concerned with the efficient management of the non-Government portion of the radio spectrum. Considerable work has been undertaken over the years in providing for new, improved and increased use of the spectrum with a view to use-optimization. This work has been accomplished over a period of time by various bureaus and offices within the Commission. Although these collective efforts have never been described in any formal manner, they have constituted what is now being referred to as the National Spectrum Management Program.

4. Several major studies, completed in recent years, have concluded that more effective and efficient use can and must be made of the radio frequency spectrum, particularly in view of the rapidly increasing demand for spectrum space. The development of sophisticated monitoring techniques and the application of computer technology in the frequency assignment process have now introduced important new techniques for spectrum management which have not been available heretofore. Although these studies have thus far been directed primarily toward the Land Mobile use of the spectrum, all uses of the spectrum have been studied and require equal consideration, with Land Mobile being the most urgent from a timing standpoint.

5. The Commission has carefully reviewed these studies, including those conducted by the Commission's staff, and has concluded that it must move forward with its National Spectrum Management Program. An essential element of this program is to implement more efficient and effective techniques for managing this vital resource. In this context, we are beginning implementation of a regional spectrum management concept; and it is with respect to this regional spectrum management concept that this proceeding is vitally concerned. Our initial efforts, therefore, are directed to resolution of the critical problems afflicting the Land Mobile portion of the spectrum.

LAND MOBILE SPECTRUM MANAGEMENT PROGRAM

6. During the past 25 years and particularly during the past decade, the private Land Mobile radio communication services have grown tremendously and have placed heavy demands on the radio spectrum. These services are continuing their rapid growth rate of some 20 to 30 thousand new systems per year. At the close of fiscal 1970, over 300,000 such systems were authorized. The systems vary in size from a few to upward of one thousand radio transmitters each. These systems are not uniformly distributed over the country but rather tend to concentrate in the larger metropolitan areas. This has produced a generally recognized problem of frequency shortage in these areas. Some of these areas are at or beyond the critical point, and the continued and haphazard addition of new systems serves to generally degrade the quality of service which can be obtained by all users.

7. Several years ago, the Commission began a two-pronged effort to alleviate this situation. First, the provision of more frequency space [1] and second, the more effective utilization of existing frequency space. Present frequency management in the Land Mobile Services is generally nationally oriented and administered under national standards. While there are some exceptions, this policy does not provide the flexibility nor technical details necessary to obtain maximum utilization of the allocated frequency space in the larger frequency crowded urban areas. Growth projections of these areas indicate that even more intensive use of the radio spectrum can be expected in the future. The continued growth of the Land Mobile Services in urban areas and the frequent complaints of channel and spectrum congestion have necessitated consideration of improved frequency assignment processes, taking into account the existing radio spectrum environment of each urban region.

8. Increased utilization of private Land Mobile frequency space has been the sole or partial subject of many frequency management studies over the past few years. All of the studies place an emphasis on the use of increased engineering in the assignment process and several of the "in depth" studies such as those prepared by the President's Task Force on Communications Policy, the Joint Technical Advisory Committee (JTAC), and the contract studies performed for the Commission by the Stanford Research Institute (SRI) indicate that the problem is regionally oriented and must be solved and administered in the future on a regional basis. Such regional administration would modify considerably the service-block frequency allocation technique now used for frequency management on a national basis in the Land Mobile Services.

9. An important problem in the present frequency management system is its inability (because of a lack of pertinent data) to describe channel and spectrum congestion quantitatively. Thus, the points at which channels become unacceptable and congested to their users—whether Police, Fire, Business, Petroleum, Power, or other Services—are not known. By virtue of its direct interface with users at the regional level and its resource of adequate data bases, a regional management system would be able to establish levels of unacceptable performance, based on quantitative measures. Given these levels, the capability would then exist to control channel usage to stay within these levels for any user category. A regional system under national guidance would thus have the capability of optimizing the use of the Land Mobile channels for each user category.

10. The design of a regional management facility for the Land Mobile Radio Services was completed in the summer of 1969 by Stanford Research Institute. Under this concept, there will be established in 1972 a regional spectrum engineering and management center in Chicago, Illinois, for the Land Mobile allocation, to operate in accordance with policy guidelines furnished by the Commission's Washington Office. The area to be served by the Chicago Center is described elsewhere in this document (paragraph 55).

11. The initial operation of the Chicago Center will be primarily concerned with accumulation of data on present usage of the Land Mobile portion of the spectrum, the development of channel loading statistics and criteria, and development and implementation of frequency assignment and licensing procedures for more efficient and effective use of the spectrum. The experience gained and the assignment system developed will be indispensible to the optimum utilization of any additional spectrum space which may be made available to the Land Mobile Services in the future. Further, the Center will be flexible enough and equipped to handle services

[1] See Report and Order in Docket No. 18261, June 4, 1970, 35 F.R. 8634; and Docket No. 18262, June 4, 1970, 35 F.R. 8644.

other than Land Mobile, including cooperative ventures with the Federal Government should such operations become desirable.

12. If the regional management technique is to be applied to all metropolitan areas in the country where Land Mobile frequency problems now exist, or will probably exist within the next several years, under present frequency supply and management procedures, some 10 to 12 regional centers may be required. The ultimate number of centers can best be projected after experience with the operation of a smaller number in the more critical geographical locations has been obtained. Such operation will, moreover, provide the data necessary for factual cost/benefit analyses.

13. The major functions of a Regional Spectrum Management Center insofar as they relate, at this time, to the Land Mobile allocation, will be monitoring, spectrum engineering and data generation and maintenance. To assist in the performance of these functions, a computer of a high order of sophistication is being acquired.

14. The monitoring function to be performed in Chicago and elsewhere will be accomplished with high-speed automatic spectrum scanning apparatus which can be mounted in a mobile van or operated at fixed locations such as the Regional Center. The use of this monitoring station will enable a spectrum data base to be established which will describe the signal population on each Land Mobile channel. In addition, content monitoring, and specialized measurements relative to radio frequency noise levels, transmitter-receiver density effects and terrain or structural factors affecting propagation may be conducted. From the spectrum data base established with the monitoring station, vital statistics can be obtained on the use of individual channels and of the entire spectrum space allocated for Land Mobile purposes.

15. Spectrum Engineering will involve the conduct of engineering surveys to determine methods to reduce or eliminate problems resulting from intermodulation, cochannel, and propagation factors affecting spectrum use within the Region. Initially, however, spectrum engineering will be directed to the establishment of the new regional user data base. Most of the existing users in the Region will be required to renew their licenses on a new license application form supplying certain technical and other information not heretofore required.[2] These forms will then be converted into punched cards and entered into the user data base. It is proposed to coordinate the process of completing new forms with user groups, through their existing coordinating committees, since these committees can be expected to be called upon by many users for assistance. The user groups can also aid in resolving many special case situations and can serve as a valuable interface between the Regional Center and users.

[2] See paragraph 45 below.

INITIAL POLICY CONSIDERATIONS FOR IMPLEMENTATION

16. The design parameters of the system to be employed in obtaining use-optimization in the Land Mobile category have been briefly outlined in the preceding paragraphs. It should be understood, however, that use-optimization is an ultimate goal; and that the system to be used in obtaining it will evolve. The entire system cannot realistically be implemented immediately. An orderly transition from present methods to new methods and techniques must be effected over a reasonable period of time. Full conversion to the new system must necessarily be geared to the time factors involved in accumulating data and, most importantly, administrative experience. This does not mean, however, "* * * that evolution must continue at the snail's pace of the past."[3]

17. Pending, and indeed critical to, the accumulation of data and experience, certain changes in the administrative techniques of regulation and management of the subject Land Mobile portion of the spectrum are postulated as being necessary. Thus, for example, JTAC, and others who have studied the problem in depth, note clear evidence that on a regional and local basis there is ample warrant for revising or liberalizing the block allocation concept in order to respond more expeditiously to user needs. The administrative method, system, or technique of making frequencies available for assignment on a fair, efficient, and equitable basis is regarded as critical to, or the keystone of, the system that has been designed.

18. The present block method or technique of subdividing or apportioning the frequencies from the Land Mobile inventory demands that the current and projected needs of a variety of users in 20 or more radio services or categories be determined on a nationwide basis; and that these needs be balanced in an almost infinite variety of combinations. The paradoxes, inequities, and inefficiencies that result from this method of apportioning, experience shows, must be of considerable scale before rectification is initiated. The rectification procedure, like that of the initiating procedure, is ordinarily rule making, in compliance with legal strictures, and is both time-consuming and administratively burdensome in nature. Moreover, because present procedures are necessarily aimed at broad or national rather than local needs with little or no meaningful accommodation provided for unique local or regional needs and conditions, a serious underutilization of the spectrum in some categories and areas, and gross overutilization in other areas and categories often results.

19. A major departure from the rigidity of the present block allocation method is thus postulated as being both desirable and necessary. A major departure is feasible on a regional basis at least, in light of today's sophisticated automatic data and information retrieval systems; and because of today's advanced engineering and monitoring techniques which complement the automatic data processing tools.

[3] JTAC Report, Spectrum Engineering—The Key to Progress, March 1968, page 20.

20. The departure from the block allocation scheme proposed in this proceeding has as its proximate goal the maximum order of frequency assignment flexibility—consistent with an orderly administration or regulation of Land Mobile users on a regional basis. Our proposal in this proceeding is essentially that the total Land Mobile allocation be divided into two parcels or blocks. The first of these parcels would accommodate the present and near term needs of Police and Fire agencies, while the second parcel would be disposed to the needs of all other categories of present and potential users of the Land Mobile spectrum. A frequency reservoir is also included. In Part II, below, this proposal is defined in detail.

21. Before proceeding with the precise details of the proposal, however, we feel that an articulation of some few of the major factors that have influenced or guided our decision to propose as we have should be made. The proposal in this proceeding has been formulated in acknowledgment and due consideration of the following:

A. Use-optimization of Land Mobile radio is both desirable and necessary; and is feasible in light of today's technology and management techniques.

B. Any management system or technique that evolves must be premised on acknowledgment of and accommodation for the highly time-critical emergency communications needs of Police and Fire agencies.

C. No constriction or curtailment of eligibility in the Land Mobile category is foreseen as being necessary in the immediate future. Thus, for the present at least, persons eligible for licensing in the Land Mobile Radio Services will continue to be eligible.

D. The embedded capital investment of users in equipment and facilities must and will be considered to the extent practicable.

E. Initial implementing measures, and the results that flow therefrom, must not foreclose or pose substantial impediments to the implementation and the efficiency of the ultimate system.

F. The system that evolves must be highly compatible with automatic data processing (ADP) techniques.

PART II

TWO-CATEGORY LAND MOBILE ALLOCATION

22. While it is generally agreed that the present system can and should be improved, it is difficult to find agreement on what form the improvement should take and to whom it should apply. The best form would be a combination of the block system and the so-called pool system which would permit adoption of the desirable features of both. Thus, the

number of pools should be kept to a minimum in order to afford the maximum flexibility in assigning frequencies, while at the same time maintaining some system of priorities.

23. With the above considerations in mind, it is believed that the desired objectives of initial implementation of the regional management concept and improved spectrum management can best be achieved by a two-category Land Mobile allocation.

24. Category I of this allocation would consist of the Police and Fire Radio Services and their present frequencies. Category II would consist of other Services and their frequencies presently contained in Parts 89 (Public Safety Radio Services),[4] 91 (Industrial Radio Services),[5] and 93 (Land Transportation Radio Services), Part 74 (Remote Pickup), Part 21 (Domestic Public Land Mobile Radio Service), and Part 95 (the Citizens Radio Service).

25. Unlike Category I, the Category II allocation would be subdivided into five groups: Group A would consist of the Local Government, Highway Maintenance, Forestry-Conservation and Special Emergency Radio Services; Group B would consist of the Power, Railroad, and Telephone Maintenance Radio Services; Group C would consist of the Petroleum, Manufacturers, Forest Products, Special Industrial, Motor Carrier, Automobile Emergency, Business, Taxicab, Motion Picture and Relay Press Radio Services, and Broadcast Remote Pickup (Part 74); Group D to consist of the Domestic Public Land Mobile Radio Service (Part 21); and Group E, Citizens Radio Service (Part 95). Thus, the entire Land Mobile allocation will be found in the two categories noted.

CATEGORY I FREQUENCIES

26. The Police and Fire Radio Services would contribute to the Category I allocation or pool all the exclusive frequencies now allocated to these services. In addition, 10 channels (20 frequencies) in the 470–476 MHz band would be allocated to Category I. All Category I frequencies would to the extent practicable be dedicated channels and would be protected from cochannel and adjacent channel interference to the extent practicable. The 11 frequencies in the band 25–50 MHz now shared by the Police and Local Government Services will be placed in Category I. No new local government assignments will be made on these channels, but existing systems may continue to operate and expand thereon. The Police and Fire Radio Services would also be eligible for any frequency in Category II—with the express understanding that these frequencies are shared with Category II licensees and the Police and Fire licensees assigned on any of the Category II frequencies will not be protected.

CATEGORY II FREQUENCIES

27. Each individual Service in Category II will contribute its exclusive frequencies to the Group in which it is listed. A number of 470–476 MHz channels will be assigned to each group as indicated in Appendix A. All frequencies now shared by the Public Safety Services will remain in Group A with the exception of the 11 low band frequencies (mentioned above in paragraph 26) which go into Category I. Frequencies presently in the Industrial and Railroad-Motor Carrier pools in the band 450–470 MHz would either be divided between Groups B and C or made available only within Group C. (In Appendix A, the frequencies are included in the total for Group C.) Comments are solicited as to how best to utilize these pool frequencies.

28. Category II licensees will be eligible only for Category II frequencies. However, all Category II licensees will not be treated alike. Initially, we will make assignments only within the respective Groups. This procedure will continue until sufficient monitoring and other data base information on loading, waiting times, hours of operation, etc., give us the data necessary to make intergroup assignments.

29. Group A licensees will receive discrete frequencies for their operations to the extent possible, subject to sharing with other Group A users where the nature of the operation, congestion and loading factors dictate such action is desirable for efficient spectrum management. If possible, assignments will be made from an applicant's own service frequencies in the pool. If none are available, then a search will be made of frequencies in the pool which were contributed by the other service(s).

30. Group B and Group C applicants will be treated as having equal access to all frequencies in their respective pools, with new assignments being made on the least used channels.

31. Group D in Category II will consist of those Land Mobile frequencies presently allocated to the Domestic Public Land Mobile Radio Service (Part 21). The Domestic Public Land Mobile Service frequencies are discussed in paragraph 39 below.

32. Group E will consist of the Citizens Radio Service. The Citizens Radio Service is discussed in paragraph 41 below.

33. Initially, access to the frequencies of another Group would be permitted only on a case-by-case basis and only when no suitable frequency is available in the Group in which the applicant is eligible. Where services which presently share frequencies are in different categories or groups, the frequencies will be placed in the pool of the lower priority group.[6] Those licensees in the higher priority group who presently operate on such frequencies will be permitted to continue their operations on the frequencies even though the frequencies do not appear in their eligibility pool. In determining the feasibility and scope of cross-service sharing, matters relating to acceptable channel loading, provisions for future expansion of various uses and services, standards for service and interference, safeguards against preemption of frequency space by fast growing services and other public interest factors will be considered.

FREQUENCY RESERVOIR

34. In addition to the frequencies contained in Categories I and II, there will be a "Frequency Reservoir". This reservoir will contain, initially, a portion of those UHF TV frequencies made available as a result of Commission action taken in Docket No. 18261. In addition to these frequencies, the reservoir will contain some of the unshared Broadcast Remote Pickup Frequencies.[7] A "Reservoir" of frequencies is being established to afford the measure of flexibility deemed necessary in order to respond to unique or unusual conditions that exist or may arise, either on a temporary or continuing basis. In addition, experience may indicate a need for more frequencies in a particular group or groups. Frequencies from within the reservoir may be disposed to satisfaction of these needs. It should be noted, however, that the initial number of frequencies to be lodged in the reservoir while high, will not remain so. Thus, it is anticipated that after the data base has been established and experience with the system has been gained, most of the reservoir frequencies will be committed to those groups or areas where they will do the most good. Ultimately, the reservoir is envisioned as containing but very few frequencies.

ELIGIBILITY

35. The present basic eligibility criteria governing entry into the various Services that use the Land Mobile allocation are not proposed to be changed at this time. Maintenance of these criteria will allow retention of those provisions of the rules concerning permissible communications, station limitations, etc., all of which provisions are generally tied to eligibility. An orderly transition to the new system dictates that these provisions be retained. Thus, for example, frequencies reserved for paging, zone and interzone, low power, etc., will continue to have these limitations. However, the "general reference" limitations in the Business and Special Industrial Services frequency tables will be abolished.[8] "Station limitations" for the Service in which eligibility was established will continue to govern, even though the fre-

[4] The State Guard Radio Service will be placed in Category II for administrative purposes, but it will not participate in the pool. This is a static Service with only five licensees. No new systems have been authorized in several years. The Service has one basic frequency—2726 kHz—which is already shared with the Special Emergency Radio Service. No new frequencies will be available to the State Guard.

[5] Land Mobile Frequencies are not presently allocated to the Industrial Radiolocation Service, thus that Service is not considered herein.

[6] The 11 low-band frequencies shared by Police and Local Government will, however, go to Category I (see paragraph 26).

[7] See paragraph 42 for discussion of Broadcast Remote Pickup frequencies.

[8] Itinerant or "gypsy" licensees will be required to make application for a frequency assignment when their business operations are to be conducted within the boundaries of the region proposed to be established in this proceeding.

quency assigned is not from the Service in which eligibility was established.

36. In establishing the categories and groups, we have to the extent possible attempted to keep in mind not only the relative priorities of the various users but also their compatability and operating practices. Also taken into consideration were a number of basic principles enumerated in the Report and Order in Docket No. 6651 (1949) and related Dockets. Two of those principles which we regard as warranting reaffirmation are as follows:

A. "* * * all radio services should not be evaluated alike. Radio services which are necessary for the safety of life and property deserve more consideration than those services which are more in the nature of convenience or luxury; and

B. The Commission considered the total number of people who would probably receive benefits from a particular service. Where other factors were equal, the Commission attempted to meet the requests of those services which proposed to render benefits to large groups of the population rather than of those services which would aid relatively small groups."

DOMESTIC PUBLIC LAND MOBILE—CITIZENS—BROADCAST REMOTE PICKUP

37. There are within the Land Mobile allocation of frequencies reflected in Part 2 of the rules, radio services and uses other than those traditional or essentially Land Mobile services falling within the Safety and Special Radio Service category. Thus, for example, radio and miscellaneous common carriers (in reality their subscribers) and persons licensed in the Citizens Radio Service use Land Mobile radio frequencies for purposes essentially akin to the purposes of users from within the Safety and Special Services. Broadcast stations, too, are deeply involved in the Land Mobile allocation—their use of frequencies from within the allocation being for the transmission of audio matter intended for broadcast or for cueing, reporter instructions, etc.

38. The Land Mobile use-optimization goal for which the Commission is striving logically requires that all uses and users of the Land Mobile allocation be considered, and if feasible and practicable, all uses and users be encompassed by the system proposed.

39. Unique and rather complex problems are posed, however, in any attempt to administer or regulate Domestic Public Land Mobile Radio licensees and applicants on a regional or local basis. The complexity stems not so much from the technical or engineering aspects of carriers' operations but rather from the legal, financial, and competitive factors that are required to be considered. This is not to say that these factors could not or should not be handled on a local or regional basis. It is to say, however, that for the immediate future no major decentralization of the Commission's regulatory functions in regard to common carriers is proposed. But this absence of the physical presence of carrier regulation on a local or regional level need not, and in fact, will not militate against frequency use-optimization on the local or regional level. The Domestic Public Land Mobile allocation of frequencies is proposed to be included in Category II of the overall allocation proposed herein as Group D.

40. Should experience with common carriers in the Chicago Region so warrant, it is conceivable that some type of sharing between carriers and private systems could be arranged. In the absence of data at this time, it is practically impossible to conjecture on what types of arrangements, if any, would prove workable. In the meantime, however, we desire not to foreclose the option of examining sharing between various types of systems and allowing sharing if conditions so warrant. Thus, Domestic Public Land Mobile frequencies are proposed to be included in Category II. Paragraph 51 (to follow) enumerates the procedures to be followed by Domestic Public Land Mobile licensees and applicants who propose operations within the region defined in this notice.

41. Group E of Category II contains the Citizens Radio Service and its Land Mobile frequencies. No new frequencies are proposed to be made available to the Citizens Radio Service, nor will the reservoir frequencies discussed previously be made available to the Citizens Service. It is proposed, however, that all Citizens applications specifying facilities to be operated within the boundaries of the Chicago Region be handled or administered from the Regional Office to be established in Chicago. In addition to mitigating the heavy administrative burden presently carried by the Commission's Washington ADP facilities, this transferral of the Citizens band licensing functions to the regional level will prove convenient and advantageous to the Commission's field enforcement activities which are conducted on a local or regional basis.

42. Broadcast Remote Pickup frequencies are proposed to be included within the body of frequencies to be managed by the Chicago Regional Office. Commission records indicate relatively light loading of these frequencies in the Chicago area, indeed, on many if not most of the frequencies in the 25 and 26 MHz bands, for example, no assignments whatever are noted.* The majority of the Broadcast Remote Pickup frequencies are proposed to be lodged in the frequency reservoir. There they will remain for a period of time pending the accumulation of monitoring data as to their occupancy, frequency of use, and other factors (see paragraph 33). Those frequencies that are presently shared with the Industrial Services, however, are included in Group C.

DATA BASE REQUIREMENTS

43. Throughout this document and in other works that have focused on the so-called Land Mobile problem, great stress has been placed on the necessity of establishing an adequate data base. We regard it as axiomatic that an adequate data base must be developed or established before any meaningful system of frequency management can become truly viable. Correlative to establishment of the base is the time within which the establishment can or should be accomplished and the frequency with which the base can and should be updated.

44. Many of the essential elements of information that are needed to establish an adequate data base are presently and uniquely within the ken or knowledge of existing licensees. Thus, for example, the type of equipment that a licensee uses (to include receivers), effective radiated power, the exact number of vehicles actually equipped with radio, hours of operation, types of communications involved, and other similar items of information are presently known only to licensees.

45. In order to facilitate the establishment of an adequate data base, a new application form which is ADP-oriented is being developed and will be available for use by July 1, 1971. This new application form will seek to elicit from applicants those data elements that are regarded as being critical to the efficient functioning of the system outlined in this proceeding. Answers to the following items, among others, will be elicited by the new form:

A. Service contours of the system applied for.

B. Effective radiated power, antenna height, etc.

C. Description of receiver.

D. Hours of operation.

E. The exact number of mobile units to be employed (transmitters and receivers).

F. Nature of operations, i.e., dispatch, paging, combinations, etc.

46. In addition to these elements, more precise information as to the nature or character of an applicant's major activity, whether it be commercial, governmental, or whatever, will be required. Applicants will be required to identify their activities with the numerical designators specified in the Standard Industrial Classification Manual (1967 edition) published by the Executive Office of the President/Bureau of the Budget. Reference to this publication will reveal that the classifications contained therein will cover the entire field of economic (and governmental) activities:

* Seven of these frequencies between 25.6 and 26.1 MHz are, however, not within the Land Mobile allocation and are as a consequence excluded from consideration or inclusion in this proceeding. The frequencies 166.25 and 170.15 MHz are also excluded—see footnote 4 to the frequency list contained in § 74.402(a)(5). Also excluded are those frequencies in the 161 MHz band—because of Emergency Broadcast System considerations; and frequencies in the 450 and 455 MHz bands. The 450 and 455 MHz band frequencies are currently the subject of a petition for rule making (RM 1735) filed by the National Association of Broadcasters (NAB) on Jan. 8, 1971.

Agriculture, forestry, and fisheries; mining; construction; manufacturing; transportation; communication; electric, gas, and sanitary services; wholesale and retail trade; finance, insurance, and real estate; services; and government—to include Federal, State, and local.

47. As noted above, the time within which the necessary data base may be established is of critical importance to the effective and efficient functioning of the spectrum management system that has been designed. Under current projections, the first Regional Spectrum Management Center is to open its doors for business in mid-1972. This means that a substantial portion of the data base must have been established by that time. In order to meet that goal, most licensees within the area[10] to be served by the Chicago Regional Center will be required to renew their licenses using the new ADP-oriented form over a period of 1 year commencing on July 1, 1971, and terminating on June 30, 1972.

48. To make this as administratively convenient as possible, Industrial, Public Safety, and Land Transportation licensees whose licenses will expire during the months of July, August, or September in any of the years 1971, 1972, 1973, 1974, or 1975 may file their renewals any time during July, August, or September 1971 but no later than September 30, 1971; and licensees whose licenses expire during any of the months of October, November, or December of 1971, 1972, 1973, 1974, or 1975 may file their renewals at any time during October, November, or December of 1971 but no later than December 31, 1971; and licensees whose licenses expire during any of the months of January, February, or March of any of the years 1972, 1973, 1974, 1975, or 1976 may renew at any time in January, February, or March of 1972 but no later than March 31, 1972; and licensees whose licenses will expire at any time during the months of April, May, or June of the years 1972, 1973, 1974, 1975, or 1976 may file for renewal at any time during April, May, or June of 1972, but no later than June 30, 1972.

49. Because it will be necessary to maintain a current data base, licenses in the Services noted above will not, as in the past, be granted for a 5-year term. They will, instead, be granted for a term of 1 year with a commensurate reduction in the fee.

In those cases where a licensee may have a number of years remaining on the authorization in being at the time these rules become effective, an equitable amortization of the fee originally paid will be allowed. Thus, for example, a license or renewal granted for a 5-year term in June of 1971 will be required to be renewed at yearly intervals but without fees until the renewal filed in June of 1976. Applications for new facilities, however, will still be required to be accompanied by the fee specified in the rules.

[10] See paragraphs 54 and 55 and Appendix B for contours of region.

50. In order that the establishment of a nationwide data base may be facilitated, all Industrial, Public Safety, and Land Transportation applicants for Land Mobile facilities using frequencies in the band 470–512 MHz—not just those specifying operation within the Chicago Region—will be required to use the new form beginning on July 1, 1971,[11] or at such time as frequencies in this band are made available as a result of the further proceedings in Docket No. 18261.

51. Domestic Public Land Mobile Radio Service applicants will also be required to use the new ADP form when facilities in the area to be served by the Chicago Regional Office are specified. Domestic Public applicants, however, will file this form in addition to the form 401 currently used. Both of these applications, i.e., the new form and the form 401 will be filed in Washington, D.C., not in Chicago. Appropriate coordination procedures between the Commission's common Carrier Bureau and the Chicago Regional Office will be adopted whereby a carrier's engineering data may be appropriately entered into the data base of the Chicago Region. Thus, insofar as a carrier's technical proposal is concerned, the new form must be used, while legal, accounting, tariff, etc., information will still be required to be furnished on the present Form 401 used in the Domestic Public Land Mobile Service.

52. Unlike the Industrial, Public Safety, and Land Transportation Services, no changes in the license terms of Domestic Public Land Mobile licensees are being proposed. In order that a current data base may be maintained on these licensees, however, it is proposed that a copy of the new form be submitted as a supplement to a carrier's required annual report. Thus, commencing July 1, 1971, Domestic Pubic Land Mobile Radio Service licensees would be required to submit on an annual basis a copy of the new ADP-oriented form which will portray the information necessary to update the Commission's data base.

53. Broadcast Remote Pickup station licensees and applicants will also be required to use the new ADP-oriented application form—both in applying for new facilities and renewing existing facilities. In order to establish an adequate and consistent data base, Broadcast Remote Pick-Up licensees will be required—along with their sister licensees in the Industrial, Public Safety, etc., Services—to obtain renewals of their existing licenses between July 1, 1971, and June 30, 1972. Remote Pick-Up renewal applications are proposed to be filed pursuant to the following schedule:

A. Indiana stations no later than September 30, 1971.

B. Michigan and Ohio stations no later than November 30, 1971.

C. Illinois and Wisconsin stations no later than January 31, 1972.

D. Iowa stations no later than April 30, 1972.

[11] No change in the fee structure or the 5-year license term is being proposed at this time for persons operating outside the Chicago region.

Licenses for remote pickup stations in the Chicago Region will no longer be granted for a 3-year term. They will instead be granted for a term of 1 year. We will, of course, coordinate action on renewal of licenses for remote pickup stations with action on the renewal of licenses of the broadcast stations with which the remote pickup stations are associated.

54. In the Citizens Radio Service, no changes in the current rules relating to license terms or the fee schedule are proposed. Classes B, C, and D applicants will continue to use the current FCC Form 505. Class A applicants, however, will be required to use the new ADP oriented form. This will apply to Citizens applications that specify operations within the region defined in Paragraph 55. Citizens licenses will not be required to comply with the renewal schedule outlined in paragraph 48. All categories of applications, i.e., renewals, modifications, new facilities, etc., are within the ambit of these requirements.

AREA DEFINITION

55. The area to be served by the Regional Center to be established in Chicago consists of the States and counties listed in Appendix B to this document. Loosely defined, the area is a rough circle described by a 175-mile radius extending from a point in the approximate center of downtown Chicago. This area will be identified as the Chicago Region. Within the Chicago Region there will be an area described by a radius of approximately 100 miles extending from a point in the approximate center of downtown Chicago which will be identified as the Chicago District. Appendix C[12] enumerates the counties which fall within the District. The two-category allocation and pooling arrangements proposed in this proceeding will be applicable to all persons operating or proposing to operate a land station (i.e., a base station) in the Chicago District. For purposes of establishing a data base, however, all applications specifying Land Mobile facilities operating or to be operated in the Chicago Region (which includes the District) will be required to be filed in Washington on the new ADP oriented form pursuant to the schedules enumerated in paragraph 43, et seq. Beginning on July 1, 1972, however, applications will be required to be filed with the Chicago Regional Office[13]—the location and address of which will be announced at a later date.

COORDINATION PROCEDURES

56. There will be no change in the present coordination requirements until July 1, 1972. After that date, applicants proposing base station locations within the Chicago District will not be required to comply with the frequency coordination requirements of the rules because frequency selection and assignments will

[12] The map portion of Appendix C filed as part of the original document.

[13] With the exception of Domestic Public Land Mobile Radio Service applicants (part 21) see paragraph 51 supra.

be made by the Chicago Regional Office. All other applications from within the Region will continue to comply with the usual coordination requirements.

SUMMARY

57. We propose to establish, initially in the Chicago, Ill., area a regional approach to spectrum management and employ a frequency assignment methodology based on factors heretofore not considered by the Commission in authorizing the use of Land Mobile frequencies. In order to accomplish more interservice sharing and to provide a firm and orderly foundation for our spectrum engineering, the following initial frequency pooling plan for the Chicago District is proposed.

58. The Land Mobile frequency spectrum is to be divided into two parts (see Appendix A for Table). The first part consists of the spectrum space allocated to the Police and Fire Radio Services. These Services are designated Category I eligibles. The remaining services are Category II services and share the remainder of the frequencies presently allocated to Land Mobile. A portion of the spectrum would be maintained as a frequency reservoir for the District.

59. The Police and Fire Radio Services would contribute to the Category I pool all the exclusive frequencies now allocated to their services. In addition, ten channels (20 frequencies) in the 470–476 MHz band would be allocated to Category I. All the above frequencies are to be dedicated channels to the extent practicable. The 11 frequencies in the band 25–50 MHz now shared by the Police and Local Government Services will be placed in Category I. No new Local Government assignments will be made on these channels, but existing systems may continue to operate and expand thereon. The Police and Fire Radio Services would also be eligible for any frequency in Category II with the understanding that they are shared frequencies and would not be protected to the extent that Police and Fire Systems are protected on Category I frequencies.

