FEDERAL REGISTER

VOLUME 36 • NUMBER 36

Tuesday, February 23, 1971 • Washington, D.C.

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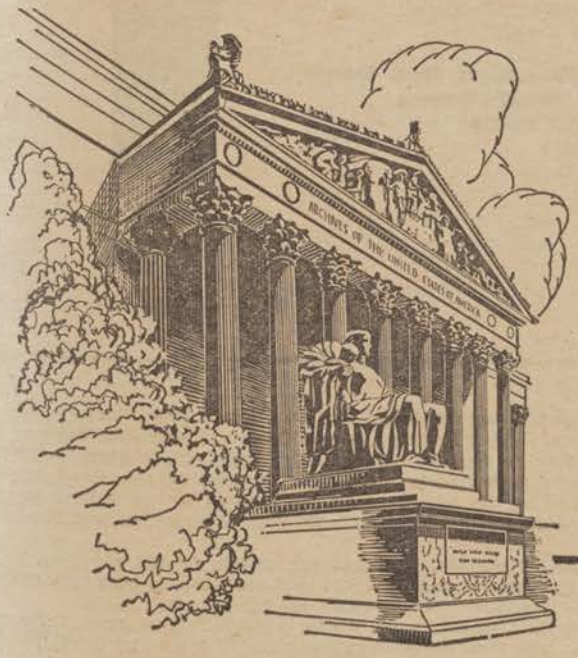

FEDERAL REGISTER

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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Title 7—AGRICULTURE

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

[Lemon Reg. 468]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.768 Lemon Regulation 468.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 16, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period February 21, 1971, through February 27, 1971, are hereby fixed as follows:

(i) District 1: 27,000 Cartons;

(ii) District 2: 153,000 Cartons;

(iii) District 3: Unlimited.

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

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

Dated: February 19, 1971.

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

[FR Doc.71–2482 Filed 2–19–71;12:00 pm]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that two positions of Private Secretary to the Administrator and one position of Private Secretary to the Deputy Administrator of the National Oceanic and Atmospheric Administration are excepted under Schedule C. The section is also amended to show that the positions of the Secretaries to the Administrator and Deputy Administrator of the former Environmental Science Services Administration are no longer in Schedule C. Effective on publication in the FEDERAL REGISTER 2–23–71, paragraph (p) is revoked in its entirety, and paragraph (r) is added to § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(p) [Revoked]

* * * * *

(r) *National Oceanic and Atmospheric Administration.* (1) Two Private Secretaries to the Administrator.

(2) One Private Secretary to the Deputy Administrator.

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

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

[FR Doc.71–2456 Filed 2–22–71;8:50 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Confidential Assistant to the Commissioner, Social Security Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, 2–23–71 subparagraph (2) of paragraph (1) of § 213.3316 is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(1) *Social Security Administration.*

* * *

(2) Two Confidential Assistants to the Commissioner.

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

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

[FR Doc.71–2457 Filed 2–22–71;8:50 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the following positions are no longer excepted under Schedule C: one Private Secretary and one Executive Assistant to the Governor of the Virgin Islands, one Private Secretary to the Governor of Guam, and one Secretary to the Government Secretary of Guam. Effective on publication in the FEDERAL REGISTER 2–23–71, subparagraphs (4), (5), (8), and (9) of paragraph (1) of § 213.3312 are revoked.

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

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

[FR Doc.71–2458 Filed 2–22–71;8:50 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that two positions of Confidential Secretary to the Executive Secretary (interdepartmental activities) are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER 2–23–71, subparagraph (28) of paragraph (a) of § 213.3373 is added as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *

(28) Two Confidential Secretaries to the Executive Secretary (interdepartmental activities).

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

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

[FR Doc.71–2459 Filed 2–22–71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10857; Amdt. No. 743]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Wasington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective March 18, 1971.

Butler, Pa.—Butler-Graham Airport; VOR–A, Amdt. 1; Revised.
Del Rio, Tex.—Del Rio International Airport; VOR–A, Amdt. 5; Revised.
Gadsden, Ala.—Gadsden Municipal Airport; VOR Runway 6, Amdt. 7; Revised.
Minneapolis, Minn—Crystal Airport; VOR–A, Amdt. 4; Revised.
Peoria, Ill.—Greater Peoria Airport; VOR Runway 12, Amdt. 10; Revised.
Pocatello, Idaho—Pocatello Municipal Airport; VOR Runway 3, Amdt. 10; Revised.
Racine, Wis.—Horlick-Racine Airport; VOR Runway 22, Original; Established.
Raliegh, N.C.—Raleigh-Durham Airport; VOR Runway 5, Amdt. 8; Revised.
Raleigh, N.C.—Raleigh-Durham Airport; VOR Runway 23, Amdt. 9; Revised.
Santa Ana, Calif.—Orange County Airport; VOR Runway 19R, Amdt. 11; Revised.
Santa Maria, Calif.—Santa Maria Public Airport; VOR–A, Amdt. 1; Revised.
Santa Maria, Calif.—Santa Maria Public Airport; VOR Runway 12, Amdt. 5; Revised.
Pocatello, Idaho—Pocatello Municipal Airport; VOR/DME Runway 21, Amdt. 1; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective March 18, 1971.

San Antonio, Tex.—International Airport; LOC (BC) Runway 30L, Amdt. 2; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 4, 1971.

Goodland, Kans.—Renner Field/Goodland Municipal Airport; NDB Runway 12, Original, Canceled.
Goodland, Kans.—Renner Field/Goodland Municipal Airport; NDB Runway 30, Original; Canceled.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective March 18, 1971.

Butler, Pa.—Butler-Graham Airport; NDB Runway 36, Amdt. 9; Revised.
Cleveland, Ohio—Cuyahoga County Airport; NDB Runway 23, Amdt. 3; Revised.
Glasgow, Ky.—Glasgow Municipal Airport; NDB Runway 7, Amdt. 1; Revised.
Islip, N.Y.—Long Island-MacArthur Airport; NDB Runway 6, Amdt. 9; Revised.
Lawrenceburg, Tenn.—Lawrenceburg Municipal Airport; NDB–A, Amdt. 1; Revised.
LeMars, Iowa—LeMars Municipal Airport; NDB Runway 18, Amdt. 1; Revised.
Pocatello, Idaho—Pocatello Municipal Airport; NDB Runway 21, Amdt. 11; Revised.
Racine, Wis.—Horlick-Racine Airport; NDB Runway 22, Amdt. 6; Revised.
San Antonio, Tex.—International Airport; NDB Runway 30L, Amdt. 2; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 18, 1971.

Islip, N.Y.—Long Island-MacArthur Airport; ILS Runway 6, Amdt. 10; Revised.
Pocatello, Idaho—Pocatello Municipal Airport; ILS Runway 21, Amdt. 14; Revised.
Tulsa, Okla.—Tulsa International Airport; ILS Runway 17L, Amdt. 3; Revised.
Tulsa, Okla.—Tulsa International Airport; ILS Runway 35R, Amdt. 19; Revised.

6. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective March 18, 1971.

Newport News, Va.—Patrick Henry Airport; Radar–1, Original; Established.

7. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective March 18, 1971.

Atlanta, Ga.—Fulton County Airport; RNAV Runway 8R, Original; Established.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; RNAV Runway 31, Original; Established.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; RNAV Runway 35, Original; Established.
San Diego, Calif.—Gillespie Airport; RNAV Runway 27R, Original; Established.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 30, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 12, 1971.

R. S. SLIFF,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[FR Doc.71–2356 Filed 2–22–71;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[14th Gen. Rev., Export Regs. (Amdt. 14)]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Parts 368, 370, 371, 372, 373, 375, 376, 377, 379, and 386 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: February 18, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

PART 368—U.S. IMPORT CERTIFICATE AND DELIVERY VERIFICATION CERTIFICATE

In § 368.1(a)(2), subdivision (i) is amended to read as follows:

§ 368.1 Effect of regulations.

(a) * * *

(2) *Commodities covered and administering U.S. agencies.*—(i) *Office of Export Control.* The Office of Export Control will receive from importers in the United States the representations regarding the intended destination of commodities and will provide a certification that such representations have been made (*a*) for commodities under the export control jurisdiction of the Office of Export Control that are identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), and (*b*) by agreement with the Atomic Energy Commission, for commodities classified as "source material," "by-product material," "special nuclear material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission (see § 370.10 (e) of this subchapter).

In § 368.2(a)(8), subdivision (i) is amended to read as follows:

§ 368.2 International Import Certificate.

(a) * * *

(8) *Approval of shipment, transfer, or sale of commodities to a foreign consignee before delivery under International Import Certificate.*—(i) The written approval of the Office of Export Control is required before commodities covered by a U.S. International Import Certificate, whether or not bearing a triangle, may be shipped to a destination other than the United States or Canada or sold to a foreign purchaser, and before title to or possession of such commodities may be transferred to foreign transferee.[1] This requirement does not apply after the commodities have been delivered in accordance with the undertaking set forth in the Certificate.

* * * * *

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

In § 370.2(a), subparagraphs (17), (21), and (22) are amended to read as follows:

§ 370.2 Definitions of terms.

(a) * * *

(17) *Export control commodity numbers.* The commodity classification numbers used in § 399.1 of the Export Control Regulations in this subchapter. The Export Control Commodity Number is composed of the first one to five digit(s) of the corresponding seven-digit Schedule B commodity classification number applicable to the commodity(ies).

* * * * *

(21) *Periodic Requirements License (§ 373.5 of this subchapter).* A special license authorizing the export during a 1-year period of one or more commodities identified by the symbol "P" in the last column of the Commodity Control List (§ 399.1 of this subchapter) to one or more ultimate consignees in a named ultimate destination.

(22) *Project License (§ 373.2 of this subchapter).* A special license authorizing the export of commodities (and technical data where specified) required for a specified activity during a period of approximately 1 year from the issuance of the license.

* * * * *

In § 370.3(a)(1), subdivision (iii) is amended to read as follows:

§ 370.3 Prohibited exports.

(a) * * *

(1) * * *

(iii) The following commodities: Copper bearing ash and residues (Export Control Commodity No. 28); Copper or copper base alloy waste and scrap (Export Control Commodity No. 28); Nickel alloy waste and scrap containing 50 percent or more copper, irrespective of nickel content (Export Control Commodity No. 28); Copper-base alloy ingots (Export Control Commodity No. 682); Refined copper fragments and unwrought forms of refined copper dervied from such copper fragments (Export Control Commodity No. 682); and Walnut logs, lumber, and veneers (Export Control Commodity Nos. 24 and 63); and

* * * * *

In § 370.6, paragraph (a) is amended to read as follows:

§ 370.6 Shipments entering foreign trade zones.

* * * * *

(a) *Country Group W, X, Y, or Z.* Shipments to Country Group W, X, Y, or Z (see Supplement No. 1 to Part 370 for list of countries in each Country Group) require a validated license if a shipment of similar commodities or technical data of U.S. origin could not be made from the customs territory of the United States to such a destination under the provisions of a general license.

* * * * *

In § 370.7, paragraph (c) is amended to read as follows:

§ 370.7 Unauthorized disposition of foreign excess personal property purchased from the U.S. Armed Forces in foreign countries.

* * * * *

(c) *Enforcement.* By arrangement with the Department of Defense, in enforcing the provisions of this § 370.7, the Office of Export Control will apply the prohibitions and sanctions of Parts 387 and 388 of this subchapter to:

(1) Cases involving any commodity of U.S. origin that is, or is attempted to be, transshipped, diverted, or reexported to Country Group Z; and

(2) Cases involving generally, but not exclusively, any commodity identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) that is, or is attempted to be, transshipped, diverted, or reexported to Country Group Y.

Section 370.9 is amended to read as follows:

§ 370.9 Shipments which transit Country Group Y or Z en route to any other destination.[1]

The export from the United States of commodities or technical data to be unladen from a vessel or aircraft in Country Group Y or Z, or to more in transit

---

[1] The attention of U.S. purchasers is directed to the Transaction Control Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, sections 505.01 et seq.). These regulations prohibit persons within the United States from purchasing or selling, or arranging the purchase or sale, without a Treasury Department license, or any merchandise in any foreign country when the transaction involves a shipment from any foreign country to Country Group W, Y, or Z (except Cuba, for which the Cuban Assets Control Regulations mentioned below restrict shipments to Cuba), of merchandise identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List § 399.1), or of a type prohibited by any of the several regulations referred to in § 370.10. (See Supplement No. 1 to Part 370 for Country Group designations.) The attention of purchasers is also directed to the Foreign Assets Control Regulations and the Cuban Assets Control Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, sections 500.101 et seq. and 515.101 et seq.). These regulations prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transactions with Communist China, North Korea, North Vietnam, Cuba, or nationals thereof, or in any unlicensed transactions involving property in which Communist China, North Korea, North Vietnam, Cuba, or nationals thereof, have, or have had, any interest, direct or indirect, since Dec. 17, 1950. The Foreign Assets Control Regulations also prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transaction with respect to merchandise outside the United States if such merchandise is of Communist Chinese, North Vietnamese, or Cuban origin, or is Chinese type merchandise specified in the Regulations.

The Cuban Assets Control Regulations, which parallel the Foreign Assets Control Regulations, apply to Cuba and its nationals. (See The Cuban Assets Control Regulations of the U.S. Treasury Department, Title 31 of the Code of Federal Regulations, sections 515.101 et seq.)

The Rhodesian Sanctions Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, section 530.101 et seq.) also contain restrictions of interest to U.S. purchasers. These regulations prohibit, unless licensed, the importation of merchandise of Rhodesian origin; transfers of property which involve merchandise destined to Southern Rhodesia or to or for the account of business nationals thereof; other transfers of property to or on behalf of or for the benefit of any person in Rhodesia; and the importation of ferrochrome produced in any country from chromium ore or concentrates of Rhodesian origin.

through Country Group Y or Z en route to Canada or a destination in Country Group S, T, V, W, or X, is hereby prohibited unless a validated license specifically authorizes the transshipment or intransit shipment, or both except:

(a) An export to West Berlin which will transit East Germany (the Soviet Zone of Germany and the Soviet Sector of Berlin); or

(b) An export of technical data or of a commodity not identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List, to any destination not in Country Group Y or Z, provided that shipment is exportable under a general license directly from the United States to the country of transit or unlading in Country Group Y or Z. (Transshipment authority does not relieve any person from complying with foreign laws. See § 374.9 of this subchapter.)

PART 371—GENERAL LICENSES

In § 371.6, paragraph (a) is amended to read as follows:

§ 371.6 General License baggage.

(a) *Scope.* A general license designated "Baggage" is established, authorizing subject to the provisions of this § 371.6, a person leaving the United States to take to any destination, as personal baggage, accompanied or unaccompanied, the classes of commodities listed in paragraphs (b) (1), (2), (3), and (4) of this section, provided the commodities are owned by such person or members of his immediate family; are intended for and necessary and appropriate for the use of such person or members of his immediate family; and are not intended for sale. Accompanied baggage is that taken by a person departing from the United States on the same carrier on which he departs. Unaccompanied baggage is baggage sent from the United States on a carrier other than that on which a person departs. Unaccompanied shipments under this general license shall be clearly marked "Baggage." Shipments of unaccompanied baggage may be made at the time of, or within a reasonable time prior to or after departure of the consignee or owner from the United States. However, only commodities not identified by code letter "A," "B," "C," or "M," following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) may be taken out of the United States to Country Group S, W, Y, or Z under this general license. This general license may not be used by members of crews of vessels or aircraft (see § 371.11 for General License Crew).

* * * * *

In § 371.9(b), subparagraph (4) is amended to read as follows:

§ 371.9 General License Ship Stores.

* * * * *

(b) *Restrictions on petroleum and petroleum products.* * * *

(4) *Restricted commodities.* Subparagraphs (1), (2), and (3) of this paragraph apply to the following commodities:

Export Control Commodity Number	*Commodity Description*
3	Petroleum crude, including shale oil.
3	Gasoline, excluding jet fuel.
3	Gasoline blending agents, hydrocarbon compounds only, n.e.c.
3	Jet fuels, all types.
3	Kerosene.
3	Distillate fuel oils.
3	Residual fuel oils.
3	Cylinder bright stock, including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F. (98.8° C.) of 95 seconds or more.
3	Lubricating oils and greases.
3	Mineral waxes.
3	Aliphatic naphtha, in containers over 4 oz.; mineral spirits, solvents and other finished light aliphatic products, n.e.c.
3	Insulating or transformer oils, cutting oils, white mineral oils (excluding medicinal grade).
3	Petroleum coke.
3	Petroleum bitumen and other petroleum and shale oil residues.
3	Bituminous mixtures, based on asphalt, petroleum, etc.

In § 371.18(b), subparagraph (1) is amended to read as follows:

§ 371.18 General License Gift; shipments of gift parcels.

* * * * *

(b) *Commodity, value, and other limitations*—(1) *Commodity limitations.* Only those commodities that are (i) not identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), and (ii) normally sent as gifts, such as food, clothing, toilet articles, and medicinals and pharmaceutical preparations in dosage form, may be included in a gift parcel. The export of military wearing apparel to Country Group X, Y, or Z under this general license is specifically prohibited, regardless of whether all distinctive U.S. military insignia buttons and other markings are removed.

* * * * *

In § 371.22(c), subparagraph (1) is amended to read as follows:

§ 371.22 General License GTE: temporary exports.

* * * * *

(c) *Exceptions*—(1) *Destinations.* No commodity may be exported under the provisions of this General License to Country Group S or Z, and only commodities not identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) may be exported to Country Group W or Y. These exceptions apply also to any vessel, aircraft, or extraterritorial point under ownership, control, lease, or charter by any of the countries mentioned in this § 371.22 (c) (1) or to any national thereof.

* * * * *

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

In § 372.2, paragraph (b) is amended to read as follows:

§ 372.2 Types of validated licenses.

* * * * *

(b) *Types.* The types of validated licenses are:

(1) An "individual license" is any validated license, other than those named in subparagraphs (2) through (6) of this paragraph, authorizing the export of technical data or a specified quantity of commodities during a specified period to a designated consignee.

(2) A "Project License" (§ 373.2 of this subchapter) authorizes the export of commodities (and technical data where specifically authorized) required for a specified activity for a period of approximately 1 year from the issuance of the license. Renewals may be valid for up to 2 years.

(3) A "Distribution License" (§ 373.3 of this subchapter) authorizes the export of certain commodities to approved consignees in Country Group T and certain specified countries in Country Group V during a period of 1 year. Renewals may be valid for up to 2 years. The consignees must be foreign distributors or users of the licensed commodity.

(4) A "Periodic Requirements License" (§ 373.5 of this subchapter) authorizes the export during a 1-year period of one or more commodities identified by the symbol "P" in the last column of the Commodity Control List (§ 399.1 of this subchapter) to one or more named ultimate consignees in a named ultimate destination.

(5) A "Time Limit License" (§ 373.6 of this subchapter) authorizes the export of an unlimited quantity of commodities for a period of 1 year to one or more ultimate consignees located in Country Group T.

(6) A "Service Supply (SL) License" (§ 373.7(d) (1) of this subchapter) authorizes a U.S. exporter or manufacturer to export spare and replacement parts to Country Group T, V, or X (and, in a more limited degree, only replacement parts to Country Group W or Y) to service equipment made or exported by the licensee or made by his foreign subsidiary.

In Supplement No. 1 to Part 372, Items 7(c) and 8 are amended to read as follows:

Item 7. (c). The Export Control Commodity Number, including the italicized digit(s) in parenthesis, and Processing Number must be shown in this column. Inclusion of the code letter following the Export Control Commodity Number is optional. All commodities on a single application must have the same Processing Number, unless otherwise provided in the Export Control Regulations.

Item 8. The name and address of the person, other than applicant, authorized by the applicant to receive the license, if issued, should be entered. The Postal ZIP Code must be included as it is an integral part of the address. Failure to include ZIP Code on an application may result in delay in mailing

of the export license. The license will be transmitted only to the applicant or to the person designated on the license application as the person entitled to receive the license on behalf of the licensee. The license will not be transmitted directly to the customs office at the port of export, except for an emergency clearance as set forth in § 372.4(h) and, under certain circumstances, as set forth in § 372.10 of the Export Control Regulations.

PART 373—SPECIAL LICENSING PROCEDURES

In § 373.3, paragraphs (c)(4), (d)(3)(ii)(*d*), (h)(3), and (m) are amended to read as follows:

§ 373.3 Distributiton license.

* * * * *

(c) * * *

(4) *Order requirement.* An applicant for a Distribution License need not hold an order, as defined in § 372.6(b) of this subchapter from the ultimate consignee(s) for the commodities subject to this procedure at the time he applies for the license.

(d) * * *

(3) * * *

(ii) * * *

(*d*) List separately on the application, or on an attachment thereto, all commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) or, if feasible, describe them in relation "A" product groups. Examples of acceptable "A" product groups are "semi-conductors, A type"; "electronic testing instruments, A type"; etc. All other commodities having Export Control Commodity Numbers with the same first digit may be combined into a single entry. The commodity description for each entry shall be in terms of broad descriptive categories corresponding with the commodity sections and subheadings on the Commodity Control List (see § 399.1(j) of this subchapter).

* * * * *

(h) * * *

(3) *Limit on amount shipped.* Exports under a Distribution License of any commodity identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List are limited for each entry during the entire validity period of the license, to the amount shown on the license for that entry. This limitation does not apply to commodities not identified by the code letter "A." Exports of a commodity not identified by the code letter "A" may exceed the amount shown for that particular entry provided the total of all such shipments does not exceed the grand total authorized for all of the commodities not identified by the code letter "A" on the license.

* * * * *

(m) *Reports.* The exporter shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the Distribution License, as well as any reexports he has specifically authorized to be made to approved consignees by his subsidiary, affiliate, or branch that is not approved under the Distribution License procedure. The report shall cite the license number indicated on the export license and, as a minimum, show, for each consignee, a separate aggregate value for each commodity group as shown on the license (i.e., for each commodity identified by the code letter "A" following the Export Control Commodity Number or related "A" product group, and for each related non-"A" product group). The report shall be submitted in original only and transmitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

* * * * *

In § 373.4, paragraphs (a)(2) and (4), (b), and (c)(5) are amended to read as follows:

§ 373.4 Foreign-based warehouse procedure.

* * * * *

(a) * * *

(2) *Foreign-based stock.* A "foreign-based stock" consists of U.S.-origin commodities identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (see § 399.1 of this subchapter), which have been licensed by the Office of Export Control to be stocked outside the United States by a U.S. exporter or his subsidiary for distribution in three or more countries to customers approved by the Office of Export Control.

* * * * *

(4) *Customer.* A person or firm in a country other than Country Group S, W, Y, or Z, who is supplied with U.S.-origin commodities through a distributor as defined in subparagraph (3) of this paragraph.

(b) *Exports to the foreign-based warehouse.* A U.S. exporter who qualifies under this procedure may apply for and obtain licenses for exports to an approved destination for the purpose of maintaining a foreign-based stock of any commodity(ies) identified by code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List, except the following commodities:

Export Control Commodity Number and Commodity Description

515 Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin.
714 Electronic computers.
71980 Electron beam equipment for the deposition of thin film, the coating of thin film, or the working thereof.
726 X-ray machines and parts therefor; and flash discharge type X-ray tubes.
7295 Vibration testing equipment.
7295 Mass spectrometers.
72970 Neutron generators and specially designed parts therefor; and neutron generator tubes.
8619 Mass spectrometers.
862 High speed photographic film and plates, sensitized, unexposed, as follows: (a) Having an intensity dynamic range of 1,000,000:1 or greater, or (b) having a speed of ASA 10,000 (or equivalent) or more.