60. Initially, Category II would be divided into five subgroups with an informal priority setup—Groups A, B, C, D, and E. Group A would consist of the other public safety services—Special Emergency, Highway Maintenance, Forestry-Conservation and Local Government. Group B would include the Power, Telephone Maintenance and Railroad Services. The remaining Safety and Special Services—Petroleum, Manufacturers, Forest Products, Special Industrial, Motor Carrier, Auto Emergency, Business, Taxicab, Motion Picture, and Relay Press plus Remote Pickup Broadcast which share certain industrial frequencies—would make up Group C. Group D would contain only the Domestic Public Land Mobile Service. Group E would consist of the Citizens Radio Service.

61. Each individual service in Category II will contribute its exclusive frequencies to the subgroup in which it is listed. A number of 470–476 MHz channels will be allocated to each subgroup as indicated in the chart. All frequencies now shared by the Public Safety Services will remain in Group A with the exception of the above-mentioned eleven low-band frequencies which go into Category I. Frequencies in the "Industrial Pool" and "Railroad-Motor Carrier Pool" in the band 450–470 MHz would either be divided between Groups B and C or made available only within Group C. (In Appendix A, these frequencies are included in the total for Group C.)

62. The frequency reservoir will initially contain a minimum of 188 pairs of frequencies from the band 470–482 MHz. It is not anticipated that a majority of the reservoir frequencies in the 470–476 MHz band will remain in the reservoir for an extended period of time. They will be assigned as experience and need dictate; however, a small number of channels will be held in reserve for unusual cases and special temporary uses. Due to the relative closeness of Channel 15 and Channel 16 TV assignments, frequencies in the 476–482 MHz band will be available only for low power or local area operations and restricted to or near the Chicago urbanized area. The reservoir will also contain some broadcast remote pickup frequencies.

63. The channel count in Appendix A includes those two-way voice channels (and one-way paging frequencies) now listed in the rules as available for assignment. Generally, each assigned frequency was counted as one channel with the following exceptions. Each pair of frequencies in the 450–482 MHz band was counted as one channel while unpaired frequencies in this band were considered individual channels. Paired frequencies in other bands in the Land Transportation and Domestic Public Services were also considered to be one channel. The count excludes those channels now available only on a developmental basis. (The Citizens Radio Service is not included in the total for Category II since the group does not participate in the Frequency Reservoir Pool.) Tertiary frequencies in the Public Safety and Land Transportation Services were counted as separate channels. Although manufacturers are permitted use of frequencies in the band 72–76 MHz for low power mobiles, these frequencies were not included in the appendix because this band is not primarily a Land Mobile allocation. Manufacturers, of course, may continue to use these frequencies in the Chicago region.

64. It should be made clear that our approach to spectrum management in the Chicago region, as proposed herein, is to consider the subgroup pooling plan in Category II as only a starting point and an informal arrangement. The plan may be subject to adjustment dependent on monitoring and engineering experience obtained in the regional operation.

65. Implementation of a spectrum management program, as contemplated herein, will involve decisions regarding assignment of facilities which are quite dissimilar in nature. There will be conflicts regarding frequency, time, areas to be covered, paths of transmission, etc. With services which have varied requirements and needs, it is necessary that the spectrum management program establish criteria and priorities which will clearly consider the needs and merits of conflicting proposals together with adequate means to implement decisions reached in a timely and meaningful way. As an example, a broadcast station may develop a requirement to use remote pickup facilities to broadcast, live, a newsworthy event which has developed on a completely unscheduled basis. Recognizing the value of this request for the listening public it may be necessary to consider conflicting requests from a dissimilar service, such as the taxi service, and make a determination of which should operate and with what facilities. Or it may be necessary to remove from the air, or modify the operation of a station which has a lesser priority than a station from another service which requires spectrum space. Therefore, comments are requested regarding the establishment of criteria and priorities, together with suggestions regarding means whereby the Regional Center can implement decisions made regarding conflicting requests or operations. Comments should also be directed to the merits of reserving certain frequencies to accommodate requests for short time, emergency, or unscheduled types of operations.

66. The proposed amendments and additions to the rules are issued pursuant to authority contained in sections 4(i), 303, 307, and 308 of the Communications Act of 1934, as amended.

67. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 16, 1971, and reply comments on or before April 30, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

68. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 3, 1971.

Released: February 5, 1971.

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

APPENDIX A

Category I	Category II									
	Group A		Group B		Group C		Group D		Group E	
Police Fire	Special Emergency Hiway Maintenance. Forest Conservation. Local Government		Power Telephone Maintenance. Railroad		Petroleum Forest Products Manufacturers, Special Industrial. Motor Carrier Automobile Emergency Business, Taxicab Motion Picture Relay Press Remote Pickup Broadcast.		Domestic Public Land Mobile		Citizens Radio	
MHz	*Channels*	*MHz*	*Channels*	*MHz*	*Channels*	*MHz*	*Channels*	*MHz*	*Channels*	
25-50	206	25-50	96	25-50	66	25-50	240	25-50	14	
150-170	94	150-170	147	150-170	112	150-170	120	150-170	22	
450-470	25	450-470	35	450-470	17	450-470	232	450-470	40	
470-476	10	470-476	10	470-476	5	470-476	15	470-476	12	
Total:	335	Total:	288	Total:	200	Total:	607	Total:	88	

Total Category II: 1183 Channels.

FREQUENCY RESERVOIR

Unshared Remote Pickup Broadcast	19 channels.
470-482 MHz	188 channels minimum initially.
Total	207.

APPENDIX B

CHICAGO REGION

ILLINOIS

1. Boone.
2. Bureau.
3. Carroll.
4. Champaign.
5. Christian.
6. Clark.
7. Coles.
8. Cook.
9. Cumberland.
10. De Kalb.
11. De Witt.
12. Douglas.
13. Du Page.
14. Edgar.
15. Ford.
16. Fulton.
17. Grundy.
18. Henry.
19. Iroquois.
20. Jo Daviess.
21. Kane.
22. Kankakee.
23. Kendall.
24. Knox.
25. Lake.
26. La Salle.
27. Lee.
28. Livingston.
29. Macon.
30. Marshall.
31. Mason.
32. McHenry.
33. McLean.
34. Menard.
35. Mercer.
36. Moultrie.
37. Ogan.
38. Ogle.
39. Peoria.
40. Piatt.
41. Putnam.
42. Rock Island.
43. Sangamon.
44. Shelby.
45. Stark.
46. Stephenson.
47. Tazewell.
48. Vermilion.
49. Warren.
50. Whiteside.
51. Will.
52. Winnebago.
53. Woodford.

INDIANA

1. Adams.
2. Allen.
3. Benton.
4. Blackford.
5. Boone.
6. Carroll.
7. Cass.
8. Clay.
9. Clinton.
10. De Kalb.
11. Delaware.
12. Elkhart.
13. Fountain.
14. Fulton.
15. Grant.
16. Hamilton.
17. Hancock.
18. Hendricks.
19. Henry.
20. Howard.
21. Huntington.
22. Jasper.
23. Jay.
24. Kosciusko.
25. Lake.
26. Lagrange.
27. La Porte.
28. Madison.
29. Marion.
30. Marshall.
31. Miami.
32. Montgomery.
33. Morgan.
34. Newton.
35. Noble.
36. Owen.
37. Parke.
38. Porter.

INDIANA—Continued

39. Pulaski.
40. Putnam.
41. Randolph.
42. St. Joseph.
43. Starke.
44. Steuben.
45. Tippecanoe.
46. Tipton.
47. Vermillion.
48. Vigo.
49. Wabash.
50. Warren.
51. Wells.
52. Whitby.
53. White.

IOWA

1. Cedar.
2. Clinton.
3. Dubuque.
4. Jackson.
5. Jones.
6. Muscatine.
7. Scott.

MICHIGAN

1. Allegan.
2. Barry.
3. Berrien.
4. Branch.
5. Calhoun.
6. Cass.
7. Clinton.
8. Eaton.
9. Hillsdale.
10. Ingham.
11. Ionia.
12. Jackson.
13. Kalamazoo.
14. Kent.
15. Lake.
16. Mason.
17. Mecosta.
18. Montcalm.
19. Muskegon.
20. Newaygo.
21. Oceana.
22. Ottawa.
23. Saginaw.
24. St. Joseph.
25. Van Buren.
26. Washtenaw.

OHIO

1. Defiance.
2. Mercer.
3. Paulding.
4. Van Wert.
5. Williams.

WISCONSIN

1. Adams.
2. Brown.
3. Calumet.
4. Columbia.
5. Dane.
6. Dodge.
7. Door.
8. Fond du Lac.
9. Grant.
10. Green.
11. Green Lake.
12. Iowa.
13. Jefferson.
14. Juneau.
15. Kenosha.
16. Kewaunee.
17. Lafayette.
18. Manitowoc.
19. Marquette.
20. Milwaukee.
21. Outagamie.
22. Ozaukee.
23. Racine.
24. Richland.
25. Rock.
26. Sauk.
27. Sheboygan.
28. Walworth.
29. Washington.
30. Waukesha.
31. Waupaca.
32. Waushara.
33. Winnebago.

APPENDIX C

CHICAGO DISTRICT

ILLINOIS

1. Boone.
2. Bureau.
3. Cook.
4. De Kalb.
5. Du Page.
6. Ford.
7. Grundy.
8. Iroquois.
9. Kane.
10. Kankakee.
11. Kendall.
12. Lake.
13. La Salle.
14. Lee.
15. Livingston.
16. McHenry.
17. Ogle.
18. Putnam.
19. Will.
20. Winnebago.

INDIANA

1. Benton.
2. Carroll.
3. Cass.
4. Elkhart.
5. Fulton.
6. Jasper.
7. Kosciusko.
8. Lake.
9. La Porte.
10. Marshall.
11. Newton.
12. Porter.
13. Pulaski.
14. St. Joseph.
15. Starke.
16. White.

MICHIGAN

1. Allegan.
2. Berrien.
3. Cass.
4. Van Buren.

WISCONSIN

1. Jefferson.
2. Kenosha.
3. Milwaukee.
4. Racine.
5. Rock.
6. Walworth.
7. Waukesha.

[FR Doc.71-1834 Filed 2-9-71;8:50 am]

[47 CFR Part 1]

[Docket No. 19141; FCC 71-105]

SUMMARY DECISION PROCEDURES

Notice of Proposed Rule Making

1. Summary decision procedures. Notice is hereby given that the Commission is considering the adoption of new procedures providing for the summary decision of adjudicatory hearing cases. The proposed rule is very much like a model rule adopted (as Recommendation 20) at the Fourth Plenary Session of the Administrative Conference of the United States, held June 2 and 3, 1970.[1] Similar procedures have been used with much success in the Federal District Courts since 1938.

2. The purpose of summary decision procedures is to simplify and expedite the conduct of hearing proceedings by resolving some or all of the issues, without a formal hearing, on the basis of evidentiary materials obtained after the case is designated for hearing. Such materials include affidavits submitted with a motion for summary decision (or with an opposition or countermotion), materials obtained by discovery or otherwise, admissions, and matters officially noticed. Affidavits shall be made on personal

[1] Persons desiring to comment on the proposed rules will find it useful to consult a memorandum on "Summary-Judgment in Agency Adjudication" prepared by Prof. Ernest Gellhorn of Duke University in his capacity as consultant to the Administrative Conference. Copies of the memorandum can be obtained from the Commission's Office of Information.

knowledge, shall set forth facts admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Summary decision is granted if such materials, with the pleadings, show as to any or all of the issues that there is "no genuine issue as to any material fact and that a party is entitled to summary decision." Before issuing his ruling on the motion the presiding officer may set the matter for argument and may call for the submission of proposed findings of fact, conclusions of law, briefs, or memoranda of law. If all of the issues are determined on a motion for summary decision, no hearing is held; the presiding officer issues his decision, which is subject to appeal or review in the same manner as an initial decision. If some (but not all) of the issues are determined on a motion for summary decision, or if the motion is denied, the presiding officer will issue a Memorandum Opinion and Order, interlocutory in character, and the hearing will proceed on the remaining issues. The appeal of such orders is governed by § 1.301 of the rules of practice and procedure. In some instances, it should be noted, the disposition of one issue on a motion for summary decision may dispose of the case as a whole, as where it is found that the applicant is not financially qualified. The use of summary decision procedures can expedite and simplify hearing proceedings, save the parties considerable expense and inconvenience, and permit those concerned to concentrate on those matters (if any) upon which a full hearing is required.

3. Section 1.251 provides that a motion for summary decision may be filed at least 20 days before the date set for hearing. Normally, but not necessarily, the motion would be filed after discovery and pre-hearing procedures, whereby the parties have obtained materials and information used in support of the motion. In requiring that the motion be filed at least 20 days prior to hearing, our purpose is to avoid the undue disruption of arrangements made for the attendance of parties and witnesses at the hearing which would result from submission of a "last-minute" motion.

4. Within 14 days after a motion for summary decision is filed, any other party may file an opposition or a countermotion for summary decision. The opposition or countermotion must be supported by affidavit or by other evidentiary materials, in the same manner as the motion, and shall not rely upon mere allegations or denials. An opposition may show that there is a genuine issue of fact for determination at the hearing. In the alternative, however, a party opposing summary decision may show, in the same manner, that he is unable, within the 14 days or without further proceedings, to make the required showing; and in such circumstances the presiding officer may "deny the motion, may order a continuance to permit affidavits to be obtained or discovery to be had, or make such other order as is just."

5. Collateral provisions. If summary decision procedures are adopted, they will replace present procedures providing for reconsideration and grant without hearing. Under such procedures (now set out in § 1.111 of the rules), an applicant may petition for reconsideration of an order designating his application for hearing and ask that the application be granted without further proceedings. Under the proposed procedures, he would instead move for summary decision. The motion would be acted on by the presiding officer, who could take into consideration evidentiary materials other than affidavits and is generally better able than the Commission to cope with voluminous factual materials which may be adduced in support or in opposition to such a motion.[2] This change would involve the revocation of § 1.111 and the amendment of § 1.106(a), which deals generally with petitions for reconsideration. Provision for reconsideration of a designation order would be retained (in § 1.106(a)) insofar as the petition for reconsideration related to an adverse ruling with respect to petitioner's participation in the hearing. Other provisions of § 1.106(a) have been rewritten in the interest of clarity and accuracy. Section 1.267(a), as set forth below, merely contains a cross-reference to the proposed summary decision procedures.

6. Authority for adoption of the rules set forth in the attached appendix is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

7. Pursuant to procedures set forth in § 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments in this proceeding on or before March 16, 1971, and reply comments on or before March 26, 1971. All relevant and timely comments and reply comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it in addition to the specific comments invited by this notice. In particular, we would note that members of the Commission's Procedure Review Committee will be pleased to discuss summary decision procedures with any interested person. In accordance with § 1.419 of the rules and regulations, 47 CFR 1.419, an original and 14 copies of all comments and reply comments shall be furnished the Commission.

Adopted: February 3, 1971.

Released: February 4, 1971.

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

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

1. The section heading of § 1.106 and the text of § 1.106(a) are revised to read as follows:

§ 1.106 Petitions for reconsideration.

(a) Petitions requesting reconsideration of a final Commission action will be acted on by the Commission. Petitions requesting reconsideration of a final decision of the Review Board will be acted on by the Board or certified to the Commission (see § 0.361 (b) and (c) of this chapter). Petitions requesting reconsideration of other final actions taken pursuant to delegated authority will be acted on by the designated authority or referred by such authority to the Commission. A petition for reconsideration of an order designating a case for hearing will be entertained if, and insofar as, the petition relates to an adverse ruling with respect to petitioner's participation in the proceeding. Petitions for reconsideration of other interlocutory actions will not be entertained.

* * * * *

§ 1.111 [Revoked]

2. Section 1.111 is revoked.

3. Section 1.251 is added to read as follows:

§ 1.251 Summary decision.

(a) Any party to an adjudicatory proceeding may move, with or without supporting affidavits, for a summary decision in his favor upon all or any of the issues set for hearing. The motion for summary decision shall be filed at least 20 days prior to commencement of the hearing. Within 14 days after the motion is filed, any other party may file opposing affidavits or countermove for summary decision. The presiding officer may, in his discretion, set the matter for argument and call for the submission of proposed findings, conclusions, briefs or memoranda of law.

(b) The presiding officer may grant such motion if the pleadings, affidavits, material obtained by discovery or otherwise, admissions, or matters officially noticed show that there is no genuine issue as to any material fact and that a party is entitled to summary decision.

(c) Affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

(d) When a motion for summary decision is made and supported, as provided in this section, a party opposing the motion may not rest upon mere allegations or denials, but must show, by affidavit or as otherwise provided in this section, that there is a genuine issue of fact for determination at the hearing. However, if it appears from the affidavits of a party opposing the motion for summary decision that he cannot, for good cause shown, present by affidavit facts essential to justify his opposition, the presiding officer may deny the motion, may order a continuance to permit affidavits to be obtained or discovery to be

[2] However, comments are requested as to whether petitions for reconsideration of a designation order should be allowed where matters of basic policy are presented.

had, or may make such other order as is just.

4. Section 1.267(a) is revised to read as follows:

§ 1.267 Initial and recommended decision.

(a) Except as provided in §§ 1.251 and 1.274, the presiding officer shall prepare an initial (or recommended) decision, which shall be transmitted to the Secretary of the Commission. The Secretary will make the decision public immediately and file it in the docket of the case.

* * * * *

[FR Doc.71-1835 Filed 2-9-71;8:50 am]

[47 CFR Part 73]

[Docket No. 19144; FCC 71-110]

CERTAIN FM BROADCAST STATIONS IN SOUTH CAROLINA

Table of Assignments

1. Notice of Proposed Rule Making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the rules) with respect to a proposal to assign Channel 244A to Cayce, S.C. (RM-1376), and another proposal to allocate Channel 261A to Burnettown, S.C. (RM-1452). The proposal for the Cayce assignment was included in the Notice of Proposed Rule Making in Docket No.18476, adopted March 5, 1969 (FCC 69-207; 34 F.R. 5120), but we are withdrawing the proposal from that docket for further consideration in this proceeding because of intervening events.

2. The Cayce rule making was instituted by petition of Lexington County Broadcasters, licensee of daytime-only Station WCAY, Cayce. Cayce, population 9,967 (8,517), is located in Lexington County with a population of 89,012 (60,726).[1] The petitioner indicated the intention to apply for the channel, if assigned, in order to provide a first local full-time service. The petitioner also stated Lexington County Broadcaster's intention to serve West Columbia, population 7,838 (6,410) and to provide a full-time service to the Columbia urbanized area (1960 Census population 162,601), all within the 1 mv./m. contour which is possible with a Class A FM channel because of the geographical proximity of Columbia, Cayce, and West Columbia (see para. 4, below). In response to the Notice in Docket No. 18476, those filing comments and/or reply comments were: Lexington County Broadcasters; World Broadcasters for Christ; Statesville Broadcasting Co., Inc.; Cosmos Broadcasting Corp. (Cosmos); and Palmetto Radio Corp. Because Channel 244A allegedly could create second harmonic interference to Channel 10, Station WIS-TV, Columbia, licensed to Cosmos, the petitioner counterproposed the assignment of Channel 228A to Cayce.[2] However, Channel 228A was assigned to Columbia, S.C., by the Second Report and Order in Docket No. 18125 (RM-1264), adopted May 21, 1969, 17 FCC 2d 952, 955-7 (1969).[3]

3. The Burnettown proposal is based on the petition for rule making of Midland Valley Investment Co., Inc., filed May 14, 1969, and supplemented June 24, 1969. Burnettown, population 454 (510), is located in Aiken County, population 91,023 (81,038). Aiken County and Richland County, Ga., population 160,851 (145,601), constitute the Augusta (Georgia) Standard Metropolitan Statistical Area; the city of Augusta's population is 70,626 (58,483). Augusta has four FM channels, all operative—two Class C channels and two Class A channels—and eight AM stations. In Aiken County, there are four radio broadcast stations—two daytime-only stations and two Class A FM stations, all assigned to Aiken. The Midland Valley proposal, as amended, is as follows:

City	Channel No.	
	Present	Proposed
Burnettown, S.C.	...	261A
Louisville, Ga.	221A	296A
Washington, Ga.	261A	221A
Claxton, Ga.	296A	280A

Station WLOV-FM, licensed to Better Broadcasting, Inc., operates on Channel 261A at Washington. Peach Broadcasting Co., licensee of Station WPEH there, has applied for Louisville's channel 221A (BPH-7110).[4]

4. Cayce is in the Columbia SMSA, which includes Lexington and Richmond Counties; population of the latter is 233,-868 (200,102). The SMSA population is 322,800 (260,828), of which the city of Columbia has a population of 113,542 (97,433). In fact, Cayce and West Columbia (both in Lexington County) appear to be large suburbs of Columbia separated from the main city by the Congaree River, which also separates the counties at this juncture. This circumstance and the fact that a Class A FM channel would serve all three communities raises a fundamental question, whether the more appropriate allocation should be to Columbia rather than Cayce (see Statesville Broadcasting's comments). The Burnettown proposal is involved because when Channel 228A was allocated to Columbia we noted that Channel 261A would be an appropriate substitute for Channel 228A for the Cayce-Columbia area. On the basis of population criteria, another channel could be assigned to Columbia: see para. 4 of the Further Notice of Proposed Rule Making in Docket No. 14185, adopted July 25, 1962, incorporated by reference in the Third Report, Memorandum Opinion and Order, 23 R.R. 1859, 1871 (1963).

5. As to the "conflicting" proposal for Channel 261A at Burnettown, Midland Valley (perhaps recognizing that a place with as small a population as Burnettown is not entitled to an FM channel) urges that the entire Langley Division, population 14,423 (9,846), constitutes a single community.[5] This contention does not seem very persuasive. Another factor which must be considered is the effect on the Washington, Ga., channel assignment; at the time of the petition, Midland Valley stated that the permittee for that channel had indicated willingness to support the proposed change; since that time Station WLOV-FM became operative and there has been a transfer of control. Under our cases, there may be a right to reimbursement if WLOV-FM has to change its channel; see, e.g., Second Report and Order in Docket No. 18476, adopted October 28, 1970 (FCC 70-1161), p. 5.

6. In view of the foregoing, it appears that a sufficient showing has been made by Lexington County Broadcasters and Midland Valley County Broadcasters that the proposals should be considered in a rule making proceeding. However, each proposal raises a number of questions, and together there is a "conflict" between a substitute for the Cayce proposal (because the original proposal allegedly would cause second harmonic interference to an existing TV station's audience) and the proposal for Burnettown. As already noted, the proposed Cayce assignment raises the question of whether an allocation should be made to a "bedroom" community which can serve the main community (see and compare Policy Statement, 2 FCC 2d 190 (1965)) and when another allocation to the principal community would accord with the criteria for the number of FM allocations on a population basis. As to the Burnettown proposal, the issues inter alia include (1) what constitutes a community, and (2) whether a small "community" within a large SMSA with a substantial aural service should be allocated an FM channel. As to the Burnettown proposal, there also is the question of possible reimbursement to Station WLOV-FM, with respect to which Better Broadcasting should have opportunity to express its views.

7. In accordance with the foregoing, comments are invited as to the following changes in the Table of Assignments:

[1] The population figures are from the 1970 U.S. Census; the parenthetical figures show the 1960 census population.

[2] This problem was recognized in the petition and supporting engineering report.

[3] Frank D. Ward was granted a construction permit for this channel on Oct. 26, 1970. In making the assignment to Columbia, note was made that those interested in a station for Cayce could apply for that channel under the "10 mile" rule (§ 73.203(b)).

[4] Midland Valley's original proposal did not include Claxton, but its supplement suggested a mileage separation shortage between the transmitter sites of the AM stations at Louisville and Claxton, and Peach Broadcasting's application for the Louisville channel specifies Station WPEH's transmitter (AM) as its site.

[5] The other three communities in the Langley Division—Bath, Gloverville, and Warrenville—are unincorporated.

PLAN I

City	Channel No. Present	Proposed
Cayce, S.C., or		244A [1] or 261A
Columbia, S.C.	228A, 250, 284	228A, 250, 284, 244A or 261A

PLAN II

Burnettown S.C.		261A
Louisville, Ga.	221A	296A
Washington, Ga.	261A	221A
Claxton, Ga.	296A	280A

[1] While the petitioner and Cosmos assumed that the second harmonic problem required a change in the proposed channel, this may not be an obstacle depending on the extent of the interference and what other steps may be taken to cure it. See public notices, entitled "Policy to Govern the Change of FM Channels to Avoid Interference to Television Reception" and "FM Interference to TV Reception", FCC 66-106 and FCC 67-1012, respectively issued in Feb. 1966, and Sept. 1967; see also notice of proposed rule making in Docket No. 19116, adopted Jan. 6, 1971 (FCC 71-23), paragraph 10(b), pp. 6-7.

8. The following "cut-off" procedure will govern here:

(a) Counterproposals advanced in this proceeding will be considered, if advanced in initial comments so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) Petitions for rule making which conflict with any of the proposals in this notice will be considered as comments, and public notice to this effect will be given, as long as filed before the date for filing initial comments. If filed later than that, they will not be considered in connection with the decision herein.

See Notice of Proposed Rule Making, Docket No. 19074, adopted October 28, 1970 (FCC 70-1162), paragraph 17, page 7.

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

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before March 16, 1971, and reply comments on or before March 26, 1971. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: February 3, 1971.

Released: February 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[FR Doc.71-1836 Filed 2-9-71;8:50 am]

[2] Commissioner Houser not participating.

[47 CFR Part 73]

[Docket No. 18930; RM-1576, RM-1627]

OPERATOR REQUIREMENTS FOR STANDARD (AM) AND FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. As extended, the dates for filing comments and reply comments in this proceeding, which was initiated by a Notice of Inquiry and Notice of Proposed Rule Making (FCC 70-825) on July 29, 1970, are February 2, 1971, and March 1, 1971, respectively.

2. Elkins Institute Inc., on February 1, 1971, filed a request that an additional 90-day period be afforded in which comments in this proceeding may be filed. In support of its request, Elkins states that since its original comments were filed "in accordance with the originally specified due dates, certain data has been brought to our attention which appears to be of significance and relevance to this matter". It requests the further extension "to insure that far reaching matters in question under this Docket may be accurately resolved. Only by granting of this requested filing extension can our most recent information be analyzed, evaluated and made available to the Commission".

3. In its showing, Elkins fails to indicate, even in the most general terms, the nature of the data which it states is now available to it, the relevance of the data to this proceeding, why the data has not been available previously, and the reasons why a further extensive period should be required in which to analyze the data and supply it to the Commission. We therefore find Elkins has not adequately supported its request for additional time and we will not grant an extension of the length requested.

4. However, we have no desire to interdict arbitrarily any source of information which may be of assistance to the Commission in reaching a decision in this proceeding. We will therefore grant a short extension of the filing time, to give Elkins an opportunity either to file additional comments, or to renew its request for a further extension, supported by an adequate showing that such extension can be expected to contribute to a more adequately based decision in this proceeding.

5. *Accordingly, it is ordered*, That the time for filing comments in this proceeding is extended to February 23, 1971, and the time for filing reply comments is extended to March 22, 1971.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: February 1, 1971.

Released: February 3, 1971.

[SEAL] ROBERT J. RAWSON, *Deputy Chief, Broadcast Bureau.*

[FR Doc.71-1837 Filed 2-9-71;8:50 am]

[47 CFR Part 74]

[Docket No. 18397-A, etc.; FCC 71-103]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Scheduling Oral Argument Before the Commission En Banc

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Community Antenna Television Systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18397-A; amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to diversification of control of Community Antenna Television Systems; and inquiry with respect thereto to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18891; amendment of Part 74, subpart K, of the Commission's rules and regulations relative to Federal-State or local relationships in the Community Antenna Television Systems Fields; and/or formulation of legislative proposals in this respect, Docket No. 18892; amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to technical standards for Community Antenna Television Systems, Docket No. 18894.

1. The Commission has indicated that it plans to be briefed by its staff regarding comments filed in the above-captioned proceedings, and that, thereafter, it plans to conduct an en banc hearing dealing with cable policy in accordance with procedures to be announced subsequently. Order in Docket No. 18397-A, FCC 70-1076, 26 FCC 2d 4 (released Oct. 7, 1970). We believe it now timely to announce the hearing dates and procedures to be followed for en banc hearing.

2. To begin with, it is appropriate to note that these proceedings have already attracted both voluminous and diverse comment from numerous sources. While we are assured that our staff will be able to summarize the varied pleadings and place them in useful form, we are concerned, nonetheless, that care be spent in fashioning procedures for the en banc hearing to assure that it yields maximum return to the Commission and to the various participants. We have decided to use a two-part approach—(i) the usual oral presentation by interested persons or their representatives, and (ii) a new approach of panels of contending experts or industry spokesmen, directed to some of the important issues. The first approach needs no explanation and simply assures coverage of all matters and an opportunity to all interested persons. The second is innovative and experimental, and we shall therefore discuss it briefly.

3. We are mindful of a substantial objection to large multiparty proceedings which contain a variety of controversies: No convenient, really effective mechanism exists for assuring a sharpening of issues between parties contending

for different viewpoints. As a result, it is frequent experience that the records of such hearings contain numerous inconsistent claims and arguments which have never been subjected to the discipline of informed criticism or the test of hostile advocacy. We wish to avoid this possibility in the present proceeding. Consequently, we are embarking on the above noted experimental approach for conducting the en banc proceeding.

4. Our objective can, we suspect, be best achieved by selecting particularly knowledgeable persons and inviting them to direct presentations to specific selected issues. In order to achieve the interplay of informed views which we seek, we propose to organize panels of recognized spokesmen for different contending viewpoints and to create circumstances in which issue can be joined on specific matters. To launch this experiment, we wish to organize panels to discuss the following topics:

(a) Possible benefits and detriments of CATV operation in markets below the top 100, including particularly the economic impact of CATV operation or television broadcast stations;

(b) Possible benefits and detriments of CATV operation in the top-100 markets, its need to utilize out-of-market signals, and the potential economic impact of CATV operation in these circumstances on television broadcast stations;

(c) Directions in which cable systems should be headed by the Commission in order to improve their potential for service to the public including, for example, such matters as minimum channel specifications, two-way communication, "local access" channels (including all the possibilities noted in par. 16, Docket 18397–A), program origination, and the consequences of any such new directions on the regulation, ownership, or manner of operation of CATV; and whether separation of ownership of hardware and control over content should be encouraged, i.e., the assertion of common carrier jurisdiction;

(d) Whether the proposals made in Docket 18397–A for commercial switching and for payments to the Corporation for Public Broadcasting are feasible and, if so, whether they are a desirable approach to the distant signal problem; and the appropriate form of an accompanying copyright settlement; and

(e) Whether CATV systems should be owned by public or educational entities (as, for example, proposed by the Ford Foundation) and, if such ownership is considered desirable, whether such organizations should receive preference in obtaining CATV facilities.

(f) Appropriate regulations between Federal, State, and local regulatory bodies in dealing with CATV.

5. Persons desiring to participate in these panels are requested to give written notice of their willingness to appear and participate within 5 days of the release date of this order. In addition, the Commission reserves the right to invite other parties to participate if it appears that volunteers do not give an adequate balance to a proposed panel.

6. As stated, in addition to these panels, the Commission also will receive oral presentations from interested parties who have filed either comments or reply comments in these proceedings. Persons wishing to be heard in this portion of the hearings should file within 5 days after the release date of this order a written notice of intention to appear and participate which will also give sufficient indication of the nature of interest to permit appropriate grouping. The Commission will by further order designate the persons included in each group and the amount of time allocated to the group. Within each designated group, the parties may specify the time allotted each for oral presentation.

7. If agreement as to the allocation of time within each group is reached, the Commission shall be advised of the provisions thereof at least 5 calendar days prior to the date of oral presentation. If agreement as to the allocation of time within any group cannot be reached, the Commission shall be notified at least 5 calendar days prior to the date of oral argument; the Commission will itself allot a period of time to each of the parties within such group. We urge the interested persons, however, to make every effort to reach an understanding as to the allocation of time.