(c) * * *

(5) *Table of Denial and Probation Orders.* The U.S. exporter shall also furnish promptly to each approved customer, other than an end-user of the commodities, current reprints of the "Table of Denial and Probation Orders Currently in Effect" and each addendum thereto (see Supplement No. 1 to Part 388 of this subchapter). Copies of these reprints, issued on or about July 1 and February 1, may be obtained without charge from the Office of Export Control.

Section 373.5(b) is amended to read as follows:

§ 373.5 Periodic Requirements (PRL) License.

* * * * *

(b) *Commodities subject to procedure.* (1) The commodities for which the issuance of a PRL License will be considered are identified in the last column of the Commodity Control List (§ 399.1 of this subchapter) by PRL Commodity Group numbers, consisting of the symbol "P" followed by a number. However, a PRL License is not applicable to the export of any:

(i) Commodity related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1 of this subchapter; and

(ii) Electronic, mechanical, or other device, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

(2) An application may cover as much as 1 year's estimated requirements of the named ultimate consignee(s) for the commodities included in the application.

The PRL Commodity Groups are:

Group P–1—Rubber products.
Group P–2—Aircraft.
Group P–3—Plastics.
Group P–4—Petroleum products.
Group P–5—Refractories.
Group P–6—Electrical machinery and apparatus.
Group P–7—Metals and minerals, crude and semifinished.
Group P–8—Metals and minerals, mill products and manufactured products.
Group P–9—General industrial equipment.
Group P–10—Power generating machinery.
Group P–11—Construction equipment.
Group P–12—Petroleum equipment.
Group P–13—Industrial inorganic chemicals.
Group P–14—Organic chemicals.
Group P–15—Agricultural machinery.

* * * * *

In § 373.7, paragraphs (d)(1)(iv)(*b*)(*4*), (*5*), and (*6*), (i)(4) and (5), and (k) are amended to read as follows:

§ 373.7 Service Supply (SL) Procedure.

* * * * *

(d) * * *

(2) * * *

(iv) * * *

(*b*) * * *

(*4*) An estimated 1 year's supply of spare and replacement parts shall be

entered in the Commodity Description space. All commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) shall be either listed separately on the application or on an attachment, or, if feasible, described in related "A" product groups. Examples of acceptable "A" product groups are "Semi-conductors, A type"; "aircraft engines, A type"; etc.

(5) All commodities not identified by the code letter "A" having Export Control Commodity Numbers with the same first digit may be combined into a single entry. The commodity description for each such entry shall be in terms of broad descriptive categories corresponding with the commodity sections and subheadings that appear on the Commodity Control List (see § 399.1(j) of this subchapter). chapter).

(6) The estimated total value of each commodity with the code letter "A" following the Export Control Commodity Number or related "A" product group, and of each non-"A" product group to be exported during the 1-year validity period of the SL License shall be shown in the Total Selling Price space and a grand total shall be computed for all of the commodities.

* * * * *

(i) * * *

(4) Parts identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List may not be exported or reexported under this procedure to Country Group W or Y if the value of the parts included in a shipment is more than $2,000.[1]

(5) Parts identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, regardless of value, may not be exported or reexported to Country Group W or Y to service equipment also identified on the Commodity Control List by the code letter "A".[1]

* * * * *

(k) *Reports.* Each exporter who has been issued an SL License under the provisions of paragraph (f)(1) of this section shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the SL License. The report shall cite the license number indicated on the export license and shall show, as a minimum for each consignee, a separate aggregate value for each product group shown on his license (i.e., for each commodity identified by the code letter "A" following Export Control Commodity Number or related "A" product group, and for each non-"A" product group). Where exports are made to service vessels or aircraft, both the country of registry and the country to which the shipment was made shall be listed. Yugoslav End-Use Certificates and Swiss Blue Import Certificates covering exports to these destinations shall be submitted as attachments to the report. If exports of commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List have been made to Country Group W or Y under the SL Procedure, the monthly report shall show each of these shipments separately, the date of each shipment, and shall include the following additional information for each such commodity:

(1) A description of the equipment serviced in Commodity Control List terms;

(2) The quantity or number and the value of such items of equipment serviced; and

(3) The country in which the equipment was serviced.

If the U.S. exporter has authorized his approved foreign-based service facility to reexport such commodities identified by the code letter "A" following the Export Control Commodity Number to Country Group W or Y, a similar monthly report shall be submitted in the same detail set forth above. In addition, the Office of Export Control may require additional reports regarding any aspect of exports or reexports under the provisions of this § 373.7. The reports shall be submitted in original only and transmitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

* * * * *

Supplement No. 1 to Part 373 is amended to read as follows:

Supplement No. 1—Commodities Excluded From Certain Special License Procedures

Export Control Commodity Number and Commodity Description	
23	Carboxyl terminated polybutadiene; hydroxyl terminated polybutadiene; and cyclized 1.2-polybutadiene.
28	Copper ores and concentrates.
28	Copper matte.
28	Zirconium ores and concentrates.
28	Rhenium concentrates (salts).
28	Copper bearing ash and residues.
28	Copper or copper-base alloy waste and scrap.
3	Lubricants which contain fluoroalcohol esters or perfluoroakyl ethers as the principal ingredient.
3	Lubricants wholly made of fluorocarbon polymers or copolymers as defined in § 399.2, Interpretation 22.
512	Cyclic chemical intermediates, as follows: (a) 2-di-cyclohexyl carbodiimide; (b) di-o-tolyl carbodiimide; (c) methylbenzylate; (d) ortho chloro benzaldehyde; (e) piperidine carboxyl acid; (f) 3-quinuclidinone; and (g) 3-quinuclidinol.
512	Beta-diathylaminoethyldiphenylpropylacetate hydrochloride.
512	Cyclic chemical products, as follows: (a) ethyl centralite; (b) methyl centralite; (c) NN-diphenylurea; (d) methyl NN diphenylurea; (e) ethyl-NN-diphenylurea; (f) ethyl phenyl urethane; (g) diphenyl urethane; (h) diortho tolylurethane; and (i) 2-nitrodiphenylamine.
512	Organic chemicals, as follows: (a) guanidine nitrate; (b) 3-nitraza-1, 5 pentane diisocyanate; (c) bis 2 (2,2′ dinitropropyl) formal and acetal; (d) 2,2′ dinitropropanol; (e) tetrazene; (f) lead styphnate; (g) dibromotetrafluoroethane; (h) polybromotrifluoroethylene; (i) trifluoromonochloroethylene; (j) 2 1-cyanoacetamide; (k) diethylmethyl phosphonite; (l) diisopropyl amino ethyl chloride hydrochloride; (m) diosopropyl carbodiimide; (n) 2-di-isopropyl aminoethanol; (o) dimethyl hydrogen phosphite; (p) lysergic acid di ethyl amine; (q) malononitrile; (r) methyl dichlor phosphine; (s) methylisonicotenate; (t) methyl phosphonyl dichloride; (u) N, N-diethyl ethylene diamine; (v) trichlorotrifluoroethane; and (w) dichlorotetrafluoroethane.
512	Diethylene triamine, purity 96 percent or higher.
513	Boron element (metal), all forms.
513	Calcium metal containing less than one hundredth (0.01) percent weight of impurities other than magnesium and less than 10 parts per million of boron.
513	Lithium metal.
513	Chlorine trifluoride.
513	Alumina-silica, aluminum oxide, or synthetic sapphire whiskers as defined in § 399.2, Interpretation 23.
513	Fibrous and filamentary materials made of boron, beryllium carbide, beryllium oxide, tungsten monocarbide, or zirconium oxide, as defined in § 399.2, Interpretation 23.
513	Beryllium oxides, hydroxides, peroxides, and compounds; hafnium oxides; and monocrystalline gallium compounds.
513	Zirconium oxide, as follows: (a) Containing less than one part hafnium to 500 parts zirconium by weight; (b) purity 97 percent or higher; or (c) stabilized with lime and/or magnesia.
514	Fibrous and filamentary materials materials made of aluminum nitride, boron carbide, boron nitride, beryllium carbide, beryllium oxide, silicon carbide, tungsten monocarbide, or zirconium oxide, as defined in § 399.2, Interpretation 23.
514	Boron carbides, hydrides, and nitrides.
514	Beryllium compounds; hafnium compounds; and zirconium compounds.
514	Master alloys of copper containing 8 percent or more phosphor.
514	Hydrides in which lithium is compounded with hydrogen or complexed with other metals or aluminum hydride.
515	Radioisotopes, cyclotron-produced or naturally occurring, and compounds and preparations thereof.
515	Polonium metal, salts and compounds.
515	Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin.
515	Lithium as follows: (a) Lithium 6 and 7 isotopes, (b) hydrides in which lithium enriched in the 6 isotope is compounded with hydrogen or its isotopes, or complexed with other metals or aluminum hydride, (c) alloys containing any quantity of lithium enriched in the 6 isotope, (d) any

[1] Requests for exceptions to this restriction will be considered under the provision of § 373.7(1).

Export Control Commodity Number and Commodity Description—Continued

other material containing lithium enriched in the 6 isotope, including compounds, mixtures and concentrates; or (e) compounds enriched in lithium 7 isotopes.

57 Primary explosives and priming compositions containing barium styphnate, diazodinitrophenol, lead dinitroresorcinate, lead styphnate, lead and tetrazene.

581 Resin (plastic) composites, unfinished or semifinished (including molding compounds, laminates and molded shapes) as defined in § 399.2, Interpretation 23.

581 Pipe and tubing made of, lined with, or covered with polytetrafluoroethylene polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride.

59 Artificial graphite, whether or not coated or composited with other materials to improve its performance at elevated temperatures to reduce its permeability to gases, having an apparent relative density of 1.90 or greater, when compared to water at 60° F. (15.5° C.).

59 Artificial graphite having a boron content of one part per million or less, the total thermal neutron absorption cross section being 5 millibarns per atom or less.

59 Other artificial pyrolytic graphite.

59 Carbon or graphite fibers in any form, as defined in § 399.2, Interpretation 23.

59 Hydraulic fluids formulated wholly or in part with fluorinated or chlorinated silicones, fluoro-alcohol esters, or perfluoroalkyl ethers.

62 Hose and tubing lined with or covered with polytetrafluoroethlene, polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride.

62 Tires, of a kind specially constructed to be bullet proof or run when deflated; and other aircraft tires and inner tubes.

651 Yarn, roving, and strand made from glass, silica, quartz, or glass-like fibers, in any form, as defined in § 399.2, Interpretation 23.

653 Broad and narrow woven fabric, including tape, made from glass, silica, quartz, or glass-like fibers, in any form, as defined in § 399.2, Interpretation 23.

655 Textile fabrics, n.e.c., made from glass, silica, quartz, or glass-like fibers, as defined in § 399.2, Interpretation 23.

655 Textile fabrics and articles, n.e.c., as follows: (a) wholly made of fluorocarbon polymers or copolymers as defined in § 399.2, Interpretation 22; and (b) coated or impregnated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic ploy amides, and polyparaxylylenes where the value of such contained polymeric substance, either alone or in combination with fluorocarbon polymers or copolymers as defined in § 399.2, Interpretation 22, is 50 percent or more of the total value of the materials used.

662 High temperature refractory brick and similar shapes, cement, mortar, and other refractory construction materials, n.e.c., containing 97 percent or more by weight of beryllium oxide or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide.

663 Carbon or graphite fibers in any form, as defined in § 399.2, Interpretation 23.

663 Artificial graphite products, n.e.c., including refractory, whether or not coated or composited with other materials to improve their performance at elevated temperatures or to reduce their permeability to gases having an apparent relative density of 1.90 or greater when compared to water at 60° F. (15.5° C.).

663 Artificial graphite products, n.e.c., including refractory, having a boron content of one part per million or less, the total thermal neutron absorption cross section being 5 millibarns per atom or less.

663 Other artificial pyrolytic graphic products, n.e.c., including refractory.

663 Refractory products wholly made of boron carbide or boron nitride.

663 Crucibles and refractory products other than refractory construction materials, n.e.c., containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide.

664 Glass, silica, quartz, or glass-like fibers in any form, as defined in § 399.2, Interpretation 23.

667 Sapphire whiskers as defined in § 399.2, Interpretation 23.

671 Ferrozirconium containing more than 50 percent zirconium in which the ration of hafnium content to zirconium content is less than one part to 500 parts by weight.

678 Pressure tubes and pipes, and fittings therefor, of 8 inches or more inside diameter, having a wall thickness of 8 percent or more of the inside diameter and made of (a) stainless steel, or (b) other alloy steel containing 10 percent or more nickel and/or chromium.

678 Tubes, pipes, and fittings therefor, lined with or covered with polytetrafluoroethylene, polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride.

682 Blister copper and other unrefined copper.

682 Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.

682 Master alloys of copper.

682 Bars, rods, angles, shapes, sections, and wire of copper or copper alloy.

682 Plates, sheets, and strips (including perforated) or copper or copper alloy.

682 Copper or copper alloy foil, including paperbacked.

682 Copper or copper alloy powders and flakes.

682 Tubes, pipes, and blanks therefor, and hollow bars of copper or copper alloy.

682 Pressure tube fittings and pipe fittings, copper-nickel alloy, having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness of 8 percent or more of the inside diameter.

683 Bars, rods, angles, shapes, sections, plates, sheets, strips, foil, hollow bars, tubes, pipes, blanks, and fittings of porous nickel having a purity of 99 percent or more.

683 Other bars, rods, angles, shapes, sections, and wire of nickel alloy containing 32 percent or more nickel, except nickel-copper alloys containing not more than 6 percent of other alloying elements.

683 Nickel powders with a particle size less than 200 microns.

683 Pressure tube and pipe fittings containing 32 percent or more nickel, having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness of 8 percent or more of the inside diameter.

6893 Beryllium fibrous and filamentary materials as defined in § 399.2, Interpretation 23.

6893 Beryllium metal or beryllium alloys containing more than 50 percent beryllium, wrought and unwrought, and waste and scrap.

6894 Molybdenum fibrous and filamentary materials as defined in § 399.2, Interpretation 23.

6895 Boron or titanium fibrous and filamentary materials as defined in § 399.2, Interpretation 23.

6895 Hafnium metal and alloys containing more than 15 percent hafnium by weight.

6895 Lithium alloys containing 50 percent or more lithium.

6895 Rhenium metal and rhenium metal alloys, wrought or unwrought.

6895 Titanium metal and titanium alloys containing 70 percent or more titanium, wrought or unwrought, including intermediate mill shapes, and waste and scrap.

6895 Zirconium metal and zirconium alloys containing more than 50 percent zirconium in which the ration of hafnium content to zirconium content is less than one part to 500 parts by weight, wrought and unwrought, and waste and scrap.

692–6989 Containers, jacketed only, for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), including mobile units, specially designed for (a) liquid fluorine; (b) liquid oxygen, nitrogen, or argon, with (i) multi-laminar type insulation under vacuum, or (ii) other types of insulation and (1) having a fixed storage capacity of 500 tons or more, or (2) having a mobile capacity exceeding 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight; or (c) liquefied gases boiling at temperature below minus 328° F. (minus 200° C.), with (i) multilaminar type insulation under vacuum, or (ii) other types of insulation, having a liquid capacity of more than 250 gallons (946 liters) and an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight.

6989 Iron whiskers as defined in § 399.2, Interpretation 23.

6989 Copper or copper alloy castings and forgings.

6989 Beryllium or beryllium alloy castings and forgings containing more than 50 percent beryllium; and articles wholly made of beryllium.

6989 Castings and forgings, as follows: (a) Hafnium metal or hafnium alloy

Export Control Commodity Number and Commodity Description—Continued

containing more than 15 percent hafnium by weight; (b) polonium metal; (c) rhenium or rhenium alloy; (d) lithium or lithium alloy containing 50 percent or more lithium; and (e) titanium metal or titanium alloy containing 70 percent or more titanium.

6989 Zirconium or zirconium alloy castings, forgings, and other articles, n.e.c., containing more than 50 percent zirconium in which the ration of hafnium content to zirconium content is less than one part to 500 parts by weight; and other articles wholly made of zirconium or zirconium alloys.

6989 Electrical conducting materials specially designed for operation continuously or discontinuously at ambient temperatures below minus 170° C.

6989 Wire mesh, all types, including electroformed, containing 95 percent or more nickel, with 60 or more wires per linear centimeter or the equivalent thereof.

711 Heat exchangers and heat-exchanger type condensers specially designed for nuclear reactors; and parts and accessories, n.e.c. Tubular type heat exchangers designed to operate at pressures of 1,500 p.s.i. and above and with all flow contact surfaces made of or lined with 10 percent or more nickel and/or chromium; and parts and accessories, n.e.c.

711 Heat exchangers and heat-exchanger type condensers, tubular, designed for use in steam power generation and to operate at pressures of 300 p.s.i. and over and with all flow contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 60 percent or more nickel, either separately or combined, and parts and accessories, n.e.c.

711 Steam turbines designed for use of saturated steam for an output of 2,000 horsepower (1,500 kilowatts) up to and including 100,000 horsepower (75,000 kilowatts); and parts and accessories, n.e.c.

711 Parts and accessories, n.e.c., specially fabricated for nuclear reactors, including mechanical devices designed to control or shut down a nuclear reactor.

714 Advanced electronic computers; i.e., those with a bus rate of 50 million bits per second or more.

714 Other electronic computers, analog or digital (including digital differential analyzers).[1]

71510 Metal-cutting machines tools and other machine tools for the working of metals, specially designed for the manufacture of arms, munitions, and implements of war.

7152 Foundry equipment specially designed for the manufacture of arms, munitions, and implements of war; and parts, n.e.c.

718 Foundry machines specially designed for the manufacture of arms, munitions, or implements of war; and parts, n.e.c.

7191 Electrolytic cells; and parts, n.e.c.

7191 Process vessels specially designed for chemically processing radioactive material; and parts and accessories, n.e.c.

7191 Other machines and equipment, n.e.c., specially designed for use in processing of irradiated nuclear materials to isolate or recover fissionable materials; and parts and accessories, n.e.c.

7191 Heat exchangers made of aluminum, copper, nickel, or alloys containing more than 60 percent nickel, or combinations of these metals as clad tubes, designed to operate at subatmospheric pressure, with a leak rate of less than 10^{-4} atmospheres per hour under a pressure differential of 1 atmosphere; and parts, n.e.c.

7191 Equipment for the production of liquid helium; and parts, n.e.c.

7191 Equipment for the production of liquid fluorine; and parts, n.e.c.

7191 Equipment specially designed for the production and/or concentration of deuterium oxide; and parts, n.e.c.

7192 Industrial pumps having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molybdenum, either separately or combined, (c) polytetrafluoroethylene or (d) polychlorotrifluoroethylene; and parts and attachments, n.e.c.

7192 Vertically shafted centrifugal pumps, glandless, hermetically sealed (canned) type or mechanical pressurized sealed type, having all flow contact surfaces made of or lined with 10 percent or more nickel and/or chromium and rated at 50 kilowatts or more; and parts and attachments, n.e.c.

7192 Other centrifugal pumps, glandless, hermetically-sealed (canned) type, having all flow-contact surfaces made of 10 percent or more chromium or nickel, either separately or combined; and parts and attachments, n.e.c.

7192 Pumps designed to move molten metals by electro-magnetic forces; and parts and attachments, n.e.c.

7192 Compressors and blowers (turbo, centrifugal, and axial flow types) having a designed capacity of 60 cfm or more and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel; and parts and attachments.

7192 Counter-current solvent extractors specially designed for the extraction of radioactive substances (for example, pulsed columns and mixer-settlers made of stainless steel); and parts.

7192 Equipment specially designed for the separation of isotopes of uranium and/or lithium; and parts.

7192 Equipment for filtering, purifying, separating or treating radioactive impurities from nuclear reactor collant; and parts.

7192 Gas centrifuges capable of the enrichment or separation of isotopes; and parts.

7192 Other centrifuges, power-driven, bowl type, with all product contact surfaces of aluminum, nickel, or alloy containing 60 percent or more nickel; and parts.

7192 Centrifuge bowls, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel; and parts.

71980 Nuclear reactor fuel chopping, disassembling, or dejacketing machines; and parts and accessories, n.e.c.

71980 Hot or cold isostatic presses; and parts and accessories, n.e.c.

71980 Assembling jigs and fixtures for military equipment; and parts and accessories, n.e.c.

71980 Ammunition hand-loading machines and parts and accessories, n.e.c.

71980 Equipment for the production of military explosives and solid propellants.

71980 Filament winding machines designed for or modified for the manufacture of rigid structural forms by precisely controlled tensioning and positioning of filament yarns, tapes, or rovings; and parts, controls, and accessories, n.e.c.

7199 Pipe valves having all of the following characteristics: A pipe size connection of 8 inches or more inside diameter, all flow contact surfaces made of or lined with alloys of 10 percent or more nickel and/or chromium and rated at 1,500 psi or more; and parts.

7199 Valves, 1 inch or more in diameter, fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloys containing 60 percent or more nickel, except those having metal to metal seats; and parts.

7199 Valves, cocks, or pressure regulators with all flow contact surfaces made of or lined with polytetrafluoroethylene or polychlorotrifluoroethylene; and parts.

7199 Other valves fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloys containing 60 percent or more nickel; and parts.

722 Generators and turbine-generator sets specially designed for use with nuclear reactors; and parts and accessories, n.e.c.

722 Other turbine-generator sets specially designed for use of saturated steam; and parts and accessories, n.e.c.

723 Wire and cable coated with or insulated with fluorocarbon polymers or copolymers.

723 Communications or coaxial cable.

723 Insulated nickel or nickel alloy wire as follows: (a) Insulated thermocouple nickel chrome wire containing less than 95 percent nickel and within a diameter range of 0.2 mm. to 5 mm. both inclusive, or (b) other insulated nickel or nickel alloy wire containing 32 percent or more nickel, except nickel copper alloy wire containing not more than 6 percent of other alloying elements.

723 Other copper or copper alloy insulated wire and cable.

726 Flash discharge type X-ray tubes; and parts and accessories, n.e.c.

726 X-ray machines having any of the following characteristics: (a) peak power exceeding 500 MW, (b) output voltage exceeding 500 KV, or (c) output current exceeding 2,000 amperes with pulse width of 0.2 microseconds or less; and parts and accessories, n.e.c.

7291 Electro-chemical and radioactive devices for the conversion of chemical energy to electrical energy, having any of the following characteristics: (a) Fuel cells, including regenerative cells (i.e., cells for generating electric power, to which all the consumable components are supplied from outside the cells), (b) primary cells possessing a means of activation and having an

[1] Excluded from Project procedure only.

Export Control Commodity Number and Commodity Description—Continued	
	open circuit storage life in the unactivated condition, at a temperature of 70° F. (21° C.), of 10 years or more, (c) primary cells capable of operating at temperatures from below minus 13° F. (minus 25° C.) to above plus 131° F. (plus 55° C.), including cells and cell assemblies (other than dry cells) possessing self-contained heaters, or (d) power sources other than nuclear reactors based on radioactive materials systems, except those having a power output of less than 0.5 watts in which the ratio of output (in watts) to weight (in pounds) is less than 1 to 2; and parts, components, and subassemblies therefor.
72930	Image converter tubes specifically designed for light shutter applications and having shutter speeds of less than 100 nanoseconds.
72930	Triggered spark-gaps, having an anode delay time of 15 microseconds or less and rated for a peak current of 3,000 amperes or more; and parts and accessories, n.e.c.
7295	Instruments designed for testing, calibrating or aligning the following equipment: (a) Compasses and gyroscopic equipment, Nos. 7295 and 9619, which are subject to the Import Certificate/Delivery Verification Procedure, (b) aircraft integrated flight instrument systems which include gyrostabilizers and/or automatic pilots, (c) gyrostabilizers other than those for aircraft control or for stabilizing an entire surface vessel, (d) automatic pilots other than those for aircraft or surface vessels, (e) astro compasses, (f) star trackers, and (g) accelerometers designed for use in inertial navigation systems or in guidance systems.
7295	Testing and inspecting machines specially designed for the examination, testing and checking of arms, munitions, and implements of war.
7295	Nuclear radiation detection and measuring instruments designed to measure neutron flux in connection with the determination of the power level of an operating nuclear reactor; and other nuclear radiation dosimeters capable of measuring dosages above 5 roentgens in one exposure.
7295	Vibration testing equipment.
7295	Control equipment specially designed for hot or cold isostatic presses (No. 71980).
7295	Mass spectrographs and mass spectrometers, except mass spectrometer type leak detectors.
72970	Neutron generators employing the electrostatic acceleration of ions; and parts.
72970	Neutron generator tubes designed for operation without external vacuum system, and utilizing electrostatic acceleration to induce a tritium deuterium nuclear reaction; and parts.
72970	Accelerators, as follows: (a) betatrons, synchrotrons, cyclotrons, synchrocyclotrons and linear accelerations, (b) electron accelerators capable of imparting energies in excess of 500,000 electron volts, and (c) other electronuclear machines capable of imparting energies in excess of 1 million electron volts to a nuclear particle or ion; and parts.
7299	Magnets specially designed for electronuclear machines capable of imparting energies in excess of 1 million electron volts to a nuclear particle or ion.
7299	Electric cold crucible vacuum induction furnaces designed to operate at pressures lower than 0.1 millimeter of mercury and at temperatures higher than 2012° F. (1100° C.).
7299	Electrical carbons made of artificial graphite having a boron content of one part per million or less, the total thermal neutron absorption cross section being 5 millibarns per atom or less.
7299	Electrical carbons made of artificial graphite whether or not coated or composited with other materials to give improved performance at elevated temperatures of to reduce their permeability to gases, having an apparent relative density of 1.90 and greater.
7299	Articles for electrical purposes, made of carbon or graphite fibers in any form, as defined in § 399.2, Interpretation 23.
7299	Other artificial pyrolytic graphite electrodes and electrical carbons.
734	Nonmilitary helicopters, aircraft, and ground effects machines (GEMS), including surface effect machines and other air cushion vehicles.
734	Military aircraft, demilitarized (not specifically equipped or modified for military operations), the following only: (a) cargo, "C–45 through C–118," and "C–121;" (b) trainers, bearing a "T" designation and using piston engines; (c) utility, bearing a "U" designation and using piston engines; and (d) liaison, bearing an "L" designation.
8611	Lenses and prisms specially designed for high-speed cameras and streak cameras under Nos. 8614 and 8615 which are subject to the Import Certificate/Delivery Verification procedure.
86140	Streak cameras capable of recording events which are not initiated by the camera mechanism; and parts and accessories.
86140	Photographic microflash equipment capable of giving a flash of 1/200,000 second or shorter duration at a minimum recurrence frequency of 200 flashes per second; and parts and accessories.
86140	High-speed cameras as follows: (a) Recording cameras in which the film does not move, and which are capable of recording at rates exceeding 250,000 frames per second for the full framing height of standard 35 mm. wide film, or proportionately higher rates for lesser frame heights, or proportionately lower rates for greater frame heights; or (b) cameras having shutter speeds of less than one microsecond per operation; and parts and accessories, n.e.c.
86150	High-speed recording cameras (cine) in which the film (a) is continuously advanced and which are capable of recording at rates greater than 3,000 frames per second at full framing heights of standard 35 mm. wide film or proportionately higher rates for lesser frame heights, or proportionately lower rates for greater frame heights; or (b) is intermittently advanced, being automatically locked in place for each frame, and which are capable of recording at the following rates for full frame heights: (i) Greater than 250 frames per second for 16 mm. wide film, (ii) greater than 130 frames per second for 35 mm. wide film or (iii) greater than 50 frames per second for 70 mm. wide film; and parts and accessories, n.e.c.
8619	Range finders specially designed for cameras under Nos. 86140 and 86150 which are subject to the Import Certificate/Delivery Verification procedure; and parts and accessories, n.e.c.
8619	Testing and inspecting machines and equipment specially designed for the examination, testing, and checking of arms, munitions, and implements of war; and parts, n.e.c.
8619	Vibration testing equipment.
8619	Mass spectrographs and mass spectrometers, except mass spectrometer type leak detectors; and parts, n.e.c.
8619	Parts (including positive ion sources), assemblies, components, and accessories, n.e.c. for mass spectographs and mass spectrometers under No. 7295 which require a validated license to all Country Groups.
8619	Parts and accessories, n.e.c., for nuclear radiation dosimeters.
862	Film and plates, as follows: (a) Having an intensity dynamic range of 1,000,000: 1 or more, or (b) having a speed of ASA 10,000 (or equivalent) or more.
89300	Resin (plastic) composite structures or laminates (including molded shapes), containing silica, quartz, carbon, or graphite fibers as defined in § 399.2, Interpretation 23.
89300	Hose, tubing and fittings therefor, made of, lined with, or covered with polytetrafluoroethylene, polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride.
899	Wire cloth sieves, all types, including electroformed, containing 95 percent or more nickel, with 60 or more sieves per linear centimeter or the equivalent thereof.

PART 375—DOCUMENTATION REQUIREMENTS

In § 375.1, paragraphs (a)(1), (e)(3), and (k)(1) are amended to read as follows:

§ 375.1 International Import Certificates and Delivery Verification Certificates.

(a) * * *

(1) *Commodities.* The International Import Certificate requirement applies only to those commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter). (See paragraph (e)(3) of this section for commodities from which the code letter "A" is deleted after the International Import Certificate has been submitted.) The Delivery Verification Certificate requirement applies to all commodities for which a validated license is required.

* * * * *

(e) * * *

(3) When the code letter "A" following the Export Control Commodity Number is replaced by another code letter, the commodities covered by that entry are removed from the Import Certificate/Delivery Verification requirements of this § 375.1. Neither a new Import Certificate nor an Import Certificate previously submitted to the Office of Export Control will be accepted in lieu of the required consignee/purchaser statement in support of a license application which is submitted to the Office of Export Control after the change in the code letter.

* * * * *

(k) *Delivery Verification Certificate*—(1) *Notification of requirement.* (i) Delivery Verification Certificates are required by the Office of Export Control on a selective basis. They may be required for exports of any commodities exported under a validated license to any of the destinations listed in paragraph (a)(2) of this section, including commodities not identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control list (§399.1 of this subchapter) and commodities for which an exemption or exception to the Import Certificate requirement has been established in accordance with paragraph (c) or (d) of this section. Where verification of delivery is required, the words "Delivery Verification required, see attached Form IA–863" will be stamped on the face of the export license. In addition, Form IA–863, Notification of Delivery Verification Requirement (see Supplement S–20 for facsimile), will be attached to the license.[1] Where the license is sent directly to an agent or freight forwarder of the licensee, it is the responsibility of that agent or freight forwarder to notify the licensee that a Delivery Verification Certificate is required. (See Supplement No. 1 to this Part 375 for list of addresses where importers may obtain Delivery Verification Certificates issued by each of these destinations may be inspected at any U.S. Department of Commerce field office (see list on page i under Field Office Addresses) or at the Office of Export Control, Exporters' Service Branch, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC.)

(ii) The Delivery Verification Certificate requirement for a particular export transaction is cancelled automatically if, subsequent to the issuance of a license, (*a*) the code letter "A" is replaced by another code letter for the commodity involved, and (*b*) the exporter returns the original copy of Form IA–863 to the Office of Export Control with a statement that the code letter "A" has been replaced by another code letter.

* * * * *

In § 375.2(b), subparagraphs (2)(ii) (*a*) and (3) are amended to read as follows:

[1] In certain instances, the licensee may be requested to submit a Delivery Verification Certificate under alternative procedures.

§ 375.2 Ultimate Consignee and Purchaser Statement.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(*a*) $500 for commodities identified by the code letter "A" following the Export Control Commodity Number; or

* * * * *

(3) *Grace period.* Whenever the requirement for a consignee/purchaser statement for any commodity is extended by reason of the addition of a country group(s) in the column on the Commodity Control List titled "Validated License Required for Country Groups Shown Below," or by replacement of the code letter "A" following the Export Control Commodity Number with another code letter, an export license need not conform to the requirements of this § 375.2 for a period of 30 days after the date that the commodity becomes subject to the new requirement. In lieu thereof, applications filed during the 30-day grace period shall be accompanied by any evidence available to the applicant that will support his representations concerning the ultimate consignee, ultimate destination, and end-use, such as copies of the order, letters of credit, correspondence between the exporter and ultimate consignee, or other documents received from the ultimate consignee.

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* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

In § 376.2, paragraph (d) is amended to read as follows:

§ 376.2 Samples: exports and reexports to Country Groups W and Y.

* * * * *

(d) *Decision by Office of Export Control.* The Office of Export Control will act on a request to export or reexport a sample as promptly as possible. In some cases, however, the Office of Export Control may find that it is unable to avoid extended deliberation. This is usually necessary when the sample:

(1) Is not a commodity within any of the categories set forth in paragraph (b)(2) of this section;

(2) Is valued in excess of $200;

(3) Is identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter);

(4) Contains or incorporates unique or advanced extractable technical data that would make a significant contribution to the military potential of the country of destination to the detriment of the national security of the United States; or

(5) Is to be sent only upon receipt of an indication from the Office of Export Control that there is a favorable prospect a commercial quantity of the sample commodity would be approved for the same destination.

* * * * *

In § 376.3, paragraph (b)(1)(i)(*a*)(*1*) is amended to read as follows:

§ 376.3 Agricultural commodities and manufactures thereof.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(*a*) * * *

(*1*) *Grains.* The following grains, except for seed chemically treated and colored for use as seed, but including inbred seed grain, that require a validated license for Country Group Y:

Export Control Commodity Number and Commodity Description	
0	Rice, unmilled or milled.
0	Barley, unmilled.
0	Corn, unmilled, except fresh corn.
0	Rye, unmilled.
0	Oats, unmilled.
0	Grain sorghums, unmilled.
0	Cereal grains, unmilled, n.e.c.

* * * * *

Section 376.4 is amended to read as follows:

§ 376.4 Nickel commodities.

(a) *Special provisions*—(1) *Export order requirement.* An export license application covering any of the following commodities shall be accompanied by a copy of the export order placed, or the contract entered into, by the foreign consignee or purchaser with the U.S. exporter or with his order party (see § 372.6 (b) and (c) of this subchapter for order party provisions):

Export Control Commodity Number and Commodity Description	
28	Iron and steel scrap containing 1 percent or more nickel by weight, including scrap melted into crude forms.
28	Nickel bearing residues and dross.
28	Nickel or nickel alloy waste and scrap.
513	Nickel oxide.
514	Nickel sulfate.
671	Ferronickel containing 90 percent or less nickel.
683	Nickel based magnetic materials, unwrought.
683	Other nickel or nickel alloys, unwrought.
683	Nickel or nickel alloy electroplating anodes.

(2) *Validity period.* All licenses to export the above commodities will be valid for 90 days from the date of issuance.

(3) *Export clearance.* An extra copy of the Shipper's Export Declaration, bearing the code "862" in the upper right corner, shall be filed with the customs office for each shipment of the above commodities under a validated license.

(b) *Commodities supplied from U.S. National Stockpile*—(1) *Licensing policy.* Except in unusual circumstances, an export license application covering any of the following commodities that are supplied from the U.S. National Stockpile will be denied:

Export Control Commodity Number and Commodity Description	
513	Nickel oxide.
671	Ferronickel containing 90 percent or less nickel.
683	Nickel based magnetic materials, unwrought.
683	Other nickel or nickel alloys, unwrought.

(2) *Information required.* On a license application covering any of the above commodities, the applicant shall include the following information, as appropriate, in the "Additional Information" space or an attachment:

(i) If the commodity has not been or will not be supplied from the National Stockpile, enter the following certification:

I (We) certify that the (name of commodity) described in this application has not been, and will not be supplied from the U.S. National Stockpile.

(ii) If the commodity has been or will be supplied from the National Stockpile, so state, naming the commodity and giving the date it was or will be purchased from the National Stockpile.

(iii) If the applicant does not know or is unable to determine whether the commodity has been or will be supplied from the National Stockpile, so state, naming the commodity and giving the reason(s) why this information is not available.

(c) *Nickel alloy waste and scrap containing 50 percent or more copper.* Nickel alloy waste and scrap containing 50 percent or more copper, irrespective of nickel content (Export Control Commodity No. 28), is considered for export control purposes to be copper scrap, and therefore is subject to the provisions of § 377.3(b) of this subchapter.

§ 376.7 [Amended]

In § 376.7, footnote 1 is amended to read as follows:

[1] Parts, accessories, and equipment that are to be scrapped are classified as scrap; e.g., Export Control Commodity No. 28. (See § 399.2 of this subchapter, Intrepretation 10.)

In § 376.9, paragraph (c)(4)(ii) is amended to read as follows:

§ 376.9 Ship stores, plane stores, supplies, and equipment.

* * * * *

(c) * * *

(4) * * *

(ii) *Proposed ports of call.* Also submit the carrier's proposed calls at any point under Far Eastern Communist control for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States. If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to future destinations and areas of operation shall be submitted. If the carrier (*a*) will call at a point under Far Eastern Communist control within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or (*b*) is registered in Country Group W, Y, or Z, or (c) is under charter to, or under control of, a national of a Group W, Y, or Z country, state whether any commodities identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), included on the U.S. Munitions List (see Supplement No. 2 to Part 370 of this subchapter), or subject to the Atomic Energy Act (§ 370.10(e) of this subchapter) are carried on board the vessell or aircraft and destined directly or indirectly to any point under Far Eastern Communist control. If the answer is in the affirmative, indicate where such commodities will be discharged.

PART 377—SHORT SUPPLY CONTROLS

In § 377.3 paragraphs (a)(1), (b)(1), (d)(1), and (e)(1) are amended to read as follows:

§ 377.3 Copper and copper products.

(a) * * *

(1) *Denial policy.* Export license applications covering any of the following commodities generally are denied:

Export Control Commodity Number and Commodity Description	
28	Copper ores and concentrates.
28	Copper matte.
682	Blister copper and other unrefined copper.

* * * * *

(b) * * *

(1) *Scope.* The following commodities are subject to the provisions of this § 377.3(b):

Export Control Commodity Number and Commodity Description	
28	Iron and steel scrap containing 20 percent (by weight) or more copper, including scrap melted into crude forms.
28	Copper bearing ash and residues.
28	Copper or copper-base alloy waste and scrap.
28	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.
682	Refined copper fragments (made by chopping, shredding, or otherwise fragmenting copper wire, tubing, etc.) and unwrought forms of refined copper derived from such fragments.

* * * * *

(d) * * *

(1) *Scope.* As used in this § 377.3(d) the term "copper-base alloy ingots," means any ingots composed essentially of copper with one or more other metals; for example devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc. (Export Control Commodity No. 682).

* * * * *

(e) * * *

(1) *Scope.* As used in this § 377.3(e), the term "semifabricated copper products and master alloys of copper" includes:

Export Control Commodity Number and Commodity Description	
514	Master alloys of copper containing 8 percent or more phosphor.
682	Master alloys of copper.
682	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
682	Plates, sheets, and strips (including perforated) of copper or copper-base alloy.
682	Copper foil.
682	Copper or copper alloy powders and flakes.
682	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
6989	Copper or copper-base alloy castings and forgings.
723	Wire and cable coated with or insulated with fluorocarbon polymers or copolymers.
723	Communications cable, as follows: (a) Submarine cable; (b) coaxial cable using a mineral insulator dielectric; or (c) coaxial cable using a dielectric aired by discs, beads, spiral screw, or any other means.
723	Other communications or coaxial cable.
723	Other copper or copper-base alloy insulated wire and cable.

* * * * *

Supplement No. 1 to Part 377 is amended to read as follows:

Supplement No. 1—Commodities Subject to Short Supply Quota Controls

Export control commodity No.	Commodity description	Export control regulations reference	Submission dates for license applications (no later than date shown below)	
			Nonhistorical applicants	Historical applicants
28	Iron and steel scrap containing 20 percent (by weight) or more copper, including scrap melted into crude forms.	§ 377.3(b)	Aug. 31, 1970	Dec. 1, 1970.
28	Copper ores and concentrates	§ 377.3(a)	Any time	Any time.
28	Copper matte	§ 377.3(a)	do	Do.
28	Copper metalliferous ash and residues	§ 377.3(b)	Aug. 31, 1970	Dec. 1, 1970.
28	Copper or copper-base alloy waste and scrap, including copper-base alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.	§ 377.3(b)	do	Do.
28	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.	§ 377.3(b)	do	Do.
514	Master alloys of copper containing 8 percent or more phosphor.	§ 377.3(e)	Any time	Any time.
682	Blister copper and other unrefined copper	§ 377.3(a)	do	Do.
682	Refined copper of domestic origin, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms other than (a) refined copper fragments (made by chopping, shredding, or otherwise fragmenting copper wire, tubing, etc.) and (b) unwrought forms of refined copper derived from such copper fragments.	§ 377.3(c)	Aug. 31, 1970	Dec. 1, 1970.
682	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc.	§ 377.3(c)	do	Do.

Export control commodity No.	Commodity description	Export control regulations reference	Submission dates for license applications (no later than date shown below)	
			Nonhistorical applicants	Historical applicants
682	Refined copper fragments (made by chopping, shredding or otherwise fragmenting copper wire, tubing, etc.) and unwrought forms of refined copper derived from such fragments.	§ 377.3(b)	do	Do.
682	Master alloys of copper	§ 377.3(d)	Any time	Any time.
682	Bars, rods, angles, shapes, sections and wire of copper or copper-base alloy.	§ 377.3(e)	do	Do.
682	Plates, sheets, and strips (including perforated) of copper or copper-base alloy.	§ 377.3(e)	do	Do.
682	Copper foil	§ 377.3(e)	do	Do.
682	Copper or copper alloy powders and flakes	§ 377.3(e)	do	Do.
682	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.	§ 377.3(e)	do	Do.
6989	Copper or copper-base alloy castings and forgings	§ 377.3(e)	do	Do.
723	Wire and cable coated with or insulated with fluorocarbon polymers or copolymers.	§ 377.3(e)	do	Do.
723	Communications cable, as follows: (a) Submarine cable; (b) coaxial cable using a mineral insulator dielectric; or (c) coaxial cable using a dielectric aired by discs, beads, spiral screw, or any other means.	§ 377.3(e)	do	Do.
723	Other communications or coaxial cable	§ 377.3(e)	do	Do.
723	Other copper or copper-base alloy insulated wire and cable.	§ 377.3(e)	do	Do.

PART 379—TECHNICAL DATA

In § 379.4, paragraphs (b)(2)(i), (e)(1)(ii) through (v), (e)(2)(i), the note in (e)(2)(ii), and (e)(2)(iii) through (v) are amended to read as follows:

§ 379.4 General License GTOR: Technical data under restriction.

* * * * *

(b) * * *

(2) * * *

(i) The commodity, plant, service or technical data, are not (and are not related to) a commodity identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), or shown on the U.S. Munitions List (see Supplement No. 2 to Part 370 of this subchapter);

* * * * *

(e) * * *

(1) * * *

(ii) Technical data relating to the following commodities usable in processes listed in subdivision (i)(b) of this subparagraph:

Export Control Commodity Number and Commodity Description

711 Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories.

7191 Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

Export Control Commodity Number and Commodity Description—Continued

7191 Fractionating columns as follows: (a) Having or having provisions for 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories.

7191 Equipment, n.e.c., specially designed for use in the following units: (a) Solvent processing, (b) fractionating, rectifying and dephlegmatizing, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) aromatization, (h) alkylation, (i) desulphurization, (j) thermal or catalytic cracking, reforming or platforming; and specially designed parts and accessories therefor, n.e.c.

7192 Industrial pumps as follows: (a) Specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions; or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and attachments therefor.