Accordingly, it is ordered, That oral argument is scheduled before the Commission en banc, beginning March 11, 1971 at 9:30 a.m. and continuing on the following days in March: 12, 15, 16 (half day), 18, 19, 25, and 26. Persons desiring to make oral presentations shall file within 5 days after the release date of this order, a written notice of intention to appear and participate, which shall also give sufficient indication of the nature of the interest to permit the Commission to divide the participating parties into groups.

Adopted: February 3, 1971.

Released: February 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1838 Filed 2-9-71;8:50 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 105, 141, 201, 204, 205, 260]

[Docket No. R-412]

UNIFORM SYSTEM OF ACCOUNTS AND CERTAIN ANNUAL REPORTS

Accounting Treatment to Account for Gains and Losses on Disposition of Utility Property That Had Been Classified in Utility Service and Consolidation of Certain Depreciation Accounts

FEBRUARY 4, 1971.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend, effective for the reporting year 1971:

A. Certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licenses prescribed by Part 101, Chapter I, Title 18, CFR.

B. Certain accounts in the Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed in Part 104, Chapter I, Title 18, CFR.

C. Certain accounts for the Uniform System of Accounts for Class D Public Utilities and Licensees, prescribed by Part 105, Chapter I, Title 18, CFR.

D. Certain accounts for the Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

E. Certain accounts for the Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

F. Certain accounts for the Uniform System of Accounts for Class D Natural Gas Companies, prescribed by Part 205, Chapter I, Title 18, CFR.

G. Certain schedule pages of FPC Form No. 1, Annual Report for Public Utilities and Licensees, Class A and Class B, prescribed by § 141.1, Chapter I, Title 18, CFR.

H. Certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies, Class A and Class B, prescribed by § 260.1, Chapter I, Title 18, CFR.

These modifications of the Uniform Systems of Accounts are proposed to establish consistent and uniform accounting treatment for application to utility property upon its final disposition so that the resultant gains and losses relating thereto will be accounted for on an equitable basis. Upon the dedication of facilities as utility plant in service, the consumers are charged with a reasonable return plus taxes on the return for the unamortized balances in the plant accounts. Premature abandonment of such plant is charged against the accumulated provisions for depreciation with no resultant decrease in the rate base upon which the return and taxes are calculated. In some instances, losses on the sale of utility plant made for the overall benefit of the company and consumers have been charged to the cost of service borne by the consumers by amortization of such losses over a period of time. It is deemed equitable that the dedication of utility plant in service carries with it an obligation on the part of consumers to reimburse the corporation for all reasonable losses. Equitably, therefore, any gains from the sale on such property should also accrue to the consumers.

Essentially, the Commission is proposing that the gains and losses from the disposition of utility plant which has been devoted to utility service shall be recorded as utility operating income, above the line. Provisions are included in the proposal herein allowing for amortization of significant gains or losses to be amortized over a period of 5 years.

Also, included in this proposed rulemaking is the establishment of one control account, each for recording depreciation charges and amortization charges. The accounts involved will continue to be subdivided allowing for the same detail as is presently prescribed.

[1] Concurring statement of Commissioner Johnson filed as part of the original document.

The proposed treatment of any balances of accumulated deferred income taxes attributable to property included in this rulemaking is covered in Docket No. R–409 (35 F.R. 18627, Dec. 8, 1970).

The proposed amendments to the Commission's Uniform Systems of Accounts under the Federal Power Act and to FPC Form No. 1 would be issued under authority granted to the Federal Power Commission by the Federal Power Act, particularly sections 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825a, 825b, 825c, 825h).

The proposed amendments to the Commission's Uniform Systems of Accounts under the Natural Gas Act and FPC Form No. 2 would be issued under authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 9, 10 and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than March 22, 1971, data, views, comments, or suggestions in writing, concerning the proposed revised report forms and regulations. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms under the provisions of the Federal Reports Act of 1942 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name, address and telephone number of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revisions in the report form and regulations. The Commission will consider all such written submissions before acting on the matters herein proposed.

A. The following are proposed amendments and revisions to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations:

1. The Electric Plant Instructions are amended as follows:

(a) In instruction 5, amend paragraph **F.**

(b) In instruction 7, amend paragraph E.

(c) In instruction 10, amend the second sentence of paragraph E.

Electric Plant Instructions

* * * * *

5. *Electric Plant Purchased or Sold.*

* * * * *

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Aid of Construction, shall be charged to such accounts and the contra entries made to account 102, Electric Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate. (See account 102, Electric Plant Purchased or Sold.)

* * * * *

7. *Land and Land Rights.*

* * * * *

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or land rights, shall be included in account 411.6, Gains from Disposition of Utility Plant, or account 411.7, Losses from Disposition of Utility Plant, provided such property is recorded in accounts 101–107 or 118. If the property being disposed of is recorded in account 121, Nonutility Property, but had previously been recorded in one of the aforementioned utility plant accounts, gains or losses on its sale shall be credited or charged to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, unless a reserve therefor has been authorized and provided. * * *

* * * * *

10. *Additions and Retirements of Electric Plant.*

* * * * * *

E. * * * If the land is sold, the difference between the book cost, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, when such property is included in either accounts 101–107, 118 or 120.1–120.4. If at the time of sale such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale shall be charged or credited to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission. * * *

* * * * *

2. The Chart of Balance Sheet Accounts is amended by changing the title of accounts "108, Accumulated Provision for Depreciation of Electric Plant in Service" to "108, Accumulated Provision for Depreciation of Electric Utility Plant" and "111, Accumulated Provision for Amortization of Electric Plant in Service," to "111, Accumulated Provision for Amortization of Electric Utility Plant" and deleting accounts "109, Accumulated Provision for Depreciation of Electric Plant Leased to Others, 110, Accumulated Provision for Depreciation of Electric Plant Held for Future Use, 112, Accumulated Provision for Amortization of Electric Plant Leased to Others" and "113, Accumulated Provision for Amortization of Electric Plant Held for Future Use," as follows:

Balance Sheet Accounts

(Chart of Accounts)

1. UTILITY PLANT

* * * * *

108 Accumulated provision for depreciation of electric utility plant.

111 Accumulated provision for amortization of electric utility plant.

* * * * *

3. The text of the Balance Sheet Accounts are amended as follows:

(a) Amend the first sentence of paragraph D to Account "105, Electric Plant Held for Future Use."

(b) Change the title of account "108, Accumulated Provision for Depreciation of Electric Plant in Service," to "108, Accumulated Provision for Depreciation of Electric Utility Plant" and amend the account text.

(c) Change the title of account "111, Accumulated Provision for Amortization of Electric Plant in Service" to "111, Accumulated Provision for Amortization of Electric Utility Plant," and amend the account text.

(d) Amend accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant."

(e) Delete accounts "109, Accumulated Provision for Depreciation of Electric Plant Leased to Others, 110, Accumulated Provision for Depreciation of Electric Plant Held for Future Use, 112, Accumulated Provision for Amortization of Electric Plant Leased to Others" and "113, Accumulated Provision for Amortization of Electric Plant Held for Future Use."

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

105 Electric plant held for future use.

* * * * *

D. Gains or losses from the sale or other disposition of utility plant held for future use recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. * * *

* * * * *

108 Accumulated provision for depreciation of electric utility plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation Expense, for Electric Plant in Service.

(2) Amounts charged to account 421, Miscellaneous Nonoperating Income, for depreciation expense on property included in account 105, Electric Plant Held for Future Use. Include, also, the balance of accumulated provision for depreciation on property when transferred to account 105, Electric Plant Held for Future Use, from other property accounts.

NOTE: Normally this account will not be used for current depreciation provisions because, as provided herein, the service life during which depreciation is computed commences with the date property is includible in electric plant in service; however, if special circumstances indicate the propriety of current accruals for depreciation, such charges shall be made to account 421, Miscellaneous Nonoperating Income.

(3) Amounts charged to account 413, Expenses of Electric Plant Leased to Others, for electric plant included in account 104, Electric Plant Leased to Others.

(4) Amounts charged to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or to clearing accounts for current depreciation expense.

(5) Amounts of depreciation applicable to electric properties acquired as operating units or systems. (See electric plant instruction 5.)

(6) Amounts charged to account 182, Extraordinary Property Losses, when authorized by the Commission.

(7) Amounts of depreciation applicable to electric plant donated to the utility.

(The utility shall maintain separate subaccounts for depreciation applicable to utility plant included in each of the separate utility plant accounts.)

B. At the time of retirement of depreciable electric utility plant, this account shall be charged with the book cost of the property retired and the cost of removal and shall be credited with the salvage value and any other amounts recovered, such as insurance. * * *

* * * * *

111 Accumulated provision for amortization of electric utility plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 404, Amortization of Limited Term Electric Plant, for the current amortization of Other Electric Plant.

(2) Amounts charged to account 421, Miscellaneous Nonoperating Income, for amortization expense on property included in account 105, Electric Plant Held for Future Use. Include also the balance of accumulated provision for amortization on property when transferred to account 105, Electric Plant Held for Future Use, from other property accounts.

NOTE: See also note to paragraph A(2), account 108, Accumulated Provision for Depreciation of Electric Utility Plant.

(3) Amounts charged to account 405, Amortization of Other Electric Plant.

(4) Amounts charged to account 413, Expenses of Electric Plant Leased to Others, for the current amortization of limited-term or other investments subject to amortization included in account 104, Electric Plant Leased to Others.

(5) Amounts charged to account 425, Miscellaneous Amortization, for the amortization of intangible or other electric plant which does not have a definite or terminable life and is not subject to charges for depreciation expense, with Commission approval.

(The utility shall maintain subaccounts of this account for the amortization of utility plant included in the separate utility plant accounts, being amortized herein. The subaccounts shall be maintained so as to show separately the balance applicable to each class of property being amortized.)

B. When any property to which this account applies is sold, relinquished, or retired from service, this account shall be charged with the amount previously credited in respect to such property. The book cost of the property so retired less the amount chargeable to this account and less the net proceeds realized at retirement shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate.

C. * * * (See electric plant instruction 12.)

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 101–107, 118, 120.1–120.4 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in accounts 101–107, 118, 120.1–120.4 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of five years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

* * * * *

4. In the text of the Income Accounts amend accounts "405, Amortization of Other Electric Plant, 411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

405 Amortization of other electric plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other electric utility plant, which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. * * * (See account 111, Accumulated Provision for Amortization of Electric Utility Plant.)

* * * * *

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from the sale or other disposition of utility plant recorded in accounts 101–107, 118, 120.1–120.4 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant recorded in accounts 101–107, 118, 120.1–120.4 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

421.1 Gain on disposition of property.

This acount shall be credited with the gain on the sale, conveyance, exchange or transfer of property other than that included in the utility plant accounts. (See electric plant instructions 5F, 7E,

and 10E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.6, Gains from Disposition of Utility Plant.)

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of property other than that recorded in the utility plant accounts. (See electric plant instruction 5F, 7E, and 10E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses from Disposition of Utility Plant.)

* * * * *

B. The following are proposed amendments and revisions to the Uniform System of Accounts for Class C Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations:

1. The Electric Plant Instructions are amended as follows:

(a) In instruction 4, amend paragraph F.

(b) In instruction 6, amend paragraph E.

(c) In instruction 9, amend the second sentence of paragraph E.

Electric Plant Instructions

* * * * *

4. *Electric Plant Purchased or Sold.*

* * * * *

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Aid of Construction, shall be charged to such accounts and the contra entries made to account 102, Electric Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate. (See account 102, Electric Plant Purchased or Sold.)

* * * * *

6. *Land and Land Rights.*

* * * * *

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or land rights, shall be included in account 411.6, Gains from Disposition of Utility Plant, or account 411.7, Losses from Disposition of Utility Plant, provided such property is recorded in accounts 101–107 or 118. If the property being disposed of is recorded in account 121, Nonutility Property, but had previously been recorded in one of the aforementioned utility plant accounts gains or losses on its sale shall be credited or charged to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, unless a reserve therefor has been authorized and provided. * * *

* * * * *

9. *Additions and Retirements of Electric Plant.*

* * * * *

E. * * * If the land is sold, the difference between the book costs, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant when such property is included in either account 101–107, or 118. If at the time of sale such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale shall be charged or credited to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission. * * *

* * * * *

2. The Chart of Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation and Amortization of Electric Plant" to "110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant," as follows:

Balance Sheet Accounts

(Chart of Accounts)

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation and amortization of electric utility plant.

* * * * *

3. In the text of the Balance Sheet Accounts, amend the first sentence of paragraph D of account "105, Electric Plant Held for Future Use," change the title of account "110, Accumulated Provision for Depreciation and Amortization of Electric Plant" to "110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant," and amend accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant," as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

105 Electric plant held for future use.

* * * * *

D. Gains or losses from the sale, or other disposition of utility plant held for future use recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. * * *

* * * * *

110 Accumulated provision for depreciation and amortization of electric utility plant.

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 101–107, 118 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded accounts 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of five years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

* * * * *

4. In the texts of the Income Accounts, amend accounts "405, Amortization of Other Electric Plant, 411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

405 Amortization of other electric plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other electirc utility plant which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. * * * (See account 110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant.)

* * * * *

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from sale or other disposition of utility plant recorded in account 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant included in account 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of property other than that included in the utility plant accounts. (See electric plant instructions 4F, 6E, and 9E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.6, Gains from Disposition of Utility Plant.)

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of property other than that recorded in the utility plant accounts. (See electric plant instruction 4F, 6E, and 9E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses from Disposition of Utility Plant.)

* * * * *

C. The following are proposed amendments and revisions to the Uniform System of Accounts for Class D Public Utilities and Licensees prescribed by Part 105, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the Electric Plant Instructions, amend the second sentence of paragraph B of Electric Plant Instruction 6 as follows:

Electric Plant Instructions

* * * * *

6. *Additions and Retirements of Electric Plant.*

* * * * *

B. * * * If the land is sold, the difference between the book cost, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, when such property is included in either account 100, 118, or 394. If at the time of sale such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale shall be charged or credited to account 411.6 or 411.7 as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission.* * *

* * * * *

2. The Chart of Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation and Amortization of Electric Plant," to "110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant" as follows:

Balance Sheet Accounts

(Chart of Accounts)

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation and amortization of electric utility plant.

* * * * *

3. The text of the Balance Sheet Accounts are amended by changing the title of account "110, Accumulated Provision for Depreciation and Amortization of Electric Plant" to "110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant" and by amending paragraph C of the account text and by amending accounts "187, Deferred Losses on Disposition of Utility Plant" and "256, Deferred Gains on Disposition of Utility Plant," as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation and amortization of electric utility plant.

* * * * *

C. For general ledger and balance sheet purposes this account shall be regarded and treated as a single composite provision for depreciation and amortization. This account shall be subdivided to show the amount applicable to Electric Plant in Service, Electric Plant Leased to Others and Electric Plant Held for Future Use. These subsidiary records shall show the current credits and debits to this account in sufficient detail to show separately for each subdivision, (1) the amount of accrual for depreciation or amortization, (2) the book cost of property retired, (3) cost of removal, (4) salvage and (5) other items, including recoveries from insurance.

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Electric Plant Held for Future Use.)

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in accounts 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Electric Plant Held for Future Use.)

* * * * *

4. In the text of the Electric Plant Accounts, amend paragraph D of account "394, Electric Plant Held for Future Use," as follows:

Electric Plant Accounts

* * * * *

5. OTHER ELECTRIC PLANT

* * * * *

394 Electric plant held for future use.

* * * * *

D. Gains or losses from the sale or other disposition of utility plant held for future use recorded in this account and not placed in utility service, shall be recorded directly in account 411.6 or 411.7,

as appropriate, except when determined to be significant by the Commission. * * *

* * * * *

5. In the text of the Income Accounts, amend accounts "411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from the sale or other disposition of utility plant recorded in account 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant recorded in account 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of property other than that included in the utility plant accounts. (See electric plant instruction 6B.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.6, Gains on Disposition of Utility Plant.)

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of property other than that recorded in the utility plant accounts. (See electric plant instruction 6B.) The reduction in income taxes attributable to lossess recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses on Disposition of Utility Plant.)

* * * * *

D. The following are proposed amendments and revisions to the Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

1. The Gas Plant Instructions are amended as follows:

(a) In instruction 5, amend paragraph F.

(b) In instruction 7, amend paragraph E, and the last sentence of paragraph H.

(c) In instruction 10, amend the second sentence of paragraph E, and paragraph G.

Gas Plant Instructions

* * * * *

5. *Gas Plant Purchased or Sold.*

* * * * *

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Aid of Construction, shall be charged to such accounts and the contra entries made to account 102, Gas Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate. (See account 102, Gas Plant Purchased or Sold.)

* * * * *

7. *Land and Land Rights.*

* * * * *

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or land rights, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, provided such property is recorded in accounts 101–107 or 118. If the property being disposed of is recorded in account 121, Nonutility Property, but had previously been recorded in one of the aforementioned utility plant accounts, gains or losses on its sale shall be credited or charged to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless a reserve has been authorized and provided therefor. * * *

* * * * *

H. * * * (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant, account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights, account 404.3, Amortization of Other Limited-Term Gas Plant, and account 797, Abandoned Leases.)

* * * * *

10. *Additions and Retirements of Gas Plant.*

* * * * *

E. * * * If the land is sold, the difference between the book cost, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant when such property is included in either account 101–107 or 118. If at the time of sale such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale shall be charged or credited to account 411.6 or 411.7 as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission. * * *

* * * * *

G. The accounting for the retirement of amounts included in account 302, Franchises and Consents, and account 303, Miscellaneous Intangible Plant, and the items of limited-term interest in land included in the accounts for land and land rights, shall be as provided for in the text of account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant, account 404.3, Amortization of Other Limited-Term Gas Plant, and account 405, Amortization of Other Gas Plant.

* * * * *

2. The Chart of Balance Sheet Accounts is amended by changing the title of accounts "108, Accumulated Provision for Depreciation of Gas Plant in Service" to "108, Accumulated Provision for Depreciation of Gas Utility Plant" and "111.3, Accumulated Provision for Amortization of Other Gas Plant in Service" to "111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant" and by deleting accounts "109, Accumulated Provision for Depreciation of Gas Plant Leased to Others, 110, Accumulated Provision for Depreciation of Gas Plant Held for Future Use, 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights, 111.2, Accumulated Provision for Amortization of Underground Storage Land and Land Rights, 112, Accumulated Provision for Amortization and Depletion of Gas Plant Leased to Others, 113.1, Accumulated Provision for Abandonment of Leases" and "113.2, Accumulated Provision for Amortization of Other Gas Plant Held for Future Use," as follows:

Balance Sheet Accounts

(Chart of Accounts)

1. UTILITY PLANT

* * * * *

108 Accumulated provision for depreciation of gas utility plant.

111 Accumulated provision for amortization and depletion of gas utility plant.

* * * * *

3. The texts of the Balance Sheet Accounts are amended as follows:

(a) Amend the first sentence of paragraph D of account "105, Gas Plant Held for Future Use."

(b) Change the title of account "108, Accumulated Provisions for Depreciation of Gas Plant in Service" to "108, Accumulated Provision for Depreciation of Gas Utility Plant" and amend the account text.

(c) Change the title of account "111.3, Accumulated Provision for Amortization of Other Gas Plant in Service," to "111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant" and amend the account text.

(d) Amend accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant."

(e) Delete Accounts "109, Accumulated Provisions for Depreciation of Gas Plant Leased to Others, 110, Accumulated Provisions for Depreciation of Gas Plant Held for Future Use, 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights, 111.2, Accumulated Provision for Amortization of Underground Storage Land and Land Rights, 112, Accumulated Provision for Amortization and Depletion of Gas Plant Leased to Others, 113.1, Accumulated Provision for Abandonment of Leases" and "113.2, Accumulated Provision for Amortization of Other Gas Plant Held for Future Use."

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

105 Gas plant held for future use.

* * * * *

D. Gains or losses from the sale or other disposition of utility plant held for future use recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. * * *

* * * * *

108 Accumulated provision for depreciation of gas utility plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation Expense, for gas plant in service.

(2) Amounts charged to account 421, Miscellaneous Nonoperating Income, for depreciation expense on property included in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use. Include also, the balance of accumulated provision for depreciation on property when transferred to account 105 or 105.1, from other property accounts.

NOTE: Normally, this account will not be used for current depreciation provisions because, as provided herein, the service life during which depreciation is computed commences with the date property is includible in electric plant in service; however, if special circumstances indicate the propriety of current accruals for depreciation, such charges shall be made to account 421, Miscellaneous Nonoperating Income.

(3) Amounts charged to account 413, Expenses of Gas Plant Leased to Others, for gas plant included in account 104, Gas Plant Leased to Others.

(4) Amounts charged to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or to clearing accounts for current depreciation expense.

(5) Amounts of depreciation applicable to gas properties acquired as operating units or systems. (See gas plant instruction 5.)

(6) Amounts charged to account 182, Extraordinary Property Losses, when authorized by the Commission.

(7) Amounts of depreciation applicable to gas plant donated to the utility.

(The utility shall maintain separate subaccounts for depreciation applicable to utility plant included in each of the separate utility plant accounts.)

B. At the time of retirement of depreciable gas utility plant, this account shall be charged with the book cost of the property retired and the cost of removal and shall be credited with the salvage value and any other amounts recovered, such as insurance. * * *

* * * * *

111 Accumulated provision for amortization and depletion of gas utility plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights, for current amortization and depletion of such land and land rights.

(2) Amounts charged to account 404.2, Amortization of Underground Storage Land and Land Rights, for current amortization.

(3) Amounts charged to account 404.3, Amortization of Other Limited-Term Gas Plant, for the current amortization of limited-term gas plant.

(4) Amounts charged to account 421, Miscellaneous Nonoperating Income, for amortization expense on property included in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use. Include also, the balance of accumulated provision for amortization on property when transferred to account 105 or 105.1 from other property accounts.

NOTE: See also note to account 108, Accumulated Provision for Depreciation of Gas Utility Plant.

(5) Amounts charged to account 405, Amortization of Other Gas Plant.

(6) Amounts charged to account 413, Expenses of Gas Plant Leased to Others, for current amortization thereof.

(7) Amounts charged to account 797, Abandoned Leases, to provide for the abandonment of nonproductive natural gas leases.

(8) Amounts charged to account 425, Miscellaneous Amortization, for the amortization of intangible or other gas plant which does not have a definite or terminable life and is not subject to charges for depreciation expense, with Commission approval.

(The utility shall maintain subaccounts of this account for the amortization of utility plant included in the separate utility plant accounts, being amortized herein. The subaccounts shall be maintained so as to show separately the balance applicable to each class of property being amortized.)

B. When any property to which this account applies is sold, relinquished, or retired from service, this account shall be charged with the amount previously credited in respect to such property. The book cost of the property so retired less the amount chargeable to this account and less the net proceeds realized at retirement shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate.

C. * * * (See gas plant instruction 12.)

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 101–107, 118 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See accounts 105, Gas Plant Held for Future Use, and 105.1, Production Properties Held for Future Use.)

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale of other disposition of property previously recorded in accounts 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The

amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See accounts 105, Gas Plant Held for Future Use, and 105.1, Production on Properties Held for Future Use.)

* * * * *

4. In the text of the Income Accounts, amend accounts "404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights, 404.2, Amortization of Underground Storage Land and Land Rights, 404.3, Amortization of Other Limited-Term Gas Plant, 405, Amortization of Other Gas Plant, 411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

404.1 Amortization and depletion of producing natural gas land and land rights.

A. * * * (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant.)

* * * * *

404.2 Amortization of underground storage land and land rights.

A. * * * (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant.)

* * * * *

404.3 Amortization of other limited-term gas plant.

A. * * * (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant.)

* * * * *

405 Amortization of other gas plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other gas utility plant, which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. * * * (See account 111, Accumulated Provision for Amortization and Depletion of Utility Plant.)

* * * * *

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from the sale or other disposition of utility plant recorded in account 101–107, 118 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant recorded in account 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of property other than that included in the utility plant accounts. (See gas plant instructions 5F, 7E, and 10E.) Income taxes on gains recorded in account 409, Income Taxes. (See account 411.6, Gains from Disposition of Utility Plant.)

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of property other than that recorded in the utility plant accounts. (See gas plant instructions 5F, 7E, and 10E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses from Disposition of Utility Plant.)

* * * * *

5. The text of the Operation and Maintenance Expense Accounts is amended by amending account "797, Abandoned Leases," as follows:

Operating and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

* * * * *

C. EXPLORATION AND DEVELOPMENT EXPENSES

* * * * *

797 Abandoned Leases.

A. This account shall be charged with amounts credited to account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant to cover the probable loss on abandonment of natural gas leases included in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use, which have never been productive.

B. When natural gas leaseholds which have never been productive are abandoned, and the amounts provided in account 111 are not sufficient to cover the cost thereof, the deficiency shall be charged to this account, unless otherwise authorized or directed by the Commission. (See account 182.)

* * * * *

E. The following are proposed amendments and revisions to the Uniform System of Accounts for Class C Natural Gas Companies prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

1. The Gas Plant Instructions are amended as follows:

(a) In instruction 4, amend paragraph F.

(b) In instruction 6, amend paragraph E.

(c) In instruction 9, amend the second sentence of paragraph E.

Gas Plant Instructions

* * * * *

4. *Gas Plant Purchased or Sold.*

* * * * *

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Advances for Construction, and account 271. Contributions in Aid of Construction, shall be charged to such accounts and in the contra entries made to account 102, Gas Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate. (See account 102, Gas Plant Purchased or Sold.)

* * * * *

6. *Land and Land Rights.*

* * * * *

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant provided such property is recorded in accounts 101–107 or 118. If the property being disposed of is recorded in account 121, Nonutility Property but had previously been recorded in one of the aforementioned utility plant accounts gains or losses on its sale shall be credited or charged to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless a reserve has been authorized and provided for. * * *

* * * * *

9. *Additions and Retirements of Gas Plant.*

* * * * *

E. * * * If the land is sold, the difference between the book cost, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of

Utility Plant or account 411.7, Losses from Disposition of Utility Plant when such property is included in either account 101–107, or 118. If at the time of sale such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale shall be charged or credited to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission. * * *

* * * * *

2. The Chart of Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant" to "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant" as follows:

Balance Sheet Accounts

(Chart of Accounts)

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation, depletion and amortization of gas utility plant.

* * * * *

3. The text of the Balance Sheet Accounts are amended by amending the first sentence of paragraph D of account "105, Gas Plant Held for Future Use," by changing the title of account "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant" to "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant" and by amending accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant," as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

105 Gas plant held for future use.

* * * * *

D. Gains or losses from the sale or other disposition of utility plant held for future use, recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7 as appropriate, except when determined to be significant by the Commission. * * *

* * * * *

110 Accumulated provision for depreciation, depletion and amortization of gas utility plant.

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 101–107, 118 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Gas Plant Held for Future Use.)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in accounts 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Gas Plant Held for Future Use.)

* * * * *

4. In the text of the Income Accounts amend accounts "405, Amortization of Other Gas Plant, 411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

405 Amortization of other gas plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other gas plant, which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. * * * (See account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant.)

* * * * *

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from the sale or other disposition of utility plant recorded in account 101–107, 118, or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant recorded in account 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of property other than that included in the utility plant accounts. (See gas plant instructions 4F, 6E, and 9E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.6, Gains from Disposition of Utility Plant.)

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of property other than that recorded in the utility plant accounts. (See gas plant instruction 4F, 6E, and 9E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses from Disposition of Utility Plant.)

* * * * *

F. The following are proposed amendments to the Uniform System of Accounts for Class D Natural Gas Companies prescribed by Part 205, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the Gas Plant Instructions, amend the second sentence of paragraph B of instruction 6, as follows:

6. *Gas Plant Retired.*

* * * * *

B. * * * If the land is sold, the difference between the book cost, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant, or account 411.7, Losses from Disposition of Utility Plant when such property is included in either account 100, 118 or 394. If at the time of sale, such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale or other disposition shall be charged or credited to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission. * * *

* * * * *

2. The Chart of Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant" to "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant," as follows:

Balance Sheet Accounts

(Chart of Accounts)

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation, depletion and amortization of gas utility plant.

* * * * *

3. The text of the Balance Sheet Accounts are amended by changing the title of account "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant" to "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant" and by amending paragraph C of the account and by amending accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant" as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation, depletion and amortization of gas utility plant.

* * * * *

C. For general ledger and balance sheet purposes, this account shall be regarded and treated as a single composite provision for depreciation, depletion and amortization. The account shall be subdivided to show the amount applicable to Gas Plant in Service, Gas Plant Leased to Others and Gas Plant Held for Future Use. These subsidiary records shall show the current credits and debits to this account in sufficient detail to show separately for each subdivision (1) the amount of accrual for depreciation or amortization, (2) the book cost of property retired, (3) cost of removal, (4) salvage and (5) other items, including recoveries from insurance.

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 100, 118, 394 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Gas Plant Held for Future Use.)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in accounts 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Gas Plant Held for Future Use.)

* * * * *

4. In the text of the Gas Plant Accounts, amend account 394, Gas Plant Held for Future Use, as follows:

Gas Plant Accounts

* * * * *

6. OTHER GAS PLANT

* * * * *

394 Gas plant held for future use.

* * * * *

D. Gains or losses from the sale or other disposition of utility plant held for future use recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. * * *

* * * * *

5. In the text of the Income Accounts amend accounts "411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from the sale or other disposition of utility plant recorded in account 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant recorded in account 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of property other than that included in the utility plant accounts. Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes. See account 411.6, Gains from Disposition of Utility Plant.)

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of property other than that recorded in the utility plant accounts. The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses from Disposition of Utility Property.)

* * * * *

G. Effective for the reporting year 1971, it is proposed to revise certain pages of FPC Form No. 1, Annual Report for Public Utilities and Licensees, and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A hereto.[1]

H. Effective for the reporting year 1971, it is proposed to revise certain pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment B hereto.[1]

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1889 Filed 2-9-71;8:54 am]

[1] Attachments A and B filed as part of the original document.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-41]

REIMBURSABLE SERVICES

Excess Cost of Preclearance Operations

FEBRUARY 1, 1971.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 7, 1971.

Installation	*Biweekly excess cost*
Montreal, Canada	$3,049
Toronto, Canada	6,144
Kindley Field, Bermuda	1,128
Nassau, Bahama Islands	3,367
Vancouver, Canada	1,774
Winnipeg, Canada	324

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

[FR Doc.71-1820 Filed 2-9-71;8:49 am]

DEPARTMENT OF STATE

Agency for International Development

AMERICAN NEAR EAST REFUGEE AID, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

American Near East Refugee Aid, Inc. (AMER—A Division of ANERA), 900 Woodward Building, 733 15th Street NW., Washington, DC 20005.

Dated: February 2, 1971.

HARRIETT S. CROWLEY,
Director, Office for Private Overseas Programs.

[FR Doc.71-1842 Filed 2-9-71;8:51 am]

HOLT ADOPTION PROGRAM, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Holt Adoption Program, Inc., 82630 North Howe Lane, Post Office Box 95, Creswell, OR 97426.

Dated: January 28, 1971.

HARRIET S. CROWLEY,
Director, Office for Private Overseas Programs.

[FR Doc.71-1841 Filed 2-9-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-257-B etc.]

NEVADA

Notice of Proposed Classification of Public Land for Multiple-Use Management; Corrections

FEBRUARY 1, 1971.