7192 Axial flow, mixed flow, and centrifugal air and gas compressors as follows: (a) Capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions; or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71922 Stationary positive displacement air and gas compressors, reciprocating, as follows; (a) capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions, except gas engine driven, integral angle reciprocating compressors about 500 horsepower; or (b) over 125 horsepower, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

Export Control Commodity Number and Commodity Description—Continued

7192 Separators and collectors, industrial process types, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71980 Mixing and blending machines having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71980 Fractionating columns as follows: (a) Having, or having provisions for 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71980 Other processing vessels, nonmixing, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71980 Pulsation damperners having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71992 Pipe valves as follows: (a) Specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions; or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

(iii) Technical data relating to the following materials and equipment:

(*a*) Molecular sieves (for example, crystalline calcium alumino-silicate; crystalline sodium alumino-silicate; crystalline alkali metal alumino-silicates, etc.) (Export Control Commodity Nos. 514 and 59);

(*b*) Pyrolytic graphite (i.e., graphite and doped graphites produced by vapor deposition) in any form (Export Control Commodity No. 663); semifinished or finished materials or products containing pyrolytic graphite as a standing body, a coating, a lining, or a substrate (Export Control Commodity Nos. 59, 663, and 7299);

(*c*) Electric industrial melting and refining furnaces and metal heat-treating furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, lining or substrates (Export Control Commodity No. 7299);

(*d*) Cementing equipment; sidewall coring equipment; blowout preventers; fishing tools incorporating integral moving parts, casing cutters, and casing pullers; drilling control and surveying instruments; safety joints; jars, backoff tools, slip or telescopic joints; pipe and casing tongs, power type; percussion or vibratory attachments for rotary drilling; and drawworks and rotary tables designed for an input of 150 hp. and over (Export Control Commodity No. 718);

(*e*) Rotary drill rigs incorporating rotary tables and with drawworks de-

[1] The materials applicable to the flow-contact surfaces of this equipment are (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel, or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement.

signed for an input of 150 hp. and over; and work-over rigs (Export Control Commodity Nos. 718 and 732);

(*f*) Rotary rock drill bits (cone or roller types), and specially designed parts and accessories, n.e.c. (Export Control Commodity Nos. 695 and 718);

(*g*) Gravity meters (gravimeters); and specially designed parts and accessories (Export Control Commodity No. 8619);

(*h*) Casing head and Christmas tree assemblies, over 10,000 p.s.i., chokes and components; perforating equipment; formation and production testers, and packers; gas lift equipment; bottom hole pumps; and work-over rigs (Export Control Commodity Nos. 7192, 71980, 7199, and 732);

(*i*) Well logging instruments and equipment and seismograph equipment except observatory type (Export Control Commodity No. 7295);

(*j*) Ion exchange resins as follows: (*1*) Copolymers of styrene and divinyl benzene in which the predominant functional groups are either quaternary ammonium derivates (basic type), or the sulfonic radical (acidic type), (*2*) mixed bed formulations consisting principally of resins specified in (*1*) above, (*3*) ion exchange membranes (all types), and (*4*) ion exchange liquids (Export Control Commodity No. 581);

(*k*) Rhenium in all forms: concentrates, oxides and compounds, metal and alloys, and metal powders (Export Control Commodity Nos. 28, 513, 514, 6895, and 6989);

(*l*) Filament winding machines designed for or modified for the manufacture of rigid structural forms by precisely controlled tensioning and positioning of filament yarns, tapes, or rovings; and specially designed parts, controls, and accessories, n.e.c. (Export Control Commodity No. 71980);

(*m*) Silicon carbide, all types, 99 percent purity and over (Export Control Commodity No. 514);

(*n*) Phosphor compounds specially prepared for lasers, including but not limited to: Neodymium-doped calcium tungstate, dysprosium-doped calcium fluoride; europiumtrifluoroethenoyl acetonate, praseodymium-doped lanthanum trifluoride (Export Control Commodity No. 53);

(*o*) Voltmeters, with full scale sensitivity of 10 nanovolts or less (Export Control Commodity No. 7295);

(*p*) Hot or cold isostatic presses; and specially designed parts and accessories (Export Control Commodity No. 71980);

(*q*) Pyromellitic acid and dianhydrides (Export Control Commodity No. 512);

(*r*) Polyimide-polyamide resins and products made therefrom (Export Control Commodity Nos. 53, 581, 59, 663, and 89300);

(*s*) Bonded, brazed, or welded structural sandwich constructions, including cores, face sheets, and attachment materials, manufactured in whole or in part from precipitation hardened stainless steel, beryllium, molybdenum, niobium (columbium), tantalum, titanium, tungsten, and their alloys, or any combination of such materials (Export Control Commodity Nos. 691 and 6989);

(*t*) Silica, quartz, carbon, or graphite fibers in all forms (for example, chopped or macerated; filaments, yarns, rovings, and unwoven tapes for winding or weaving purposes; woven fabrics and tapes; non-woven mats and felts); and compounds or compositions (composites) thereof with laminating resins in crude and semifabricated forms, including molding compositions and molded shapes (Export Control Commodity Nos. 581, 59, 651, 653, 655, 663, 664, 7299, and 89300);

(*u*) Nonflexible fused fiber optical plates or bundles in which the fiber pitch (center to center spacing) is less than 30 microns, and devices containing such plates or bundles (Export Control Commodity Nos. 664, 72930, 8611, and 89300);

(*v*) Transonic (Mach 0.8 to 1.4), supersonic (Mach 1.4 to 5.5), hypersonic (Mach 5.5 to 15), and hypervelocity (above Mach 15) wind tunnels and devices (including hotshot tunnels, plasma arc tunnels, shock tunnels, gas tunnels, shock tubes, and light gas guns) for simulating environments at Mach 0.8 and above; and specially designed parts and accessories, n.e.c. (Export Control Commodity Nos. 71980, 7295, 8618, and 8619);

(*w*) Off-shore drilling platforms (except fixed, nonfloating types); and specially designed parts and components (Export Control Commodity No. 735);[1]

(*x*) Watercraft of 65 feet and over in overall length, designed to include motors or engines of 600 horsepower or over and greater than 45 displacement tons (Export Control Commodity No. 735);[1]

(*y*) Methyl methacrylate, crosslinked, hot stretched, clear, film, sheeting, or laminates (Export Control Commodity No. 581); and

(*z*) High speed plates, sensitized, unexposed, as follows: (a) Having an intensity dynamic range of 1,000,000:1 or greater, or (b) having a speed of ASA 10,000 (or equivalent) or more (Export Control Commodity No. 862).

(iv) The limitations set forth in this § 379.4(e)(1) do not apply to the export of:

(*a*) Technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(*b*) Technical data supporting a price quotation as described in paragraph (b)(2) of this section.

(v) The written assurance set forth in this § 379.4(e)(1) applies only to Country Groups Y and Z and to Poland, for exports of technical data relating to the following commodities:

(*a*) Catalysts usable in petroleum and chemical processing operations, except hydrocracking catalyst and catalyst usable in the ultrapurification of hydrogen (Export Control Commodity Nos. 512, 513, 514, and 59);

(*b*) Fractionating columns having, or having provisions for, 25 or more trays, and parts, n.e.c. (Export Control Commodity Nos. 7191 and 71989);

(*c*) Pipe valves specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions (Export Control Commodity No. 7199); and

(*d*) Pipe valves incorporating 90 percent or more tantalum, titanium, or zirconium either separately or combined, and parts, n.e.c. (Export Control Commodity No. 7199).

(2) *Requirement of written assurance for certain additional products and destinations.* (i) Except for technical data requiring a written assurance in accordance with the provisions of subparagraph (1) of this paragraph, and except as provided in subdivision (v) of this subparagraph, no export of technical data relating to the commodities described below in this § 379.4(e)(2) may be made under the provisions of this General License GTDR until the U.S. exporter has received a written assurance from the foreign importer that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly:

(*a*) Reexport, directly or indirectly, to Country Group W, Y, or Z any technical data relating to commodities identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below";

(*b*) Export, directly or indirectly, to Country Group Z any direct product[1] of the technical data if such direct product is identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below"; or

(*c*) Export, directly or indirectly, to any destination in Country Group W or Y any direct product[1] of the technical data if such direct product is identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List.

(ii) * * *

NOTE: Pursuant to the provisions of Current Export Bulletin 891, effective April 1, 1964, §§ 379.4(e)(2)(ii) (*b*) and (*c*) required certain written assurances relating to the disposition of the products of a complete plant or major component of a plant which is the direct product of unpublished technical data of U.S. origin exported under General License GTDR.

Except as to commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, and items on the U.S. Munitions

[1] This commodity is not listed on the Commodity Control List since it is under the export control jurisdiction of the U.S. Maritime Administration. However, technical data relating to this commodity is under the export control jurisdiction of the Office of Export Control.

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

List, the effective date of the written assurance requirements for plant products as a condition of using General License GTDR for export of this type of technical data is hereby deferred until further notice, subject to the following limitations:

1. The exporter shall, at least two weeks before the initial export of the technical data, notify the Office of Export Control, by letter, of the facts required to be disclosed in an application for a validated export license covering such technical data; and

2. The exporter shall obtain from the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) a written commitment that he will notify the U.S. Government, directly or through the exporter, whenever he enters into negotiations to export any product of the plant to any destination covered by § 379.4(e)(2)(ii)(b) above, when such product is not identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List and requires a validated license for export to Country Group W by the information set forth in the column titled "Validated License Required for Country Groups Shown Below." The notification should state the product, quantity, country of destination, and the estimated date of shipment.

Moreover, during the period of deferment, the remaining written assurance requirements of §§ 379.4(e)(2)(ii) (b) and (c) as to plant products that are identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, or are on the U.S. Munitions List, will be waived if the plant is located in one of the following Cocom countries: Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, The Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

This deferment applies to exports of technical data pursuant to any type of contract or arrangment, including licensing agreements, regardless of whether entered into before or after April 1, 1964.

(iii) The required assurance may be in the form of a letter or other written communication from the importer or, if applicable, the person in control of the distribution of the products of a plant; or the assurance may be incorporated into a licensing agreement which restricts disclosure of the technical data to use only in authorized destinations, and prohibits shipment of the direct product[1] thereof by the licensee to any unauthorized destination. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained.

(iv) In addition, this general license is not applicable to any export of technical data of the kind described in this § 379.4(e)(2), if at the time of export of the technical data from the United States, the exporter knows or has reason to believe that the direct product[1] to be manufactured abroad by use of the technical data is intended to be exported directly or indirectly to any unauthorized destination.

(v) The limitations set forth in this § 379.4(e)(2) do not apply to the export of:

(*a*) Technical data included in an application for the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(*b*) Technical data supporting a price quotation as described in paragraph (b)(2) of this section.

NOTE: A written assurance is not required for the export under this General License GTDR of any technical data which do not fall within the description set forth in §§ 379.4(e)(1) or (2).

In § 379.5(e), subparagraph (2) is amended to read as follows:

§ 379.5 Validated license applications.

* * * * *

(e) * * *

(2) *Other commodities.*[1] For all license applications to export to any destination, other than Country Group W, Y, or Z, technical data relating to any of the commodities set forth below, an applicant shall attach to the license application a written statement from his foreign importer assuring that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly reexport the technical data to any destination or export the direct product of the technical data, directly or indirectly, to Country Group W, Y, or Z. However, if the U.S. exporter is not able to obtain the required statement from his importer, the exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained. The special provisions set forth in this § 379.5(e)(2) are applicable to technical data concerning the following:

(i) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1 of this subchapter;

(ii) Neutron generators employing the electrostatic acceleration of ions and designed for operation without an external vacuum system and specially designed parts and accessories for such neutron generators (Export Control Commodity No. 72970);

(iii) Porous nickel;

(iv) Civil aircraft, civil aircraft equipment, parts, accessories, or components identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1);

(v) Electrical and electronic instruments (Export Control Commodity Nos. 7295 and 7299) specially designed for testing or calibrating the airborne direction finding, navigational, and radar equipment (Export Control Commodity Nos. 724 and 7295);

(vi) Airborne electronic transmitters, receivers, and transceivers (Export Control Commodity No. 724);

(vii) Airborne electronic direction finding equipment (Export Control Commodity No. 724);

(viii) Airborne electronic navigation and radar equipment (Export Control Commodity Nos. 724 and 7295);

(ix) Watercraft of hydrofoil and hovercraft (air bubble) design (Export Control Commodity No. 735);

(x) Submersible watercraft other than military or naval types;[2] and

(xi) Any other commodity under the export control jurisdiction of the Office of Export Control if such commodity is not covered by an entry on the Commodity Control List.

* * * * *

PART 386—EXPORT CLEARANCE

In § 386.4(b) subparagraph (4) is amended to read as follows:

§ 386.4 Conformity of documents for validated license shipments.

* * * * *

(b) * * *

(4) *Commodity numbers.* The one- to five-digit Export Control Commodity Number shown on the export license shall be the same as the initial digits of the seven-digit Schedule B number entered on the authenticated Declaration.

* * * * *

In § 386.7(b), subparagraph (2) is amended to read as follows:

§ 386.7 Shipping tolerance.

* * * * *

(b) * * *

(2) *Five percent tolerance.* A shipping tolerance of 5 percent is allowed on the unshipped balance specified on a validated export license or customs office release for shipments of all commodities listed below, except 28 (fourth, sixth, and seventh items only) for which the 5 percent applies to the total amount licensed as explained more fully in paragraph (e) of this section.

Export Control Commodity Number and Commodity Description	
28	Alloy steel scrap containing 5 percent or more nickel by weight.
28	Copper ores and concentrates.
28	Copper matte.
28	Copper bearing ash and residues.
28	Nickel bearing residues and dross.
28	Copper or copper-base alloy waste and scrap.
28	Other nickel or nickel alloy waste and scrap.
513	Nickel oxide.
514	Nickel sulphate.
514	Master alloys of copper containing 8 percent or more phosphor.
671	Ferronickel containing 90 percent or less nickel.

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

[1] See § 379.8(a), which sets forth provisions prohibiting exports and reexports of certain technical data and products manufactured therefrom.

Export Control Commodity Number and Commodity Description—Continued

682 Blister copper and other unrefined copper.
682 Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
682 Copper-base alloy ingots.
682 Master alloys of copper.
682 Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
682 Plates, sheets, and strips of copper or copper-base alloy.
682 Copper or copper alloy foil, including paper-backed.
682 Copper and copper alloy powders and flakes.
682 Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
682 Tube and pipe fittings of copper or copper-base alloy.
683 Nickel based magnet materials, unwrought.
683 Other nickel or nickel alloys, unwrought.
683 Nickel or nickel alloy electroplating anodes.
6989 Copper or copper-base alloy articles: (a) Fabricated anodes, and (b) cores (mold inserts).
6989 Copper or copper-base allow castings and forgings.
723 Wire and cable coated with or insulated with fluorocarbon polymers or copolymers.
723 Communications cable, as follows: (a) Submarine cable; (b) coaxial cable using a mineral insulator dielectric; or (c) coaxial cable using a dielectric aired by discs, beads, spiral screw, or any other means.
723 Other communications or coaxial cable.
723 Other copper or copper-base alloy insulated wire and cable.

[FR Doc.71-2306 Filed 2-22-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1847]

PART 13—PROHIBITED TRADE PRACTICES

Crown Chinchilla Associates et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.-1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Crown Chinchilla Associates et al., Salina, Kans., Docket No. C-1847, Jan. 8, 1971]

In the Matter of Crown Chinchilla Associates, a Partnership, and James D. Herman and Jerry Skinner, Individually and as Co-partners Trading and Doing Business as Crown Chinchilla Associates.

Consent order requiring a Salina, Kans., partnership engaged in selling and distributing chinchilla breeding stock to cease making exaggerated earning claims, representing that it is feasible to breed chinchilla stock in garages and basements, that their animals are hardy and not susceptible to diseases, and misrepresenting the fertility of their stock and their services to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Crown Chinchilla Associates, a partnership, and James D. Herman and Jerry Skinner, individually and as co-partners trading and doing business as Crown Chinchilla Associates, or under any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in spare rooms, enclosed porches, garages, or basements unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation and other environmental conditions and that large profits can be made in this manner.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without knowledge or experience in the breeding, raising and care of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Each female chinchilla purchased from respondents and each female offspring will average at least two litters per year with an average of at least two offspring per litter.

5. The number of litters or live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla of purchasers of respondents' breeding stock unless, in fact, the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

6. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

7. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $30 per pelt.

8. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless, in fact, the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

10. A purchaser starting with six females and one male of respondents' breeding stock will recover his original investment in 3 years and earn at least $5,000 per year after 5 years of operation.

11. Purchasers of respondents' breeding stock will realize earnings, profits, or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits, or income of purchasers of respondents' breeding stock unless, in fact, the past earnings, profits, or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

B. Misrepresenting in any manner the earnings or profits to purchasers or reproduction capacity of any chinchilla breeding stock.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of respondents' products or services, and failing to secure from each such individual a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent partnership shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the partnership such as dissolution, assignment or sale resulting in the emergence of a successor partnership, the creation or dissolution of subsidiaries or any other change in the partnership which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 8, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2419 Filed 2-22-71;8:47 am]

[Docket No. C-1850]

PART 13—PROHIBITED TRADE PRACTICES

Eximil Sales Co., Inc., and Exio Dominguez

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.-1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.-1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Eximil Sales Co., Inc., et al., Brooklyn, N.Y., Docket No. C-1850, Jan. 14, 1971]

In the Matter of Eximil Sales Co., Inc., a Corporation, and Exio Dominguez, Individually and as an Officer of Said Corporation

Consent order requiring a Brooklyn, N.Y., seller of furniture and electrical appliances to cease violating the Truth in Lending Act by failing to make required cost disclosures to customers before sales were completed, failing to identify the creditor in credit transactions, and failing to disclose to customers the annual percentage rate in credit transactions.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Eximil Sales Co., Inc., a corporation, and its officers, and Exio Dominguez, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension or arrangement for the extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make disclosures to customers prior to consummation of the transaction, as required by § 226.8(a) of Regulation Z.

2. Failing to identify the creditor in any credit transaction, as required by § 226.8(a) of Regulation Z.

3. Failing to disclose the annual percentage rate with an accuracy at least to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: January 14, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2420 Filed 2-22-71;8:47 am]

[Docket No. C-1846]

PART 13—PROHIBITED TRADE PRACTICES

Kurt Lederer and E. K. Fashion Manufacturing Co.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Kurt Lederer et al., New York, N.Y., Docket No. C-1846, Jan. 6, 1971]

In the Matter of Kurt Lederer, Individually and Trading as E. K. Fashion Manufacturing Co.

Consent order requiring a New York City seller and distributor of various products, including ladies' scarves, to cease violating the Flammable Fabrics Act by manufacturing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Kurt Lederer, individually and trading as E.K. Fashion Manufacturing Co., or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material, fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid act.

It is further ordered, That respondent notify all of his customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products and effec recall of said products from such customers.

It is further ordered, That respondent ent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of such products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect recall of said products from customers, and of the results thereof, (4) any disposition of such products since April 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission whether or not respondent has in inventory any product, fabric or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondent shall submit samples of not less than 1 square yard in size of any such product, fabric or related material with this report.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: January 6, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2421 Filed 2-22-71;8:47 am]

[Docket No. C-1845]

PART 13—PROHIBITED TRADE PRACTICES

Mannequin Originals, Inc., and Hugh S. Waltzer

Subpart—Importing, selling, or transporting flammable wear; § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mannequin Originals, Inc., et al., New York, N.Y., Docket No. C-1845, Jan. 6, 1971]

In the Matter of Mannequin Originals, Inc., a Corporation, and Hugh S. Waltzer, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer and distributor of women's wearing apparel, including ladies' dresses, to cease violating the Flammable Fabrics Act by selling or importing any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Mannequin Originals, Inc., a corporation, and its officers, and Hugh S. Waltzer, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment, in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of such products and effect recall of such product from said customers.

It is further ordered, That respondents herein either process the fabrics which gave rise to this complaint and any wearing apparel made from said fabrics so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said fabrics or any wearing apparel made therefrom.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim report shall also advise the Commission fully and specifically concerning the identity of the products which gave rise to the complaint and (1) the number of such products in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such products and to effect the recall of such products from customers, and of the results of such actions, (3) any disposition of such products since March 5, 1970, and (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or combinations thereof in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of dissolution of subsidiaries or any other change in the coporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 6, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2422 Filed 2-22-71;8:47 am]

[Docket No. C-1849]

PART 13—PROHIBITED TRADE PRACTICES

Sharp Electronics Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards:* 13.85-60 Standards, specifications, or source; or § 13.230 *Size or weight.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sharp Electronics Corp. et al., Carlstadt, N.J., Docket No C-1849, Jan. 13, 1971]

In the Matter of Sharp Electronics Corp., a Corporation, and Wisser & Sanchez Inc., a Corporation, and Lawrence Wisser, as an Officer of Wisser & Sanchez Inc.

Consent order requiring a Carlstadt, N.J., distributor of television and radio sets and other electronic appliances to cease representing that the repair rate of respondent's products is based on data of the U.S. Department of Commerce, using an asterisk to refer to a footnote stating that the size of the picture is a diagonal measurement, and using any size measurement of the picture other than the viewable picture area measured on a single plane basis. Respondent's New York City advertising agency is also ordered to cease making the above representations, provided that it shall be a defense that it did not know that the data do not sustain such representations.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Sharp Electronics Corp., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of radios, televisions or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any claim respecting the repair rate of respondent's products is based on data or statistics of the U.S. Department of Commerce, or that any claim respecting the repair rate or any other attribute or characteristic of respondent's products or any other product is based upon, supported, or established by data or statistics from any source, unless such data or statistics are competent to sustain and do in fact sustain such representation and unless respondent shall retain and make readily available such data or statistics for not less than 3 years following the publication or dissemination of such representation.

2. Using an asterisk referral to indicate that the measurement of the size of the picture shown by a television receiving set is a diagonal measurement.

3. Using any figure or size designation to refer to the size of the picture shown by a television receiving set or the picture tube contained therein unless such indicated size is the actual size of the viewable picture area measured on a single plane basis. If the indicated size is other than the horizontal dimension of the actual viewable picture area such size designation shall be accompanied by a statement, in close connection and conjunction therewith, clearly and conspicuously showing the manner of measurement.

It is further ordered, That respondent Wisser & Sanchez Inc., a corporation, its

officers, and respondent Lawrence Wisser, as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of radios, televisions or other products, in commerce, as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any claim respecting the repair rate of "Sharp" products is based on data or statistics of the U.S. Department of Commerce, or that any claim respecting the repair rate or any other attribute or characteristic of "Sharp" products or any other product is based upon, supported or established by data or statistics from any source, unless such data or statistics are competent to sustain and do in fact sustain such representation and unless respondent shall retain and make readily available such data or statistics for not less than 3 years following the publication or dissemination of such representation: *Provided, however,* That it shall be a defense hereunder that respondents neither knew or had reason to know that the data or statistics do not sustain such representation.

2. Using an asterisk referral to indicate that the measurement of the picture shown by a television receiving set is a diagonal measurement.

3. Using any figure or size designation to refer to the size of the picture shown by a television receiving set or the picture tube contained therein unless such indicated size is the actual size of the viewable picture area measured on a single plane basis. If the indicated size is other than the horizontal dimension of the actual viewable picture area such size designation shall be accompanied by a statement, in close connection and conjunction therewith, clearly and conspicuously showing the manner of measurement: *Provided, however,* That it shall be a defense hereunder that respondents neither knew nor had reason to know that the size indicated was other than the horizontal dimension of the actual viewable picture area.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolutions of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 13, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2423 Filed 2-22-71;8:47 am]

[Docket No. C-1848]

PART 13—PROHIBITED TRADE PRACTICES

Sidlis Sales Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–15 Comparative; 13.155–35 Discount savings; 13.155–40 Exaggerated as regular customary; 13.155–100 Usual as reduced, special, etc. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sidlis Sales Corp. et al., District Heights, Md., Docket No. C-1848, Jan. 13, 1971]

In the Matter of Sidlis Sales Corp., a Corporation, and Sidney Liss and Burton Liss, Individually and as Officers of Said Corporation

Consent order requiring a District Heights, Md., seller and distributor of electronic products and household furnishings to cease using the words "Sale" and "Pre-Christmas Sale" unless the prices of merchandise so advertised constitute an actual reduction, using such words in conjunction with nonsale items, using the words "Regular" and "Reg." for any price in excess of prices realized in earlier sales, representing that purchasers will be afforded savings between present and earlier prices, failing to maintain records adequate to disclose the basis of savings claims, and failing to disclose the nature, conditions and extent of its guarantees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sidlis Sales Corp., a corporation, and its officers, and Sidney Liss and Burton Liss, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of television sets, radios, stereos, radio-television-stereo combinations, stereo tape players, eight-tract cartridge tapes, or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Sale", or "Pre-Christmas Sale", or any other word or words of similar import or meaning unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

2. Using the words "Sale", or "Pre-Christmas Sale", or any other word or words of similar import or meaning, in advertising or other promotional material containing nonsale items, without clearly and conspicuously revealing in immediate conjunction with said representations that nonsale items are contained therein, and distinctly identifying said nonsale items.

3. Using the words "Regular," "Reg.," or any other words of similar import or meaning to refer to any price amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business, or misrepresenting, in any manner, the usual or regular selling price of respondents' merchandise.

4. (a) Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said comparative prices and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

5. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

6. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1–5 of this order are based, and (b) from which the validity of any savings claims,

including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1–5 of this order can be determined.

7. Representing, directly or by implication, that any article of merchandise is guaranteed, without clearly and conspicuously disclosing the nature, conditions and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder.

It is further ordered, That the respondents shall forthwith distribute a copy of this order to each of their respective operating divisions or departments.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed changes in the corporate respondent such as dissolution, assignment or sale resulting in the emerging of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 13, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2424 Filed 2-22-71;8:47 am]

[Docket No. C-1843]

PART 13—PROHIBITED TRADE PRACTICES

Supermarket Broadcasting Network, Inc., and Robert E. Potter, Sr.