[Serial No. N-257-B]

In F.R. Doc. 70-12814 appearing on pages 14948 and 14949 in the issue for Friday, September 25, 1970, legal description under paragraph 5 should be corrected to read:

T. 17 S., R. 58 E.,
Sec. 15, NW¼NE¼, S½NE¼, NW¼, S½;

[Serial No. N-257-C]

In F.R. Doc. 70-16581 appearing on pages 18754 and 18755 in the issue for Thursday, December 10, 1970, legal description under paragraph 3 should be corrected to read:

T. 17 S., R. 50 E.,
Sec. 35, SW¼NE¼, S½NE¼SE¼, NW¼SE¼, SE¼SE¼;

[Serial No. N-1885-C]

In F.R. Doc. 70-14204 appearing on pages 16485 and 16486 in the issue for Thursday, October 22, 1970, legal description under paragraph 5 should be corrected to read:

T. 14 N., R. 20 E.,
Sec. 6, SW¼NE¼SW¼NE¼, N½SE¼SW¼NE¼, SW¼SE¼SW¼NE¼, E½NE¼SE¼NE¼, NW¼NE¼SE¼NE¼, NE¼NW¼SE¼NE¼, NW¼SW¼SE¼NE¼, SE¼SW¼SE¼NE¼, SE¼SE¼NE¼, E½E½SE¼, NW¼NW¼NE¼SE¼, SE¼NW¼NE¼SE¼, S½SW¼NE¼SE¼, N½N½NW¼SE¼, SW¼NE¼NW¼SE¼, S½NW¼NW¼SE¼, S½NW¼SE¼, S½NW¼SE¼SE¼, N½SW¼SE¼SE¼;

NOLAN F. KEIL,
State Director, Nevada.

[FR Doc.71-1772 Filed 2-9-71;8:45 am]

National Park Service

[Order 1]

CARL SANDBURG HOME NATIONAL HISTORIC SITE, NORTH CAROLINA

Delegation of Authority to Historian

Delegation of Authority Regarding Approval and Administration of Contracts for Construction, Supplies, Equipment, and Services; Approval of Revocable Special Use Permits.

1. *Historian.* The Historian may approve and administer contracts not in excess of $2,000 for construction, supplies, equipment and services, in conformity with applicable regulations and statutory authority and subject to availability of allotted funds; and may execute and approve revocable special use permits for use of Government-owned lands and facilities.

2. *Redelegation.* The authority delegated herein shall not be redelegated.

(National Park Service Order No. 34 (31 F.R. 4255) as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Southeast Region Order No. 4 (31 F.R. 3135))

GRANVILLE B. LILES,
Superintendent, Blue Ridge Parkway.

[FR Doc.71-1771 Filed 2-9-71;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

VOLUNTARY PRODUCT STANDARDS

Notice of Intent To Withdraw Certain Standards

In accordance with § 10.12 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as amended; 35 F.R. 8349 dated May 28, 1970), notice is hereby given of the Department's intent to withdraw the 111 Voluntary Product Standards identified below. Each of these standards has been tentatively found to be obsolete, technically inadequate, no longer acceptable to, or used by the industry, or otherwise not in the public interest.

Copies of this notice will be transmitted to the trade associations previously represented on the standing committees for these standards and to other interested industry groups, particularly those who participated in the review of these standards.

Any comments or objections concerning the intended withdrawal of any of these standards should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, within 45 days of the publication of this notice. Such objections will receive full consideration before a final

decision is reached regarding withdrawal. The effective date of withdrawal, where appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under Department of Commerce procedures, from the effective date of the withdrawal.

Of the 111 Voluntary Product Standards being noticed for withdrawal, 78 have previously been identified as "Simplified Practice Recommendations" (R), while the remaining 33 have previously been identified as "Commercial Standards" (CS).

R 4–36_____ Asphalt.
R 8–50_____ Ferrous range boilers, expansion tanks, and solar tanks.
R 9–47_____ Galvanized woven-wire fencing and barbed wire.
R 19–37_____ Asbestos paper and asbestos millboard.
R 21–46_____ Lavatory and sink traps.
R 23–54_____ Plow bolts.
R 26–50_____ Steel reinforcing bars.
R 35–44_____ Steel lockers.
R 38–37_____ Sand-lime brick.
R 49–26_____ Sidewalk, floor, and roof lights.
R 59–27_____ Rotary-cut lumber stock for wire-bound boxes.
R 63–28_____ Metal spools (for annealing, handling, and shipping wire).
R 65–31_____ Packaging of overhead electric railway material.
R 67–36_____ Taper roller bearings.
R 68–41_____ Metal and nonconducting flashlight cases.
R 69–27_____ Packaging of razor blades.
R 71–28_____ Turnbuckles.
R 74–49_____ Hospital and institutional cotton textiles.
R 75–29_____ Composition blackboard.
R 80–28_____ Folding and portable wooden chairs.
R 82–28_____ Hollow metal single-acting swing doors, frames, and trim.
R 83–28_____ Kalamein single acting swing doors, frames, and trim.
R 88–37_____ Floor sweeps.
R 89–55_____ Coated abrasive products.
R 92–38_____ Hard fiber twine and lath yarn (ply and yarn goods).
R 93–39_____ Paper shipping tags.
R 94–53_____ Open-web steel joists and open-web nailer steel joists.
R 95–30_____ Skid platforms.
R 97–47_____ Bell-bottom screw jacks.
R 101–40____ Metal partitions for toilets and showers.
R 102–33____ Granite curbstone.
R 105–32____ Wheelbarrows.
R 107–31____ Glassine bags.
R 110–29____ Soft fiber (jute) twine.
R 112–29____ Elastic shoe goring.
R 115–30____ Full-disk buffing wheels.
R 119–31____ Fast-selvage terry towels.
R 122–31____ Wire insect-screen cloth.
R 123–43____ Carbonated beverage bottles.
R 124–31____ Polished cotton twine.
R 126–41____ Set-up paper boxes (used by department and specialty stores).
R 127–41____ Folding paper boxes (used by department and specialty stores).
R 128–41____ Corrugated fiber boxes (used by department and specialty stores).
R 131–35____ Glass containers for mayonnaise.
R 138–32____ Dental rubber (base and veneering).
R 145–33____ Packaging of electric railway motor and controller parts.
R 154–38____ Cupola refractories.
R 156–41____ Extracted honey packages.
R 158–42____ Forged axes.
R 159–42____ Forged hammers.
R 160–42____ Forged hatchets.
R 161–35____ Packaging of automotive (bus) engine parts.
R 166–37____ Color code for marking steel bars.
R 169–45____ Bolts and nuts (stock production sizes).
R 171–38____ Wooden boxes for canned fruits and vegetables.
R 172–54____ Stock folding boxes for garments and dry cleaning.
R 177–41____ Single-faced corrugated-board rolls (used by department and specialty stores).
R 178–41____ First-aid unit dressings and treatments (packaging of).
R 181–41____ Nonferrous range boilers.
R 188–54____ Spring and slotted clothespins (sizes and packaging).
R 189–42____ Round and flat hardwood toothpicks (sizes and packaging).
R 196–42____ Glass containers for green olives.
R 199–43____ Cloth window shades.
R 201–43____ Iron and steel pop safety valves.
R 202–48____ Tank mounted air compressors (¼ to 10 horsepower).
R 203–44____ Containers and packages for household insecticides (liquid spray type).
R 204–44____ Bronze pop safety valves, and bronze, iron, and steel relief valves.
R 205–44____ Iron and steel relief valves for petroleum, chemical, and general industrial services.
R 209–45____ Peanut butter packages and containers.
R 212–45____ Cast brass solder-joint fittings.
R 215–46____ Luggage (trunks and suitcases).
R 219–46____ Automatic regulating valves.
R 232–48____ Low pressure lubricating devices.
R 233–48____ Rotary files and burs.
R 234–48____ Welded-wire fabric reinforcement concrete pipe.
R 249–52____ Plastic tableware.
R 253–54____ Retail container sizes for frozen fruits and vegetables.
R 266–63____ Gypsum board products.
CS 3–40_____ Stoddard solvents (dry cleaning).
CS 7–29_____ Standard weights malleable iron or steel screwed unions.
CS 19–32____ Foundry patterns of wood.
CS 32–31____ Cotton cloth for rubber and pyroxylin coating.
CS 36–33____ Fourdrinier wire cloth.
CS 48–40____ Domestic burners for Pennsylvania anthracite (underfed type).
CS 56E–41__ Oak flooring (exports).
CS 59–44___ Textiles-testing and reporting.
CS 62–38___ Colors for kitchen accessories.
CS 63–38___ Colors for bathroom accessories.
CS 68–38___ Liquid phyochlorite disinfectant, deodorant, and germicide.
CS 93–50___ Portable electric drills (exclusive of high frequency).
CS 94–41___ Calking lead.
CS 95–41___ Lead pipe.
CS 96–41___ Lead traps and bends.
CS 102E–42__ Diesel and fuel-oil engines (export classifications).
CS 108–43___ Treading automobile and truck tires.
CS 110–43___ Tire repairs—vulcanized (passenger, truck, and bus tires).
CS 112–43___ Homogeneous fiber wallboard.
CS E124–45__ Master disks.
CS 126–56___ Tank-mounted air compressors (classification and testing).
CS 139–47___ Work gloves.
CS 154E–49__ Wire rope (export classifications).
CS 164E–50__ Concrete mixers (export classifications).
CS 170–50___ Cotton flour-bag (sack) towels.
CS 175–51___ Circular-knitted gloves and mittens.
CS 179–51___ Installation of attic ventilation fans in residences.
CS 181–52___ Water-resistant organic adhesives for installation of clay tile.
CS 212–57___ Steel sliding closet door and frame units.
CS 213–57___ Steel knockdown sliding closet door units (for wood frame installation).
CS 221–59___ Gel-coated glass-fiber-reinforced polyester resin bathtubs.
CS 222–59___ Gel-coated glass-fiber-reinforced polyester resin shower receptors.
CS 229–60___ Copper drainage tube (DWV).

Issued: February 5, 1971.

LEWIS M. BRANSCOMB,
Director.

Approved:

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.71-1818 Filed 2-9-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

UNITED TRANSPORTATION UNION

Petition for Reconsideration of Decision and Orders of the Hearing Examiner

FEBRUARY 3, 1971.

A petition for reconsideration of the decisions and orders of the hearing examiner in the above-captioned matter was filed by the United Transportation Union on December 15, 1970. The Railroad Safety Board has reviewed the entire decision including but not limiting itself to the points brought forth by the petition for reconsideration.

After timely notices, full hearing was held in Washington, D.C., on December 1, 1970. At the time, the hearing examiner indicated that he was agreeable (1) to further hearings after December 26, 1970, and (2) to provide that orders issued in this case be subject to further orders at any time and subject to review not merely annually, as directed by the Congress, but more often should conditions so warrant. Pursuant to the requirements of section 5(e) of the recently amended Hours of Service Act (83 Stat. 463), exemption was granted by the examiner only after he had found that: the individual carrier

had fewer than 15 employees, the exemption would be in the public interest, and the exemption would not adversely affect safety. In his decision the examiner considered each of the individual carriers' circumstances separately and his findings and orders were made as to each carrier. In addition, the examiner considered the individual carrier's safety record and whether or not the concerned employees concurred in seeking the involved exemption.

After fully considering the petition for reconsideration, as well as all of the matter contained in the files of the above-entitled petition for relief, the board has concluded that the decisions and orders of the examiners are proper and correct in all material respects and should be affirmed. Accordingly, the petition for reconsideration is hereby denied.

ROBERT LEE KESSLER,
Chairman,
Federal Railroad Safety Board.

JAMES MACANANNY,
Member.

MAC E. ROGERS,
Member.

[FR Doc.71-1810 Filed 2-9-71;8:48 am]

National Highway Traffic Safety Administration

OCCUPANT CRASH PROTECTION

Notice of 1972 Requirements

This notice is issued as advance public information, for the purpose of informing motor vehicle manufacturers of the main highlights of the Occupant Crash Protection standard (No. 208) that will apply to passenger cars beginning January 1, 1972, to enable them to initiate preparation for production with minimum loss of the remaining leadtime. The features of the standard set forth herein represent final decisions with respect to the standard, which is presently being prepared for issuance in the near future.

Passenger cars, at each designated seating position, must meet at least one of three sets of requirements, or options, as follows:

FIRST OPTION—COMPLETE PASSIVE PROTECTION SYSTEM

1. The vehicle shall provide passive protection in frontal fixed barrier crash tests up to 30 m.p.h., and up to 30° to either side of the perpendicular, and in lateral and rollover crash tests. Seat belts are not required, and except for the completely passive type belt system, may not be used for testing.

2. The test dummy is as described in SAE J963, with instrumentation as described in SAE J211.

3. The injury criteria are (a) a maximum head severity index of 1,000, calculated according to SAE J885a, (b) a maximum chest acceleration of 60g, except for periods with cumulative duration of not more than 3 milliseconds, and (c) a maximum upper leg force of 1,400 pounds.

SECOND OPTION—LAP BELT PROTECTION SYSTEM WITH BELT WARNING

1. The vehicle shall have lap belts at each seating position, releasable by a pushbutton action.

2. Automatic-locking or emergency-locking retractors are required for the lap belts at all outboard seats, front and rear.

3. The driver belts must fit occupants ranging from 5th-percentile adult females through 95th-percentile males. Other belts must fit occupants ranging from 50th-percentile 6-year-old children through 95th-percentile adult males.

4. For front outboard seats, the vehicles shall meet a perpendicular 30-m.p.h. fixed barrier crash test with instrumented test dummies and injury criteria as described in the first option, but with the dummies lap-belted. No shoulder belt is required, and even if furnished is not used for testing under this option.

5. A belt warning system is required for the lap belts in the front outboard seating positions.

BELT WARNING SYSTEMS

1. The belt warning systems required under the second and third options shall provide a continuous or intermittent audible signal and a continuous or flashing "Fasten Seat Belts" warning light, which activate when all of the following conditions exist:

a. The ignition switch is in the "on" position;

b. The transmission gear selector is in any forward or reverse position;

c. The driver does not have his lap belt extended at least to the degree necessary to fit a 5th-percentile adult female; and

d. If a person is seated in the right front seating position, he does not have his lap belt extended at least to the degree necessary to fit a 50th-percentile 6-year-old child.

2. The required warning signals must not activate when the transmission gear selector is in a "park" or "neutral" position. There will not be other restrictions on systems to increase belt usage, so that, for example, a system that prevents starting the vehicle until belts are fastened will be permitted at the manufacturer's option.

THIRD OPTION—LAP AND SHOULDER BELT PROTECTION SYSTEM WITH BELT WARNING

1. The vehicle shall provide a lap and shoulder belt assembly for the front outboard seats, and lap belts at the other seating positions.

2. A belt warning system as described above is required for the lap-belt portions of the front outboard seating positions. Requirements for lap-belt retractors, method of release, and for ranges of adjustment are the same as in the second option.

3. The lap and shoulder belts in the front outboard positions are tested with dummies in a perpendicular 30-m.p.h. fixed barrier crash, with the requirement that there be no structural failures of the restraint system.

4. Shoulder belts may be either integral or detachable, with manual adjustment or emergency-locking retractors.

5. The shoulder belt must intersect the lap belt at least 6 inches from the front vertical centerline of a 50th-percentile adult male occupant.

6. Shoulder belts that require unlatching for release of the occupant must release simultaneously with the lap belt, at a single point, by a pushbutton action.

Issued on February 8, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-1925 Filed 2-9-71;8:55 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 22328, 23073; Order 71-2-17]

EXPRESS CO., INC., ET AL.
Order Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of February 1971.

Application of the Express Co., Inc., for international air freight forwarder authority. Application of Rea Express, Inc., Rea Holding Corp., the Express Co., Inc., and Robert A. Burman for a disclaimer of jurisdiction or exemption or approval under section 408, and approval under section 409 with respect to control and interlocking relationships, Docket 22328. REA Air Freight forwarding, control, and interlocking relationships investigation, Docket 23073.

On June 30, 1970, REA Holding Corp. (Holding) filed an application in Docket 22328 requesting that the Board disclaim jurisdiction over, or, in the alternative, grant an exemption or approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act), with respect to the control by Holding of the Express Co., Inc. (Express).[1] Approval is also sought under section 409 of the Act of an interlocking relationship wherein Mr. Robert A. Burman would serve as assistant secretary of REA Express, Inc. (REA),[2] and secretary of Express. Concurrently with the filing of the application in Docket 22328, Express filed an application with the Board seeking operating authorization as an international air freight forwarder under Part 297 of the Board's economic regulations.

On September 3, 1970, members of the Air Freight Forwarders Association (AFFA) filed a motion to file an otherwise unauthorized document in Docket 22328 —such document being in opposition to

[1] On Feb. 20, 1970, Express was formed as a wholly owned subsidiary of Holding.

[2] REA is an indirect air carrier providing air express service pursuant to an agreement with various air carriers and foreign air carriers. In addition, REA offers surface express service over other surface carriers and its own motor carrier routes. REA is also a customs broker and an IATA cargo agent.

the application of Express for international air freight forwarder authority and the approval of the common control of REA and Express.[3]

We have decided to set the applications for hearing. In our view, the factual, legal, and policy questions which must be resolved before the applications can be granted are sufficiently numerous and complex as to warrant their development in an evidentiary proceeding.

The last time the Board considered a request for issuance of international air freight forwarder authority by an REA entity, it determined, after a lengthy investigation, to deny the application. Railway Express Air Freight Forwarder Application Case, 27 CAB 500 (1958). The applicants allege that significant changes in the facts, policy, and law pertaining to that investigation have occurred which warrant grant of the present application through the nonformal procedures contemplated in Part 297 of our economic regulations. Arguendo, it may well be that such changes have occurred, and that REA's present air and surface express activities do not present insurmountable obstacles to grant of the requested authority. But we do not feel that such conclusions can be reached without a full exploration of the matter through the hearing process.

Similarly, determination of the applications in Docket 22328 can be more properly reached on the basis of a formal record.

By Order 70–7–142, July 30, 1970, the Board granted an exemption under section 408(a)(5) of the Act with respect to the acquisition of REA by Holding, a management group, and the investment Firms of Allen and Co. and Bessemer Securities Corp. (Bessemer).[4] The Board therein noted that Allen and Co. had offered to assist Holding in finding a lending institution to furnish REA with a line of credit provided that, subject to statutory provisions, Allen and Co. would have the right to designate two members to the board of Holding. The same order also noted that Allen and Co. had not yet made such designations and that it appeared that Board approval under section 409 of the Act may be required with respect to interlocking relationships involving those persons designated by Allen and Co.[5] in light of Lehman Brothers Interlocking Relationships Case, 15 CAB 656 (1952).

It has come to our attention that Messrs. Irwin Kramer, the husband of one of the Allen and Co. partners and an associate of Allen and Co., Inc., and Lee W. Meyer, a vice president of Allen and Co., Inc., are serving as directors of Holding, and therefore that certain interlocking relationships may have been created which require Board action contemporaneously with action on the section 408 and 409 and Part 297 questions presented in Docket 22328.[6] In this connection, the Board notes that Allen and Co. and Allen and Co., Inc., appear to be related; and that certain partners, officers, directors, employees and associates of the two firms may act as representatives of each other, thereby creating possible Lehman type interlocking relationships raising, inter alia, the following questions: (a) Whether Allen and Co. and Allen and Co., Inc., should be treated as one and the same; (b) whether Allen and Co., or the partners therein, control Allen and Co., Inc.; and (c) whether Lehman type interlocking relationships exist or would exist through the Allen interests between Holding, as the alter ego of REA and/or Express, and various section 409 enterprises,[7] and if so, what action should be taken with regard thereto. In this light, it appears that the complexity, both legal and factual, of the foregoing relationships requires a hearing to determine the existence and proper disposition of such relationships.

The Board does not consider a disclaimer of jurisdiction warranted with respect to the section 408 matters in that if the Board granted Part 297 authority to Express then Holding would be acquiring control of an air carrier within the meaning of section 408 of the Act.

AFFA's motion to file an otherwise unauthorized document will be denied, in that it appears that both the motion and the document itself were filed almost 2 months after receipt of the application. Accordingly, the motion of Express and REA to strike AFFA's pleadings will be dismissed as moot.

Accordingly, it is ordered, That:

1. The application in Docket 22328 for a disclaimer of jurisdiction; exemption or approval without a hearing be and it hereby is denied;

2. The application in Docket 22328 for approval of control and interlocking relationships, the request of Express for international air freight forwarder authority, and the questions pertaining to the interlocking relationships described in the appendix hereto, be and they hereby are set for hearing in the proceeding hereafter to be known as the REA Air Freight Forwarding, Control, and Interlocking Relationships Investigation, Docket 23073, before an examiner of the Board at a time and place to be hereafter designated;

3. Allen and Co. and its individual partners, and Allen and Co., Inc., and its officers and directors, be and they hereby are made parties to the Investigation in Docket 23073; and

4. The motion of AFFA to file an otherwise unauthorized document and the motion to strike filed by REA and Express in Docket 22328, be and they hereby are denied and dismissed, respectively.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

Lehman type relationships which may have been created, or which may be created by the designation of Messrs. Kramer and Meyer as directors of holding.[1]

Interlocking relationships involving REA and apparently already in effect.

It appears that Holding, as the alter ego of REA, may at the present be interlocked on a representative basis with certain 409 enterprises as follows: [2]

(1) Military Purchase System, Inc. (Military), as the alter ego of Columbia Export Packers, Inc. (Columbia)

Mr. Stanley S. Shuman, a director, vice president and member of the executive committee of Allen and Co., Inc. is a director of Military which controls Columbia, a domestic and international air freight forwarder of household goods and an applicant for domestic and international air freight forwarded authority in Docket 20812.[3]

(2) *Airborne Freight Corp. (Airborne).*

Mr. F. W. Harder, a director, vice president and chairman of the executive committee of

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[3] On Sept. 17, 1970, Express and REA filed a motion to strike AFFA's answer to the application in Docket 22328. By letter dated Sept. 24, 1970, counsel for AFFA filed a response opposing Express' motion to strike.

[4] At the time the exemption was granted, Holding controlled 97 percent of the stock of REA and the management group, Allen and Co. and Bessemer controlled approximately 60, 25, and 10 percent of Holding respectively. However, subsequent acquisitions of Holding stock by Allen and Co. appear to give the latter control of between 30.4 and 32 percent of Holding.

[5] The Board understands that Allen and Co. is an investment banking partnership with seven partners. Five of such partners and Mr. Irwin Kramer own 50.5 percent of Allen and Co., Inc. It is also understood that Allen and Co., Inc., is the underwriting and private placement arm of Allen and Co. Three partners of Allen and Co. are directors of Allen and Co., Inc. There are 14 directors of Allen and Co., Inc.

[6] See Lehman Bros. Interlocking Relationships Case, 15 CAB 656 (1952). There is attached hereto as an appendix a description of the various categories of Lehman type interlocking relationships which may result from the serving by Messrs. Kramer and Meyer as directors of Holding.

[7] Section 409 prohibits interlocking relationships between such enterprises as air carriers (direct and indirect), persons engaged in a phase of aeronautics, and other common carriers.

[1] The possible interlocking relationships appear to fall into two categories: (1) Those created immediately between Holding on the one hand and various 409 enterprises on the other; and (2) those which would be created if the Board were to issue a Part 297 authorization to Express and approve the control of Express by Holding.

[2] Certain of the interlocking relationships require piercing the corporate veil. In this regard, in the Studebaker Corp. Disclaimer Case, 37 CAB 738 (1962), the Board indicated that in order for the Board to require approval of certain interlocking relationships between Studebaker which controlled Trans International Airlines, Inc. (TIA), on the one hand and certain section 409 companies on the other, it would be necessary to disregard the corporate entity and treat Studebaker as TIA's alter ego, by virtue of the fact that it controlled TIA, and thus as an air carrier for section 409 purposes. The Board further indicated that, while such a situation did not in fact exist in the Studebaker Case due to a lack of substantial conflicts of interest, regulatory agencies can properly pierce the corporate veil where failure to do so would defeat the legislative purpose or when the parties to a particular relationship have used the corporate device to circumvent the law. Whether any of these factors is present in this case and whether the possible conflicts of interest are substantial are matters best resolved by the Board through the hearing process.

[3] By Order 69–11–83, Docket 21463, the Board granted an exemption with respect to the acquisition of Columbia by Military.

Allen and Co., Inc., and an employee of Allen and Co., is a director of Airborne a domestic and international air freight forwarder;

(3) *Pepsico, Inc. (Pepsico) as the alter ego of North American Van Lines, Inc. (North American).*

Mr. Charles Allen, Jr., a general partner of Allen and Co., is a director and member of the executive and finance committees of Pepsico. Among other enterprises, Pepsico controls North American which, in addition to being a motor common carrier of household goods, is an applicant for domestic and international air freight forwarder authority in Docket 20812.[4]

(4) *British West Indies Airlines (BWIA).*

Mr. H. A. Allen, Jr., a president and director of Allen and Co., Inc. (also a general partner of Allen and Co.), apparently is a director of BWIA—a foreign air carrier.

Interlocking relationships which might involve Express if Part 297 authority were issued to Express and the Board approved the control of Express by Holding.

If the Board granted international air freight forwarder authority to Express and approved the control of Express by Holding then it appears that *Lehman* type relationships might exist between Holding, as the alter ego of Express, and the same companies with whom Holding as the alter ego of REA, appears interlocked at the present, i.e. Military, Airborne, Pepsico, and BWIA.[5]

[FR Doc.71-1881 Filed 2-9-71;8:53 am]

[Dockets Nos. 22214, 22285; Order 71-2-24]

INTERAMERICAN AIRFREIGHT CO. ET AL.

Order of Consolidation and Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of February 1971.

Application of Willy Peter Daetwyler doing business as Interamerican Airfreight Co. under section 402 of the Federal Aviation Act of 1958, as amended, Docket 22214. Application of Interamerican Air Freight Corp. for international air freight forwarder authority. Application of Interamerican Air Freight Corp. and Willy Peter Daetwyler for approval of control relationship under section 408 of the Federal Aviation Act of 1958, as amended, Docket 22285.

By application filed May 20, 1970, Willy Peter Daetwyler doing business as Interamerican Airfreight Co. (Interamerican), requested renewal of its foreign air carrier permit authority authorizing indirect air transportation of property between any point or points in the United States and any point or points outside the United States.[1] Thereafter, Interamerican's application was set for prehearing conference, with hearing immediately thereafter, on June 16, 1970. Subsequently, at the request of the applicant, the prehearing conference was postponed indefinitely.

On June 12, 1970, Interamerican Air Freight Corp. (IAF), a newly formed corporation, filed an application pursuant to Part 297 of the Board's economic regulations for international air freight forwarder authority. Subsequently, by application filed June 17, 1970, as amended September 2, 1970, IAF and Willy Peter Daetwyler requested approval pursuant to section 408 of the Act, or, alternatively, exemption pursuant thereto, with respect to control relationships which will exist upon issuance to IAF of an operating authorization as an international air freight forwarder as a result of Mr. Daetwyler's ownership in IAF and certain other companies.

IAF is a California corporation created in May 1970 for the purpose of operating as an international air freight forwarder. Its issued and outstanding stock is held as follows:

Stockholder	Citizenship	Percentage
F. G. Stapleton	United States	30
Willy P. Daetwyler	Swiss	25
Fred E. Saxer	United States	20
H. John Wintsch	United States	15
Larry L. Pittman	United States	5
Werner A. Schmid	United States	5

[1] By Order E-21914, served March 18, 1965, Interamerican was granted similar authority for a period for 5 years from Apr. 15, 1965.

Mr. Daetwyler is president of Star Truck and Warehouse Corp. (Star) and is beneficial owner of 60 percent of the stock in that company.[2] It operates a public warehouse, licensed by the California Public Utilities Commission (CPUC), located in Los Angeles, and, pursuant to licenses issued by CPUC and the Interstate Commerce Commission, operates as a common carrier by highway of general commodities within the Los Angeles basin area. During 1969, Star carried approximately 65,000 tons of freight in these operations.

Mr. Daetwyler is also president and owner of a 60-percent beneficial interest in Interamerican Forwarding Corporation (Forwarding),[3] an international freight forwarding agent licensed by the Federal Maritime Commission and an International Air Transport Association (IATA) cargo agent.

Interlocking relationships involving the aforesaid individuals and companies which fall within the meaning of section 409 of the Act are as follows:

[2] He owns 100 percent of the stock of Macla A.G., a Swiss corporation which holds 60 percent of the stock of Star. The remaining stock is held by a Swiss foundation which takes no active part in the management of the company.

[3] Mr. Daetwyler owns 100 percent of the stock of Zuercher Lagerhaus A.G., a Swiss corporation which owns 60 percent of the common stock of Forwarding. The remaining 40 percent is held by a Swiss foundation which takes no active part in the management of the company.

Individual	IAF	STAR	Forwarding
Fred E. Saxer	President		Executive Vice President.
F. G. Stapleton	Secretary-Treasurer, Director.	President	Secretary-Treasurer, President.
W. P. Daetwyler	Director	President	President.
Werner P. Schmid	Vice President and Assistant Secretary.		Assistant Secretary.
H. John Wintsch	Vice President		Vice President.
Larry L. Pittman	Director	Executive Vice President	

In addition, Mr. Stapleton is Assistant Secretary of Ansett Industries Australia, Ltd., which is a wholly owned subsidiary of Ansett Airlines, a domestic Australian airline.

On July 28, 1970, on behalf of certain of its members,[4] the Air Freight Forwarders Association (AFFA) filed an answer in opposition to grant of IAF's application for issuance of an air freight forwarder authorization and the application of IAF and Mr. Daetwyler for approval of common control relationships pursuant to section 408.[5] AFFA alleges that the organization which comprises IAF is and would be exactly the same as has comprised Interamerican, the section 402 carrier; that by the device of converting its authorization from a section 402 permit into a Part 297 authorization, the heretofore foreign organization would seek to gain entry as a U.S. National into the air freight forwarding business pursuant to Part 296 at some later stage; that although the applicant purportedly has met the citizenship requirements of section 101(13) of the Act, the apparent inconsistency of converting a foreign air carrier authorization into a domestic U.S. authorization with no change in substance in the individuals involved casts serious doubt on the issue; and that it would be a travesty to accept the allegations here where the circumstances are on their face abnormal—that is, where they follow so closely an aborted section 402 application in which the allegations were the opposite. At an absolute minimum, AFFA requests that a hearing be held to explore whether the citizenship requirements of the Act are being met.

[4] There are certain companies affiliated with North American who may be considered competitive with the various indirect air carriers described herein. Such companies include: NAVPAC, Inc., an Interstate Commerce Commission (ICC) exempt surface forwarder and a Federal Maritime Commission (FMC) nonvessel ocean carrier, and North American International, Inc. an applicant for ICC surface freight forwarding authority.

[5] It also appears that the directorship in the Ogden Corp. held by Mr. Charles Allen, Jr., may create relationships requiring further scrutiny by the Board.

[4] Powers of Attorney have been filed on behalf of Airborne Freight Corp.; Air-Sea Forwarders, Inc.; Cal-Air Forwarders, Inc.; Circle Airfreight Corp.; International Customs Service, Inc.; Novo Airfreight; Profit By Air, Inc.; and Shulman Air Freight. Our references herein to "AFFA" therefore relate to these members of the organization.

[5] AFFA's answer was accompanied by a motion for leave to file an otherwise unauthorized document supported by an allegation that neither AFFA nor any of its members received timely service of the application.

Thereafter, IAF and Mr. Daetwyler filed a reply[6] stating, inter alia, that AFFA has raised no substantial issue of law or policy that could give grounds for denial of the applications, and has alleged no facts that require a hearing. Dismissal or denial of AFFA's opposition and request for a hearing is therefore requested.

Subsequent to the amendment to the application, filed on September 2, 1970, AFFA filed further opposition to the application alleging that the amendment confirms its earlier view that IAF is in fact controlled by non-U.S. citizens since Mr. Daetwyler exercises a measure of control over IAF's other stockholders, and again requesting that the applications be denied, or, at a minimum, that a hearing be held on the applications to explore the questions of citizenship raised by the pleadings.

The applicants thereafter filed an answer stating that the old and new companies are substantially different entities; that the officers, directors, and stockholders of IAF will not be controlled by Mr. Daetwyler; and that any delay in approving the applications will penalize United States citizens and will not result in any discernible public benefit.

Upon consideration of the foregoing and all of the facts of record, we have decided to set the matter for public hearing. We are concerned over the interlocking relationships involving officers, directors and stockholders of IAF with other companies controlled by Mr. Daetwyler (e.g., Star and Forwarding) and the possibility of the latter's domination and control of IAF through these relationships which exist presumably at his sufferance. This question is sufficiently complex as to warrant its development in an evidentiary proceeding.

We have decided to consolidate the proceeding in Docket 22285 and the undocketed airfreight forwarder application with the proceeding in Docket 22214, since the issues are so closely related and interdependent that contemporaneous consideration will simplify and clarify the Board's handling of the issues.

Finally, for good cause shown, the Board has decided to grant the motions of AFFA and the applicants herein for leave to file otherwise unauthorized documents. We shall deny the applicants' request that AFFA's request for a hearing be dismissed or denied.

Accordingly, it is ordered, That:

1. The application of Interamerican Air Freight Corp. and Willy Peter Daetwyler in Docket 22285, and the undocketed application of Interamerican Air Freight Corp. for international air freight forwarder authority, be and they hereby are consolidated with the application of Willy Peter Daetwyler, doing business as Interamerican Airfreight Co. in Docket 22214, and they hereby are set for hearing before an Examiner of the Board at a time and place to be hereafter designated;

2. The motions of the Air Freight Forwarder Association and the applicants herein for leave to file otherwise unauthorized documents be and they hereby are granted; and

3. The request of Interamerican Air Freight Corp. and Willy Peter Daetwyler that the Board dismiss or deny the Air Freight Forwarder Association's request for a hearing be and it hereby is denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1883 Filed 2-9-71;8:53 am]

[Docket No. 19933, etc.; Order 71-2-12]

NORTH CENTRAL ROUTE REALIGNMENT PROCEEDING AND CITY OF BROOKINGS, S. DAK.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

By Order E-26868 interested persons were directed to show cause why the Board should not make final its tentative findings and conclusions and amend the certificate of public convenience and necessity of North Central Airlines, Inc. (North Central), so as to realign the carrier's route structure into five segments which would enable the carrier to offer improved and more economic service while at the same time increasing service convenience to the public.[1]

Responses to the order to show cause were filed by Western Air Lines, Inc. (Western); Ozark Air Lines, Inc. (Ozark); Northwest Airlines, Inc. (Northwest); American Airlines, Inc. (American); North Central Airlines, Inc.; United Air Lines, Inc. (United); Frontier Airlines, Inc. (Frontier); The State of Wisconsin; and the city of Brookings, S. Dak. Petitions for leave to intervene were filed by the cities of Fort Wayne, Ind., and Worthington, Minn. United moved to strike the pleadings of North Central. In addition to the filing of its objections, the city of Brookings, S. Dak., filed a petition for leave to intervene and an application in Docket 20364 for inclusion of Brookings on proposed segment 3 of North Central's route 86. Brookings also filed a motion to consolidate its application in Docket 20364 with Dockets 20123 and 19933.

North Central also filed an application in Docket 20123 requesting a certificate with five segments identical to those in the proposed certificate attached to Order E-26868, with the exception of proposed segment 2 to which North Central has added Milwaukee between Beloit/Janesville and Madison, and Eau Claire between Winona and Minneapolis/St. Paul.

Upon consideration of the pleadings and the other relevant facts, we have concluded that the proposals in Order E-26868 are basically sound and should be made final. However, it appears desirable to modify some of the proposals in Order E-26868 so as to take account of matters raised by objecting parties, and so as to take account of authority recently awarded to North Central. In view of the lapse of time since the issuance of Order E-26868, and changes in the route authorizations of both North Central and objecting parties, we have decided to take no final action at this time, but to issue a new order to show cause, proposing amendments in North Central's certificate. We tentatively find and conclude that the public convenience and necessity require these amendments of North Central's certificate, and in support of our conclusion we affirm the tentative findings in Order E-26868, except as modified below.

Western in responding to Order E-26868 objected to the modification of the restriction governing North Central's services between Minneapolis/St. Paul and Rapid City. North Central's current certificate provides that services by North Central between Rapid City and Minneapolis/St. Paul must stop at one intermediate point exclusive of Pierre, S. Dak. Condition 4(e) of the proposed certificate attached to Order E-26868 provided simply for a one-stop restriction in the Rapid City-Minneapolis/St. Paul market without excluding Pierre as such a stop. As Western points out, the Board denied the petition of North Central seeking the termination of Western's authority at Pierre in Order E-26786.[1a] Western, therefore, continues to hold authority and provides service in the Rapid City-Pierre-Minneapolis/St. Paul market. To comport with that determination we shall require in Condition 5 of the proposed certificate attached hereto that the mandatory stop by North Central between Rapid City and Minneapolis/St. Paul continue to be at one intermediate point exclusive of Pierre.

Ozark, United, and American note an ambiguity in proposed Condition 6 of the certificate attached to Order E-26868 which provided that flights between "Chicago, on the one hand, and Sioux City, Iowa, and Omaha, Nebr., on the other hand, shall also serve Minneapolis/St. Paul." As the carriers point out, the condition does not specify that the Twin Cities be served between the terminal points, and thus, according to the carriers, could be construed as allowing North Central to operate service nonstop between Chicago and Omaha or Sioux City and thereafter serve the Twin Cities. In drafting this condition we did not intend that result. Chicago-Omaha nonstop authority was the subject of the

[6] Such reply was accompanied by a motion to file an otherwise unauthorized document.

[1] This proceeding has been deferred pending the resolution of various subsidy matters.

[1a] May 10, 1968.

recently concluded proceeding in Docket 18401 and is not properly the subject of this proceeding. Accordingly, we have redrafted this condition (now Condition 6(b)) to accord with our original intention that flights scheduled to serve Chicago, on the one hand, and Sioux City, Iowa, or Omaha, Nebr., on the other, shall serve Minneapolis/St. Paul as an intermediate point.[2]

Ozark also requests that Condition 4 (a) of the certificate attached to Order E-26868 specifically make Rochester, Minn., the intermediate point which North Central must serve on flights between Chicago and Sioux Falls. As drafted, proposed Condition 4(a) did require that North Central's Chicago-Sioux Falls service make an intermediate stop, but did not specify the point at which the stop must be made. Since we have found in Docket 16766 et al., Order E-26786, dated May 10, 1968, that North Central's service between Sioux Falls and Chicago via the specific point Rochester is required by the public convenience and necessity, we shall incorporate that finding in the new certificate as Condition 6(a) to require a mandatory stop at Rochester between Sioux Falls and Chicago.

Northwest objects to the use of the show cause procedures to place North Central in direct competition with Northwest in eight specific markets: Minneapolis/St. Paul-Chicago; Minneapolis/St. Paul-Milwaukee; Minneapolis/St. Paul-Cleveland; Madison-Cleveland; Madison-Grand Forks; Chicago-Cleveland; Chicago-Grand Forks; and Milwaukee-Cleveland. Northwest's objection is well-taken with respect to the Madison-Cleveland, Madison-Grand Forks, and Chicago-Cleveland markets, and we shall modify the authority proposed in that order to provide for noncompetitive multistop authority in these three markets.

In the remaining five markets, North Central has recently been awarded improved authority and in the present case we will limit North Central to essentially the same authority it now holds. Thus, in Order 68-9-127, dated September 25, 1968, North Central was awarded nonstop authority in the Milwaukee-Detroit and Milwaukee-Minneapolis/St. Paul markets. As a result of the authority awarded by Order 68-9-127, North Central, by tacking, could operate two-stop service between Cleveland and Minneapolis/St. Paul and one-stop service between Milwaukee and Cleveland. In addition, North Central was awarded nonstop authority in the Chicago-Minneapolis market subject to a long-haul restriction by Orders 69-8-23 and 69-8-24 dated August 4, 1969. These orders also gave North Central one-stop authority in the Chicago-Grand Forks market.

[2] We note that as a result of our recent award of Omaha-Minneapolis/St. Paul nonstop authority to North Central in the Service to Omaha and Des Moines Case, Order 70-7-24, dated July 6, 1970, that carrier will now have one-stop authority in the Omaha-Chicago market via Minneapolis/St. Paul.

In its objections [3] North Central points out the inadvertent omission of Eau Claire, Wis., from proposed segment 2. Currently Eau Claire is included on segment 5 as an intermediate point between Winona and Minneapolis/St. Paul, and we did not intend to depart from that designation. We have amended our description of new segment 2 to include Eau Claire. By so doing we are proposing to make permanent North Central's current exemption authority to operate noncompetitive nonstop service between Eau Claire and Duluth-Superior as authorized in Order 70-4-35, dated April 8, 1970. The proposed certificate will make permanent the deletion of Conditions 4 and 8, and that portion of Condition 5 requiring two stops between Duluth and Madison, from North Central's current certificate as accomplished by exemption in Order 70-4-35.

North Central also notes that La Crosse, Wis., is the only Wisconsin point not included on the realigned segment 1, and points out that the failure to so include La Crosse isolates that point from nonstop service to most other points in Wisconsin, which are on the segment. To avoid that result in the proposed certificate attached hereto, we have adopted the solution proposed by the State of Wisconsin, which simply is to include La Crosse as an additional intermediate point on realigned segment 1 between Madison and Minneapolis/St. Paul. North Central's solution, to add Milwaukee to segment 2 between Beloit/Janesville and Madison, would greatly expand North Central's Milwaukee authority and is beyond the scope of this proceeding.

North Central also seeks additional authority in various markets currently served by trunkline carriers and not included in the proposed certificate attached to Order E-26868. We are denying North Central's request, having concluded that this is not the proper proceeding in which to inject questions of new competitive authority. North Central has available to it the procedures in Subpart M of the Board's rules of practice for obtaining new improved authority in competitive markets which can support such authority.

Frontier objected to the proposed nonstop authority of North Central between Rapid City and Chicago as authorized in realigned segment 2. Frontier alleges that the diversion of revenue by North Central would reduce Frontier's operating profit on its Rapid City-Omaha route by $137,000. In addition, Frontier indicated that it was proposing through-plane service from Rapid City to Chicago via Omaha in the pending Service to Omaha and Des Moines Case, Docket 18401. In view of the numerous beyond-Omaha points which Frontier can use to support its Omaha-Chicago route, we do not at this time see any need to impose a restriction on North Central's Rapid City-Chicago authority. However, Frontier will have an opportunity to file any objection it may have based on the new circumstances created by the Service to Omaha award.[4]

United objects generally to the use of the show-cause procedure to accomplish the realignment of North Central's system and specifically objects to the authority competitive with United which North Central allegedly would be receiving in the following nonstop markets: Flint-Grand Rapids; Saginaw-Grand Rapids; and Minneapolis/St. Paul-South Bend. United also objects to the improved one-stop authority which North Central allegedly would be receiving in various other markets served by United, some of which we have already dealt with, supra. United's objections appear to be based largely on a misreading of the proposed certificate attached to Order E-26868.

Thus, the objection of United to nonstop authority in the Flint-Grand Rapids and Saginaw-Grand Rapids markets is unfounded; the proposed certificate permitted one-stop service as the best operating authority. Similarly, United objects to one-stop authority in the following markets: Minneapolis/St. Paul, on the one hand, and Flint, Grand Rapids, Lansing, and Muskegon, on the other hand; and between Cleveland and Muskegon. Two-stop authority is the best that the proposed certificate provides in the Flint-Minneapolis/St. Paul market. In the other four markets, no change has been made in the number of intermediate stops required to be served by North Central at present; the only change withdraws the mandatory designation of the intermediate stops in favor of the carrier's own choice of intermediates.

United's objection to nonstop Minneapolis/St. Paul-South Bend authority for North Central comes in the face of the present failure of United to provide any single-plane service in that market. Nevertheless, since United is certificated in that market, the attached certificate maintains the requirement that flights by North Central in that market serve a minimum of one intermediate point.[5]

[3] United has objected to the pleading filed by North Central which North Central denominated "Comments," and United moves to strike that pleading both as unauthorized and untimely. We shall deny United's motion. We did not intend to preclude the carrier whose authority is the subject of the order to show cause from stating its views on the findings in that order. Nor is there a valid objection to its being filed on July 15, 1968, even though objections were due on July 3, 1968, since North Central was granted permission by the Chief Examiner in his letter of July 1, 1968, to late-file its objections. Similarly, the "answer and petition for reconsideration" of the State of Wisconsin in substance is an "objection" to Order E-26868, and, notwithstanding its denomination and late filing, will be accepted.

[4] In Order 70-7-24, dated July 6, 1970, the Board awarded Omaha-Chicago nonstop authority to Frontier. Pursuant to this authority Frontier now operates one-stop service in the Rapid City-Chicago market via Omaha. OAG, Nov. 15, 1970.

[5] At the time Order E-26868 was issued North Central's best authority in the Minneapolis-South Bend market required three stops. As a result of a subsequent award of Minneapolis-Chicago nonstop authority to North Central in Orders 69-8-23 and 69-8-24, the carrier presently possesses one-stop authority between Minneapolis and South Bend via Chicago.

The crux of the several pleadings filed by the city of Brookings, S. Dak., is the request by that community to be reinstated as an intermediate point on current segment 10(b)—proposed segment 3—between Grand Forks and Omaha. Brookings was deleted from that segment following a hearing in the North Central Airlines "Use It Or Lose It" Investigation, 36 C.A.B. 535 (1962), and has shown no basis in this proceeding to overturn that decision. Brookings remains on current segment 10(a) (new segment 2) as an intermediate point between Rapid City and Minneapolis/St. Paul. North Central's authority to serve Brookings on new segment 2 will permit all of the service that can be provided under North Central's present certificate plus improved service to Chicago and Omaha. Consequently, Brookings' motion to consolidate its application will be denied. We shall, however, grant its petition for leave to intervene, as well as those filed by the cities of Worthington, Minn., and Fort Wayne, Ind.

North Central has objected to the wholesale listing of subsidy-ineligible markets contained in Appendix B to Order E–26868. The carrier points out that such blanket subsidy ineligibility of weak pairs of points diminishes the incentive of the carrier to implement the very improvements in service found desirable in this proceeding. There appears to be little justification for making markets of this magnitude ineligible for subsidy. Accordingly, we will not add them to North Central's subsidy ineligible list.[6]

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending North Central's certificate in the manner set forth below;

2. Any interested person having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [7]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. The petitions for leave to intervene filed by the cities of Brookings, S. Dak., Fort Wayne, Ind., and Worthington, Minn., be and they hereby are granted;

6. The application of North Central Airlines, Inc. for amendment of its certificate of public convenience and necessity in Docket 20123, be and it hereby is consolidated into this proceeding for disposition herein;

7. The motion to consolidate of the city of Brookings, S. Dak., be and it hereby is denied; and

8. The motion of United Air Lines, Inc., to strike the "Comments" of North Central Airlines, Inc., be and it hereby is denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

SPECIMEN CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE (AS AMENDED) FOR ROUTE 86

North Central Airlines, Inc. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the terminal point Cleveland, Ohio, the intermediate points Detroit, Ann Arbor, Jackson, Lansing, Battle Creek, Kalamazoo, Grand Rapids, Muskegon, and Benton Harbor-St. Joseph, Mich., South Bend, Ind., Chicago, Ill., Beloit-Janesville, Milwaukee, Madison, Oshkosh-Appleton, Manitowoc-Sheboygan (to be served through Manitowoc Municipal Airport), and Green Bay-Clintonville, Wis., Marinette, Wis.-Menominee, Mich., and Wausau-Stevens Point-Wisconsin Rapids-Marshfield, Wis., and (a) beyond Wausau-Stevens Point-Wisconsin Rapids-Marshfield, the intermediate points La Crosse and Eau Claire, Wis., and the terminal point Minneapolis-St. Paul., Minn., and (b) beyond Wausau-Stevens Point-Wisconsin Rapids-Marshfield, the intermediate points Rhinelander and Land O'Lakes, Wis., Iron Mountain-Kingsford, Escanaba, Marquette, and Hancock-Houghton, Mich., Ironwood, Mich.-Ashland, Wis., and the terminal point Duluth, Minn.-Superior, Wis.;

2. Between the terminal point Chicago, Ill., the intermediate points Beloit-Janesville, Madison, and La Crosse, Wis., Winona, Minn., Eau Claire, Wis., and Minneapolis-St. Paul, Minn., and (a) beyond Minneapolis-St. Paul, the intermediate points Brainerd, Minn., Duluth, Minn.-Superior, Wis., Chisholm-Hibbing, International Falls, Bemidji, and Thief River Falls, Minn., Grand Forks and Devils Lake, N. Dak., and the terminal point Minot, N. Dak., and (b) beyond Minneapolis-St. Paul, the intermediate points Mankato, Fairmont, and Worthington, Minn., Sioux Falls, S. Dak., and (i) beyond Sioux Falls, the intermediate points Brookings, Watertown, Mitchell, Huron, Aberdeen, and Pierre, S. Dak., and the terminal point Rapid City, S. Dak., and (ii) beyond Sioux Falls, the intermediate points Yankton, S. Dak., Sioux City, Iowa, and Norfolk, Nebr., and the terminal point Omaha, Nebr.;

3. Between the terminal point Omaha, Nebr., the intermediate points Norfolk, Nebr., Sioux City, Iowa, Yankton and Sioux Falls, S. Dak., and (a) beyond Sioux Falls, the intermediate points Mitchell, Huron, and Aberdeen, S. Dak., and Bismarck-Mandan, N. Dak., and the terminal point Minot, N. Dak., and (b) beyond Sioux Falls, the intermediate points Watertown, S. Dak., and Fargo, N. Dak.-Moorhead, Minn., and the terminal point Grand Forks, N. Dak.;

4. Between the terminal Sault Sainte Marie, Mich., the intermediate points Pellston and Traverse City, Mich., and (a) beyond Traverse City, the intermediate points Manistee-Ludington, Grand Rapids, and Benton Harbor-St. Joseph, Mich., and the terminal point Chicago, Ill., and (b) beyond Traverse City, the intermediate points Alpena, Saginaw-Bay City-Midland, Flint, and Detroit, Mich., and the terminal point Cleveland, Ohio;

5. Between the terminal point Sioux Falls, S. Dak., the intermediate point Rochester, Minn., and the terminal point Chicago, Ill.;

6. Between the terminal point Denver, Colo., and the terminal point Minneapolis-St. Paul, Minn.;

7. Between the terminal point Kansas City, Mo., and the terminal point Sioux City, Iowa;

8. Between the terminal point Milwaukee, Wis., the intermediate point Dayton, Ohio, and (a) beyond Dayton, the terminal point Columbus, Ohio, and (b) beyond Dayton, the terminal point Cincinnati, Ohio;

9. Between the terminal point Milwaukee, Wis., and the terminal point New York, N.Y.-Newark, N.J.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein, other than a point required to be served through a single airport or an airport named herein, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the nine numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) the holder has scheduled at least two daily round trips, in which case the holder may omit such point or points on any additional trip scheduled over all or part of such segment, subject to the conditions in paragraphs (4) through (8) below.

(4) The holder shall schedule service to a minimum of two intermediate points between the following pairs of points:

[6] However, we propose to add Madison-Minneapolis/St. Paul authority to North Central's subsidy-ineligible list (Appendix A to Order 69–10–57) thereby making permanent subsidy-ineligible authority awarded the carrier by temporary exemption in Order E–25648, Sept. 7, 1967.

[7] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

Chicago, Ill., and Cleveland, Ohio.
Cleveland, Ohio, and Madison, Wis., or Minneapolis-St. Paul, Minn.
Grand Forks, N. Dak., and Madison, Wis.
Kansas City, Mo., and Minneapolis-St. Paul, Minn.

(5) The holder shall schedule service to a minimum of one intermediate point between the following pairs of points:

Chicago, Ill., and Ann Arbor, Detroit, Lansing, or Muskegon, Mich. or Grand Forks, N. Dak.
Cleveland, Ohio, and Flint, Saginaw-Bay City-Midland, Lansing, Grand Rapids, or Muskegon, Mich., South Bend, Ind., or Milwaukee, Wis.
Detroit or Ann Arbor, Mich., on the one hand, and Madison, Wis., or Minneapolis-St. Paul, Minn., on the other.
Madison, Wis., and Minneapolis-St. Paul, Minn., Sioux City, Iowa, Omaha, Nebr., or Sioux Falls, S. Dak.
Milwaukee, Wis., and South Bend, Ind.
Minneapolis-St. Paul, Minn., and South Bend, Ind., Grand Rapids, Lansing, or Muskegon, Mich., Omaha, Nebr. (except pursuant to paragraph (14)), or Rapid City, S. Dak. (exclusive of Pierre, S. Dak.).
Rapid City and Sioux Falls, S. Dak.

(6) The holder shall schedule an intermediate stop (a) at Rochester, Minn., on flights scheduled between Chicago, Ill., and Sioux Falls, S. Dak., and (b) at Minneapolis-St. Paul, Minn., on flights scheduled between Chicago, Ill., on the one hand, and Sioux City, Iowa, or Omaha, Nebr., on the other hand.

(7) If the holder has scheduled one daily round trip to Alpena or Manistee-Ludington, Mich., the holder may omit service to such point on any additional trips scheduled over all or part of segment 4.

(8) Notwithstanding the provisions of paragraph (3) above, the holder may schedule nonstop service between Traverse City and Detroit, Mich.

(9) Flights serving Cleveland, Ohio, shall originate or terminate at a point north or west of Detroit, Mich., and nonstop flights between Minneapolis-St. Paul, Minn., and Chicago, Ill., shall originate or terminate at a point west of Minneapolis-St. Paul.

(10) No single-plane service shall be provided between Denver, Colo., and any point beyond Minneapolis-St. Paul, Minn.

(11) All flights operated over segment 8 shall serve Milwaukee, Wis.

(12) The authorization to serve Land O'Lakes, Wis., on segment 1 shall be effective only between June 1 and September 30 (both dates inclusive) of each year.

(13) Green Bay-Clintonville, Wis., Oshkosh-Appleton, Wis., Ironwood, Mich.-Ashland, Wis., Wausau-Stevens Point-Wisconsin Rapids-Marshfield, Wis., and Fargo, N. Dak.-Moorhead, Minn., shall each be served through a single airport.

(14) Notwithstanding paragraphs (3) and (5) hereof, the holder is authorized to schedule nonstop flights carrying persons and mail between Minneapolis-St. Paul, Minn., and Omaha, Nebr.: *Provided*, That on such flights scheduled for the purpose of carrying passengers, the holder may also carry property in those portions of the aircraft not usable for the carriage of passengers.

(15) The holder's authority to engage in the transportation of mail with respect to those operations set forth in Appendix A to Order 69-10-57, as amended by Orders 70-6-36, 70-7-24 and is limited to the carriage of mail on a nonsubsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General, and the holder shall not be entitled to any subsidy with respect to such operations.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service o fthe character described above.

The holder acknowledges and agrees that it is entitled to receive only service mail pay for the mail service rendered or to be rendeed solely in connection with the operations specified in condition (15) hereof, and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered for such operations in excess of the amount payable by the Postmaster General.

This certificate shall be effective on _____.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by the Secretary of the Board and the seal of the Board to be affixed hereto, on the

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1880 Filed 2-9-71;8:53 am]

[Dockets Nos. 21866, 22784; Order 71-2-21]

TRANS WORLD AIRLINES INC.

Order Vacating Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of February 1971.

By Order 71-1-46 dated January 8, 1971, the Board suspended increases proposed by Trans World Airlines, Inc. (TWA) in selected short-haul and long-haul markets [1] since the proposal was not accompanied by individual market data showing characteristics which, but for severe airport and airway congestion, could be expected to result in profitable operations. On January 18, 1971, TWA filed a petition for reconsideration, requesting the Board to vacate or lift the suspension of increases which had been proposed in eight of the short-haul markets: Chicago-Dayton, Chicago-Columbus, New York - Columbus, Philadelphia-Columbus, Philadelphia-Pittsburgh, Washington - Columbus, Washington-Dayton, and Washington-Indianapolis.

In support of its petition, TWA alleges that the Board has failed to consider certain relevant information furnished by it to the Board or otherwise available regarding the qualifications of Philadelphia as a congested terminal; that on the basis of recent actions with respect to similar proposals the Board has improperly suspended TWA's congestion-related fare increases in the eight markets; and that the foregoing constitutes an arbitrary exercise and abuse of the Board's suspension powers under the Federal Aviation Act.

TWA alleges that a showing by market of characteristics which, but for congestion, could be expected to result in profitable operations is not legally required; and that the Board has permitted congestion-related increases to become effective in numerous markets without a market by market showing. Nevertheless, TWA has now submitted such data, and alleges the Board should receive it since it had no prior notice that such information was needed.

No answers to the petition were filed.

Upon consideration of the petition and all relevant matters, the Board has concluded to vacate the suspension previously ordered in the eight markets described above. These fares will remain under investigation in the Domestic Passenger-Fare Investigation, Docket 21866.

TWA has now supplied information showing that it operated at a loss in seven of the markets during the year ended November 1970, and achieved only a small profit in the eighth. These losses occurred in spite of load-factor levels generally well above its system average, and appear to be attributable in substantial part to atypical costs occasioned by inflight and ground delays stemming from airport and airway congestion. Accordingly, we conclude that TWA has adequately demonstrated that the fare increases in these eight markets are warranted.

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

It is ordered, That:

1. The suspension of increased fares and provisions published in CAB No. 136 issued by Airline Tariff Publishers, Inc., Agent, between Chicago and Dayton; Chicago and Columbus, Ohio; Columbus, Ohio, and New York/Newark; Columbus, Ohio, and Philadelphia; Columbus, Ohio, and Washington; Dayton and Washington; Indianapolis and Washington, and Philadelphia and Pittsburgh, directed in Order 71-1-46 is vacated.[2]

2. A copy of this order will be filed with the aforesaid tariff and be served on Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1882 Filed 2-9-71;8:53 am]

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

[2] The fares and provisions will become effective in accordance with the filing of appropriate tariffs.

[3] Dissenting statement of Member Minetti filed as part of the original document.

CIVIL SERVICE COMMISSION

DENTAL OFFICER SERIES

Notice of Revision of Prescribed Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that the previously approved minimum educational requirements for positions in the Dental Officer Series, GS–680, should be superseded by revised requirements. The revised requirements and the reason for the Commission decision that these requirements are necessary are set forth below.

The Dental Officer Series, GS–680 (All positions, GS–11 through GS–15).

Minimum educational requirements. The knowledge required for the performance of the duties described in paragraph (b) of this section can be obtained only by successfully completing one of the following requirements (A or B):

A. Graduation with a degree in dental surgery (D.D.S.) or dental medicine (D.M.D.) from a United States or Canadian school approved by the Council on Dental Education, American Dental Association.

B. Graduation with a degree in dental surgery (D.D.S.) or dental medicine (D.M.D.) or equivalent degree from a dental school (other than those covered in A above): *Provided*, The education and knowledge acquired are substantially equivalent to that of graduates of dental schools described in A above. Such comparability may be evidenced by a current license to practice dentistry in a State, Territory or Commonwealth of the United States, or in the District of Columbia provided the licensure requirements include a written examination measuring science achievement and a performance examination measuring clinical competence.

Reason for the change in the requirement. In the past only graduates of accredited United States and Canadian schools of dentistry who have been licensed to practice in a State, Territory or Commonwealth of the United States, or in the District of Columbia have been eligible for Dental Officer positions in the competitive Federal civil service. There is no regularly established and nationally recognized system for evaluating the quality of the education and training provided by foreign schools of dentistry. Until recently the licensing jurisdictions would not license graduates of foreign schools of dentistry. That pattern is now changing and some States are issuing licenses to graduates of foreign schools of dentistry who pass the same written examination measuring science achievement and the same performance examination measuring clinical competence that are given to graduates of accredited United States and Canadian schools of dentistry. This measure of professional preparation for dentistry is generally considered an adequate method of quality control.

Therefore, the requirement is being changed to insure that citizens who have completed their dental education in foreign schools which is essentially equivalent to that gained in accredited United States and Canadian schools may be considered for Federal civil service dental positions.

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

[FR Doc.71–1808 Filed 2–9–71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

Pesticides Office

AMCHEM PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1054) has been filed by Amchem Products, Inc., Ambler, Pa. 19002, proposing that § 120.283 (21 CFR Part 420) of the pesticide regulations be amended to provide for use of the dimethylamine salt of the herbicide 2,3,6-trichlorophenylacetic acid as well as the presently regulated sodium salt on sugarcane.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure. After extraction and hydrolysis, the methyl ester is prepared and determined by a gas microcoulometric chromatographic technique.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71–1845 Filed 2–9–71;8:51 am]

BASF CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1076) has been filed by the BASF Corp., 100 Cherry Hill Road, Post Office Box 181, Parsippany, NJ 07054, proposing the establishment of tolerances (21 CFR Part 420) for residues of the herbicide pyrazon in or on the raw agricultural commodities sugarbeet tops at 1 part per million and the roots of beets and sugarbeets at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the herbicide is a microcoulometric gas chromatographic procedure using a halide detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71–1846 Filed 2–9–71;8:51 am]

CHEMAGRO CORP.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 1F1063) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, proposing the establishment of tolerances (21 CFR Part 420) for residues of the fungicide and insecticide 6-methyl-2,3-quinoxalinedithiol cyclic *S,S*-dithiocarbonate in or on the following raw agricultural commodities:

Almond hulls at 10 parts per million; strawberries at 6 parts per million; papayas at 5 parts per million; apricots, nectarines, and peaches from preharvest and postharvest application at 4 parts per million; cherries at 3 parts per million; citrus fruits and grapes at 2.5 parts per million; apples, cantaloups, honeydew melons, muskmelons, pears, and summer squash at 1.5 parts per million; plus at 1 part per million; cucumbers, watermelons, and winter squash at 0.75 part per million; almonds, avocados, macadamia nuts, and walnuts at 0.1 part per million.

Notice is also given that the firm has filed a related food additive petition (FAP 1H2622) proposing the establishment of a food additive tolerance (21 CFR Part 121) of 9 parts per million in or on raisins and 4 parts per million in or on dried prunes for residues of the fungicide and insecticide resulting from carryover and concentration after application to the growing grapes and plums.

The analytical method proposed in the pesticide petition for determining the pesticide residues is a gas chromatographic procedure utilizing an electron-capture detection system.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71–1847 Filed 2–9–71;8:51 am]

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1078) has been filed by the Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing the establishment of tolerances (21 CFR Part 420) for combined residues of the

insecticide naled and its conversion product 2,2-dichlorovinyl dimethyl phosphate in or on the raw agricultural commodities pea vines at 1 part per million; and beans, peas and soybeans (each in succulent form), hops and safflower seed at 0.5 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a thermionic detector.

Dated February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1848 Filed 2-9-71;8:51 am]

3M CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1071) has been filed by 3M Company, 3M Center, St. Paul, MN 55101, proposing the establishment of an exemption from the requirement of a tolerance for residues of the aquatic herbicide basic copper carbonate (malachite) in nonmoving water in lakes, ponds, and stagnant canals and waterways.

The analytical method proposed in the petition for determining residues of basic copper carbonate is a procedure where residues of copper are determined using atomic absorption techniques.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1844 Filed 2-9-71;8:51am]

DESOWAG-BAYER HOLZSCHULTZ GMBH

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2606) has been filed by Desowag-Bayer Holzschultz GMBH, 4 Dusseldorf 1, Postfach 2409, Federal Republic of Germany, proposing an amendment to § 121.2556 *Preservatives for Wood* of the food additive regulations to provide for the safe use of a mixture containing pentachlorophenol, tetrachlorophenol, tributyltin oxide, aldrin, lindane and other components generally recognized as safe as a preservative for plywood components of containers.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1849 Filed 2-9-71;8:51 am]

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1085) has been filed by The Dow Chemical Co., Post Office Box 1706, Midland, MI 48640 proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the herbicide dalapon sodium salt calculated as dalapon (2,2-dichloropropionic acid) in or on the raw agricultural commodity sugarcane at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure with electron-capture detection.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1850 Filed 2-9-71;8:51 am]

FMC CORP.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 1F1065) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14104, proposing the establishment of a tolerance (21 CFR Part 420) for residues of the insecticide endosulfan and its metabolite endosulfan sulfate in or on the raw agricultural commodity soybeans at 2 parts per million.