Subpart—Advertising falsely or misleadingly: § 13.160 *Promotional sales plans.* Subpart—Combining or conspiring: § 13.475 *To restrict competition in buying.* Subpart—Controlling, unfairly seller-suppliers: § 13.530 *Controlling, unfairly, seller-suppliers.* Subpart—Cutting off access to customers or market: § 13.560 *Interferring with distributive outlets.* Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Supermarket Broadcasting Network, Inc., et al., Chicago, Ill., Docket No. C-1843, Jan. 6, 1971]

In the Matter of Supermarket Broadcasting Network, Inc., a Corporation, and Robert E. Potter, Sr., Individually and as an Officer of Said Corporation.

Consent order requiring a Chicago, Ill., corporation operating a system of sound broadcasts in retail outlet stores to cease failing to offer or furnish its services to competitors of its retail store customers on a proportionally equal basis, failing to offer its services to all firms supplying its retail store customers, and acting as an intermediary between suppliers and retail stores without making all advantages offered available to all other retail customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Supermarket Broadcasting Network, Inc., a corporation, and its officers, and respondent Robert E. Potter, Sr., individually and as an officer of respondent corporation, and their representatives, agents, and employees, directly, indirectly, or through any corporate or other device, in or in connection with their business in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

1. Inducing and receiving, receiving or contracting for the receipt of anything of value from any supplier for the benefit of such supplier's customer, for the purpose of compensating such supplier's customer for display and promotional services or facilities furnished by or through said supplier's customers, or for the purpose of furnishing display or promotional services and facilities, including background music and promotional announcements to said supplier's customers, in connection with the processing, handling, sale, or offering for sale of such supplier's products by such customer, when respondents know or should know that such compensation, consideration, services, or facilities are not affirmatively offered, accorded, and otherwise made available by such supplier or respondents on proportionally equal terms to all the supplier's customers, including those who do not purchase directly from such supplier, competing with the favored customer in the sale and distribution of such supplier's products.

2. Paying or contracting for the payment of anything of value to or for the benefit of any customer of a supplier, as compensation or in consideration for any services or facilities furnished by or through such customer, or furnishing, contracting to furnish, or contributing to the furnishing of any service or facility, including background music and promotional announcements, to any customer of such supplier, in connection with the processing, handling, sale or offering for sale of any of such supplier's products, unless such payment, compensation, consideration, services or facilities are affirmatively offered, accorded, and otherwise made available to all of such supplier's customers, including those who do not purchase directly from such supplier, competing with the favored customer in the sale and distribution of such supplier's products.

3. Acting as an intermediary in transactions between suppliers and their customers as described in the complaint unless respondents affirmatively inform all such suppliers of such supplier's primary responsibility for seeing that the allowances they grant, or the services or facilities they furnish directly or indirectly in connection with the promotion of their products, to or for the benefit of some of their customers, are made available to all other customers, including those buying indirectly, who compete in the resale of their products with customers so favored.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days of the effective date of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 6, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2425 Filed 2-22-71;8:47 am]

[Docket No. C-1844]

PART 13—PROHIBITED TRADE PRACTICES

Variety Frocks et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 731; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Variety Frocks, et al., New York, N.Y., Docket No. C-1844, Jan. 6, 1971]

In the Matter of Variety Frocks, a Partnership, and Irving Edelman and Benjamin Laub, Individually and as Copartners Trading as Variety Frocks.

Consent order requiring a New York City manufacturer and importer of women's wear, including maternity dresses, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Variety Frocks, a partnership, and Irving Edelman and Benjamin Laub, individually and as copartners trading as Variety Frocks, or under any other name, and respondents' representatives, agents, and employees, directly or through any

corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric, product, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material, which has been shipped or received in commerce as the terms "commerce," "product," "fabric" or "related material" are defined in the Flammable Fabrics Act, as amended, which fabric, product, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Acts.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric, product, or related material which gave rise to complaint, (1) the amount of such fabric, product, or related material in inventory, (2) any action taken to notify customers of the flammability of such fabric, product, or related material and the results thereof and (3) any disposition of such fabric, product, or related material since February 19, 1970. Such report shall further inform the Commission whether respondents have in inventory any fabric, product, or related material having a plain surface and made of paper, silk, rayon, cotton, rayon and acetate, or nylon and acetate or combinations thereof in a weight of 2 ounces or less per square yard or with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, products, or related material with this report. Samples of the fabric, product, or related material shall be of not less than 1 square yard of material.

It is further ordered, That the respondents herein either process the products which gave rise to this complaint so as to bring them within the applicable standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 6, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2426 Filed 2-22-71;8:47 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 28—FRUIT PIES

In the matter of establishing a definition and standard of identity and a standard of quality for frozen cherry pie:

A notice of proposed rulemaking in the above-identified matter was published on the initiative of the Commissioner of Food and Drugs in the FEDERAL REGISTER of November 1, 1967 (32 F.R. 15116). The time for filing comments was extended in stages to September 30, 1969 (33 F.R. 3076, 4587, and 16452), and numerous comments were received from members of Congress, consumers, State officials, bakers, and bakers' association, cherry processors (growers, packers, and canners), frozen pie manufacturers, ingredient suppliers, and prepared pie filling manufacturers.

Twenty-three responded favorably to the proposed standards while suggesting various changes, some of which have been adopted. Seven of 10 consumers responding favor the establishment of cherry pie standards and prefer standards that will control the ingredients that may be used. Several consumers commented that they are unable to judge from current labeling the composition of food products.

Among the adverse comments are exceptions to: (1) The method for determining the fruit content in the cherry pie; (2) the inclusion of baked and baked and frozen cherry pies; (3) the prohibition on the use of ingredients that have traditionally been used; and (4) the provision specifying the minimum weight of a pie that could be distributed in a pie pan having a certain diameter. The Commissioner concludes that the first three are reasonable and the standards are changed accordingly.

One response questions the applicability of the proposed standards to foods designed for preparation by heating in a toaster. The Commissioner concludes that these standards do not apply because such foods are limited in size by the mechanism of the electrical appliances used in their preparation and have not been represented as, nor are generally considered to be, frozen cherry pie.

Several urge that dried, dehydrated, and freeze-dried cherries, because they are articles of commerce, be permitted ingredients of cherry pie; however, they did not submit information showing that these forms of cherries have been or are used as a fruit ingredient of frozen cherry pie. If reasonable grounds are furnished showing that the use of such ingredients in frozen cherry pie will promote honesty and fair dealing in the interest of consumers, the standard can be amended accordingly.

Regarding the provision setting the minimum weight of pies according to their diameters: Two firms claiming their production and sale of frozen cherry pies account for almost 50 percent of the retail market support it; six firms claiming to represent a majority of frozen cherry pie producers in this country oppose it but fail to suggest an alternative means for regulating an abuse that has been recognized by certain members of the frozen food industry. The Commissioner of Food and Drugs concludes that this provision is in the interest of consumers and has retained it.

Having considered the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity and a standard of quality for frozen cherry pie as set forth below. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That the following new Part 28 be added to title 21, chapter I:

Sec.

AUTHORITY: The provisions of this Part 28 issued under secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371.

§ 28.1 Frozen cherry pie; identity; label statement of optional ingredients.

(a) Frozen cherry pie (excluding baked and then frozen) is the food prepared by incorporating in a filling contained in a pastry shell mature, pitted, stemmed cherries that are fresh, frozen, and/or canned. The top of the pie may be open or it may be wholly or partly covered with pastry or other suitable topping. Filling, pastry, and topping components of the food consist of optional ingredients as prescribed by paragraph (b) of this section. The finished food is frozen.

(b) The optional ingredients referred to in paragraph (a) of this section consist of suitable substances that are not food additives as defined in section 201 (s) of the Federal Food, Drug, and Cosmetic Act or color additives as defined in section 201(t) of the act; or if they are food additives or color additives as so defined, they are used in conformity with regulations established pursuant to section 409 or 706 of the act. Ingredients that perform a useful function in the formulation of the filling, pastry, and topping components, when used in amounts reasonably required to accomplish their intended effect, are regarded as suitable except that artificial sweeteners are not suitable ingredients of frozen cherry pie.

(c) The name of the food for which a definition and standard of identity is established by this section is frozen cherry pie; however, if the maximum diameter of the food (measured across opposite outside edges of the pastry shell) is not more than 4 inches, the food alternatively may be designated by the name frozen cherry tart. The word "frozen" may be omitted from the name

on the label if such omission is not misleading.

(d) (1) The label of the frozen cherry pie shall name by their common names (except spices, flavorings, and colorings) the optional ingredients used as prescribed by paragraph (b) of this section. If spice or flavoring is used, the label shall bear the words "with added _____" or "_____ added," the blank to be filled in with the word "spice," "flavoring," or both, or in lieu of the word "spice" or "flavoring" the name of the ingredient. If artificial flavoring or coloring or both are used, the label shall show that fact by the statement "with _____" or "_____ added," the blank being filled in with the words "artificial flavoring," "artificial coloring," or both as appropriate. If a preservative is used, it shall be designated by its common name followed by the statement "added as a preservative," or by a statement showing the specific function; for example, "to retard spoilage," "to retain color," "to retard mold growth," etc.

(2) The words and statements specified in subparagraph (1) of this paragraph showing the optional ingredients present shall be listed on the principal display panel or panels, or on any appropriate information panel, without obscuring design, vignettes, or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print of type the size of which shall be not less than one-half of that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth of an inch in height. The entire ingredient statement shall appear on at least one panel of the label. The label shall not bear any misleading pictorial representation of the cherries in the pie.

§ 28.2 Frozen cherry pie; quality; label statement of substandard quality.

(a) The standard of quality for frozen cherry pie is as follows:

(1) The fruit content of the pie is such that the weight of the washed and drained cherry content is not less than 25 percent of the weight of the pie when determined by the procedure prescribed by paragraph (b) of this section.

(2) The weight of the pie is not less than the weight specified for the diameter of the pie (measured across opposite outside edges of the pastry shell or of the containing pan, whichever is greater) as shown in the following table:

I. Diameter of pie in inches	*II. Minimum weight of pie in avoirdupois ounces*
3	3.75
3.5	4.50
4	5
5	7
6	10
7	15
8	22
9	31
10	44
11	60

If the diameter in question is not listed, calculate the value for column II as follows: Obtain by subtraction the difference between the listed weights in column II corresponding to the two adjacent diameters above and below the diameter in question. Multiply this difference by the fraction of an inch whereby the diameter in question exceeds the lower of the two listed diameters. Add the resulting product, neglecting fractions of an ounce (except in the case of pies having a diameter of less than 4 inches, in which case the fraction should be rounded to the nearest one-fourth ounce), to the lower of the two listed weights to give the value for column II.

(3) Not more than 15 percent by count of the cherries in the pie are blemished with scab, hail injury, discoloration, scar tissue, or other abnormality. A cherry showing skin discoloration (other than scald) having an aggregate area exceeding three-sixteenths inch in diameter is considered to be blemished. A cherry showing discoloration of any area but extending into the fruit tissue is also considered to be blemished.

(b) Compliance with the requirement for the weight of the washed and drained cherry content of the pie, as prescribed by paragraph (a) (1) of this section, is determined by the following procedure:

(1) Take at random from a lot:

(i) At least 24 containers if they bear a weight declaration of 16 ounces or less.

(ii) Enough containers to provide a total quantity of declared weight of at least 24 pounds if they bear a weight declaration of more than 16 ounces.

(2) Determine net weight of the frozen pie.

(3) Temper the pie until the top crust can be removed.

(4) Remove the filling and cherries from the pie and transfer to the surface of a previously weighed 12-inch diameter U.S. No. 8 sieve (0.094-inch openings) stacked on a U.S. No. 20 sieve (0.033-inch openings).

(5) Distribute evenly over the surface and wash with a gentle spray to free the cherries and cherry fragments from adhering material.

(6) Remove the U.S. No. 8 sieve and examine the U.S. No. 20 sieve and transfer all cherry fragments to the U.S. No. 8 sieve.

(7) Drain the cherry contents on the No. 8 sieve for 2 minutes in an inclined position (15°-30° slope). Weigh the U.S. No. 8 sieve and the washed and drained cherries to the nearest 0.01 ounce.

(8) The washed and drained cherries' weight is the weight of the sieve and the cherry material less the weight of the sieve. Calculate the percent of the cherry content of the pie as follows:

$$\text{Percent of the cherry content of the pie} = \frac{\text{Weight of washed and drained cherries}}{\text{Net weight of pie}} \times 100.$$

(c) If the quality of the frozen cherry pie falls below the standard of quality prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter, in the manner and form specified therein; but in lieu of the words prescribed for the second line inside the rectangle, the label may bear the alternative statement "Below standard in quality—_____," the blank being filled in with the following words, as applicable: "too few cherries," "too shallow," or "blemished cherries." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name of the food as prescribed by § 28.1.

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

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

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

Dated: February 17, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2413 Filed 2-22-71;8:46 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Mobile	Chickasaw	E 01 097 0670 01	Alabama Development Office, State Office Bldg., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, AL 36104.	Office of the City Clerk, Chickasaw City Hall, 224 North Craft Highway, Chickasaw, AL 36611.	Feb. 19, 1971.
California	Lake	Unincorporated areas.	E 06 033 0000 01 E 06 033 0000 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Lake County Flood Control and Water Conservation District, 255 North Forbes St., 3d Floor Courthouse, Lakeport, CA 95453.	Do.
Do	Los Angeles	Pasadena	E 06 037 2700 01 through E 06 037 2700 03	do	Office of the City Clerk, City of Pasadena, Room 218, City Hall, 100 North Garfield Ave., Pasadena, CA 91109.	Do.
Missouri	Jefferson	De Soto	E 29 099 2200 01 E 29 099 2200 02	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Department of Business and Administration, Post Office Box 690, Jefferson City, MO 65101.	Office of the City Manager, City of De Soto, 413 Second St., De Soto, MO 63020.	Do.
North Carolina	Macon	Franklin	I 37 113 1710 03	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, NC 27603. North Carolina Insurance Department, Post Office Box 351, Raleigh, NC 27602.	Town Office, 70 West Main St., Franklin, NC 28734.	Do.
Texas	Brazoria	Alvin	E 48 039 0130 01 through E 48 039 0130 05	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Post Office Box 1407, Alvin, TX 77511.	Do.
Virginia	Russell	Cleveland	I 51 167 0530 02	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Treasurer's Office, Town Hall, Cleveland, VA 24225.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug 1, 1970)

Issued: February 20, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-2371 Filed 2-22-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Mobile	Chickasaw	T 01 097 0670 01	Alabama Development Office, State Office Bldg., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, AL 36104.	Office of the City Clerk, Chickasaw City Hall, 224 North Craft Highway, Chickasaw, AL 36611.	Feb. 19, 1971.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Lake	Unincorporated areas.	T 06 033 0000 01 T 06 033 0000 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Lake County Flood Control and Water Conservation District, 255 North Forbes St., 3d Floor Courthouse, Lakeport, CA 95453.	Feb. 19, 1971.
Do	Los Angeles	Pasadena	T 06 037 2700 01 through T 06 037 2700 03	do	Office of the City Clerk, City of Pasadena, Room 218, City Hall, 100 North Garfield Ave., Pasadena, CA 91109.	Do.
Missouri	Jefferson	De Soto	T 29 099 2200 01 T 29 099 2200 02	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Department of Business and Administration, Post Office Box 690, Jefferson City, MO 65101.	Office of the City Manager, City of De Soto, 413 Second St., De Soto, MO 63020.	Do.
North Carolina	Macon	Franklin	H 37 113 1710 03	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, NC 27603. North Carolina Insurance Department, Post Office Box 351, Raleigh, NC 27602.	Town Office, 70 West Main St., Franklin, NC 28734.	Sept. 18, 1970.
Texas	Brazoria	Alvin	T 48 039 0130 01 through T 48 039 0130 05	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Post Office Box 1407, Alvin, TX 77511.	Feb. 19, 1971.
Virginia	Russell	Cleveland	H 51 167 0530 02	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Treasurer's Office, Town Hall, Cleveland, VA 24225.	June 27, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: February 20, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-2372 Filed 2-22-71;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7089]

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

Tax on Use of Civil Aircraft

In order to reflect section 305 of the Excise, Estate, and Gift Tax Adjustment Act of 1970 (84 Stat. 1846), the temporary regulations in connection with the Airport and Airway Revenue Act of 1970 (26 CFR Part 154) are amended as follows:

PARAGRAPH 1. Section 154.3 is amended by adding immediately after the historical note the following:

§ 154.3 Statutory provisions; imposition of tax; definitions; special rules; payment of tax by lessee.

* * * * *

SEC. 305 OF THE EXCISE, ESTATE, AND GIFT TAX ADJUSTMENT ACT OF 1970 (84 Stat. 1846):

SEC. 305. *Change in tax on non-turbine-powered aircraft*—(a) *Exemption of first 2,500 pounds.* Section 4491(a)(2) (relating to tax on use of civil aircraft) is amended by striking out clause (A) and inserting in lieu thereof "(A) in the case of an aircraft (other than a turbine-engine-powered aircraft), 2 cents a pound for each pound of the maximum certificated takeoff weight in excess of 2,500 pounds, or".

(b) *Effective date.* The amendment made by subsection (a) shall take effect on July 1, 1971.

PAR. 2. Section 154.3–1 is amended by revising paragraph (c)(1) to read as follows:

§ 154.3–1 Tax on use of civil aircraft.

* * * * *

(c) *Rate and computation of tax*—(1) *Rate.* The tax proposed for any taxable period on each taxable civil aircraft is $25 (the "basic charge") plus, in certain instances, a tax based on weight (the "poundage charge"). The poundage charge is (i) in the case of a turbine engine powered aircraft, 3½ cents a pound for each pound of the maximum certificated takeoff weight of the aircraft, and (ii) in the case of a nonturbine engine powered aircraft with a maximum certificated takeoff weight of more than 2,500 pounds, (*a*) 2 cents a pound for each pound of the maximum certificated takeoff weight of the aircraft in the case of taxable periods beginning before July 1, 1971, or (*b*) 2 cents a pound for each pound of the maximum certificated takeoff weight of the aircraft in excess of 2,500 pounds in the case of taxable periods beginning on or after July 1, 1971.

* * * * *

Because nothing contained in this Treasury decision will adversely affect the public, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805; of the Internal Revenue Code of 1954)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: February 18, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[FR Doc.71-2441 Filed 2-22-71;8:49 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Guaranty of Loans to Veterans To Purchase Mobile Homes and Lots, Including Site Preparation

In Part 36, a centerhead and § 36.4251, 36.4252, 36.4253, and 36.4254 are added to read as follows:

COMBINATION LOANS

COMBINATION LOANS

§ 36.4251 Loans to finance the purchase of mobile homes and the cost of necessary site preparation.

(a) A loan to finance the purchase of a mobile home may include funds (or be augmented by a separate loan) to pay all or a part of the cost of the necessary site preparation of a lot on which to place such mobile home and any such loan shall be eligible for guaranty: *Provided*, That—

(1) The veteran has, or incident to the transaction will acquire, a title to the lot that conforms to § 36.4253(a),

(2) The loan is secured as required by § 36.4253(d).

(3) The lot is determined by the Administrator to be an acceptable mobile home site pursuant to § 36.4208.

(4) The cost of the necessary site preparation is determined by the Administrator to be reasonable.

(5) The amount of the loan to pay for necessary site preparation does not exceed the cost thereof and also does not exceed the reasonable value of the developed lot as determined by the Administrator, and

(6) The loan conforms otherwise to the requirements of the § 36.4200 series.

(b) Notwithstanding that the veteran-borrower's obligation for such site preparation be evidenced and secured separately from his obligation for purchase of the mobile home, the obligations together shall constitute one loan for the purposes of the § 36.4200 series, including computation of the Administrator's guaranty liability.

(c) The cost of site preparation which will not be paid from the proceeds of the loan must be paid by the veteran in cash from his own resources.

§ 36.4252 Loans for purchase of mobile home and for the acquisition of a lot.

(a) A loan to purchase a mobile home may include funds (or be augmented by a separate loan) to finance all or part of the cost of acquisition by the veteran of a lot on which to place such mobile home and any such loan shall be eligible for guaranty: *Provided*, That—

(1) The veteran will acquire title to such lot that conforms to the requirements of § 36.4253(a),

(2) The loan is secured as required by § 36.4253(d),

(3) The lot of determined by the Administrator to be an acceptable mobile home site pursuant to § 36.4208,

(4) The portion of the loan allocated to acquisition of the lot does not exceed the reasonable value of the lot as determined by the Administrator,

(5) In the case of an undeveloped lot (a lot requiring substantial preparation to render it suitable as a site for the mobile home) the portion of the loan allocated to acquisition of the lot does not exceed $5,000,

(6) In the case of a developed lot (a lot not requiring substantial preparation to render it suitable as a site for the mobile home) the portion of the loan allocated to acquisition of the lot does not exceed $7,500, and

(7) The loan conforms otherwise to the requirements of the § 36.4200 series.

(b) Notwithstanding that the veteran-borrower's obligation for acquisition of the lot be evidenced and secured separately from his obligation for purchase of the mobile home, the obligations together (including, where appropriate, that for site preparation) shall constitute one loan for the purposes of the § 36.4200 series, including computation of the Administrator's guaranty liability.

(c) The cost of lot acquisition which will not be paid from the proceeds of the loan must be paid by the veteran in cash from his own resources.

(d) For the purpose of this section acquisition of a mobile home lot includes:

(1) The refinancing of the balance owed by the veteran as purchaser under an existing real-estate installment contract, and

(2) The refinancing of existing mortgage loans or other liens which are secured of record on a mobile home lot owned by the veteran.

§ 36.4253 Title and lien requirements.

(a) The interest in the realty constituting a mobile home lot acquired by the veteran wholly or in part with the proceeds of a guaranteed loan, or in the realty constituting a mobile home lot improved wholly or in part with the proceeds of a guaranteed loan, shall not be less than:

(1) A fee simple estate therein, legal or equitable; or

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable, if the same be subjected to the lien; however, a leasehold estate which is not freely assignable and transferable will be considered an acceptable estate if it is determined by the Chief Benefits Director, or the Director, Loan Guaranty Service, (i) that such type of leasehold is customary in the area where the property is located, (ii) that a veteran or veterans will be prejudiced if the requirement for free assignability is adhered to and, (iii) that the assignability and other provisions applicable to the leasehold estate are sufficient to protect the interests of the veteran and the Government and are otherwise acceptable; or

(3) A life estate, provided that the remainder and reversionary interests are subjected to the lien.

The title to such estate shall be such as is acceptable to informed buyers, title companies, and attorneys, generally, in the community in which the property is situated, except as modified by paragraph (b) of this section.

(b) Any such property or estate will not fail to comply with the requirements of paragraph (a) of this section by reason of the following:

(1) Encroachments;

(2) Easements;

(3) Servitudes;

(4) Reservations for water, timber, or subsurface rights;

(5) Right in any grantor or cotenant in the chain of title, or a successor of either, to purchase for cash, which right by the terms thereof is exercisable only if:

(i) An owner elects to sell,

(ii) The option price is not less than the price at which the then owner is willing to sell to another, and

(iii) Exercised within 30 days after notice is mailed by certified mail to the address of optionee last known to the then owner of the then owner's election to sell, stating his price and the identity of the proposed vendee;

(6) Building and use restrictions whether or not enforceable by a reverter clause if there has been no breach of the conditions affording a right to an exercise of the reverter;

(7) Violation of a restriction based on race, color, creed, or national origin, whether or not such restriction provides for reversion or forfeiture of title or a lien for liquidated damages in the event of a breach;

(8) Any other covenant, condition, restriction, or limitation approved by the Administrator in the particular case. Such approval shall be a condition precedent to the guaranty of the loan:

Provided, That the limitations on the quantum or quality of the estate or property that are indicated in this paragraph, insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by 38 U.S.C. 1819.