Notice is also given that the firm has filed a related food additive petition (FAP 1H2616) proposing the establishment of a food additive tolerance (21 CFR Part 121) of 4 parts per million in crude soybean oil for residues resulting from application of the insecticide to the growing soybeans.

The analytical method proposed in the pesticide petition for determining residues of the insecticide and its metabolite is a microcoulometric gas chromatographic procedure.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1851 Filed 2-9-71;8:51 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1068) has been filed by the Niagara Chemical Division, FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing the establishment of a tolerance (21 CFR Part 420) for combined residues of the insecticide ethion and its oxygen analog in or on the raw agricultural commodity blueberries at 5 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a flame photometric detector with a phosphorous filter at 526 nanometers.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.1852 Filed 2-9-71;8:51 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1029) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate), including its oxygen analog (*S*-[[(diethoxyphosphinothioyl)thio]methyl] *O,O*-diethyl phosphorothioate), in or on the raw agricultural commodity peanuts at 0.1 part per million.

The analytical method proposed in the petition for determining total residues of ethion, including its oxygen analog, is a microcoulometric-gas chromatographic procedure with a sulfur-specific detection system.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1853 Filed 2-9-71;8:51 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1058) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the insecticide endosulfan and its metabolite endosulfan sulfate at 0.2 part per million in or on the raw agricultural commodity sugar beet roots.

The analytical method proposed in the petition for determining residues of the

insecticide is a microcoulometric gas chromatographic procedure.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1854 Filed 2-9-71;8:52 am]

GULF OIL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1069) has been filed by Gulf Oil Corp., 439 Seventh Avenue, Pittsburgh, PA 15230, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the herbicide 2-chloro-4-cyclopropylamino-6-isopropylamino-*s*-triazine in or on fresh corn including sweet corn (kernels plus cob with husk removed), corn grain (including popcorn), corn fodder and forage (including field corn, popcorn, and sweet corn), sorghum, and sorghum forage at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas-chromatographic technique with electron-capture detection.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1855 Filed 2-9-71;8:52 am]

MILLER CHEMICAL AND FERTILIZER CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1086) has been filed by the Miller Chemical and Fertilizer Corp., Box 333, Hanover, PA 17331, proposing the establishment of tolerances (21 CFR Part 420) for negligible residues of the insecticide tetraethylpyrophosphate in or on the raw agricultural commodities apples, cabbage, cauliflower, hops, oranges, peaches, and potatoes at 0.01 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a cesium bromide thermionic detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1856 Filed 2-9-71;8:52 am]

MONSANTO CO.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 1F1036) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, proposing the establishment of tolerances (21 CFR Part 420) for combined residues of the herbicide 3',4'-dichloropropionanilide and its metabolites (calculated as the parent compound) in or on the raw agricultural commodities rice straw at 75 parts per million; rice grain at 2 parts per million; eggs and the meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry and sheep at 0.1 part per million (negligible residue); and milk at 0.05 part per million (negligible residue).

Notice is also given that the same firm has filed a related petition (FAP 1H2592) proposing the establishment of food additive tolerances (21 CFR Part 121) for combined residues of the herbicide and its metabolites (calculated as the parent compound) in or on rice bran at 10 parts per million and rice hulls at 6 parts per million resulting from carryover and concentration after application of the herbicide to growing rice.

The analytical method proposed in the pesticide petition involves refluxing of the sample with sodium hydroxide to convert the herbicide residue to dichloroaniline, conversion of the latter to its diazonium salt and then to dichloroiodobenzene. The latter is determined by a gas chromatographic procedure with an electron capture detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1857 Filed 2-9-71;8:52 am]

OLIN CHEMICALS

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2621) has been filed by Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904, proposing an amendment to § 121.2520 *Adhesives* of the food additive regulations by adding sodium 2-pyridinethiol-1-oxide as a preservative to the list of components of adhesives in paragraph (c).

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1858 Filed 2-9-71;8:52 am]

RHODIA, INC.

Notice of Withdrawal of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903 has withdrawn its petition (FAP 1H2598), notice of which was published in the FEDERAL REGISTER of October 21, 1970 (35 F.R. 16421), proposing the issuance of a tolerance of 12 parts per million for residues of the insecticide phosalone in or on dried citrus pulp resulting from application of the insecticide to the raw citrus fruit.

The withdrawal of this petition is without prejudice to a future filing.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1859 Filed 2-9-71;8:52 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1062) has been filed by The Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*, *N*-dimethyl-*cis*-crotonamide in or on the raw agricultural commodity cottonseed at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a phosphorous-sensitive thermionic detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1860 Filed 2-9-71;8:52 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1070) has been filed by the Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, proposing the establishment of tolerances (21 CFR Part 420) for negligible residues of the insecticides aldrin and dieldrin in or on the raw agricultural commodities beans (green, lima, and snap), peas, and cottonseed at 0.02 part per million.

The analytical method proposed in the petition for determining residues of the insecticides is a gas chromatographic procedure using an electron capture detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1861 Filed 2-9-71;8:52 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1059) has been filed by the Shell Chemical Co., a division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the insecticide 2,2-dichlorovinyl dimethyl phosphate in eggs, and the meat, fat, and meat byproducts of poultry at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure with thermionic detection.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1862 Filed 2-9-71;8:52 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1090) has been filed by the Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in or on the raw agricultural commodity milk at 0.02 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a phosphorus-sensitive alkali-flame ionization detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1863 Filed 2-9-71;8:52 am]

SHELL CHEMICAL CO. AND VELSICOL CHEMICAL CORP.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 1F1060) has been filed by the Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, DC 20006 and the Velsicol Chemical Corp., 1725 K Street NW., Washington, DC 20006, proposing the establishment of tolerances (21 CFR Part 420) for residues of the insecticide endrin in or on the raw agricultural commodities soybeans at 0.2 part per million; cottonseed at 0.1 part per million; eggs, and the fat of cattle, goats, hogs, horses, milk, poultry, and sheep at 0.05 part per million; and apples, sugarcane and the grain of barley, oats, rye, and wheat at 0.02 part per million.

Notice is also given that the same firms have filed a related food additive petition (FAP 1H2614) proposing the establishment of a food additive tolerance of 0.5 part per million for residues of endrin in crude soybean oil resulting from carryover and concentration after application of the insecticide to growing soybeans.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with an electron capture detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1864 Filed 2-9-71;8:52 am]

STAUFFER CHEMICAL CO.

Notice of Amended Filing of Petition Regarding Pesticides

Notice was given in the FEDERAL REGISTER of September 30, 1970 (32 F.R. 15254), that a petition (PP 1F1027) had been filed by the Stauffer Chemical Company, 1200 South 47th Street, Richmond, California 94804 proposing the establishment of tolerances for combined residues of the insecticide *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorothioate) in or on the raw agricultural commodities plums and prunes at 7 parts per million and in or on apricots and nectarines at 5 parts per million.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that said petition has been amended by adding cherries at 7 parts per million.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1865 Filed 2-9-71;8:52 am]

SYRACUSE UNIVERSITY RESEARCH CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2613) has been filed by Syracuse University Research Corp. on behalf of Betz Laboratories, Inc., Somerton Road, Trevose, PA 19047, proposing that § 121.2505 *Slimicides* (21 CFR 121.2505) be amended to provide for the safe use of β-bromo-β-nitrostyrene as a slimicide in the manufacture of paper and paperboard intended for food-contact use.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1866 Filed 2-9-71;8:52 am]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1074) has been filed by Thompson-Hayward Chemical Co., 5200 Speaker Rd., Post Office Box 2383, Kansas City, KS 66110 proposing the establishment of a tolerance (21 CFR Part 420) for combined residues of the herbicide dichlobenil and its metabolite 2,6-dichlorobenzoic acid in or on the raw agricultural commodity fish at 5 parts per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure with an electron capture detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1867 Filed 2-9-71;8:52 am]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petitions for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2633) has been filed by the Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, KS 66110, proposing a tolerance of 0.4 part per million for residues of the fungicide triphenyltin hydroxide in peanut hulls resulting from application of the fungicide to the raw agricultural commodity peanuts.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1868 Filed 2-9-71;8:52 am]

WEST CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0748) has been filed by West Chemical Products, Inc., 42-16 West Street, Long Island City, NY 11101, proposing the establishment of a tolerance

(21 CFR Part 420) for negligible residues of the insecticide phenothiazine in or on the raw agricultural commodity beef at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with a flame photometric detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1869 Filed 2-9-71;8:52 am]

WITCO CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1079) has been filed by the Witco Chemical Corp., 400 North Michigan Avenue, Chicago, IL 60611, proposing the establishment of an exemption from requirement of a tolerance (21 CFR Part 420) for residues of butoxytriethyleneglycol ester of phosphoric acid when used as an inert ingredient of arsenical herbicide formulations.

The analytical method proposed in the petition for determing residues of the ester is a procedure in which the residue is reacted with hydriodic acid and the resulting alkyl iodides are determined gas chromatographically using a thermoconductivity detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1870 Filed 2-9-71;8:52 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-106]

COMMON CARRIER SERVICES RENDERED TO THE UNITED STATES GOVERNMENT

FEBRUARY 4, 1971.

It has come to the attention of the Commission that there is uncertainty among common carriers as to the applicability of titles II and III of the Communications Act to certain specialized services rendered to an agency of the U.S. Government. All carriers are reminded that common carrier services rendered to the Government are subject to the provisions of the Act to the same extent as services provided to any other customer. Even if special facilities are to be constructed solely for service to the Government, prior authorization pursuant to section 214 and/or section 309 as may be applicable must be obtained, and such service can be provided only under appropriately filed tariffs. These requirements are applicable to radio facilities even though Government frequencies are to be used. (While portions of the radio spectrum are allocated for exclusive Government use, section 305 of the Communications Act specifically provides that only those radio stations "belonging to and operated by the United States" are exempt from the licensing authority of the Commission. Of course, before the Commission will license any person to use a Government frequency, the matter will be cleared according to established procedure with the Interdepartment Radio Advisory Committee.)

In light of the uncertainties existing before the clarification given by this notice, the Commission will permit carriers to continue to provide services now being rendered contrary to the foregoing: *Provided*, That applications for appropriate authority are filed within 90 days of this notice and, where necessary, tariffs are filed within the same period. In the absence of such filing, continued unauthorized operation will render a carrier subject to penalties under the Communications Act.

Action by the Commission February 3, 1971.

FEDERAL COMMUNICATIONS COMMISSION [1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1839 Filed 2-9-71;8:51 am]

FEDERAL MARITIME COMMISSION

NIPPON YUSEN KAISHA AND SHOWA SHIPPING CO., LTD.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 9731-3, between the two carriers listed above, modifies Article 11 of the basic agreement to provide that their joint transpacific containerships service between Japan and California "shall continue in effect until canceled by the mutual" consent of the parties. As originally approved, Article 11 specified that the Agreement No. 9731 was to continue in effect for a period of 3 years after the first containership entered service. That event occurred on August 26, 1968, and Agreement No. 9731, absent the proposed modification, would expire by its terms on August 27, 1971.

Dated: February 5, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1833 Filed 2-9-71;8:50 am]

HOLLAND AMERICA LINE AND HAPAG-LLOYD AKTIENGESELLSCHAFT

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, H. Rex Lee and Wells, with Commissioner Houser not participating.

Notice of agreement filed by:

Mr. Ralph Rugan, Jr., Biehl & Company, Inc., General Agents, 416 Common Street, New Orleans, La. 70130.

Agreement No. 9929 between the above listed carriers provides for the establishment of a joint service to operate both LASH and conventional type ships between ports on the South Atlantic and Gulf coasts of the United States, and inland U.S. points on rivers and waterways tributary thereto, on the one hand, and ports in the United Kingdom, Eire, and Continental Europe, excluding the Mediterranean, and points on inland waterways tributary to such ports, on the other hand, including transshipment services.

Dated: February 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1954 Filed 2-9-71;9:29 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of State Bank and Trust Company of Poplar Bluff, Poplar Bluff, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of State Bank and Trust Company of Poplar Bluff, Poplar Bluff, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. His office indicated that this acquisition was a progressive step for banking in Missouri.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 19, 1970 (35 F.R. 19291), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The 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 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 second largest bank holding company and second largest banking organization in Missouri, has 16 subsidiary banks with aggregate deposits of $776 million, representing 7.6 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) Upon consummation of the proposal herein, Applicant would control 7.8 percent of deposits in the State, and its position relative to the State's other banking organizations would remain unchanged.

Bank ($15.6 million deposits) is the largest of four banks in Butler County, which approximates the relevant market, and holds 37.3 percent of the aggregate commercial bank deposits therein. Bank does not occupy a dominant position in the market: the second largest bank holds $15.2 million in deposits and is a strong competitor in the market; the third largest bank (deposits $8.3 million) was chartered in 1964 and has experienced satisfactory growth in the face of competition from the larger banks. Applicant's closest subsidiary is located 95 miles north of Bank, and neither it nor any other of Applicant's present subsidiaries compete with Bank to a significant extent. Consummation of the proposal herein would not eliminate significant potential competition. Applicant's entry into the Butler County market de novo or by acquisition of one of the other banks in the area appears unlikely: Butler County's low population to bank ratio mitigates against de novo entry and the other Poplar Bluff banks have rejected holding company affiliation.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. Considerations relating to financial and managerial resources and prospects, as they relate to Applicant, its subsidiaries and Bank, are regarded as consistent with approval of the application. Affiliation with Applicant would increase Bank's effective lending capacity, and would enable Applicant to broaden Bank's lending policies. In light of the industrial growth taking place in Bank's area, these considerations lend weight in support of approval. 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 above, that said application be and hereby is approved, provided that the acquisition 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 period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] February 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1769 Filed 2-9-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2885]

MONY FUND, INC.

Notice of Filing of Application for Temporary Order of Exemption

FEBRUARY 2, 1971.

Notice is hereby given that The Mony Fund, Inc. (applicant), 1740 Broadway, New York, NY 10019, registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 (Act) has filed an application pursuant to section 10(e) of the Act for an order suspending the operation of the provisions of section 10(b)(2) of the Act with respect to it to the extent described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Mutual Life Insurance Company of New York holds substantially more than a majority of the outstanding shares of The Mony Fund, Inc., the principal underwriter for which is Mony Sales, Inc. Mony Sales, Inc., is a wholly owned subsidiary of The Mutual Life Insurance Company of New York.

Section 10(b)(2) provides, as here pertinent, that a registered investment company may not use as a principal underwriter of securities issued by it any company as to which a director of the investment company is an affiliated person, unless a majority of the board of directors of the investment company are persons who are not affiliated persons of such principal underwriter.

Section 10(e) provides among other things, for the automatic suspension of the operation of section 10(b)(2) for a period of 30 days where the provisions of the latter section cannot be met by reason of death, disqualification, or bona fide resignation of a director if the vacancy can be filled by action of the board of directors, and authorizes the Commission to suspend the operation of section 10(b)(2) for such longer period as it may prescribe as not inconsistent with the protection of investors.

Prior to December 18, 1970, the applicant's Board of Directors consisted of five members, two of whom were affiliated with Mony Sales, Inc., its principal underwriter, and three of whom were not so affiliated. On or about December 23, 1970, applicant received a letter of resignation dated December 18, 1970, from

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Maisel.

one of the three unaffiliated members. Applicant requests pursuant to section 10(e) that the operation of section 10(b)(2) be suspended with respect to it through February 25, 1971, so long as at least 50 percent of the members of its board of directors are not affiliated with Mony Sales, Inc.

Applicant represents that efforts have been undertaken and are continuing to obtain a third unaffiliated member, but that it now appears that the vacancy will not be filled until a regular meeting of applicant's board of directors scheduled for February 25, 1971. Applicant further represents that the granting of the application is consistent with the protection of investors and will avoid disruption of its normal functioning.

Notice is further given that any interested person may, not later than February 22, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71–1809 Filed 2–9–71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, San Diego Disaster 1]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN DISASTER BRANCH OFFICE, SANTEE, CALIF.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30, Disaster 1, 35 F.R. 16494, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

DONALD E. MCLARNAN,
Regional Director, Region IX, San Francisco, Calif.

[FR Doc.71–1796 Filed 2–9–71;8:47 am]

[Delegation of Authority No. 30, Jackson, Miss., Disaster 5]

MANAGER OF DISASTER BRANCH OFFICE, GULFPORT, MISS.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30, Disaster 5, 34 F.R. 15324, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

WILEY S. MESSICK,
Regional Director, Region IV, Atlanta, Ga.

[FR Doc.71–1789 Filed 2–9–71;8:46 am]

[Delegation of Authority No. 30–C, Oklahoma City Disaster No. 790]

MANAGER OF DISASTER BRANCH OFFICE, SHAWNEE, OKLA.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30–C, Disaster No. 790, 35 F.R. 16759, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director, Region VI, Dallas, Tex.

[FR Doc.71–1807 Filed 2–9–71;8:48 am]

[Delegation of Authority No. 30–C, Region VI Disaster 763]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN ARANSAS PASS DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30–C, Disaster No. 763, 35 F.R. 15033, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Regional Director, Region VI, Dallas, Tex.

[FR Doc.71–1800 Filed 2–9–71;8:47 am]

[Delegation of Authority No. 30–C, Lubbock, Tex., Disaster 760]

MANAGER OF DISASTER BRANCH OFFICE, CLARENDON, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30–C—Lubbock, Tex., Disaster 760, 35 F.R. 7522, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director, Region VI, Dallas, Tex.

[FR Doc.71–1797 Filed 2–9–71;8:47 am]

[Delegation of Authority No. 30–C; Region VI Disaster 763]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN CORPUS CHRISTI DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30–C, Disaster No. 763, 35 F.R. 15033, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Regional Director, Region VI, Dallas, Tex.

[FR Doc 71–1801 Filed 2–9–71;8:47 am]

[Delegation of Authority No. 30–C, Lubbock, Tex., Disaster 1]

MANAGER OF DISASTER BRANCH OFFICE, LUBBOCK, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30–C—Lubbock, Tex., Disaster 1, 35 F.R. 8518, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director, Region VI, Dallas, Tex.

[FR Doc.71–1806 Filed 2–9–71;8:48 am]

[Delegation of Authority No. 30–C; Region VI Disaster 763]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN MATHIS DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30–C, Disaster No. 763, 35 F.R. 15034, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Regional Director, Region VI, Dallas, Tex.

[FR Doc.71–1798 Filed 2–9–71;8:47 am]

[Delegation of Authority No. 30–C, Lubbock, Tex., Disaster 760]

MANAGER OF DISASTER BRANCH OFFICE, PLAINVIEW, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30–C—Lubbock, Tex., Disaster 760, 35 F.R. 7476, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Regional Director,
Region VI, Dallas, Tex.

[FR Doc.71-1799 Filed 2-9-71;8:47 am]

[Delegation of Authority No. 30-C, Region VI Disaster 763]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN ROBSTOWN DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 763, 35 F.R. 15034, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Regional Director, Region VI,
Dallas, Tex.

[FR Doc.71-1802 Filed 2-9-71;8:48 am]

[Delegation of Authority No. 30-C, Region VI Disaster 763]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN ROCKPORT DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 763, 35 F.R. 15034, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director,
Region VI, Dallas, Tex.

[FR Doc.71-1804 Filed 2-9-71;8:48 am]

[Delegation of Authority No. 30-C, San Antonio, Tex., Disaster 768]

MANAGER, SAN MARCOS, TEX., DISASTER BRANCH OFFICE

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C—San Antonio, Tex., Disaster 768, 35 F.R. 9954, is hereby rescinded in its entirely.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director,
Region VI, Dallas, Tex.

[FR Doc.71-1805 Filed 2-9-71;8:48 am]

[Delegation of Authority No. 30-C, Region VI Disaster 763]

MANAGER AND SUPERVISORY LOAN OFFICER IN SINTON DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 763, 35 F.R. 15035, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director,
Region VI, Dallas, Tex.

[FR Doc.71-1803 Filed 2-9-71;8:48 am]

[Delegation of Authority No. 30; Region II-NY, Disaster 1]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN DISASTER BRANCH OFFICE, VIRGIN ISLANDS

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30, Disaster 1, 35 F.R. 18701, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

CARLOS A. VILLAMIL,
Regional Director, Region II,
New York City.

[FR Doc.71-1785 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 4.4-2 (Region IX) For Disaster No. 789]

MANAGER, DISASTER BRANCH OFFICE, SAN DIEGO, CALIF.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, San Diego, Calif., Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

DONALD E. MCLARNAN,
Regional Director, Region IX,
San Francisco, Calif.

[FR Doc.71-1788 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 4.4-2 (Region VI) For Disaster No. 795]

MANAGER, DISASTER BRANCH OFFICE, NEW ORLEANS, LA.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated to the positions as indicated herein:

A. *Manager, New Orleans, La., Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director,
Region VI, Dallas, Tex.

[FR Doc.71-1782 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 4.4–2 (Region IV) For Disaster No. 734]

MANAGER, DISASTER BRANCH OFFICE, GULFPORT, MISS.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, Gulfport, Miss., Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

WILEY S. MESSICK,
Regional Director, Region IV,
Atlanta, Ga.

[FR Doc.71–1778 Filed 2–9–71;8:45 am]

[Delegation of Authority No. 4.4–2 (Region VI) for Disaster No. 767]

MANAGER, DISASTER BRANCH OFFICE, LUBBOCK, TEX.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, Lubbock, Tex., Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director,
Region VI, Dallas, Tex.

[FR Doc.71–1781 Filed 2–9–71;8:46 am]

[Delegation of Authority 4.4–1 (Region II) For Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health, and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

b. District Director and Chief, District Financing Division, Syracuse, N.Y., for the following disasters.

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

c. District Director and Chief, District Financing Division, Hato Rey, P.R., for the following disasters:

(1) Puerto Rico, San Juan, Disaster No. 776.

(2) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

b. District Director, Syracuse, N.Y., for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

c. District Director, Hato Rey, P.R., for the following disasters:

(1) Puerto Rico, San Juan, Disaster No. 776.

(2) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

in any amount and to approve such loans

3. To decline disaster guaranteed loans up to $350,000:

a. Chief, District Financing Division, Syracuse, N.Y., for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

b. Chief, District Financing Division, Hato Rey, P.R., for the following disasters:

(1) Puerto Rico, San Juan, Disaster No. 776.

(2) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health, and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

b. District Director, Syracuse, N.Y., for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

c. District Director, Hato Rey, P.R., for the following disasters:

(1) Puerto Rico, San Juan, Disaster No. 776.

(2) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

Effective date: January 11, 1971.

CARLOS A. VILLAMIL,
Regional Director, Region II.

[FR Doc.71-1777 Filed 2-9-71;8:45 am]

[Delegation of Authority No. 30-H (Region II), Amdt. 4]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region II

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-H, 35 F.R. 11603, as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority 30-H (Region II) 35 F.R. 12805, as amended (35 F.R. 18351, 36 F.R. 131, and 36 F.R. 1298), is hereby further amended by revising Item I.A, Item I.B, Item II.A, Item III.A.2, and Item IV.1, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, ecomonic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. Supervisory Loan Officers (Financing Division): 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share).

II. *District Directors*—A. *Financing Program*—1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
District Director
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

III. *District Division Chiefs, District Counsel, and Staffs*—A. *Chief, Financing Division.* * * *

2. To approve or decline displaced business and coal mine health and safety loans up to $350,000 (SBA share).

* * * * *

IV. *Branch Manager—Buffalo, N.Y.* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not in excess of $50,000 (SBA share).

* * * * *

Effective date: January 11, 1971.

CARLOS A. VILLAMIL,
Regional Director, Region II.

[FR Doc.71-1787 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 4.4-1 (Region IV) For Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated.

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Alabama, all areas affected, Disaster No. 734.

(2) Florida, all areas affected, Disaster No. 734.
(3) Florida, Santa Rosa, Escambia, Disaster No. 773.
(4) Florida, Bay, Disaster No. 793.
(5) Georgia, Chatham, Disaster No. 784.
(6) Mississippi, all areas affected, Disaster No. 734.

b. District Director and Chief, District Financing Division, Birmingham, Ala., for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.

c. District Director and Chief, District Financing Division, Jacksonville, Fla., for the following disasters:
(1) Florida, all areas affected, Disaster No. 734.
(2) Florida, Santa Rosa, Escambia, Disaster No. 773.
(3) Florida, Bay, Disaster No. 793.

d. District Director and Chief, District Financing Division, Jackson, Miss., for the following disasters:
(1) Mississippi, all areas affected, Disaster No. 734.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.
(2) Florida, all areas affected, Disaster No. 734.
(3) Florida, Santa Rosa, Escambia, Disaster No. 773.
(4) Florida, Bay, Disaster No. 793.
(5) Georgia, Chatham, Disaster No. 784.
(6) Mississippi, all areas affected, Disaster No. 734.

b. District Director, Birmingham, Ala., for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.

c. District Director, Jacksonville, Fla., for the following disasters:
(1) Florida, all areas affected, Disaster No. 734.
(2) Florida, Santa Rosa, Escambia, Disaster No. 773.
(3) Florida, Bay, Disaster No. 793.

d. District Director, Jackson, Miss., for the following disasters:
(1) Mississippi, all areas affected, Disaster No. 734.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Birmingham, Ala., for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.

b. Chief, District Financing Division, Jacksonville, Fla., for the following disasters:
(1) Florida, all areas affected, Disaster No. 734.
(2) Florida, Santa Rosa, Escambia, Disaster No. 773.
(3) Florida, Bay, Disaster No. 793.

c. Chief, District Financing Division, Jackson, Miss., for the following disasters:
(1) Mississippi, all areas affected, Disaster No. 734.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division) for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.
(2) Florida, all areas affected, Disaster No. 734.
(3) Florida, Santa Rosa, Escambia, Disaster No. 773.
(4) Florida, Bay, Disaster No. 793.
(5) Georgia, Chatham, Disaster No. 784.
(6) Mississippi, all areas affected, Disaster No. 734.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.
(2) Florida, all areas affected, Disaster No. 734.
(3) Florida, Santa Rosa, Escambia, Disaster No. 773.
(4) Florida, Bay, Disaster No. 793.
(5) Georgia, Chatham, Disaster No. 784.
(6) Mississippi, all areas affected, Disaster No. 734.

b. District Director, Birmingham, Ala., for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.

c. District Director, Jacksonville, Fla., for the following disasters:
(1) Florida, all areas affected, Disaster No. 734.
(2) Florida, Santa Rosa, Escambia, Disaster No. 773.
(3) Florida, Bay, Disaster No. 793.

d. District Director, Jackson, Miss., for the following disasters:
(1) Mississippi, all areas affected, Disaster No. 734.

Effective date: January 11, 1971.

WILEY S. MESSICK,
Regional Director,
Region IV, Atlanta, Ga.

[FR Doc.71-1779 Filed 2-9-71;8:45 am]

[Delegation of Authority No. 30-G (Region IV) Amdt. 3]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region IV

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-G, 35 F.R. 9955, as amended (35 F.R. 12630, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-G (Region IV) 35 F.R. 12434, as amended (36 F.R. 651 and 36 F.R. 1933), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, Item III.A.2, and Item IV.A.1, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By _____
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA

share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * *

II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

* * * * *

IV. *Branch Manager*—A. *Gulfport, Mississippi*—1. *Financing Program.* a. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

b. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

c. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

d. To execute loan authorizations for Central Office, regional, and district approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Branch Manager.
(City)

e. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

f. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

g. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

h. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

Effective date: January 11, 1971.

WILEY S. MESSICK,
Regional Director, Region IV.

[FR Doc.71-1790 Filed 2-9-71;8:46 am]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declaration made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

(3) New Mexico, Bernalillo, Disaster No. 781.

(4) Oklahoma, Oklahoma, Disaster No. 770.

(5) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(6) Oklahoma, Murray, Disaster No. 792.

(7) Texas, Lubbock, Disaster No. 767.

b. District Director and Chief, District Financing Division, Little Rock, Ark., for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

c. District Director and Chief, District Financing Division, New Orleans, La., for the following disasters:

(1) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

d. District Director and Chief, District Financing Division, Albuquerque, N. Mex., for the following disasters:

(1) New Mexico, Bernalillo, Disaster No. 781.

e. District Director and Chief, District Financing Division, Oklahoma City, Oka., for the following disasters:

(1) Oklahoma, Oklahoma, Disaster No. 770.

(2) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(3) Oklahoma, Murray, Disaster No. 792.

f. District Director and Chief, District Financing Division, Lubbock, Tex., for the following disasters:

(1) Texas, Lubbock, Disaster No. 767.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

(3) New Mexico, Bernalillo, Disaster No. 781.

(4) Oklahoma, Oklahoma, Disaster No. 770.

(5) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(6) Oklahoma, Murray, Disaster No. 792.

(7) Texas, Lubbock, Disaster No. 767.

b. District Director, Little Rock, Ark., for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

c. District Director, New Orleans, La., for the following disasters:

(1) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

d. District Director, Albuquerque, N. Mex., for the following disasters:

(1) New Mexico, Bernalillo, Disaster No. 781.

e. District Director, Oklahoma City, Okla., for the following disasters:

(1) Oklahoma, Oklahoma, Disaster No. 770.

(2) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(3) Oklahoma, Murray, Disaster No. 792.

f. District Director, Lubbock, Tex., for the following disasters:

(1) Texas, Lubbock, Disaster No. 767.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Little Rock, Ark., for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

b. Chief, District Financing Division, New Orleans, La., for the following disasters:

(1) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

c. Chief, District Financing Division, Albuquerque, N. Mex., for the following disasters:

(1) New Mexico, Bernalillo, Disaster No. 781.

d. Chief, District Financing Division, Oklahoma City, Okla., for the following disasters:

(1) Oklahoma, Oklahoma, Disaster No. 770.

(2) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(3) Oklahoma, Murray, Disaster No. 792.

e. Chief, District Financing Division, Lubbock, Tex., for the following disasters:

(1) Texas, Lubbock, Disaster No. 767.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

(3) New Mexico, Bernalillo, Disaster No. 781.

(4) Oklahoma, Oklahoma, Disaster No. 770.

(5) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(6) Oklahoma, Murray, Disaster No. 792.

(7) Texas, Lubbock, Disaster No. 767.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

(3) New Mexico, Bernalillo, Disaster No. 781.

(4) Oklahoma, Oklahoma, Disaster No. 770.

(5) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(6) Oklahoma, Murray, Disaster No. 792.

(7) Texas, Lubbock, Disaster No. 767.

b. District Director, Little Rock, Ark., for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

c. District Director, New Orleans, La., for the following disasters:

(1) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

d. District Director, Albuquerque, N. Mex., for the following disasters:

(1) New Mexico, Bernalillo, Disaster No. 781.

e. District Director, Oklahoma City, Okla., for the following disasters:

(1) Oklahoma, Oklahoma, Disaster No. 770.

(2) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(3) Oklahoma, Murray, Disaster No. 792.

f. District Director, Lubbock, Tex., for the following disasters:

(1) Texas, Lubbock, Disaster No. 767.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director,
Region IV, Dallas, Tex.

[FR Doc.71-1780 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 30-C (Region VI), Amdt. 2]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region VI

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-C (35 F.R. 2840), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-C (Region VI) (35 F.R. 5440), as amended (36 F.R. 1445), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, and Item III.A.2, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend, authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursment period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make inital size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * *

II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
District Director,
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

III. *District Division Chiefs, District Counsel and Staffs—A. Chief, Financing Division.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

* * * * *

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director,
Region VI.