(c) The following limitations on the quantum or quality of the estate or property shall be deemed for the purposes of paragraph (b) of this section to have been taken into account in the appraisal of the mobile home lot and determined by the Administrator as not materially affecting the reasonable value of such property:

(1) *Building or use restrictions.* Provided, (i) no violation exists, (ii) the proposed use by a veteran does not presage a violation of a condition affording a right of reverter, and (iii) any right of future modification contained in the building or use restrictions is not exercisable, by its own terms, until at least 10 years following the date of the loan.

(2) *Violations of racial and creed restrictions.* Violations of a restriction based on race, color, creed or national origin, whether or not such restriction provides for reversion or forfeiture of title or a lien for liquidated damages in the event of a breach.

(3) *Violations of building or use restrictions of record.* Violations of building or use restrictions of record which

have existed for more than 1 year, are not the subject of pending or threatened litigation, and which do not provide for a reversion or termination of title or condemnation by municipal authorities or a lien for liquidated damages which may be superior to the lien securing the guaranteed loan.

(4) *Easements.* (i) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereof do not interfere with the use of the mobile home or improvements located on the subject property.

(ii) Mutual easements for joint driveways located partly on the subject property and partly on adjoining property, provided the agreement is recorded in the public records.

(iii) Easements for underground conduits which are in place and which do not extend under any buildings in the subject property.

(5) *Encroachments.* (i) On the subject property by improvements on the adjoining property where such encroachments do not exceed 1 foot within the subjects boundaries, provided such encroachments do not touch any buildings or interfere with the use or enjoyment of any building or improvement on the subject property.

(ii) By hedges or removable fences belonging to subject or adjoining property.

(iii) Not exceeding 1 foot on adjoining property by driveways belonging to subject property, provided there exists a clearance of at least 8 feet between the buildings on the subject property and the property line affected by the encroachment.

(6) *Variations of lot lines.* Variations between the length of the subject property lines as shown on the plot plan or other exhibits submitted to Veterans Administration and as shown by the record or possession lines, provided such variations do not interfere with the current use of any of the improvements on the subject property including the mobile home and do not involve a deficiency of more than 2 percent with respect to the length of the front line or more than 5 percent with respect to the length of any other line.

(d) In a combination loan (loan to finance the purchase of a mobile home and to finance the purchase of a lot and/or necessary site preparation) the total indebtedness of the veteran arising from such combination loan transaction must be secured by a first lien or the equivalent thereof on the estate of the veteran in the mobile home lot, which real estate security interest shall be in addition to the mobile home security interest required by § 36.4234.

(e) Tax liens, special assessment liens, and ground rents shall be disregarded with respect to any requirement that loans shall be secured by a lien of specified dignity. With the prior approval of the Administrator, Chief Benefits Director, or Director, Loan Guaranty Service, liens retained by nongovernmental entities to secure assessments or charges for municipal type services and facilities clearly within the public purpose doctrine may be disregarded. In determining whether a loan for the purchase or improvement of a mobile home lot is secured by a first lien the Administrator may also disregard a superior lien created by a duly recorded covenant running with the realty in favor of a private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services or programs within and for the benefit of the development or community in which the veteran's realty is located, if he determines that the interests of the veteran-borrower and of the Government will not be prejudiced by the operation of such covenant. In respect to any such superior lien created after June 6, 1969, the Administrator's determination must have been made prior to the recordation of the covenant.

(f) In the case of a combination loan it shall be the responsibility of the lender that the veteran initially obtains or has an estate in the land constituting the mobile home lot meeting the requirements of paragraph (a) of this section and to obtain and retain a security interest thereon meeting the requirements of paragraph (d) of this section.

§ 36.4254 Fees and charges.

(a) Except as provided in § 36.4232 fees and charges incident to origination of a combination loan which may be paid by the veteran shall be limited to reasonable and customary amounts for any of the following:

(1) Fee of the Veterans Administration appraiser and of compliance inspectors designated by the Veterans Administration, except appraisal fees incurred for the predetermination of reasonable value requested by others than veteran or lender,

(2) Recording fees and recording taxes or other charges incident to recordation,

(3) Credit report,

(4) That portion of taxes, assessments, and other similar items for the current year chargeable to the borrower and his initial deposit (lump-sum payment) for any tax and insurance account,

(5) Survey, if required by lender or veteran,

(6) Title examination and title insurance, if any,

(7) Such other items as may be authorized in advance by the Chief Benefits Director as appropriate for inclusion under this paragraph as proper local variances.

(b) A lender may charge and the veteran may pay a flat charge not exceeding one (1) percent of the amount of the loan less the portion thereof allocated to the mobile home: *Provided*, That such flat charge shall be in lieu of all other charges relating to costs of origination not expressly specified and allowed in this schedule.

(c) Fees and charges specified in this section may not be included in the loan.

(72 Stat. 1114, 84 Stat. 1110; 38 U.S.C. 210, 1819)

These VA regulations are effective upon publication in the FEDERAL REGISTER (2-23-71).

Approved: February 18, 1971.

By direction of the Administrator.

RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.71-2454 Filed 2-22-71;8:50 am]

Title 49—TRANSPORTATION

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

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

Correction

In F.R. Doc. 71-1371 appearing at page 1896 in the issue for Wednesday, February 3, 1971, the second entry under Column 5 of Table III, now reading "J954, February 1966", should read "J945, February 1966".

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 103, 204, 205, 245]

IMMIGRANT LABOR

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules which conform Service regulations to the recent regulations of the Department of Labor published on February 4, 1971 (36 F.R. 2462). In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments (in duplicate) relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

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

1. Subparagraph (2) of paragraph (e) of § 103.1 is amended to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* * * *

(2) Decisions on third- and sixth-preference petitions, as provided in § 204.1(c), except when the denial of the petition is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act;

2. Subparagraphs (3) and (5) of paragraph (e) *Regional commissioners* of § 103.1 *Delegations of authority* are revoked.

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

1. Paragraph (c) of § 204.1 is amended to read as follows:

§ 204.1 Petition.

* * * * *

(c) *Petition under section 203(a) (3) or (6)*—(1) *General.* A petition to classify the status of an alien under section 203 (a) (3) or (6) of the Act shall be filed on Form I–140. For each beneficiary a separate Form I–140 must be submitted, accompanied by a fee of $25. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer or an immigration officer. Before it may be accepted and considered properly filed, the petition must be accompanied by Statement of Qualifications of Alien on Form MA 7–50A and Job Offer for Alien Employment on Form MA 7–50B to which the certification under section 212(a)(14) of the Act has been affixed by the Secretary of Labor or his designated representative, except that Form MA 7–50B and such certification may be omitted if the beneficiary is qualified for and will be engaged in an occupation currently listed in the Department of Labor's Schedule A (29 CFR Part 60), or the beneficiary is qualified as a member of a profession or has exceptional ability in the sciences or arts and will be engaged therein.

(2) *Place of filing.* A petition to classify the status of an alien under section 203(a)(3) of the Act shall be filed by such alien or by any person on his behalf in the office of the Service having jurisdiction over the place in the United States where the alien intends to reside. A petition to classify the status of an alien under section 203(a)(6) of the Act shall be filed by the person, firm, or organization desiring and intending to employ the alien within the United States in the office of the Service having jurisdiction over the place of intended employment.

(3) *Filing date.* In a case in which the Labor certification presented in support of a petition was issued on the basis of a job offer, the filing date of the petition within the meaning of section 203(c) of the Act shall be the date the request for certification was accepted for processing by any office within the employment service system of the Department of Labor. In a case in which a job offer is not required by the Labor Department in order to apply for a certification, the filing date of the petition shall be the date it was properly filed with the appropriate Service office.

(4) *Sixth-preference petition for member of the professions or person having exceptional ability in the sciences or arts.* Nothing contained in this part shall preclude an employer who desires and intends to employ an alien who is a member of the professions or a person having exceptional ability in the sciences or the arts from filing a petition for a sixth-preference classification; however, any such petition shall be subject to the requirements of this part governing sixth-preference petitions.

(5) *Interview and decision.* Prior to decision by the district director, the beneficiary and the petitioner may be required as a matter of discretion to appear in person before an immigration or consular officer and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying a petition for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act.

2. Paragraph (d) *Petitions under section 203(a)(6) of the Act* of § 204.1 *Petition* is revoked.

3. Paragraph (e) of § 204.2 is amended to read as follows:

§ 204.2 Documents.

* * * * *

(e) *Evidence of eligibility for third- or sixth-preference classification*—(1) *General.* The documentary evidence which the petitioner must submit to establish the beneficiary's eligibility under section 203(a) (3) or (6) of the Act shall include Form MA 7050A, or Forms MA 7–50 A and B, as provided in § 204.1(c), and any documents required to be presented with those forms. If the alien's eligibility is based in whole or in part on higher education, a certified copy of his school record shall be submitted. The record must show the period of attendance, major field of study, and the degrees or diplomas awarded. If the alien has received a license or other official permission to practice his profession, the license or other official permit to practice must also be submitted. If the alien's eligibility is based on a claim of exceptional ability in the sciences or the arts, documentary evidence supporting the claim must be submitted by the petitioner. Such evidence may attest to the universal acclaim and either the national or international recognition accorded to the alien; that he has received a nationally or internationally recognized prize or award or won a nationally or internationally recognized competition for excellence for a specific product or performance or for outstanding achievement; or that he is a member of a national or international association of persons which maintains standards of membership recognizing outstanding achievement as judged by recognized national or international experts in a specific discipline or field of endeavor. An affidavit attesting to an alien's exceptional ability in the sciences or the arts must set forth the name and address of the affiant, state how he has acquired his knowledge of the alien's qualifications, and must describe in detail the facts on which the affiant bases his assessment of the alien's qualifications. If material published by or about the alien is submitted, it must

be accompanied by information as to the date, place, and title of the publication. If the alien's eligibility is based on training or experience, documentary evidence thereof, such as affidavits, must be submitted by the petitioner. Affidavits concerning training or experience must set forth the name and address of the affiant, state how he acquired his knowledge of the alien's qualifications, state the places where and the dates between which the alien gained the training or experience, and describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien.

(2) *Physicians.* An alien physician shall be considered eligible for classification as a member of the professions if he establishes that he was graduated from a medical school in the United States or Canada, or that he was graduated from a foreign medical school and has successfully passed the examination given by the Educational Council for Foreign Medical Graduates, or that he was graduated from a foreign medical school and has obtained a full and unrestricted license to practice medicine in the country where he obtained his medical education. In any other case the district director may consult the Educational Council for Foreign Medical Graduates or other organizations and experts in the medical field for the purpose of obtaining an advisory opinion of the alien's qualifications as a physician.

(3) *Advisory opinion.* The district director may request the Manpower Administration to furnish an advisory opinion concerning the qualifications of the beneficiary of a petition under section 203(a) (3) or (6) of the Act.

(4) *Certification under section 212(a) (14).* An alien whose occupation is currently listed in Schedule A (29 CFR Part 60) will be considered as having obtained a certification under section 212(a)(14) of the Act upon determination by the district director that the alien is qualified for and will be engaged in such occupation. In the case of an alien whose occupation is currently listed in Schedule B, the Secretary of Labor has announced that the determination and certification required by section 212(a)(14) of the Act cannot now be made (29 CFR Part 60). In the case of a beneficiary who the district director finds is a member of a profession or a person with exceptional ability in the sciences or arts, but who is not included in Schedule A (29 CFR Part 60), the district director will refer Form MA 7-50A to the appropriate Regional Manpower Administrator for a determination as to whether an individual labor certification will be issued. In the case of any other alien, his employer or prospective employer may apply for certification under section 212(a)(14) of the Act by submitting properly executed Forms MA 7-50A and MA 7-50B, together with the documentary evidence required by the instructions for completion of the forms, to the local office of the State Employment Service serving the area of intended employment. Information concerning the categories of employment listed in Labor Department Schedules (29 CFR Part 60) may be obtained from principal offices of the Service, from State Employment Service offices and from United States consular offices.

4. Paragraph (f) *Evidence required to accompany petition for skilled or unskilled labor* of § 204.2 *Documents* is revoked.

5. Paragraphs (b) and (c) of § 204.4 are amended to read as follows:

§ 204.4 Validity of approved petitions.

* * * * *

(b) *Petitions under sections 203(a) (3) and (6).* The approval of a petition to classify an alien as a preference immigrant under sections 203(a) (3) or (6) of the Act shall remain valid for as long as the supporting labor certification is valid and unexpired, provided there is no change in the intention of the beneficiary to engage in the indicated profession or occupation and, where applicable, there is no change in the respective intentions of the prospective employer and the beneficiary that the beneficiary will be employed in the capacity indicated in the job offer attached to the petition.

(c) *Subsequent petition by same petitioner for same beneficiary.* When a visa petition has been approved and subsequently a new petition by the same petitioner is approved in behalf of the same beneficiary, the latter approval shall be regarded as a reaffirmation or reinstatement of the validity of the original petition.

§ 204.6 [Amended]

6. The last sentence of § 204.6 *Effect of changed employment on priority date for sixth-preference classification* is amended to read as follows: "However, the original priority date shall be restored if the beneficiary returns to the original petitioner's employment or establishes that he intends upon arrival in the United States to be employed by the original employer as specified in the original petition, and that petition is still valid."

PART 205—REVOCATION OF APPROVAL OF PETITIONS

Paragraph (b) of § 205.1 is amended to read as follows:

§ 205.1 Automatic revocation.

* * * * *

(b) *Petitions under section 203(a) (3) or (6).* (1) Upon expiration pursuant to 29 CFR Part 60 of the labor certification in support of the petition unless the certification is thereafter revalidated.

(2) Upon the death of the petitioner or beneficiary.

(3) Upon formal notice of withdrawal filed by the beneficiary with the officer who approved the petition in a third-preference case.

(4) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition in a sixth-preference case.

(5) Upon termination of the employer's business in a sixth-preference case.

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

1. Paragraph (e) of § 245.1 is amended to read as follows:

§ 245.1 Eligibility.

* * * * *

(e) *Nonpreference aliens.* An applicant who is a nonpreference alien seeking adjustment of status for the purpose of engaging in gainful employment in the United States, and who is not exempted under § 212.8(b) of this chapter from the labor certification requirement of section 212(a)(14) of the Act, is ineligible for the benefits of section 245 of the Act unless an individual labor certification is issued by the Secretary of Labor or his designated representative, or unless the applicant establishes that he is within Schedule A (29 CFR Part 60).

* * * * *

2. The fourth sentence of paragraph (g) *Availability of immigrant visas under section 245* of § 245.1 *Eligibility* is amended to read as follows: "The priority date of an applicant who is seeking the allotment of a nonpreference immigrant visa number shall be fixed by the following factors, which ever is the earliest: (1) The priority date accorded the applicant by the consular officer as a nonpreference immigrant; (2) the date on which application Form I-485 is filed, if the applicant establishes that the provisions of section 212(a)(14) of the Act do not apply to him or that he is within the Department of Labor's Schedule A (29 CFR Part 60); (3) the date on which an approved valid third- or sixth-preference visa petition in his behalf was filed if the applicant was within the Department of Labor's Schedule A (29 CFR Part 60); or (4) the date an application for certification was accepted for processing by any office within the employment service system of the Department of Labor, provided the certification applied for was issued."

3. Paragraph (b) of § 245.2 is amended to read as follows:

§ 245.2 Application.

* * * * *

(b) *Application by nonpreference alien seeking adjustment of status for purpose of engaging in gainful employment—(1) Alien whose occupation is included in Schedule A (29 CFR Part 60), or who is a member of the professions, or has exceptional ability in the sciences or arts.* An applicant for adjustment of status as a nonpreference alien under section 245 of the Act who is subject to the labor certification requirement of section 212(a)(14) of the Act must submit Forms MA 7-50A with his application, if he is qualified for and will be engaged in an occupation currently listed in Schedule A (29 CFR Part 60), or if he is a member of a profession or has exceptional ability in the sciences or arts. The Forms MA 7-50A must be executed in accordance with the instructions for

completion of that form, and must be accompanied by the evidence of the applicant's qualifications specified in the instructions attached to the application for adjustment of status. The other documents specified in paragraph (a) of this section must also be submitted in support of the application for adjustment of status. Determination concerning certification under section 212(a)(14) of the Act will be made in accordance with the pertinent provisions of § 204.1(e)(4) of this chapter.

(2) *Other nonpreference aliens who will engage in gainful employment.* An applicant for adjustment of status as a nonpreference alien under section 245 of the Act, who is subject to the labor certification requirement of section 212(a)(14) of the Act, must submit the certification with his application if he is not a member of a profession, is not a person with exceptional ability in the sciences or the arts, and is unqualified for a category of employment currently listed in Schedule A (29 CFR Part 60). The applicant's employer or prospective employer may apply for the certification to the local State Employment Service.

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

Dated: February 17, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-2407 Filed 2-22-71;8:46 am]

POST OFFICE DEPARTMENT

[39 CFR Parts 154, 158]

HOLDING MAIL FOR ADDRESSEES; TIME LIMIT FOR FORWARDING MAIL

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making as follows:

(1) It is proposed to reduce the time period for which ordinary mail (except first class specifying a retention period by the sender) will be retained at the office of address, at the addressee's request, from the present 60-day period to 30-days. The present period has resulted in mail accumulations and storage space problems for the Department.

(2) Present regulations allow the forwarding of mail for a period of 2 years (39 CFR 158.2 (a), (b)). Such 2-year period is unrealistic. It is therefore proposed to reduce this forwarding time limit to 1 year.

The amendments to the Department's regulations set out below will achieve the stated purposes.

Interested persons who desire to do so may submit written data, views, and arguments concerning the proposed regulations to the Director, Post Office and Delivery Services Division, Operations Department, Post Office Department, Washington, DC 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the following amendments to the Department's regulations are proposed:

In § 154.1 *Delivery to persons,* add new paragraph (i) to read as follows:

§ 154.1 Delivery to persons.

* * * * *

(i) *Holding mail at request of addressee.* Ordinary mail, except first class bearing return address of sender specifying a retention period, will be retained at the office of address at the request of the addressee, for a period up to 30 days. Under unusual conditions, mail may be held for a longer period if the postmaster considers it practicable.

Section 158.2 *Time limit of change of address order,* is amended to read as follows:

§ 158.2 Time limit of change of address order.

(a) Time limit specified by addressee (not to exceed 1 year). State beginning and ending dates in the change of address order. The original order should be canceled when the addressee returns to his old address or moves to another permanent address within the specified period.

(b) Time limit not specified by addressee. Records of permanent change of address order, other than those subject to paragraph (d) of this section, are held for 1 year from the end of the month of the effective date recorded on Form 3575. The order is not renewable. Mail may continue to be forwarded beyond the 1-year period if the new address is known to the forwarding employee without reference to the change of address records.

(c) Forms 3575 will be retained for administrative purposes for 2 years.

(d) Change from general delivery at city delivery office. (1) *To permanent local address.* Record of change of address orders without time limit will be kept 6 months.

(2) *To other than permanent local address.* Record of change of address orders without time limit will be kept 30 days.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-2513 Filed 2-22-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS FOR HUMAN USE

New Drugs on the Market Without Approved New-Drug Applications; Statement of Policy

The Food and Drug Administration is seriously concerned about the continued introduction into the market of new products without submission and approval through the new-drug procedures of the Federal Food, Drug, and Cosmetic Act. This appears to result from a misunderstanding of the new-drug requirements or from a deliberate effort to avoid the new drug procedures.

The Commissioner wishes to make it entirely clear that he will require strict adherence to the new-drug requirements. Anyone introducing a new product, or an old product for a new use, or a new combination of old ingredients, or any other product that is or may be a "new drug" under section 201(p) of the Act, and the interpretations provided thereunder by regulations and court decisions, must submit and obtain new-drug approval prior to marketing the preparation. Should a manufacturer or distributor undertake to decide unilaterally that any such product does not require new-drug approval, he must recognize that he risks criminal and civil regulatory action, as well as a probable recall of the product from the market. The burden will be upon such a person to establish that there was, and that he acted upon, a body of published medical data, available to experts in the medical profession generally, from which such experts could fairly and responsibly reach a conclusion that the safety and effectiveness of the particular preparation for the conditions for which it is intended have been so well documented that the composition of the product is such that it would be generally recognized as both safe and effective for the conditions for which the drug is prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 505, 701(a), 52 Stat. 1041–42, as amended, 1052–53, as amended, 1055; 21 U.S.C. 321(p), 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that the following new section be added to Subpart A of Part 130:

§ 130.____ New drugs on the market without approved new-drug applications.

(a) The Food and Drug Administration published a statement of policy on May 28, 1968 (33 F.R. 7758), § 130.39 (21 CFR 130.39), revoking all opinions theretofore given that an article was "not a new drug" or was "no longer a new drug." That policy states that undisclosed or unreported side effects, as well as the emergence of new knowledge presenting questions with respect to the safety or effectiveness of a drug, may result in its being a "new drug" even though it may previously have been considered "not a new drug." The Food and Drug Administration is publishing its requirements for continued marketing of these and other drugs through the process of implementing the conclusions of the NAS/NRC Drug Efficacy Study on labeling claims made for drugs marketed under the new-drug and antibiotic drug procedures between 1938 and 1962.

(b) In implementing the conclusions of the Drug Efficacy Study and identifying all marketed drugs affected by this review, it is apparent that large numbers of drugs have been, and continue

to be, introduced to the market without clearance through the new-drug procedures and without the manufacturer or distributor having reached an understanding with the Food and Drug Administration that new-drug approval is not required. These include products with new formulations, new manufacturers, new manufacturing procedures, and new or revised claims. Most, if not all, of these products are new drugs and should have been cleared through the new-drug procedures prior to marketing.

(c) The marketing of a new drug based on a conclusion by the manufacturer or distributor that the drug does not fall within the statutory definition of a "new drug" because its composition is such that the particular drug would be generally recognized among appropriately qualified experts as safe and effective for its labeled indications is a risk that may ultimately result in injury to patients or ineffective treatment, and may subject the manufacturer or distributor to civil and criminal liability and to product recall. The manufacturer or distributor must be prepared to support any such unilateral decision by the medical documentation upon which it can be concluded by qualified experts that the safety and effectiveness of the drug for the conditions for which it is intended are so well established that the product would be generally recognized as safe and effective for the conditions for which it is labeled.

(d) The determination whether a drug is generally recognized as safe and effective for any condition is complex and not an absolute or one-time determination. The judgment requires consideration of the composition of the drug in terms of its reproducibility and reliability, as well as the indications for its use. Since product reproducibility and reliability require adherence to the conditions of current good manufacturing practice, including when applicable, assurance of bioavailability, there are few if any times that an expert judgment can be reached without full knowledge of factors that affect product composition. This consideration alone means that new-drug approval will be required in essentially all cases. The judgment is affected by new knowledge pertaining to adverse effects from the drug and by new considerations applicable to the treatment of the condition or disease involved. Full information necessary to sustain an expert judgment as to safety and effectiveness of a drug may not be available to the manufacturer or distributor or to the experts upon whom he relies. The Food and Drug Administration believes that before a manufacturer or distributor introduces a product to the market, whether or not the same or a similar product is already marketed by another firm, a request for review and comment on the proposal should be submitted. Information submitted should include a complete statement of the composition (active and inactive ingredients and assurance of product reliability), the labeling, and an adequate summary of the medical documentation on which the manufacturer or distributor and his expert advisors have reached a decision that the composition of the drug is such that it is generally recognized as safe and effective for the conditions for which it is to be prescribed, recommended, or suggested in its labeling.