[FR Doc. 71-1791 Filed 2-9-71;8:47 am]

[Delegation of Authority No. 4.4-1 (Region VII) For Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

b. District Director and Chief, District Financing Division, Des Moines, Iowa, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

b. District Director, Des Moines, Iowa, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Des Moines, Iowa, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

b. District Director, Des Moines, Iowa, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

Effective date: January 11, 1971.

C. I. MOYER,
Regional Director,
Region VII, Kansas City, Mo.

[FR Doc.71-1783 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 30-C (Region VII), Amdt. 2]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region VII

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-C, 35 F.R. 2840, as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-C (Region VII), 35 F.R. 4789, as amended (36 F.R. 653), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, and Item III.A.2, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs—A. Chief and Assistant Chief, Financing Division*—1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * *

II. *District Directors—A. Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved

loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*

By _____
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

III. *District Division Chiefs, District Counsel, and Staffs*—A. *Chief, Financing Division.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

* * * * *

Effective date: January 11, 1971.

C. I. MOYER,
Regional Director, Region VII.

[FR Doc.71-1792 Filed 2-9-71;8:47 am]

[Delegation of Authority 4.4-1 (Region VIII) for Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

b. District Director and Chief, District Financing Division, Fargo, N. Dak., for the following disasters:

(1) North Dakota, Ransom, Disaster No. 771.

c. District Director and Chief, District Financing Division, Salt Lake City, Utah, for the following disasters:

(1) Utah, Davis, Disaster No. 772.

(2) Utah, Sevier, Disaster No. 785.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

b. District Director, Fargo, N. Dak., for the following disasters:

(1) North Dakota, Ransom, Disaster No. 771.

c. District Director, Salt Lake City, Utah, for the following disasters:

(1) Utah, Davis, Disaster No. 772.

(2) Utah, Sevier, Disaster No. 785.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Fargo, N. Dak., for the following disasters:

(1) North Dakota, Ransom, Disaster No. 771.

b. Chief, District Financing Division, Salt Lake City, Utah, for the following disasters:

(1) Utah, Davis, Disaster No. 772.

(2) Utah, Sevier, Disaster No. 785.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

b. District Director, Fargo, N. Dak., for the following disasters:

(1) North Dakota, Ransom, Disaster No. 771.

c. District Director, Salt Lake City, Utah, for the following disasters:

(1) Utah, Davis, Disaster No. 772.

(2) Utah, Sevier, Disaster No. 785.

Effective date: January 11, 1971.

EDWIN JENISON,
Regional Director, Region VIII, Denver, Colo.

[FR Doc.71-1784 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 30-D (Region VIII) Amdt. 2]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region VIII

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-D (35 F.R. 5144), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-D (Region VIII) as amended (36 F.R. 1299), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, and Item III.A.2, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*

By _____
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent

per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * *

II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*
By _____
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

* * * * *

III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

* * * * *

Effective date: January 11, 1971.

EDWIN JENISON,
Regional Director, Region VIII.

[FR Doc.71-1793 Filed 2-9-71;8:47 am]

[Delegation of Authority 4.4-1 (Region IX) For Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas, Disaster No. 789.

b. District Director and Chief, District Financing Division, Phoenix, Ariz., for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

c. District Director and Chief, District Financing Division, Los Angeles, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

d. District Director and Chief, District Financing Division, San Diego, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas, Disaster No. 789.

b. District Director, Phoenix, Ariz., for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

c. District Director, Los Angeles, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

d. District Director, San Diego, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Phoenix, Ariz., for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

b. Chief, District Financing Division, Los Angeles, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

c. Chief, District Financing Division, San Diego, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas, Disaster No. 789.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas, Disaster No. 789.

b. District Director, Phoenix, Ariz., for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

c. District Director, Los Angeles, California, for the following disasters:

(1) California, all areas, Disaster No. 789.

d. District Director, San Diego, California, for the following disasters:

(1) California, all areas, Disaster No. 789.

Effective date: January 11, 1971.

DONALD E. MCLARNAN,
Regional Director, Region IX,
San Francisco, Calif.

[FR Doc.71-1786 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 30-A (Region IX), Amdt. 5]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region IX

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-A (34 F.R. 18836), as amended (34 F.R. 20076, 35 F.R. 1073, 35 F.R. 12683, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-A (Region IX) (35 F.R. 3133), as amended (35 F.R. 4794, 35 F.R. 15033, 35 F.R. 18351, and 36 F.R. 653), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, and Item III.A.2, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * *

II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

* * * * *

Effective date: January 11, 1971.

DONALD MCLARNAN,
Regional Director, Region IX.

[FR Doc.71-1794 Filed 2-9-71;8:47 am]

[Delegation of Authority No. 30-C (Region X), Amdt. 5]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-C (35 F.R. 2840), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-C (Region X) (35 F.R. 4574), as amended (35 F.R. 13809, 35 F.R. 18766, 35 F.R. 19725, and 36 F.R. 812), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, Item III.A.2, and Item IV.A, to read as follows:

* * * * *

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501

and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * *

II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portion of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

III. *District Division Chiefs, District Counsel, and Staffs*—A. *Chief, Financing Division.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

* * * * *

IV. *Branch Manager and Staff—Fairbanks, Alaska*—A. *Branch Manager.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central, regional, and district approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Branch Manager.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

9. To take all necessary actions in connection with the administration, servicing, and collection of all loans, other than those accounts classified as "in liquidation," and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to classify an account in liquidation or to remove the "in liquidation" classification.

10. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

11. To take all actions necessary to mitigate losses from lease guarantees.

12. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

13. To (a) purchase office supplies and equipment including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

14. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

15. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

16. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Community Economic Development Programs, in accordance with Small Business Administration standards and policies.

17. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

18. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

19. To close approved EDA loans, as authorized.

20. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents, and certify to the participating bank that such documents are in compliance with the participation authorization..

21. To conduct all litigation activities, including SBIC matters, as assigned, and to take all actions necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of the lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan and a (4) the cancellation of authority to liquidate.

22. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

* * * * *

Effective date: January 11, 1971.

FORBES M. BRUCE,
Regional Director, Region X.

[FR Doc.71-1795 Filed 2-9-71;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

WORKER REQUEST FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

A petition requesting certification of eligibility to apply for adjustment assistance has been filed, on February 2, 1971, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the Piano and Musical Instrument Workers Union Local No. 2553 AFL-CIO on behalf of workers of the De Kalb, Ill., piano plant Division of the Wurlitzer Co. The petition points out that the request for certification is made under Proclamation 3964 ("Modification of Trade Agreement Concession and Adjustment of Duty on Certain Pianos") of February 21, 1970. In that Proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the piano industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, DC 20210, on or before February 22, 1971.

Signed at Washington, D.C., this 2d day of February 1971.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[FR Doc.71-1897 Filed 2-9-71;8:55 am]

TARIFF COMMISSION

[AA1921-71]

BRASS KEY BLANKS FROM CANADA

Notice of Investigation and Hearing

Having received advice from the Treasury Department on February 3, 1971, that brass key blanks from Canada are being, and are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on March 16, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: February 5, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-1871 Filed 2-9-71;8:53 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-673]

BEL OIL CORP.

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

FEBRUARY 2, 1971.

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

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

The Commission finds:

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are

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

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 24, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-673	Bel Oil Corp.	4	9	Trunkline Gas Co. (Clear Creek Field, Beauregard and Allen Parishes) (Southern Louisiana).	$59	[6] 1-5-71		[4] 2-18-71	[1] 18.4	[2] 18.7	
	Bel Oil Corp., et al	5	10	Texas Gas Transmission Corp. (Oberlin and North Elton Fields, Allen Parish Southern Louisiana).	1,800	[6] 1-5-71		[4] 2-18-71	18.75	[2] 19.75	
	Bel Oil Corp	7	4	Texas Gas Transmission Corp. (Thornwell Field, Jefferson and Cameron Parishes) (Southern Louisiana).	1,330	1-4-71		[4] 2-17-71	20.625	[2] 22.375	
	Bel Oil Corp., et al	9	8	United Gas Pipe Line Co. (West Pilgrim Church Field, Allen Parish) (Southern Louisiana).	870	[5] 1-4-71		[4] 2-17-71	20.25	[2] 21.25	
	do	10	7	United Gas Pipe Line Co. (Northwest Oberlin Field, Allen Parish, Southern Louisiana).	450	[6] 1-8-71		[4] 2-21-71	20.25	[2] 21.25	
	do	11	[3] 6	Tennessee Gas Pipeline Co. (South Crowley Field, Acadia Parrish, Southern Louisiana).		1-4-71	2-4-71	[7] Accepted			
	do		7	do	8,970	1-4-71		[4] 2-17-71	19.5	[2] 22.375	

*The pressure base is 15.025 p.s.i.a.
[1] Previously reported as 18.5 cents per Mcf.
[2] Rate increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413.
[3] Area ceiling rate prescribed in Opinion No. 546.
[4] The date from Jan. 10, 1971, corresponding to the number of days filed after Nov. 27, 1970.
[5] Amendatory agreement dated Dec. 7, 1970 provides, among other things, for a RN rate of 23 cents per Mcf for the period Dec. 4, 1970 thru Dec. 4, 1974, with 1 cent per Mcf increases each 4 years thereafter and extends the contract term until Dec. 4, 1990.
[6] Proposed increases corrected by filings submitted on Jan. 19, 1971.
[7] Accepted, to be effective on the date shown in the "Effective Date" column.

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

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

[FR Doc.71–1724 Filed 2–9–71;8:45 am]

[Docket Nos. RI71–658, etc.]

PLACID OIL CO. ET AL.

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

FEBRUARY 2, 1971.

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

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

The Commission finds:

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file

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

under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 26, 1971.

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-658	Placid Oil Co.	47	1	Southern Natural Gas Co. (Bully Camp Field, Lafourche Parish) (Southern Louisiana).	$3,600	1-11-71		[6] 2-24-71	[1] 18.5	25.0	
						1-11-71		[6] 2-24-71	[2] 20.0	25.0	
	do	39	5	Michigan Wisconsin Pipeline Co. (Eugene Island Area, Offshore Southern Louisiana).	30,000	1-11-71		[6] 2-24-71	[3] 18.0	[3] 19.0	
					[4] 5,000	1-11-71		[6] 2-24-71	[4] 17.0	[4] 18.0	
RI71-659	Getty Oil Co.	56	[5] 29	Tennessee Gas Pipe Line Co., a division of Tenneco, Inc. (Grand Isle Block 43 Field) (Offshore Southern Louisiana).	4,133	1-12-71		[6] 2-25-71	21.375	22.78333	RI71-428.
RI71-660	Crown Central Petroleum Corp.	7	7	United Gas Pipe Line Co., North Leroy Field, Vermilion Parish, (Southern Louisiana).	4,395	1-11-71		[6] 2-24-71	20.625	22.375	
RI71-661	Hassle Hunt Trust	35	6	Michigan Wisconsin Pipe Line Co. (Block 198 Eugene Island Area) (Offshore Louisiana).	42,000	1-11-71		2-24-71	[7] 18.0	[7] [10] 19.0	
					2,500	1-11-71		[6] 2-24-71	[8] 17.0	[2] [10] 18.0	
RI71-662	Hunt Oil Co.	63	6	Michigan Wisconsin Pipe Line Co. (Block 77, Eugene Island, Offshore Louisiana).	36,000	1-11-71		[6] 2-24-71	[7] 18.0	[7] 19.0	
					[9]				[8] 17.0	[8] [10] 18.0	
RI71-663	Mobile Oil Corp.	467	1	Texas Eastern Transmission Corp. (Main Pass Block 103, Offshore Louisiana).	109,500	1-14-71		[6] 2-27-71	18.5 17.0	26.0 26.6	
RI71-664	Chaparral Oil & Gas Co. et al.	1	3	Southern Union Gathering Co. (Fulcher Kutz-Pictured Cliffs Pool, San Juan County, N. Mex., San Juan Basin).	25	1-13-71	1-13-71	[11] 1-14-71	13.0	13.0551	
	do	2	4	do	99	1-13-71	1-13-71	[11] 1-14-71	13.0	13.0551	
	do	3	3	do	115	1-13-71	1-13-71	[11] 1-14-71	13.0	13.0551	
RI71-232	Texaco, Inc. et al.	324	[12] 1-9	Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	188	1-7-71	[14] 1-7-71	[15] Accepted	15.0636	[13] 15.2869	RI71-232.

*The pressure base is 15.025 p.s.i.a.
[1] Area base rate for all onshore casinghead and pre-1961 gas well gas pursuant to Opinion No. 546.
[2] Area base rate for third vintage onshore gas well gas pursuant to Opinion No. 546.
[3] Gas well gas.
[4] Casinghead gas.
[5] Includes document establishing new reservoirs pursuant to Opinion No. 567.
[6] The date from Jan. 10, 1971 corresponding to the number of days filed after Nov. 27, 1970.
[7] For gas well gas.
[8] For casinghead gas.
[9] No present deliveries of casinghead gas.
[10] Increase to contractually due rate pursuant to Order No. 413 issued Oct. 27, 1970.
[11] In accordance with certificate order issued Dec. 11, 1970, in Docket No. CI71-232.
[12] Applicable to acreage added by Supplement No. 7.
[13] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[14] In accordance with certificate order issued July 28, 1970 in Docket No. CI64-824.
[15] Accepted, subject to the existing suspension proceeding in Docket No. RI71-232 to be effective on the date shown in the "Effective Date" column.

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

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

Commission orders granting certificates for the sales by Texaco and Chaparral advised the producers that they could file up to their respective contract rates and collect such rates after a 1-day suspension period from the date of filing. Texaco's increase reflects partial reimbursement for the full 2.55% New Mexico Emergency School Tax. Texaco has previously filed for tax reimbursement at the 0.565 percent level which is being collected subject to refund in Docket No. RI71-232. The proposed increases of Chaparral are suspended for 1 day from the date of filing and the proposed increase of Texaco, Inc., et al. is accepted subject to the existing suspension proceeding in Docket No. RI71-232.

Placid, Crown, and Texaco request effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

The producers' proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Chapter I Part 2 § 2.56).

[FR Doc.71-1725 Filed 2-9-71;8:45 am]

[Docket Nos. RI71-665, etc.]

TENNECO OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 2, 1971.

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

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

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings

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

regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 26, 1971.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-665	Tenneco Oil Co.	149	12	Florida Gas Transmission Co. (Cortez and South MCallen Fields, Starr et al. Counties, Tex., RR. Distribution No. 4).	$484	1-8-71	2-8-71	7-8-71	17.0	18.0	RI62-513.
RI71-666	Pan American Petroleum Corp.	2	20	Transcontinental Gas Pipe Line Corp. (Greta Field, Refugio County, Tex., RR. Distribution No.2).	[2] 119,690	1-8-71	2-8-71	7-8-71	[1] 14.0	[1 2 3 4] 19.0	RI71-515.
	do	81	17	Transcontinental Gas Pipe Line Corp. (Luby Petronilla Field, Nueces County, Tex., RR. District No. 4).	[2] 49,852	1-8-71	2-8-71	7-8-71	[1] 14.0	[1 2 3 4] 19.0	RI71-515.
	do	92	22	Transcontinental Gas Pipe Line Corp. (Harris et al. Fields, Live Oak County, Tex., RR. District No. 2).	50,475	1-6-71	2-6-71	7-6-71	[1] 14.0	[1 4] 19.0	RI71-515.
RI71-667	Anadarko Production Co. et al.	102	2	Arkansas Louisiana Gas Co. (Wilburton Field, Latimer County, Okla., Other Area.)	12,350	1-12-71	2-12-71	7-8-71	15.0	16.0	
RI71-668	Frank J. Hall et al.	3	20	United Gas P/L Co. (Sibley Field, Webster Parish, Northern Louisiana).		1-15-71	2-15-71	[16] Accepted	(5)	(6)	
	do		21	do	2,449	1-15-71	2-15-71	7-15-71	[7 8] 13.5508	[7] 16.0	
RI71-669	Warren Petroleum Corp.	59	1	United Gas P/L Co. (Gladewater Plant, Gregg County, Tex.) (RR. District No. 6).	48,000	1-15-71	2-15-71	7-15-71	[9] 15.0	[9 10] 19.0	
RI71-670	Atlantic Richfield Co.	615	4	Transwestern Pipeline Co. (Hal-ley Field, Winkler County, Tex., RR. District No. 8) (Permian Basin).	42,637	1-11-71	2-11-71	7-11-71	18.09	20.6025	RI70-671.
RI71-671	Explor Co.	(13)	(15)	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin).	7,519	1-13-71	2-13-71	7-13-71	16.58	[14] 19.51	
RI71-672	J. G. McMillian	(13)	(15)	do	501	1-13-71	2-13-71	7-13-71	16.58	[14] 19.51	

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Subject to B.t.u. adjustment and to a reduction of 0.21931 cent for all gas dehydrated by buyer.
[2] For gas produced from reservoirs prior to Sept. 28, 1960.
[3] Increases to 21 cents for gas discovered from Sept. 28, 1960 to June 17, 1970, and 25 cents for gas discovered after June 17, 1970, also filed but not applicable at present.
[4] Increase from fractured rate to contractually provided for renegotiated rate.
[5] The pressure base is 15.025 p.s.i.a.
[6] Not used.
[7] Buyer deducts compression charge of 0.75 cent from rate shown.
[8] Includes 1.5-cent tax reimbursement.
[9] Subject to downward B.t.u. adjustment.
[10] Applicant filing from permanent initial certificated rate to initial contract rate.
[11] Not used.
[12] Not used.
[13] Small producer certificate holder. No rate schedule on file.
[14] Increase to contract rate of 17.58-cent base rate plus 1.93-cent upward B.t.u. adjustment.
[15] Pertains to contract dated May 6, 1970.
[16] Accepted, to be effective on the date shown in the "Effective Date" column.

Frank J. Hall requests an effective date for which adequate notice was not given and, also, requests waiver of the notice requirements. Good cause has not been shown for granting these requests and they are denied.

The producers' proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Chapter I Part 2, § 2.56).

[FR Doc.71-1726 Filed 2-9-71;8:45 am]

[Docket No. CP71-193]

McCULLOCH INTERSTATE GAS CORP.

Notice of Application

FEBRUARY 3, 1971.

Take notice that on January 28, 1971, McCulloch Interstate Gas Corp. (applicant), 6151 West Century Boulevard, Los Angeles, CA 90045, filed in Docket No. CP71-193 an application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(c) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1971, and operation of certain natural gas sales and transportation facilities to enable applicant to make sales of gas to existing distributors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the certificate herein requested is to augment applicant's ability to supply, with the least possible delay, the natural gas requirements of its distributors in existing market areas. Applicant states that the deliveries to any one distributor through the facilities proposed herein will not exceed 100,000 Mcf of natural gas annually and this gas will not be used by the distributor or consumer for boiler fuel purposes.

The total cost of the natural gas facilities proposed herein is not to exceed $50,000, which cost, applicant states, will be financed with internally generated working funds and short-term borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1884 Filed 2-9-71;8:54 am]

[Docket No. E-7601]

NORTHERN STATES POWER CO.

Notice of Proposed Rate Schedule Changes

FEBRUARY 3, 1971.

Take notice that on January 25, 1971, Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin), filed rate schedule changes constituting a "Coordinating Agreement" between the applicants. Subject to Commission approval, the applicants proposed that the changes become effective on January 1, 1971.

The new Coordinating Agreement supersedes the Interchange Agreement dated April 15, 1960, which was designated as Northern States Power Co. (Minnesota) Rate Schedule FPC No. 138, and Northern States Power Co. (Wisconsin) Rate Schedule FPC No. 18.

According to the company the purpose of the agreement is to provide for an allocation between Northern States Power Co. (Minnesota) and its wholly owned subsidiary Northern States Power Co. (Wisconsin), of the cost of ownership of production, extra high voltage transmission, and related dispatching facilities; and their operation and maintenance. The present rates for demand and energy are no longer considered adequate by the applicants.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1885 Filed 2-9-71;8:54 am]

[Docket No. E-7598]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Application

FEBRUARY 3, 1971.

Take notice that on January 25, 1971, Orange and Rockland Utilities, Inc. (applicant), filed an application pursuant to section 203 of the Federal Power Act seeking authority to acquire 40,000 shares of capital stock of Rockland Electric Co., a public utility.

Applicant was incorporated under the laws of the State of New York and is domesticated in the States of New York and New Jersey. Applicant owns and operates facilities for the generation of electricity by steam and hydro power, exchanges electrical energy at wholesale and distributes electrical energy in Rockland, Orange, and Sullivan Counties, all in the State of New York in addition to furnishing and transmitting electrical energy to its wholly owned subsidiary companies in New Jersey and Pennsylvania. Applicant presently supplies electricity to 120,407 residential, commercial and industrial customers.

Rockland Electric Co. is incorporated under the laws of the State of New Jersey and is a wholly owned subsidiary of the applicant. Rockland Electric Co. is engaged in the transmission, distribution and sale of electricity in Bergen, Passaic, and Sussex Counties, N.J.

Applicant proposes to acquire 40,000 shares of Capital Stock of Rockland Electric Co. at the price of $100 par value per share, a total aggregate amount of $4 million to be paid in cash. Applicant proposed to purchase the Capital Stock from a portion of the proceeds of the sale of first mortgage bonds to be issued by them upon approval of the Public Service Commission of the State of New York.

Rockland Electric Co. proposes to use the proceeds of the sale of capital stock for payment of a portion of the short term notes issued by them. It is estimated that an aggregate amount of $4,650,000 or short term notes will be outstanding at the time of the sale of the capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1886 Filed 2-9-71;8:54 am]

[Docket No. E-7596]

PACIFIC POWER AND LIGHT CO. AND THE WASHINGTON WATER POWER CO.

Notice of Application

FEBRUARY 4, 1971.

Take notice that on January 20, 1971, Pacific Power and Light Co. (Pacific) and The Washington Water Power Co. (Washington), filed a joint application pursuant to section 203 of the Federal Power Act seeking authority to exchange certain electric transmission facilities all of which are located in the State of Washington.

Pacific proposes to transfer to Washington the following facilities and associated easements and other property rights relating thereto:

(1) Approximately 25.4 miles of 69-kv. transmission line from Pacific's Lind Substation to, but not including, Structure No. 667 south of the Kahlotus Substation being a portion of Pacific's Lind-Pasco kv. transmission line;

(2) The Taunton 115-kv. switching station and all related facilities; and

(3) Approximately 17.3 miles of 115-kv. transmission line from Taunton to Hanford.

In addition, Pacific seeks authority to remove the Lind Substation.

Washington proposes to transfer to Pacific the following facilities and associated easement and other property rights relating thereto:

(1) Approximately 27.7 miles of 69-kv. transmission line from Clarkston to Pomeroy. Washington will retain its ownership of and the right to operate and maintain its 3-phase, 13-kv. circuit underbuild on the transmission line for a distance of 7.88 miles west from Clarkston substation to about 0.8 mile east of the Alpowa Creek crossing.

(2) Lease space to Pacific in a relocated Clarkston Substation.

Applicants represent that the transmission facilities to be exchanged are currently owned by one of the parties but operated for the exclusive benefit of the other party and the exchange will transfer properties to the system actually using them and will permit more economic operation by each of the companies. The joint applicants further represent that in their judgment the replacement value of the facilities being exchanged is approximately equivalent.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the

Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to interevene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1887 Filed 2-9-71;8:54 am]

[Docket No. CP71-192]

WISCONSIN PUBLIC SERVICE CORP. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

FEBRUARY 3, 1971.

Take notice that on January 28, 1971, Wisconsin Public Service Corp. (applicant), Post Office Box 700, Green Bay, WI 54305, filed in Docket No. CP71-192 an application pursuant to section 7(a) of the Natural Gas Act requesting that Michigan Wisconsin Pipe Line Co. (respondent) be required to furnish a new delivery point on its present facilities to enable applicant to render initial natural gas service in Suring, Wis., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests that respondent provide a new delivery point where its transmission line crosses Wisconsin State Highway No. 32, approximately 1 mile east of Suring, Wis. Applicant then proposes to build the necessary regulating, odorizing and distributing facilities to introduce natural gas service to the village of Suring. Applicant states that the distribution facilities it will construct are expected to cost $121,000, which cost is to be financed with funds on hand and short-term debt.

The natural gas supply for Suring will be provided under Applicant's existing maximum day and annual entitlement with Respondent under Service Agreements executed on September 8 and 9, 1970.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a etition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1888 Filed 2-9-71;8:54 am]

INTERSTATE COMMERCE COMMISSION

[Notice 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 5, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-52110 (Deviation No. 6), BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312, filed January 26, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 75 to Toledo, Ohio, thence over U.S. Highway 24 to Fort Wayne, Ind., thence over Interstate Highway 69 to Indianapolis, Ind., thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to South Bend, Ind.; (2) from South Bend, Ind., over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 120 to Bristol, Ind.; (3) from Elkhart, Ind., over Indiana Highway 19 to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S. Highway 12, thence over U.S. Highway 12 via Mottville, Mich., to Ypsilanti, Mich. (also from Elkhart over Indiana Highway 120 to Bristol, Ind., thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over Michigan Highway 103 to Mottville); (4) from Detroit, Mich., over U.S. Highway 12 via Dearborn to Ypsilanti, Mich., thence over Michigan Highway 17 to Ann Arbor, Mich., and (5) from St. Louis, Mo., over U.S. Highway 66 to Chicago, Ill., and return over the same routes.

No. MC-110191 (Deviation No. 3), TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Street, Norfolk, VA 23502, filed January 13, 1971, amended January 26, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Washington, D.C., over U.S. Highway 50 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 13 at Odessa, Del., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Norfolk, Va., over U.S. Highway 17 to Fredericksburg, Va., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13 (also from Norfolk, over U.S. Highway 13 to junction U.S. Highway 40), thence over U.S. Highway 13 to Trenton, N.J., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1892 Filed 2-9-71;8:54 am]

[Notice 9]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 5, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, 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.

MOTOR CARRIERS OF PROPERTY

No. MC 29886 (Sub-No. 265) (Republication), filed September 30, 1970, published in the FEDERAL REGISTER issue of October 22, 1970, and republished this

issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). The modified procedure has been followed in this proceeding and an Order of the Commission, Operating Rights Board, dated January 22, 1971, and served February 2, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of motor vehicles, in initial movements, in truckaway and driveaway service, (1) from those points in that part of Schenectady County, N.Y., east of Interstate Highway 90, to points in the United States (except Hawaii) and (a) from Charlotte, N.C. (except the plantsite of Fruehauf Corp.), to points in the United States (except Hawaii). That the grant of authority in the order, and applicant's existing authority that it duplicates, shall be construed as conferring only a single operating right. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 52657 (Sub-No. 669) (Republication), filed June 8, 1970, published in the FEDERAL REGISTER issue of July 9, 1970, and republished this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703. The modified procedure has been followed in this proceeding and a Supplemental Order of the Commission, Operating Rights Board, dated January 20, 1971, and served February 3, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) trailers and trailer chassis (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, shelters (except mobile homes, prefabricated buildings, and component parts of such buildings), removable undercarriages, mobilizers, pallets, and accessories and parts of the above-described commodities, from points in York Township, Windsor Township, and East Manchester Township, Pa., to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia and (2) shelters (except mobile homes, prefabricated buildings, and component parts of such buildings), removable undercarriages, trailer pallets, and accessories and parts of the above-described commodities, from York, Pa., to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134303 (Sub-No. 2) (Republication), filed April 6, 1970, published in the FEDERAL REGISTER issue of May 14, 1970, and republished this issue. Applicant: O'HARE WISCONSIN LIMOUSINE SERVICE, INC., 530 South Michigan Avenue, Chicago, IL 60605. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. The modified procedure has been followed in this proceding, and a Report and Order of the Commission, Review Board Number 3, decided January 19, 1971, and served January 27, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over regular route of passengers and their baggage, as follows: *Route 1*, between O'Hare International Airport, Chicago, Ill., and Delavan, Wis., from O'Hare International Airport over Interstate Highway 90 to junction Illinois Highway 53, thence over Illinois Highway 53 to junction U.S. Highway 14, thence over U.S. Highway 14 to Walworth, Wis., thence over Wisconsin Highway 67 to junction Wisconsin County Road F, thence over Wisconsin County Road F to junction Wisconsin Highway 50, thence over Wisconsin Highway 50 to Delavan; *Route 2*, between O'Hare International Airport, Chicago, Ill., and junction Wisconsin County Road F and Wisconsin Highway 50, from O'Hare International Airport over U.S. Highway 45 to junction U.S. Highway 12, thence over U.S. Highway 12 to Lake Geneva, Wis., and thence over Wisconsin Highway 50 to junction Wisconsin County Road F and Wisconsin Highway 50;

Route 3, between junction Wisconsin Highway 67 and Wisconsin County Road F and junction Wisconsin Highway 67 and Wisconsin Highway 50, over Wisconsin Highway 67. In each instance with return over the same route, serving all intermediate points in Wisconsin only. That applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing operation should be granted; subject to the conditions: (1) That any other carrier operating in interstate or foreign commerce, shall, consonant with the condition imposed in (2) below, regarding publication in the FEDERAL REGISTER of the actual authority granted herein, first obtain approval of such common control under the provisions of section 5(2) of the Interstate Commerce Act or, if such approval is not needed, shall so inform the Commission by affidavit why such approval is not needed; and (2) because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interstate may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 34349 (Republication), filed February 12, 1970, published in the FEDERAL REGISTER issue of March 12, 1970, and republished this issue. Applicant: B.L.T. CORPORATION, 189 Bridge Street, Brooklyn, NY 11201. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. The modified procedure has been followed in this proceeding and a supplemental order of the Commission, Operating Rights Board, dated January 7, 1971, and served February 2, 1971, finds; that operation by applicant, in interstate of foreign commerce as a contract carrier, by motor vehicle, over irregular routes, of such commodities as are dealt in by women's and children's ready-to-wear retail stores, and, in connection therewith, supplies and equipment used in the conduct of such businesses, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in North Carolina, Georgia, Florida, Louisiana, Mississippi, Alabama, Ohio, Illinois, and Wisconsin, under continuing contract with Gaylords National Corp., of New York, N.Y. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in the interest may file an appropriate petition for leave to intervene in

this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 87720 (Subs 8, 58, 62, 71, 74, 75, 83, and 89) (Notice of Filing of Petition for Amendment of Permits To Change Name of Contracting Shippers), filed January 22, 1971. Petitioner: BASS TRANSPORTATION CO., INC., Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Petitioner holds Permits MC 87720 Subs 8, 58, 62, 71, 74, 75, 83, and 89 as pertinent herein, all of which contain a restriction as to the persons with whom petitioner may contract. Sub Nos. 8 through 83 are under contract with Tenneco Chemicals, Inc., and Sub 89 is under contract with Packaging Corp. of America. By the instant petition, petitioner requests that the operations authorized be limited to a transportation service to be performed under a continuing contract or contracts with Tenneco, Inc., and its affiliates or subsidiaries. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 105902 (Sub-No. 16), filed January 4, 1971. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Post Office Box 396, Penn Yan, NY 14527. Applicant's representatives: Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, NY 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Over regular routes: (A) *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) between Utica, N.Y., and Binghamton, N.Y.: From Utica over New York Highway 8 to junction New York Highway 7, thence over New York Highway 7 to Binghamton and return over the same route. And over the following alternate routes: (2) between Bridgewater and Sidney, N.Y.: From Bridgewater over U.S. Highway 20 to West Winfield, thence over New York Highway 51 to Morris, thence over New York Highway 23 to Oneonta, N.Y.; thence over New York Highway 7 to junction New York Highway 8; thence over New York Highway 8 to Sidney, N.Y. and return over the same route; (3) between West Burlington, N.Y., and New Berlin, N.Y. over New York Highway 80; (4) between Morris, and Mount Upton, N.Y., over New York Highway 51. Service is authorized to, from, and between all intermediate points on said route and alternate routes and the following off-route points: Bennettsville, Columbus, Endicott, Endwell, Franklin, Guilford, Johnson City, Langdon, Laurens, Masonville, New Lisbon, North Franklin, North Treadwell, Port Crane, Port Dickinson, Sanitaria Spring, South Edmeston, Treadwell, Union, Vestal, West Edmeston, and Willow Point, N.Y.; (5) between Utica, N.Y., and Binghamton, N.Y., over New York Highway 12 and return over the same route. And over the following alternate route: (6) Between New Hartford and Sherburne, N.Y., over New York Highway 12B. Service is authorized to, from and between all intermediate points on said route and alternate route and the following off-route points: Sherburne Four Corners, Smyrna, and South Plymouth, N.Y.