(e) Manufacturers and distributors of drugs on the market which have not been cleared through the new-drug procedures should undertake an immediate study of all such drugs, their composition, their labeling, and the available evidence of safety and effectiveness upon the basis of which the products have been marketed. Appropriate steps should be taken to remove from the market drugs not supported by adequate evidence of safety and effectiveness and to bring all drugs that are to remain on the market into full compliance, including compliance with the new-drug provisions. The Food and Drug Administration is prepared to give advice on all drugs upon written inquiry setting forth the compete composition, the labeling, and an adequate summary of the medical documentation supporting the safety and effectiveness of the product.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 17, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2414 Filed 2-22-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 154]

[Docket No. 10858; Notice 71-6]

ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering the issue of regulations implementing section 23 (Use of Government-owned Lands) of the Airport and Airway Development Act of 1970 (Public Law 91-258, 84 Stat. 232). The determination of whether to publish a notice of proposed rule making where the matter relates to public grants, benefits, and contracts, is discretionary with the Administrator. This notice is published in consonance with a policy of soliciting public participation in rule making that is of interest to the public.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before March 25, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Airport and Airway Development Act of 1970 authorizes the Secretary of Transportation to exercise the regulatory functions set forth in Part II of the Act (sections 11 through 27). The Secretary has delegated that authority to the Administrator of the Federal Aviation Administration.

Part 153 of the Federal Aviation Regulations prescribes the policies and procedures for administering section 16 of the Federal Airport Act. Until that program is completely phased out, Part 153 will continue to apply to U.S. lands acquired for public airports under that Act.

Regulations are now proposed to presribe the policies and procedures for the acquisition of U.S. land for public airports under section 23 of the 1970 Act. The regulations in large part are the same as existing substantive provisions of Part 153 with minor changes.

Section 23 of the Airport and Airway Development Act of 1970 is in large measure patterned after section 16 of the Federal Airport Act. However, there are significant differences. Thus, under section 23 the purpose for which a conveyance of land may be requested is broadened to include lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan. This did not appear in section 16 of the Federal Airport Act. Also, section 23 provides that "at the option of the Secretary" the property interest conveyed shall revert to the United States if the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. Additionally, this section specifically provides that if only a part of the property interest conveyed is not developed for airport purposes or used in a manner consistent with the terms of the conveyance, only that particular part shall at the option of the Secretary, revert to the United States. Section 16 of the Federal Airport Act provides for automatic reversion in the event that the lands in question are not developed, or cease to be used, for airport purposes. Part 153 provides that this reversion takes place after 5 years if no airport development occurs, or the land ceases to be used for airport purposes for a period of 6 months. The proposed regulations would provide for reversion, using a 1-year time period, but at the option of the Administrator and, conformably with section 23, they would provide that reversion may also occur if

the property interest is used in a manner inconsistent with the terms of the conveyance. This would afford to the Administrator an additional basis for imposing a sanction. As to a property interest that is necessary to meet future development of an airport, the time period would be specified as one satisfactory to the Administrator, and it would be further provided that any interim use of that interest for other than airport purposes would be subject to such terms and conditions as the Administrator may prescribe.

Section 23 exempts certain lands from its substantive provisions, namely lands owned or controlled by the United States within any national park, national monument, national recreation area, or similar area under the administration of the National Park Service; within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or within any national forest or Indian reservation. Also, the Office of Legal Counsel, Assistant Attorney General, Department of Justice, has provided to the FAA an opinion that section 23 of the Airport and Airway Development Act of 1970 is not applicable to the transfer of entire, existing Federal Airports to State and local agencies, and that such transfers may be made only pursuant to the surplus property procedure contained in section 13 (g) (1) of the Surplus Property Act of 1944, as amended, 50 U.S.C. App. § 1662 (g) (1) (1964). The proposed Part 154 would reflect these exclusions.

Section 102(2) (C) of the National Environmental Policy Act of 1969 (Public Law 91–190) requires that the agency of the Federal Government include in its recommendation or report on a proposal for a major action (which includes the acquisition of U.S. land for public airports), a detailed statement by the responsible official on the environmental impact of the proposed action and related information. Transportation Order 5610.1, implementing that provision, requires a sponsor of a project to submit a draft statement of the environmental statement or a negative declaration, as appropriate. Proposed § 154.7(b) (14) accordingly would require each public agency applying for a conveyance to send with its request a statement of the environmental impact of the proposed action and related information, or a negative declaration, as appropriate.

It is also proposed to provide that the Administrator requests a conveyance of land under the new part only if the land is included in or meets the entrance criteria for the national airport system plan. This provision is considered appropriate to make the part consistent with the proposed regulations covering airport development aid, that would limit grants of Federal funds for airport purposes to projects for airports listed in the national airport system plan.

These amendments are proposed under the authority of section 23 of the Airport and Airway Development Act of 1970 (Public Law 91–258, 84 Stat. 232), and § 1.47(g) of the regulations of the Office of the Secretary of Transportation (35 F.R. 17047).

In consideration of the foregoing, it is proposed to amend Title 14, Chapter I, of the Code of Federal Regulations by adding the following new Part 154.

Issued in Washington, D.C., on February 12, 1971.

CHESTER G. BOWERS,
Director, Airport Service.

PART 154—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Sec.

§ 154.1 Applicability and purpose.

(a) *General.* This part applies to the acquiring by public agencies, under section 23 of the Airport and Airway Development Act of 1970 (Public Law 91–258, 84 Stat. 232), of property interests in land owned or controlled by the United States, the use of which is reasonably necessary to carry out a project for airport development under Part II of that Act or to operate a public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan. If the Administrator determines that such a property interest is reasonably necessary to carry out such a project or to operate a public airport, he is authorized by section 23 of the Act to request the head of the department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or corporation wholly owned by the United States (in this part called the "controlling agency") that owns or controls that property interest to convey so much of it as the Administrator considers necessary, to the public agency sponsoring the project concerned or owning or controlling the airport concerned, as the case may be. The head of that agency is then required to determine whether the conveyance is inconsistent with the needs of that agency. If he determines that it is not inconsistent with those needs, he shall make the conveyance as provided in § 154.11.

(b) *Property interests to which this part applies.* This part applies with respect to fee title or any other interest in land that is reasonably necessary to carry out a project under the Airport Development Aid Program or to operate a public airport or in lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, including leaseholds, permits, licenses, and easements, over lands adjacent to the airport that will assure freedom from interference with the intended purpose. The property interest must be in land that is included in, or currently meets the entrance criteria for the current national airport system plan.

(c) *Property interests to which this part does not apply.* This part does not apply with respect to—

(1) Property interests in lands owned or controlled by the United States within—

(i) Any national park, national monument, national recreation area, or similar area under the administration of the National Park Service;

(ii) Any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or

(iii) Any national forest or Indian reservation; or

(2) Any entire, existing Federal airport.

(d) *Definition of "airport purposes."* For the purposes of this part, "airport purposes" means uses of property interests in land that are directly related to the actual operation or the foreseeable aeronautical development of the public airport. It includes—

(1) *Operational use.* Use of property interests for aerial approaches, navaids, runways, taxiways, aprons, or other aircraft movement areas;

(2) *Future developmental use.* Reservation of property interests for foreseeable aeronautical development (for example, a planned runway extension or a planned terminal building development);

(3) *Essential support services use.* Use of property interests for activities directly supporting flight operations (for example, aircraft maintenance, fueling, and servicing; mail, passenger, and cargo processing facilities; communications, and air traffic control; crash rescue, fire fighting, and airport mainfenance); and

(4) *Complementary activities use.* Use of property interests for facilities or services that enhance the utility or convenience of the aeronautical services (for example, facilities to provide food, shelter, surface transportation, or vehicular parking).

§ 154.3 Public agencies eligible for conveyances.

A State, Puerto Rico, the Virgin Islands, Guam, any agency of any of them, a municipality or other political subdivision, a tax-supported organization, or an Indian tribe or pueblo may apply for a conveyance of a property interest under this part if—

(a) It plans to use that property interest for or in connection with—

(1) Developing a public airport as a project under the Airport Development Aid Program;

(2) Improving, developing, or protecting an existing public airport, whether or not in connection with a project under the program; or

(3) Establishing or constructing a new public airport, whether or not in connection with a project under that program;

(b) It has legal authority to accept the conveyance; to engage in the kind of airport development described in § 152.___, of this chapter, improvement,

or construction necessary to benefit fully from the conveyance; to establish, operate, and maintain the proposed or existing airport; and to raise funds necessary for the proposed development, improvement, or construction and for financing the operation and maintenance of the airport;

(c) It has enough funds, or will be able to get them, to pay for any development, improvement, or construction that is necessary to benefit reasonably from the conveyance, and to operate and maintain the airport; and

(d) It is not in default on any obligation to the United States in connection with developing, operating, or maintaining an airport.

§ 154.5 Application for conveyance.

A public agency that is eligible under § 154.3 may apply for a conveyance of a property interest under this part by filing an application for it in quadruplicate with the FAA office serving the area in which the property interest is located.

§ 154.7 Form and content of application for conveyance.

(a) An application for a conveyance of a property interest under this part need not be in any special form. However, the public agency applying must provide enough information to enable the Administrator to determine—

(1) That it is eligible to apply for the conveyance;

(2) That it will accept the conveyance subject to the conditions and covenants in the deed of conveyance;

(3) That the property interest applied for is reasonably necessary to carry out a project under the Airport Development Aid Program or to operate a public airport; and

(4) The extent of the property interest that is necessary to accomplish the purpose.

(b) Each public agency applying for a conveyance must send with its request, or as soon thereafter as possible, the following information, if applicable and available, together with any other information requested by the Administrator:

(1) Its name and address.

(2) The name, location, and ownership of the airport concerned, or if the airport is not in existence, the proposed name, the approved location, and the prospective owner.

(3) If the airport is being operated under a lease or agreement from the public agency, a copy of the lease or agreement.

(4) A statement of its legal authority and financial ability to develop, improve, construct, operate, and maintain the airport.

(5) The name of the department or agency of the United States that owns or controls the property interest.

(6) A legal description of the land requested, and the amount of acreage, if applicable.

(7) A list of all improvements on the land and the use or disposition to be made thereof.

(8) A statement of the specific property interest, such as fee title, leasehold, easement, permit, license, or other interest, that it needs.

(9) A complete justification of its need for the property interest, supported by any maps, charts, photographs, or other documents that may be necessary to show the need for that property interest, and if use of other land might fill the need, a statement of the particular advantage of the U.S. land over the other suitable land.

(10) A statement of the plans and commitments for the financing of or accomplishing any development, improvement, or construction requiring the use of the property interest.

(11) An estimated date on which the property interest will be needed.

(12) The status of any project for developing the airport concerened under the Airport Development Aid Program.

(13) A statement that it has the legal authority to accept a conveyance subject to the convenants and reverter clause described in § 154.13.

(14) A statement on the following or a negative declaration, as appropriate:

(i) The environmental impact of the proposed action.

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented.

(iii) Alternatives to the proposed action; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

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

(c) Each application for a conveyance under this part must be signed by an officer of the public agency concerned who has been authorized by it to file the application. The application must be accompanied by a certified copy of a resolution or ordinance authorizing him to file the application and indicating that the public agency is willing to accept the conveyance subject to the covenants described in § 154.13.

§ 154.9 Determinations by the Administrator.

The Administrator reviews each application for a conveyance under this Part and determines whether the public agency requesting the conveyance is eligible and a conveyance is proper, under section 23 of the Airport and Airway Development Act of 1970 and this part. If he decides that the public agency is eligible and the conveyance is proper, he requests the head of the controlling agency to convey to the public agency as much of an interest as the Administrator considers to be reasonably necessary, without consideration, other than the benefits to accrue to the public and the United States from the use of the land for airport purposes. The Administrator accompanies his request with a detailed statement of the items required by section 102(e)(4) of the National Environmental Policy Act of 1969 (Public Law 91-190), as listed in § 154.7(b)(14).

§ 154.11 Determination and conveyance by head of controlling agency.

(a) Upon receiving a request for a conveyance under this part from the Administrator, the head of the controlling agency is required, by section 23(b) of the Airport and Airway Development Act of 1970, to determine whether the conveyance is inconsistent with the needs of his agency, and to notify the Administrator of his determination within 4 months after receiving the Administrator's request.

(b) Section 23(b) of the Act provides that, if the head of the controlling agency concerned determines that the requested conveyance is not inconsistent with those needs, he shall, upon the approval of the Attorney General and the President, perform any acts and execute any instruments necessary to make the conveyance, without expense to the United States.

§ 154.13 Covenants in conveyances.

Whenever the Administrator requests the head of a controlling agency to make a conveyance under this part, he also requests that the instrument of conveyance contain, as a covenant binding on the grantee, its successors and assigns, the following provisions:

(a) That the grantee will use the property interest for airport purposes, and will develop that interest for airport purposes within 1 year after the date of this convenyance. However, if the property interest is necessary to meet future development of an airport in accordance with the national airport system plan the grantee will develop that interest for airport purposes within a period of time satisfactory to the Administrator, and any interim use of that interest for other than airport purposes will be subject to such terms and conditions as the Administrator may prescribe.

(b) That the airport, and its appurtenant areas and its buildings and facilities, whether or not on the land conveyed, will be operated as a public airport on fair and reasonable terms, without discrimination on the basis of race, color, or national origin, as to airport employment practices, and as to accommodations, services, facilities, and other public uses of the airport.

(c) That the grantee will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)) at the airport, or at any other airport now owned or controlled by it.

(d) That in furtherance of the policy of the FAA under this convenant the grantee—

(1) Agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying,

air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

(2) Agrees that it will terminate any existing exclusive right to engage in the sale of gasoline or oil, or both, granted before July 17, 1962, at such an airport, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right; and

(3) Agrees that it will terminate forthwith any other exclusive right to conduct any aeronautical activity now existing at such an airport.

(e) That any later transfer of the property interest conveyed will be subject to the covenants and conditions in the instrument of conveyance.

(f) That, if the covenant to develop the property interest (or any part thereof) for airport purposes within the time specified in paragraph (a) of this section is breached, or if the property interest (or any part thereof) is not used in a manner consistent with paragraph (a) of this section or the terms of the conveyance, the Administrator may give notice to the grantee requiring him to take specified action, within a fixed period, towards development or use as prescribed, as the case may be. These notices may be issued repeatedly, and outstanding notices may be amended or supplemented. Upon expiration of a period so fixed without completion by the grantee of the required action, the Administrator may, on behalf of the United States, enter, and take title to, the property interest conveyed or the particular part of the interest to which the breach relates.

(g) That, if any covenant or condition in the instrument of conveyance, other than the covenant contained in paragraph (f) of this section, is breached, the Administrator may, on behalf of the United States, immediately enter, and take title to, the property interest conveyed or, in his discretion, that part of that interest to which to breach relates.

(h) That a determination by the Administrator that one of the foregoing covenants has been breached is conclusive of the facts; and that, if the right of entry and possession of title stipulated in the foregoing convenants is exercised, the grantee will, upon demand of the Administrator, take any action (including prosecution of suit or executing of instruments) that may be necessary to evidence transfer to the United States of title to the property interest conveyed, or, in the Administrator's discretion, to that part of that interest to which the breach relates.

[FR Doc.71-2435 Filed 2-22-71;8:48 am]

Hazardous Materials Regulations Board

[49 CFR Part 179]

[Docket No. HM-63; Notice 70-20]

TRANSPORTATION OF HAZARDOUS MATERIALS

Tank Car Specifications; Withdrawal of Notice of Proposed Rule Making

On October 29, 1970, the Hazardous Materials Regulations Board published Docket No. HM-63; Notice No. 70-20 (35 F.R. 16741), and modified that notice on November 19, 1970 (35 F.R. 17790). The Board proposed to amend § 179.102-11 of the Department's Hazardous Materials Regulations to remove the authorization for higher discharge safety relief valve settings on DOT Specifications 112A and 114A tank cars transporting liquefied petroleum gas and anhydrous ammonia. The Board also proposed to cease issuance and renewal of special permits authorizing these higher discharge safety valve settings on Specifications 112A and 114A tank cars and special permits authorizing use of Specifications 112A and 114A tank cars constructed with a welded joint efficiency of $E=1.0$, as that figure is used in the regulations to determine tank plate thickness. The proposed date for special permit withdrawals was set at June 1, 1971.

Interested persons were given an opportunity to comment on the Board's proposal. On the basis of information and data received in response to the proposal, and available for examination at the Office of the Secretary of the Hazardous Materials Regulations Board, the Board concludes that it would be inadvisable to carry through with the proposal at this time. Should research by the Government or by industry indicate a need for further action on this subject, the matter may be opened for re-examination in its entirety.

In consideration of the foregoing, Docket No. HM-63; Notice No. 70-20 is withdrawn.

This action is taken under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on February 19, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[FR Doc.71-2509 Filed 2-19-71;4:16 pm]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Proposed Change in Open Season Policy

Notice is hereby given that under authority of section 8913 of title 5, United States Code, it is proposed to revise §§ 890.203(b), 890.301(d), and 890.306(c) of Chapter I of Title 5 of the Code of Federal Regulations to provide for annual open seasons to enroll or change enrollment under the Federal Employees Health Benefits Program. The proposed change would permit employees not registered to be enrolled to register to be enrolled and enrolled employees or annuitants to change their enrollment on an annual basis. In addition, the proposal would change the dates within which carriers may submit proposals to change a health benefits plan or a subscription charge to the Commission. Carriers and other interested persons may submit written comments, objections, or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. The proposed amendments are set out below:

1. Section 890.203(b) is amended to read as follows:

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

* * * * *

(b) Any proposal for change in a health benefits plan shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. The Commission will review a proposal for change and notify the carrier whether it accepts the change and may make a counterproposal or at any time propose changes on its own motion. The Commission will not consider until after the expiration of the then current contract period any proposal for a change which is received less than 8 months before the expiration of the then current contract period, except that changes in subscription charges for the ensuing contract period may be proposed not less than 6 months before the expiration of the then current contract period.

2. Section 890.301(d) is amended to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) *Open season.* During the period November 15 through 30 of each year beginning with November 15, 1971, an employee who is not registered to be enrolled may register to be enrolled, and any enrolled employee or annuitant may change his enrollment from one plan or option to another, or from self only to self and family, or both.

* * * * *

3. Section 890.306(c) is amended to read as follows:

§ 890.306 Effective dates.

* * * * *

(c) *Open season.* (1) The effective date of a change in enrollment under section 890.301(d) is the first day of the first pay

period beginning on or after January 1 of the next following year.

(2) The effective date of a new enrollment under section 890.301(d) is the first day of the first pay period beginning on or after January 1 of the next following year, which follows a pay period during any part of which the employee is in pay status.

* * * * *

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

[FR Doc.71-2455 Filed 2-22-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN 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 Kentucky as set forth in the following new §§ 481.191–481.194 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 presently designated Metropolitan Cincinnati Interstate Air Quality Control Region, Evansville (Indiana) - Owensboro - Henderson (Kentucky) Interstate Air Quality Control Region, Huntington (West Virginia) - Ashland (Kentucky) - Portsmouth-Ironton (Ohio) Interstate Air Quality Control Region, and 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 20 days after the publication of this notice will be considered.

Interested authorities of the States of Kentucky, Illinois, Indiana, Ohio, and West Virginia 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 26, 1971, in the State Health Department Auditorium, 275 East Main Street, Frankfort, KY.

Mr. Gene B. Welsh 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. Gene B. Welsh, Air Pollution Control Office, Environmental Protection Agency, 50 Seventh Street NE., Room 404, Atlanta, GA 30323.

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

§ 481.191 Appalachian Intrastate Air Quality Control Region.

The Appalachian Intrastate Air Quality Control Region (Kentucky) 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 Kentucky:

Bell County.	Leslie County.
Breathitt County.	Letcher County.
Clay County.	Magoffin County.
Floyd County.	Martin County.
Harlan County.	Owsley County.
Jackson County.	Perry County.
Johnson County.	Pike County.
Knott County.	Rockcastle County.
Knox County.	Whitley County.
Laurel County.	Wolfe County.
Lee County.	

§ 481.192 Bluegrass Intrastate Air Quality Control Region.

The Bluegrass Intrastate Air Quality Control Region (Kentucky) 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 Kentucky:

Anderson County.	Jessamine County.
Bourbon County.	Lincoln County.
Boyle County.	Madison County.
Clark County.	Mercer County.
Estill County.	Nicholas County.
Fayette County.	Powell County.
Franklin County.	Scott County.
Garrard County.	Woodford County.
Harrison County.	

§ 481.193 North Central Kentucky Intrastate Air Quality Control Region.

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

In the State of Kentucky:

Breckinridge County.	Meade County.
Bullitt County.	Nelson County.
Grayson County.	Oldham County.
Hardin County.	Shelby County.
Henry County.	Spencer County.
Larue County.	Trimble County.
Marion County.	Washington County.

§ 481.194 South Central Kentucky Intrastate Air Quality Control Region.

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

In the State of Kentucky:

Adair County.	Logan County.
Allen County.	McCreary County.
Barren County.	Metcalfe County.
Butler County.	Monroe County.
Casey County.	Pulaski County.
Clinton County.	Russell County.
Cumberland County.	Simpson County.
Edmonson County.	Taylor County.
Green County.	Warren County.
Hart County.	Wayne County.

§ 481.20 [Amended]

The Metropolitan Cincinnati Interstate Air Quality Control Region (Ohio-Kentucky-Indiana) 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:

Boone County.	Kenton County.
Campbell County.	

In the State of Indiana:

Dearborn County.	Ohio County.

In the State of Ohio:

Butler County.	Hamilton County.
Clermont County.	Warren County.

It is now proposed to add Carroll, Gallatin, Grant, Pendleton, and Owen Counties, in the State of Kentucky, to the region.

§ 481.61 [Amended]

The Evansville (Indiana) - Owensboro-Henderson (Kentucky) Interstate Air Quality Control Region 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:

Daviess County.	Henderson County.
Hancock County.	Union County.

In the State of Indiana:

Dubois County.	Spencer County.
Gibson County.	Vanderburgh County.
Perry County.	Warrick County.
Pike County.	
Posey County.	

It is now proposed to add McLean, Ohio, and Webster Counties, in the State of Kentucky, to the region.

§ 481.64 [Amended]

The Huntington (West Virginia)-Ashland (Kentucky) - Portsmouth - Ironton (Ohio) Interstate Air Quality Control Region presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (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 Kentucky:

Boyd County.	Lawrence County.
Greenup County.	

In the State of Ohio:

Gallia County.	Scioto County.
Lawrence County.	

In the State of West Virginia:

Cabell County.	Wayne County.
Mason County.	

It is now proposed to add Bath, Bracken, Carter, Elliott, Fleming, Lewis, Mason, Menifee, Montgomery, Morgan, Robertson, and Rowan Counties, in the State of Kentucky to the region.

§ 481.69 [Amended]

The Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region 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 Clear 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.	McCracken County.
Marshall County.	