NOTE: Commercial zones for Utica, and Binghamton, N.Y., to be served through this application and as defined by the New York Public Service Commission in 16 N.Y.C.R.R. 850.1 are: The city of Utica. The city of Utica and the towns of Schuyler, Frankfort, New Hartford, Marcy, Whitestown, and Deerfield. The city of Binghamton: The city of Binghamton. The towns of Binghamton, Conklin, Kirkwood, Union, Vestal, and Dickinson. That portion of the town of Fenton lying just north of the village of Port Dickinson bounded by the Chenango river on the west, Everett street of the hamlet of Hillcrest, extended, on the north, the Delaware and Hudson railroad on the east and the northerly line of the village of Port Dickinson on the south. (B) Over irregular routes: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; (1) between points in Onondaga County, N.Y., on the one hand, and on the other, points in Herkimer, Madison, Oneida, and Otsego Counties, N.Y.; (2) between points in Oneida County, N.Y., on the one hand, and, on the other points in Fulton, Herkimer, Montgomery, Oneida, Otsego, and Schoharie Counties, N.Y.; (3) between points in Otsego County, N.Y., on the one hand, and, on the other, points in Herkimer, Otsego, and Schoharie Counties, N.Y.; (4) from points in Oneida County, N.Y., to points in Madison County, N.Y.; (5) from points in Fulton County, N.Y., to points in Herkimer and Montgomery Counties, N.Y.; (6) between points in Fulton County, N.Y., and (7) between points in Montgomery County, N.Y. NOTE: Applicant states it intends to combine and join the various parts of the above-described authorities by tacking at common service points as previously authorized under New York Public Service Commission Regulations in 16 N.Y.C.R.R. 831.1. NOTE: The authority to be granted herein to the extent that it duplicates any authority heretofore granted to or now held by applicant shall not be construed as conferring more than one operating right. This is a matter directly related to MC-F-11060 published in the FEDERAL REGISTER issue of January 13, 1971, wherein applicant seeks to purchase the rights of Frank's-Van Namee's Express Corp. under its certificate of registration MC 109308 (Sub-No. 3). If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11075. Authority sought for purchase by CLAREMONT MOTOR LINES, INC., Post Office Box 296 (U.S. Highway 64-70 East), Claremont, NC 28610, a portion of the operating rights of EXPRESS INCORPORATED, Post Office Box 15, Stephenson, VA 22656, and for acquisition by LOY THOMAS MILLER, also of Claremont, N.C., of control of such rights through the purchase. Applicants' attorney: Bill R. Davis, Suite 1208 Gas Light Tower, Atlanta, GA 30303. Operating rights sought to be transferred: *Canned goods and preserves, and vinegar*, in bottles and barrels as a common carrier over regular routes, between Inwood, W. Va., and Biglerville, Pa., serving no intermediate points; *carbonated beverages*, from Newville, Pa., to Winchester, Va., returning with *empty containers* and serving the intermediate point of Martinsburg, W. Va.; *apples and peaches*, as a *common carrier* over irregular routes, from certain specified points in Virginia and West Virginia to points in North Carolina and Philadelphia, and Pittsburgh, Pa.; *fruit products, canned goods, sauerkraut, and pickles*, from certain specified points in Virginia and West Virginia to points in North Carolina and specified points in Pennsylvania and West Virginia; *container caps, covers and labels and frozen fruit*, from Long Island City and New York, N.Y., to Front Royal, Va.; *dehydrated fruit*, from Front Royal, Va., to Pittsburgh, Pa.; *frozen fruit*, from Erie and Pittsburgh, Pa., to Front Royal, Va.; *glass bottles*, from Fairmont, W. Va., to certain specified points in Virginia and Hagerstown, Md.; *glass containers*, from Connellsville and Washington, Pa., and Huntington, W. Va., to Front Royal, Va.; *glassware and jar and glass tops*, from Washington, Pa., and Huntington, Fairmont, and Grafton, W. Va., to Winchester, Va.; *wooded and metal containers, spices, sugar, sulphur, muriatic acid, alcohol, wine, liquor, rum, corn syrup, beef suet, frozen fruit, container caps, and covers, paste, glue, labels, machinery parts*, from Baltimore, Md., to Front Royal, Va.; *empty drums and carboys*, from Front Royal, Va., to Baltimore, Md. Vendee is authorized to operate as a *common carrier* in North Carolina, Ohio, Virginia, West Virginia, Maryland, Michigan, Alabama, Florida, Georgia, Kentucky, South Carolina, and Tennessee. Application has not been filed for

temporary authority under section 210a(b).

No. MC–F–11076. Authority sought for control by SCOTT TRUCK LINE, INC., 2950 Blake Street, Denver, CO 80205, of (1) NEBRASKA TRANSPORT COMPANY, INC., Post Office Box 621, Scottsbluff, NE 69321, and (2) MERSCHEIM TRANSFER, INC., 3879 Blake Street, Denver, CO 80205, and for acquisition by R. S. HILLIKER, 3131 East Alameda Avenue, Denver, CO 80209, of control of NEBRASKA TRANSPORT COMPANY, INC., and MERSCHEIM TRANSFER, INC., through the acquisition by SCOTT TRUCK LINE, INC. Applicants' attorney: Marion F. Jones, 420 Denver Club Building, Denver, CO 80202. Operating rights sought to be controlled: (1) Under a certificate of registration, in Docket No. MC–121066 Sub-1, covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of Nebraska, and (2) *household goods* as defined by the Commission, *emigrant movables, and general commodities*, except those of unusual value, classes A and B explosives, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between certain specified points in Nebraska, on the one hand, and, on the other, points in that part of Colorado east and north of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 87 to Denver, Colo., thence along U.S. Highway 40 to Strasburg, Colo., and thence along U.S. Highway 36 to the Colorado-Kansas State line, including points on the indicated portions of the highways specified; *oils and greases*, in containers, *lumber, coal, iron and steel articles, seeds, farm machinery, salt, grain, and livestock*, from Laramie and Cheyenne, Wyo., and Colorado Springs and Pueblo, Colo., and points in Kansas, to certain specified points in Nebraska; *emigrant movables*, between certain specified points in Nebraska, on the one hand, and, on the other, points in Wyoming and Kansas. SCOTT TRUCK LINE, INC., is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Nebraska, Wisconsin, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11077. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, CA 94604 (MC–730), WEST NEBRASKA EXPRESS, INC., Post Office Box 350, Scottsbluff, NE 69361 (MC–85465), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between Denver, Colo., and Omaha, Nebr., and points in Bayard, Bridgeport, Broadwater, Bushnell, Dalton, Dix, Gering, Kimball, Kewellen, McGrew, Minatare, Mitchell, Morrill, Oshkosh, Potter, Scottsbluff, and Sidney, Nebr. Attorney: W. S. Pilling, 1417 Clay Street, Post Office Box 958, Oakland, CA 94604. NOTE: PACIFIC INTERMOUNTAIN EXPRESS CO., holds authority from this Commission to operate from coast to coast.

No. MC–F–11078. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, CA 94604 (MC–730), ROSS TRANSFER INC., 345 Oak Street, Chadron, NE 69337, (MC–28951), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between Omaha, Nebr., and points in Ainsworth, Atkinson, Bassett, Crookston, Long Pine, Newport, O'Neil, Stuart, Valentine, and Wood Lake, Nebr. Attorney: W. S. Pilling, 1417 Clay Street, Post Office Box 958, Oakland, CA 94604. Note: PACIFIC INTERMOUNTAIN EXPRESS CO., holds authority from this Commission to operate from coast to coast.

No. MC–F–11079. Authority sought for purchase by WOOTEN TRANSPORT, INC., 153 Gaston Avenue, Memphis, TN 38106, of a portion of the operating rights of WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, TN 38113, and for acquisition by W. H. WOOTEN, Box 28, Covington, TN, of control of such rights through the purchase. Applicants' attorney: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. Operating rights sought to be transferred: *Fertilizer and fertilizer ingredients*, dry, in bulk, in tank or hopper type vehicles, as a *common carrier* over irregular routes from Memphis, Tenn., to points in Alabama, Arkansas, Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission), Kentucky, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), and Mississippi; and from North Little Rock, Ark., to points in Alabama, Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), Kentucky, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), Mississippi and Tennessee. Vendee is authorized to operate as a *common carrier* in Oklahoma, Arkansas, Alabama, Kentucky, Mississippi, Tennessee, Missouri, Illinois, North Carolina, Louisiana, Michigan, Ohio, Wisconsin, Indiana, Iowa, Kansas, Georgia, and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC–11081. Authority sought for purchase by SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701, of the operating rights of JOHN SEPHTON, doing business as JOHN SEPHTON PRODUCE CO. (WESLEY M. HOLSTON, EXECUTOR OF THE ESTATE), 403 Marine Street, Mobile AL 36601, and for acquisition by SAMUEL TANKSLEY and DAMON STOVER, both of Cape Girardeau, Mo., of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes, from Mobile, Ala., to certain specified points in Tennessee; Indianapolis, and Terre Haute, Ind., Cincinnati, Ohio, Louisville, Ky., and Decatur, Ill., from New Orleans, La., to Indianapolis, Ind.; *bananas and coconuts and pineapples* when transported in mixed loads with bananas, from Gulfport, Miss., to Chicago, Ill., and Indianapolis, Ind. Vendee is authorized to operate as a *common carrier* in Tennessee, New Jersey, Illinois, North Carolina, Alabama, Louisiana, Missouri, Nevada, Arizona, California, Oregon, Washington, Idaho, Wyoming, Colorado, Utah, Indiana, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11082. Authority sought for control and merger by ARROW MOTOR FREIGHT LINE, INC., 661 South La Salle Street, St. Paul, MN 55987, of the operating rights of RITE-WAY TRUCKING COMPANY, INC., 901 East 13th Avenue, Kansas City, MO; ARROW MOTOR FREIGHT LINE, INC., purchase AMBURN FREIGHT LINE, INC., Eldora, Iowa, and for acquisition by ALLEN E. KROBLIN, 2125 Commercial Street, Waterloo, IA 50704, of control of such rights through the transaction. Applicants' representative: Allen E. Kroblin, 2125 Commercial Street, Waterloo, IA 50704. Operating rights sought to be controlled and merged: *General commodities*, except money and jewelry, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier* over regular routes, between Leon, Iowa, and St. Joseph, Mo., serving the intermediate points of Bethany, Mo., and those between Bethany, Mo., and Leon, Iowa, and the off-route point of Ridgeway, Mo., without restriction; and intermediate points between Bethany and St. Joseph, Mo., restricted to southbound traffic only, between Leon and Des Moines, Iowa, serving all intermediate points and the off-route points of Van Wert and Weldon, Iowa; also serving all intermediate and off-route points within 12 miles of the central post office at Des Moines (except Altoona, Ankeny, Carlisle, Des Moines, and Norwalk, Iowa); *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, between Eagleville, Mo., and Kansas City, Kans., serving the intermediate points of Bethany, Pattonsburg, and Kansas City, Mo., and the off-route points of Ridgeway, New Hampton, and Civil Bend, Mo., without restriction; and intermediate and off-route points within 10 miles of Bethany (except Ridgeway, Mo.), restricted to pickup of livestock, between Eagleville, Mo., and St. Joseph,

Mo., serving the intermediate points of Bethany, Pattonsburg, and Winston, Mo., and the off-route points of Ridgeway and New Hampton, Mo., in RITE-WAY TRUCKING CO., INC., MC-127321; operating rights sought to be transferred: Under certificates of registration, in Docket No. MC-120980 Sub-1, Sub-2, and Sub-3, covering the transportation of general commodities as a common carrier in interstate commerce, within the State of Iowa. ARROW MOTOR FREIGHT LINE, INC., is authorized to operate as a *common carrier* in Minnesota, Wisconsin, Iowa, and Illinois. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-87909 Sub-12, is a matter directly related.

No. MC-F-11083. Authority sought for purchase by ARIZONA-WESTERN EXPRESS, INC., 420 Oriental Avenue, Redlands, CA 92373, of the operating rights of G. E. CROSSMAN, doing business as CROSSMAN TRUCKING COMPANY, 310 South Fourth Street, Phoenix, AZ 85004, through the purchase. Applicants' attorney: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Operating rights sought to be transferred: *Frozen vegetables and frozen berries*, as a *common carrier* over irregular routes, from points in Los Angeles County, Calif., to Phoenix, Ariz.; *frozen berries*, from Santa Clara, Calif., to Phoenix, Ariz.; *bananas* in mixed loads with fresh fruits and vegetables, and *fresh fruits and vegetables* when moving at the same time and in the same vehicle with bananas, from points in the Los Angeles, Calif., commercial zone, as defined by the Commission, the Los Angeles, Calif., Harbor Commercial Zone, as defined by the Commission, Wilmington and Long Beach, Calif., to Phoenix and Tucson, Ariz. Vendee is authorized to operate as a *common carrier* in Arizona and California. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGERS

No. MC-F-11080. Authority sought for purchase by CENTRAL WEST MOTOR STAGES, INC., Post Office Box 66, Mundelein, IL 60060, of the operating rights and property of LaGRANGE-LaGRANGE PARK TRANSIT COMPANY, INC., 10 West Burlington Avenue, LaGrange, IL, and for acquisition by NATIONAL STUDENT MARKETING CORP., and in turn by CAMERON BROWN, both of 175 Jackson Boulevard, Chicago, IL 60604, of control of such rights and property through the purchase. Applicants' attorney S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers, in the same vehicles with passengers, as a common carrier over regular routes, between junction Wisconsin Highways 50 and 36, and Williams Bay, Wis., between Williams Bay, Wis., and junction Walworth County Highway H and Wisconsin Highway 50, between Delavan, Wis., and junction Wisconsin Highways 50 and 83 (north of Salem, Wis.), serving all intermediate points between Delavan and Lake Geneva, Wis., inclusive, restricted to traffic originating at or destined to joints beyond Delavan or Lake Geneva, between Woodstock, Ill., and Chicago, Ill., between Lake Geneva, Wis., and Woodstock, Ill., between Slades Corners, Wis., and junction Wisconsin Highways 50 and 83 (at a point north of Salem, Wis.), between Chicago, Ill., and a point near Salem, Wis., serving all intermediate points. Vendee is authorized to operate as a common carrier in District of Columbia, Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, South Carolina, North Carolina, Washington, Pennsylvania, Tennessee, and West Virginia. Application has not been filed for temporary authority under section 210 a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1893 Filed 2-9-71;8:54 am]

[Notice 243]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 5, 1971.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 95473 (Sub-No. 15 TA), filed February 2, 1971. Applicant: H. A. DAUB, INC., Reinerton, Pa. 17980. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Wiconisco Township, Dauphin County, Pa., to Bronx, N.Y., for 150 days. Supporting shipper: J. Paul Sieber, Inc., Forest Hills, Pottsville, Pa. 17901. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, PA 18503.

No. MC 107515 (Sub-No. 730 TA) (Correction), filed January 22, 1971, published FEDERAL REGISTER of January 30, 1971, and republished as corrected this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in section A of appendix 1 *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from Plainview, Tex., to points in Kentucky, Tennessee, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and the District of Columbia, for 180 days. The purpose of this republication is to show applicant's correct docket number, as shown above, in lieu of No. MC 109689 (Sub-No. 220 TA). Supporting shipper: Missouri Beef Packers, Inc., Amarillo, Tex. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107515 (Sub-No. 731 TA), filed February 1, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human plasma*, from Houston, Tex., New Orleans, La., Jacksonville and Miami, Fla., to points in New Jersey, New York, Ohio, Michigan, Indiana, and Illinois, for 180 days. Supporting shipper: Metabolic, Inc., 4520 Yoakum Boulevard, Post Office Box 66788, Houston, TX 77006. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 108461 (Sub-No. 117 TA), filed February 1, 1971. Applicant: WHITFIELD TRANSPORTATION, INC., 300-316 North Clark Road 79946, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (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 those requiring special equipment, between Dallas, Tex., and El Paso, Tex., serving no intermediate points, from Dallas over U.S. Highway 180 from Dallas to Snyder, Tex.; thence over U.S. Highway 84 to Post, Tex.; thence over

U.S. Highway 380 to Roswell, N. Mex.; thence over U.S. Highway 70 to Tularosa, N. Mex.; thence over U.S. Highway 54 to El Paso, and return over the same route, for 180 days. Supporting shippers: There are approximately 35 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 109689 (Sub-No. 220 TA) (Correction), filed January 22, 1971, published FEDERAL REGISTER issue January 30, 1971 and republished as corrected this issue. Applicant: W. S. HATCH CO., 643 South 800 West Street, Office: Woods Cross, Utah 84087, Mail: Post Office Box 1825, Salt Lake City, UT 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, in bulk, from railroad siding at Pittsburg, Calif., to points in California north of Interstate 15 and California Highways 58, 119, and 166, for 180 days. NOTE: The purpose of this republication is to show applicant's correct docket number, as shown above, in lieu of No. Mc 107515 (Sub 730 TA). Supporting shipper: CPC International Inc., International Plaza, Englewood Cliffs, NJ 07632 (R. V. Haugen, Assistant Transportation Manager, Motor Transportation). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 110252 (Sub-No. 61 TA), filed February 2, 1971. Applicant: JAMES J. WILLIAMS, INC., East 5711 Third Avenue, Spokane, WA 99220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Sulphuric acid*, from Kellogg, Idaho, and points within 10 miles of Kellogg, to Ford, Wash., *rejected products on return*, for 180 days. Supporting shipper: Dawn Mining Co., Post Office Box 25, Ford, WA 99013. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

No. MC 111302 (Sub-No. 64 TA), filed February 2, 1971. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 588, Knoxville, TN 37901 and Brickyard Road, Powell, TN 37901. Applicant's representative: George C. Clapp, Box 10188, Greenville, SC 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from the plantsite of Foote Mineral Co., at or near Asbury, Tenn., to Huntington, W. Va., for 150 days. Supporting shipper: Foote Mineral Co., Route 100, Exton, PA 19341. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operatons, Interstate Commerce Commission, 803–1808 West End Building, Nashville, TN 37203.

No. MC 116457 (Sub-No. 8 TA), filed February 1, 1971. Applicant: GENERAL TRANSPORTATION, INCORPORATED, Post Office Box K, Show Low, AZ 85901. Applicant's representative: Donald E. Fernaays, 4114A North 20th Street, Phoenix, AZ 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing products*, from Dallas, and Houston, Tex., to points in Arizona and New Mexico, for 180 days. Supporting shipper: Roofing Wholesale Co., Inc., 1918 West Grant Street, Phoenix, AZ 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, AZ 85025.

No. MC 118178 (Sub-No. 7 TA), filed February 2, 1971. Applicant: BILL MEEKER, 1733 North Washington, Post Office Box 1184, Wichita, KS 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides), from the plantsite and storage facilities of National Beef Packing Co., at or near Liberal, Kans., to points in California for 150 days. Supporting shipper: National Beef Packing Co., Liberal, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 124236 (Sub-No. 36 TA), filed February 2, 1971. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: Julius Leisering (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from Fort Worth, Tex., to points in Oklahoma and New Mexico, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: International Minerals & Chemical Corp., 5401 Old Orchard Road, Skokie, IL 60076. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 127903 (Sub-No. 5 TA), filed February 2, 1971. Applicant: H & M TRANSPORT CO., INC., Box 37, Rudd, IA 50471. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co. near Muscatine, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, and those points in Wisconsin on and south of a line beginning at La Crosse, Wis., thence running east over Interstate Highway 90 from La Crosse, Wis., to Mauston, thence over Wisconsin Highway 82 to junction with U.S. Highway 51, and thence over Wisconsin Highway 23 to Sheboygan, for 150 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 133819 (Sub-No. 3 TA), filed February 2, 1971. Applicant: SERVICE, INCORPORATED, 301 West First Avenue, Post Office Box 384, Crossett, AR 71635. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood sawdust, chips and shavings*, from Roxie, Miss., to Lillie, La., for 180 days. Supporting shipper: Olinkraft, Post Office Box 488, West Monroe, LA 71291. Send protests to: District Supervisor, William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135181 (Sub-No. 1 TA), filed February 2, 1971. Applicant: MAIER-HOFER BROS., INC., 8253 North Lincoln Avenue, Skokie, IL 60076. Applicant's representative: Gregory Scheurich, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in containers, from South Bend, Ind., to Skokie, Ill., and Lockport, Ill., for 150 days. Supporting shippers: Mondrella & Sons Inc., Airport Road, Box 206A, Lockport, IL 60441; Jas. P. Paulus Co., 8230 Lincoln Avenue, Skokie, IL. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135276 TA, filed February 2, 1971. Applicant: GENE ROMSBURG ENTERPRISES, INC., South Water Street, Frederick, MD 21701. Applicant's representative: Frank Ortman, Suite 770, Mills Building, 1700 Pennsylvania Avenue NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous asphalt hot mix and stone*, from points in Frederick and Washington Counties, Md., to points in Fulton, Franklin, Adams, and York Counties, Pa., Morgan, Berkeley, and Jefferson Counties, W. Va., and Frederick, Loudoun, and Clarke Counties, Va., for 180 days. Supporting shippers: Frederick Asphalt Products Inc., Post Office Box 665, Frederick, MD 21701; The Kline Paving Co., Boonsboro, Md.; Richard F. Kline, Inc., Post Office Box 665, Frederick, MD 21701. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and

Constitution Avenue NW., Washington, DC 20423.

No. MC 135277 TA, filed February 2, 1971. Applicant: ARNOLD BOLDT AND GEORGE BOLDT, a partnership, doing business as BOLDT TRUCKING, Isabel, SD 57633. Applicant's representative: Andrew Alberle, Timber Lake, SD 57656. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Lignite coat*, from Haynes and New Leipzig, N. Dak., to Isabel, S. Dak., for 180 days. Supporting shipper: Resident Customers in Isabel, S. Dak. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

By the Commission.

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

[FR Doc.71-1894 Filed 2-9-71;8:54 am]

[Notice 643A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 5, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72672. By application filed February 3, 1971, WILLIAM C. BONNER, INC., 4754 James Street, Philadelphia, PA 19137, seeks temporary authority to lease the operating rights of ALBERT B. WRIGHT, 3612-16 Fairmount Avenue, Philadelphia, PA. 19104, under section 210a(b). The transfer to WILLIAM C. BONNER, INC., of the operating rights of ALBERT B. WRIGHT, is presently pending.

By the Commission.

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

[FR Doc.71-1895 Filed 2-9-71;8:54 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 5, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 4479 (Sub-No. 10) filed January 22, 1971. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 1910 University Avenue, Knoxville, TN 37921. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, household goods, commodities in bulk, and those requiring special equipment; (1) between Madisonville, Tenn., and Chattanooga, Tenn., as follows: From Madisonville via U.S. Highway 411 to its junction with U.S. Highway 64; thence via U.S. Highway 64 to its junction with U.S. Highway 11; thence via U.S. Highway 11 to Chattanooga and return over same route, serving all intermediate points; (2) between Loudon, Tenn., and Chattanooga, via U.S. Highway 11, serving all intermediate points; and (3) between Knoxville, Tenn., and Chattanooga, Tenn., via I-75, as an alternate route for operating convenience only, and all connecting roads and highways between U.S. Highway 11 and I-75 located between Knoxville and Chattanooga, Tenn. All of said authority to be used in conjunction with applicant's existing authority. Both intrastate and interstate authority sought.

HEARING: April 14, 1971, at 9:30 a.m. at C-1-110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-5203 (Sub-No. 1), filed January 27, 1971. Applicant: MILAN EXPRESS, INC., U.S. Highway 45S, Milan, TN 38358. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, commodities in bulk, and articles requiring special equipment because of their size or weight; (1) Applicant seeks removal of restriction in its present certificate which restricts applicant against the transportation of shipments originating at or destined to the Milan Arsenal, Milan, Tenn.; (2) between Jackson, Tenn., and Milan, Tenn., as follows: From Milan over U.S. Highway 45E to its junction with U.S. Highway 45, thence over U.S. Highway 45 to Jackson, Tenn., and return over same route, serving all intermediate points. All of said authority to be used in conjunction with all of applicant's certificates. Applicant does propose to handle interstate and foreign traffic. Both intrastate and interstate authority sought.

HEARING: March 4, 1971, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 10,733 M; Route No. 354, filed January 11, 1971. Applicant: DIFFLEY TRUCK LINE, INC., 617 North Kansas Avenue, Topeka, KS 66608. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, KS 66603. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between Topeka, Kans., and Emporia, Kans., from Topeka southwesterly over Kansas Highway No. 4 to its intersection with Kansas Highway No. 31; thence east over said Kansas Highway 31 to its intersection with U.S. Highway No. 56; thence south over said U.S. Highway No. 56 to Osage City; thence east on Kansas Highway No. 170 to its intersection with U.S. Highway No. 75; thence south on said U.S. Highway No. 75 to Lyndon; thence back north on said U.S. Highway No. 75 to its intersection with Kansas Highway No. 170; thence west over said Kansas Highway No. 170 through Osage City; thence following said Kansas Highway No. 170 through Reading to its intersection with Kansas Highway No. 4; and thence over said Kansas Highway No. 4 to Emporia, and return over the same route, serving all intermediate points, including but not limited to Dover, Keene, Eskridge, Harveyville, Burlingame, Osage City, Lyndon, and Reading and return over the same route, also serving the off-route points of Bradford, Wilmington, and Americus. Also; over the Kansas Turnpike between Topeka and Emporia as an alternate route for the convenience of the carrier, with no points of service on said Turnpike. Also as an additional alternate route for the convenience of the carrier between Topeka and Emporia, from Topeka south over U.S. Highway No. 75 to its intersection with U.S. Highway 50; thence west over said U.S. Highway 50 to Emporia, serving only the points of Topeka and Emporia and the intermediate point of Lyndon. Both intrastate and interstate authority sought.

HEARING: March 11, 1971, at the State Office Building, Fourth Floor, Topeka, KS, time not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission, Fourth Floor, State Office Building, Topeka, KS 66612 and should not be directed to the Interstate Commerce Commission.

State Docket No. P-14533, filed November 17, 1970. Applicant: MID-STATE

METRO LIMOUSINE SERVICE, 210 State Street, Mason, MI 49454. Applicant's representative: Roger E. Massman, 122 East Northrup Street, Lansing, MI 48910. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Passengers and their baggage* transported in the same vehicle, between the cities of Lansing and East Lansing and townships of Meridian, Lansing, Delhi, and De Witt, on the one hand, and Detroit Metropolitan Airport, Wayne County, Mich., on the other. Both intrastate and interstate authority sought.

HEARING: March 15, 1971, at 9:30 a.m. Seven Story Office Building, 525 West Ottawa Street, Lansing, MI. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Department of Commerce, Michigan Public Service Commission, Seven Story State Office Building, Lansing, MI 48913, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.71-1891 Filed 2-9-71;8:54 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

	Page
PROCLAMATION:	
4029	2475
4030	2775
EXECUTIVE ORDERS:	
July 2, 1910 (revoked in part by PLO 5017)	2784
Oct. 2, 1916 (revoked in part by PLO 5009)	1895
July 10, 1913 (revoked in part by PLO 5017)	2784
July 30, 1916 (revoked in part by PLO 5017)	2784
July 30, 1917 (revoked in part by PLO 5017)	2784
1641 (revoked by PLO 5006)	1532
3373 (revoked by PLO 5016)	2784
8877 (see PLO 5001)	1532
9526 (see PLO 5001)	1532

5 CFR

213	1877, 2591

7 CFR

41	1877
301	1877
401	2591
723	2395
724	1521, 2396, 2397
905	1522
907	1878, 2398
908	1878
910	1523, 2553, 2777
959	1523
1064	1524
1421	2399, 2593, 2594
PROPOSED RULES:	
29	1901, 1904
Ch. IX	1535, 1541
914	2512
980	2512
1030	1540
1076	2629

8 CFR

214	2553
242	2553
PROPOSED RULES:	
214	2513

9 CFR

	Page
76	1879, 1883, 2553, 2594
201	2777

10 CFR

PROPOSED RULES:	
40	2567
50	1544
73	1914
150	2567

12 CFR

1	2595
220	2777
224	2477
745	2477
PROPOSED RULES:	
220	2412
221	2412

13 CFR

121	2479
PROPOSED RULES:	
121	2629

14 CFR

39	2400, 2479, 2562
71	1884–1886, 2002, 2480, 2481, 2778
73	1886, 2002
75	2002
91	2481
95	2562
97	2564
135	2481
202	2779
203	2779
206	2565
207	2482
208	2486
212	2498
213	2779
214	2502
249	2505
295	2505
302	2780
376	2781
378	2505
385	2566
399	2506

14 CFR—Continued

	Page
PROPOSED RULES:	
39	2514
71	1910, 1911, 2404, 2789–2791
73	1911
75	1911, 1912
Ch. II	2514

15 CFR

PROPOSED RULES:	
1200	1541

16 CFR

13	1886, 1888

17 CFR

230	1525
231	1525, 2600
240	1889
241	2600
249	1889
251	2600
261	2600
271	2600
276	2600

18 CFR

PROPOSED RULES:	
101	1545, 2803
104	1545, 2803
105	2803
141	2803
154	2629
201	1545, 2803
204	1545, 2803
205	2803
260	2803
615	2516

19 CFR

4	1891
19	1892
111	1892

21 CFR

27	2554
45	2400
133	2400
135g	1893
141	1526
141a	2401

21 CFR—Continued

22 CFR

24 CFR

26 CFR

28 CFR

29 CFR

31 CFR

32A CFR

33 CFR

38 CFR

39 CFR

41 CFR

42 CFR

43 CFR

43 CFR—Continued

45 CFR

47 CFR

49 CFR

50 CFR

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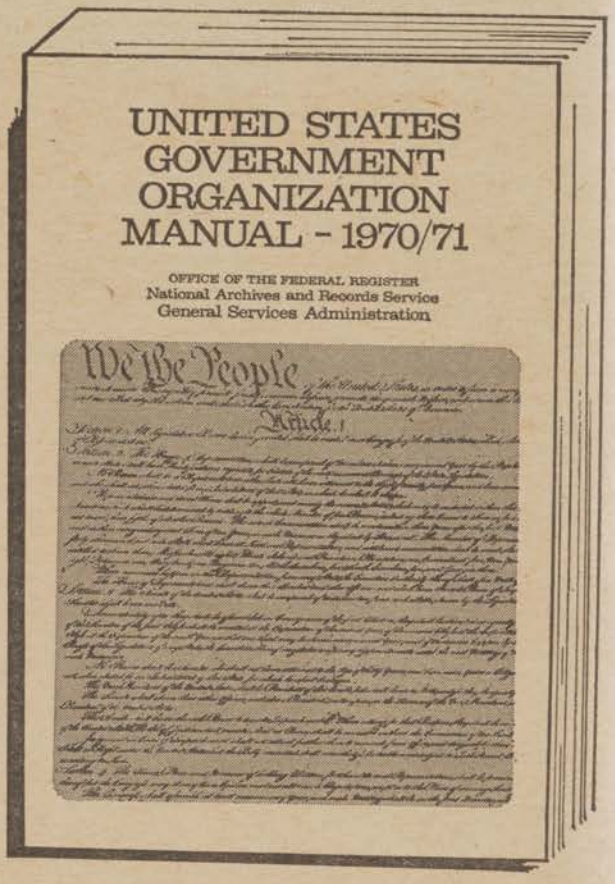

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