In the State of Illinois:

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

It is now proposed to add Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Lyon, Muhlenberg, Todd, and Trigg Counties, in the State of Kentucky, to the 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 17, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2415 Filed 2-22-71;8:47 am]

[42 CFR Part 481]

CERTAIN 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 Georgia as set forth in the following new §§ 481.236–481.238 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 Metropolitan Atlanta Intrastate Air Quality Control Region, the Chattanooga Interstate Air Quality Control Region, the Augusta-Aiken Interstate Air Quality Control Region, the Savannah-Beaufort Interstate Air Quality Control Region, the Columbus-Phenix City Interstate Air Quality, and the Jacksonville-Brunswick 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 20 days after the publication of this notice will be considered.

Interested authorities of the States of Georgia, Alabama, Florida, South Carolina, and Tennessee, 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., February 24, 1971, in Room 315–316, Georgia Department of Public Health, 47 Trinity Avenue SW., Atlanta, GA 30334.

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

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Gene B. Welsh, Air Pollution Control Office, Environmental Protection Agency, Room 404, 50 Seventh Street NE., Atlanta, GA 30323.

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

§ 481.236 Central Georgia Intrastate Air Quality Control Region.

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

In the State of Georgia:

Baldwin County.	Monroe County.
Ben Hill County.	Montgomery County.
Bibb County.	Peach County.
Bleckley County.	Pulaski County.
Crawford County.	Putnam County.
Dodge County.	Telfair County.
Hancock County.	Toombs County.
Houston County.	Treutlen County.
Jasper County.	Twiggs County.
Jeff Davis County.	Washington County.
Johnson County.	Wheeler County.
Jones County.	Wilcox County.
Laurens County.	Wilkinson County.
Macon County.	

§ 481.237 Northeast Georgia Intrastate Air Quality Control Region.

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

In the State of Georgia:

Banks County.	Madison County.
Barrow County.	Morgan County.
Clarke County.	Newton County.
Dawson County.	Oconee County.
Elbert County.	Oglethorpe County.
Forsyth County.	Rabun County.
Franklin County.	Stephens County.
Greene County.	Taliaferro County.
Habersham County.	Towns County.
Hall County.	Union County.
Hart County.	Walton County.
Jackson County.	White County.
Lincoln County.	Wilkes County.
Lumpkin County.	

§ 481.238 Southwest Georgia Intrastate Air Quality Control Region.

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

In the State of Georgia:

Baker County.	Irwin County.
Berrien County.	Lanier County.
Brooks County.	Lee County.
Calhoun County.	Lowndes County.
Clay County.	Miller County.
Colquitt County.	Mitchell County.
Cook County.	Randolph County.
Crisp County.	Seminole County.
Decatur County.	Terrell County.
Dougherty County.	Thomas County.
Early County.	Tift County.
Echols County.	Turner County.
Grady County.	Worth County.

§ 481.42 [Amended]

The Chattanooga Interstate Air Quality Control Region (Tennessee-Georgia) 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 areas so delimited):

In the State of Tennessee:
Hamilton County.

In the State of Georgia:
Catoosa County. Walker County.
Dade County.

It is now proposed to add Bartow, Chattooga, Cherokee, Fannin, Floyd, Gilmer, Gordon, Haralson, Murray, Paulding, Pickens, Polk, and Whitfield Counties, in the State of Georgia, to the region.

§ 481.45 [Amended]

The Metropolitan Atlanta Intrastate Air Quality Control Region (Georgia) 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 Georgia:
Clayton County. Fulton County.
Cobb County. Gwinnett County.
De Kalb County. Henry County.
Douglas County.

It is now proposed to add Butts, Carroll, Coweta, Fayette, Heard, Lamar, Meriwether, Pike, Rockdale, Spalding, Troup, and Upson Counties, in the State of Georgia, to the region.

§ 481.58 [Amended]

The Columbus (Georgia)-Phenix City (Alabama) Interstate Air Quality Control Region 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 Georgia:
Chattahoochee County. Muscogee County.
Harris County. Stewart County.

In the State of Alabama:
Chambers County. Russell County.
Lee County.

It is now proposed to: (1) Add Dooly, Marion, Quitman, Schley, Sumter, Talbot, Taylor, and Webster Counties, in the State of Georgia, and Autauga, Bulloch, Butler, Crenshaw, Elmore, Lowndes, Macon, Montgomery, and Pike Counties, in the State of Alabama, to the region; and (2) delete Chambers County, in the State of Alabama, from the region.

§ 481.91 [Amended]

The Jacksonville (Florida)-Brunswick (Georgia) Interstate Air Quality Control Region 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 Florida:
Alachua County. Lafayette County.
Baker County. Leon County.
Bradford County. Liberty County.
Clay County. Madison County.
Columbia County. Marion County.
Dixie County. Nassau County.
Duval County. Putnam County.
Flagler County. St. Johns County.
Franklin County. Suwannee County.
Gadsden County. Taylor County.
Gilchrist County. Union County.
Hamilton County. Wakulla County.
Jefferson County.

In the State of Georgia:
Camden County. Glynn County.

It is now proposed to add Appling, Atkinson, Bacon, Brantley, Charlton, Clinch, Coffee, Long, McIntosh, Pierce, Ware, and Wayne Counties, in the State of Georgia, to the region.

§ 481.113 [Amended]

The Savannah (Georgia)-Beaufort (South Carolina) Interstate Air Quality Control Region 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 Georgia:
Bryan County. Effingham County.
Chatham County. Liberty County.

In the State of South Carolina:
Beaufort County. Hampton County.
Colleton County. Jasper County.

It is now proposed to add Bulloch, Candler, Evans, and Tattnall Counties, in the State of Georgia, to the region.

§ 481.114 [Amended]

The Augusta (Georgia)-Aiken (South Carolina) Interstate Air Quality Control Region 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 Georgia:
Burke County. Richmond County.
Columbia County. Screven County.
McDuffie County.

In the State of South Carolina:
Aiken County. Barnwell County.
Allendale County. Calhoun County.
Bamberg County. Orangeburg County.

It is now proposed to add Emanuel, Glascock, Jefferson, Jenkins, and Warren Counties, in the State of Georgia, to the 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 17, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2416 Filed 2-22-71;8:47 am]

[42 CFR Part 481]

CERTAIN 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 Minnesota as set forth in the following new §§ 481.243–481.245 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 presently designated Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region (§ 481.60), the Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region (§ 481.66), and the Metropolitan Sioux Falls Interstate Air Quality Control Region (Iowa-Minnesota-South Dakota) (§ 481.85).

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 20 days after the publication of this notice will be considered.

Interested authorities of the States of Minnesota, Wisconsin, Iowa, South Dakota, and North Dakota, 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 1 p.m., February 22, 1971, in Room 564, Federal Building, Fort Snelling, Twin Cities, MN 55111.

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

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Van Mersbergen, Air Pollution Control Office, Environmental Protection Agency, New Post Office Building, Room 712, 433 West Van Buren Street, Chicago, IL 60607.

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

§ 481.243 Central Minnesota Intrastate Air Quality Control Region.

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

In the State of Minnesota:

Benton County.	Pine County.
Chisago County.	Sherburne County.
Isanti County.	Stearns County.
Kanabec County.	Wright County.
Mille Lacs County.	

Pine County, Minn., is at present in the designated Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region (§ 481.60). It is now proposed to delte Pine County from the Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region and to include Pine County in the Central Minnesota Intrastate Air Quality Control Region.

§ 481.244 Northwest Minnesota Intrastate Air Quality Control Region.

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

In the State of Minnesota:

Becker County.	Morrison County.
Beltrami County.	Norman County.
Cass County.	Otter Tail County.
Clearwater County.	Pennington County.
Crow Wing County.	Polk County.
Douglas County.	Pope County.
Grant County.	Red Lake County.
Hubbard County.	Roseau County.
Kittson County.	Stevens County.
Lake of the Woods County.	Todd County.
	Traverse County.
Mahnomen County.	Wadena County.
Marshall County.	Wilkin County.

§ 481.245 Southwest Minnesota Intrastate Air Quality Control Region.

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

In the State of Minnesota:

Big Stone County.	Meeker County.
Chippewa County.	Murray County.
Cottonwood County.	Nobles County.
Jackson County.	Pipestone County.
Kandiyohi County.	Redwood County.
Lac qui Parle County.	Renville County.
	Rock County.
Lincoln County.	Swift County.
Lyon County.	Yellow Medicine County.
McLeod County.	

Rock County, Minn., is at present in the designated Metropolitan Sioux Falls Interstate Air Quality Control Region (§ 481.85). It is now proposed to delete Rock County from the Metropolitan Sioux Falls Interstate Air Quality Control Region and to include Rock County in the Southwest Minnesota Intrastate Air Quality Control Region.

§ 481.60 [Amended]

The Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region (§ 481.60) 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 Minnesota:

Carlton County.	Pine County.
Cook County.	St. Louis County.
Koochiching County.	Bayfield County.
Lake County.	

In the State of Wisconsin:

Burnett County.	Douglas County.

In the January 8, 1971, FEDERAL REGISTER, it was proposed to add to the region the following counties in the State of Wisconsin: Ashland, Iron, Price, Rusk, Sawyer, Taylor, and Washburn. It is now proposed to add to the region the following counties in the State of Minnesota: Atkin and Itasca. Additionally, it is proposed to delete Pine County, in the State of Minnesota, from the region.

§ 481.66 [Amended]

The Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region (§ 481.66) 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 Minnesota:

Dodge County.	Mower County.
Fillmore County.	Olmsted County.
Freeborn County.	Steele County.
Goodhue County.	Wabasha County.
Houston County.	Winona County.

In the State of Wisconsin:

Buffalo County.	Trempealeau County.
La Crosse County.	Vernon County.

In the January 8, 1971, FEDERAL REGISTER, it was proposed to add to the region the following counties in the State of Wisconsin: Barron, Chippewa, Clark, Crawford, Dunn, Eau Claire, Jackson, Monroe, Pepin, Pierce, Polk, and St. Croix. It is now proposed to add the following counties in the State of Minnesota: Blue Earth, Brown, Faribault, Le Sueur, Martin, Nicollet, Rice, Sibley, Waseca, and Watonwan.

§ 481.85 [Amended]

The Metropolitan Sioux Falls Interstate Air Quality Control Region (Iowa-Minnesota-South Dakota) (§ 481.85) 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 Iowa:

Lyon County.

In the State of Minnesota:

Rock County.

In the State of South Dakota:

Lincoln County.	Minnehaha County.
McCook County.	Turner County.

It is now proposed to delete Rock County, Minn., from the 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 17, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2417 Filed 2-22-71;8:47 am]

[42 CFR Part 481]

CERTAIN 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 West Virginia as set forth in the following new §§ 481.230-481.235 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 Cumberland-Keyser Interstate Air Quality Control Region (Maryland-West Virginia) (§ 481.59).

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.

Appropriate State and 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., March 2, 1971, in Courtroom No. 1, Fifth Floor, Federal Court Building, 500 Quarrier Street, Charleston, WV.

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

sessions as he deems appropriate to expedite the proceedings.

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

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

§ 481.230 Allegheny Intrastate Air Quality Control Region.

The Allegheny Intrastate Air Quality Control Region (West Virginia) 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 West Virginia:

Greenbrier County.	Pocahontas County.
Hampshire County.	Randolph County.
Hardy County.	Summers County.
Monroe County.	Tucker County.
Pendleton County.	

In Grant County:

Grant Magisterial District.
Milroy Magisterial District.

In Mineral County:

Cabin Run Magisterial District.
Frankfort Magisterial District.
Welton Magisterial District.

§ 481.231 Central West Virginia Intrastate Air Quality Control Region.

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

In the State of West Virginia:

Braxton County.	Nicholas County.
Calhoun County.	Ritchie County.
Clay County.	Roane County.
Doddridge County.	Upshur County.
Gilmer County.	Webster County.
Lewis County.	Wirt County.

§ 481.232 Eastern Panhandle Intrastate Air Quality Control Region.

The Eastern Panhandle Intrastate Air Quality Control Region (West Virginia) 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 West Virginia:

Berkeley County.	Morgan County.
Jefferson County.	

§ 481.233 Kanawha Valley Intrastate Air Quality Control Region.

The Kanawha Valley Intrastate Air Quality Control Region (West Virginia) 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 West Virginia:

Kanawha County.	Putnam County.

In Fayette County:

Falls Magisterial District.
Kanawha Magisterial District.

§ 481.234 North Central West Virginia Intrastate Air Quality Control Region.

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

In the State of West Virginia:

Barbour County.	Monongalia County.
Harrison County.	Preston County.
Marion County.	Taylor County.

§ 481.235 Southern West Virginia Intrastate Air Quality Control Region.

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

In the State of West Virginia:

Boone County.	Mercer County.
Lincoln County.	Mingo County.
Logan County.	Raleigh County.
McDowell County.	Wyoming County.

In Fayette County:

Fayetteville Magisterial District.
Mountain Cove Magisterial District.
Nuttall Magisterial District.
Quinnimont Magisterial District.
Sewell Mountain Magisterial District.

§ 481.59 [Amended]

The Cumberland-Keyser Interstate Air Quality Control Region (Maryland-West Virginia) (§ 481.59) 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 Maryland:

Garrett County.	Allegany County.

In the State of West Virginia:

Grant County.	Mineral County.

It is proposed to amend the boundaries of the West Virginia portion of the Region to include the following jurisdictions:

In the State of West Virginia:

In Grant County:

Union Magisterial District.

In Mineral County:

Elk Magisterial District.
Piedmont Magisterial District.
New Creek Magisterial District.

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 17, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2418 Filed 2-22-71;8:47 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 542]

[Docket No. 71-14]

FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Notice of Proposed Rule Making

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

Section 542.6(a) of General Order 27 provides for the issuance of separate Certificates to cover specific vessels of every owner or operator subject to the General Order. In order to obtain separate Certificates it is presently necessary for an applicant desiring such Certificates to file with the Commission specific information with respect to each vessel, including evidence of the applicant's financial responsibility, e.g., acceptable evidence of insurance. The time required for the applicant to obtain, prepare and file such information and evidence, and the time required by the Commission to process the data and issue

Certificates may work an unnecessary burden on those applicants who acquire vessels for purposes of construction, scrapping, or sale.

In view of the equities involved, the Commission is now of the opinion that § 542.6 of General Order 27 should be amended to permit persons, who from time to time acquire vessels for purposes of construction, scrapping or sale, to apply for master Certificates covering all such vessels up to a specified, individual vessel, maximum gross tonnage. The maximum gross tonnage which the Commission would specify on a particular master Certificate would be that number of gross tons for which the applicant has established acceptable evidence of financial responsibility.

Consistent with the provisions of the proposed new rule providing for the issuance of master Certificates, a new certificate of insurance form (Form FMC–225A) and a new guaranty form (Form FMC–227A), have been designed to be used exclusively in connection with obtaining master Certificates. Both of the proposed new forms retain all of the language of Forms FMC–225 and FMC–227 insofar as such language is compatible with the coverage required for master Certificates.[1]

For the purpose of making the other sections of General Order 27 compatible with the proposed new rule, a number of additional rule changes are being proposed.

One of these changes concerns that provision of § 542.6(a) which now requires a Certificate or copy thereof to be carried aboard the certified vessel, and would relieve a certificant from the requirement of keeping his Certificate or copy thereof aboard a vessel being scrapped, or aboard certain unmanned barges, etc. At the same time, however, it would provide an alternate method of facilitating determination of a vessel's compliance with General Order 27, i.e., by requiring that the Certificate number be marked upon such vessel's bows.

Moreover, in order to provide more flexibility concerning methods by which applicants may comply with financial responsibility requirements, the Commission is considering a new rule which would allow the Commission to accept methods of compliance, other than those now prescribed in the rules, which in its discretion it deems proper and acceptable.

In addition, the Commission is proposing to change the current definition of "Act" contained in § 542.2(a) from "the Water Quality Improvement Act of 1970" to "the Federal Water Pollution Control Act, as amended". While the Water Quality Improvement Act of 1970 is the only part of the entire statute which concerns the Commission, it is but an amendment to the Federal Water Pollution Control Act.

Finally, the Commission proposes to delete from the existing paragraph (d) of § 542.5 the requirement that all partners of a partnership be named on any evidence of financial responsibility submitted to the Commission. In view of the fact that this requirement is presently built into cerain forms that are provided for in the rules, the Commission sees no purpose to be served by retention of the requirement in § 542.5(d).

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552), and sections 11(p)(1) and 11(p)(2) of the Federal Water Pollution Control Act, as amended (84 Stat. 97, notice is hereby given that, to accomplish the aforesaid purposes, the Federal Maritime Commission is considering amendments to Part 542 of Title 46 CFR, as follows:

1. It is proposed that current paragraph (a) of § 542.2 be changed to read as follows:

(a) "Act" means the Federal Water Pollution Control, as amended.

2. In current paragraph (a) of § 542.4, it is proposed that the colon in the second sentence of the paragraph be changed to a period, and that the following wording be deleted: *"Provided, however,* That the Certificate will be issued only upon receipt by the Commission of advice that the vessel or vessels have been acquired."

3. It is proposed that a new subparagraph (5) be added to paragraph (a) of § 542.5 to read as follows:

(5) Filing with the Commission on Certificate of Insurance Form FMC–225A evidence of insurance issued by an acceptable insurer or insurance broker for purposes of obtaining a master Certificate as provided in § 542.6(d).

4. It is proposed that a new subparagraph (6) be added to paragraph (a) of § 542.5 to read as follows:

(6) Filing with the Commission a guaranty on Form FMC–227A, issued by a guarantor acceptable to the Commission, for the purpose of obtaining a master Certificate as provided in § 542.6(d) of this part. An acceptable guarantor is defined in subparagraph (4) of this paragraph.

5. It is proposed that a new subparagraph (7) be added to paragraph (a) of § 542.5 to read as follows:

(7) Filing with the Commission such other evidence of financial responsibility as the Commission shall, in its discretion, deem proper and acceptable: *Provided, however,* That such other evidence of financial responsibility shall in no way constitute an alteration or modification of the methods of establishing financial responsibility prescribed in paragraph (a) of this section.

6. It is proposed that in the first sentence of paragraph (b) of § 542.5 the words "certificate of insurance Form FMC–225" and the words "guaranty Form FMC–227" be changed to read "certificate of insurance Forms FMC–225 and FMC–225A" and "guaranty Forms FMC–227 and FMC–227A", respectively.

7. It is also proposed that in paragraph (d) of § 542.5 the comma appearing after the word "issued" be changed to a period, and that the following words be deleted: "and in case of a partnership, all partners shall be named."

8. The first sentence of paragraph (a) of § 542.6 is proposed to be amended by adding the following words at the beginning thereof: "Except as set forth in paragraph (d) of this section,".

9. It is proposed that paragraph (a) of § 542.6 be further amended by adding at the end thereof, the following:

"Where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, it must be retained at a location in the United States and kept readily accessible for inspection by U.S. Government officials: *Provided, however,* That where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, the Federal Maritime Commission Certificate number, preceded by the letters "FMC", must be marked upon each bow of such vessel in such a manner as to be readily discernible, but in no event shall the letters and numbers used be smaller than four inches in size."

10. It is further proposed that paragraph (b) of § 542.6 be amended by adding at the beginning of the first sentence thereof the following words: "Except in the case of a master Certificate as provided for in paragraph (d) of this section,".

11. Finally, it is proposed that a new paragraph (d) be added to § 542.6 as follows:

(d) In lieu of separate Certificates for each vessel, a person owning or operating vessels as a builder, scrapper, or seller may apply for a master Certificate to cover all vessels up to a specified, individual vessel, maximum gross tonnage, which such applicant may from time to time hold for the purposes of construction, scrapping or sale. The maximum gross tonnage to be specified on a particular master Certificate shall be that number of gross tons for which the applicant has evidenced acceptable financial responsibility. For purposes of obtaining a master Certificate, acceptable evidence of financial responsibility shall be established by the methods set forth in § 542.5(a), with the exceptions of certificate of insurance Form FMC–225 and guaranty Form FMC–227. Persons who have been issued master Certificates must submit to the Secretary of the Commission, every 6 months beginning with the month in which the master Certificate is issued, reports indicating the name, previous name, or other identifying information and gross tonnage of every vessel covered by the master Certificate during the reporting period. Before any certificant, already holding a master Certificate, acquires a new vessel which is of a gross tonnage greater than the gross tonnage specified on his master Cerificate, and such new vessel is to be acquired for purposes of construction, scrapping or sale, said certificant shall submit to the Commission new or amended evidence of financial responsibility in an amount necessary to cover such new, larger vessel. Failure to do so may result in the master Certificate being

[1] Forms FMC–225A and 227A are incorporated into and made a part of this notice.

suspended or revoked, which would require the certificant to apply for separate Certificates for each of his vessels in accordance with the other provisions of this part.

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

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2442 Filed 2-22-71;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JOHN BLAKE CHENAULT

Notice of Granting of Relief

Notice is hereby given that John Blake Chenault, 220 South 14th Street, Junction, TX, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 25, 1931, in the District Court of Kimble County, Tex., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Blake Chenault because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John Blake Chenault to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Blake Chenault's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That John Blake Chenault be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 9th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2408 Filed 2-22-71;8:46 am]

JAMES VIRGIL COLLINS

Notice of Granting of Relief

Notice is hereby given that James Virgil Collins, 17818 East Burnside, Portland, OR, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 9, 1958, by a General Courts-Martial, convened at Lackland Air Force Base, Tex.; May 21, 1958, in the U.S. District Court for the Eastern District of Louisiana; September 21, 1961, in the Circuit Court for Multnomah County, Oreg.; and February 5, 1963, in the California Superior Court, Fresno, Calif., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James Virgil Collins because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for James Virgil Collins to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Virgil Collins' application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That James Virgil Collins be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 9th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2409 Filed 2-22-71; 8:46 am]

GEORGE C. MORVAN

Notice of Granting of Relief

Notice is hereby given that George C. Morvan, 45-15 220 Place, Bayside, NY 11361, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on March 27, 1934, in Suffolk County, N.Y., and on July 27, 1937, in Queens County, N.Y., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for George C. Morvan because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for George C. Morvan to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered George C. Morvan's application and:

(1) I have found that the convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That George C. Morvan be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 9th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2410 Filed 2-22-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[Docket No. M 71-9]

RELIABLE COAL CORP.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 861(c) (Supp. V, 1970)), notice is given that the Reliable Coal Corp. has filed a petition to modify the application of section 303(d)(1) of the Act and § 75.304 et seq. of 30 CFR to its Kanes Creek Mine (No. 46-01822-0), Preston County, W. Va.

Section 303(d)(1) provides in pertinent part as follows:

Within 3 hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary * * *.

30 CFR 75.304-3 (35 F.R. 17901) provides in part as follows:

* * * Until December 31, 1970, a permissible flame safety lamp may be used to make tests for methane required by the regulations in this part. On and after December 31, 1970, a methane detector approved by the Secretary shall be used for such tests and a permissible flame safety lamp may be used as a supplementary testing device.

Petitioner requests that it be permitted to continue to use the permissible flame safety lamp for detecting methane in lieu of the methane detector required after December 31, 1970, by the regulation. Petitioner states that this alternate method of detecting methane will at all times guarantee no less than the same measure of protection to the miners in the Kane Creek mine as the use of the methane detector.

Petitioner also requests that this proceeding be consolidated with proceedings pursuant to its petition M 71-7 notice of which was published in the FEDERAL REGISTER on February 2, 1971, 36 F.R. 1547.

Parties interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at this address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.
FEBRUARY 10, 1971.

[FR Doc.71-2434 Filed 2-22-71;8:48 am]

Geological Survey

EXPLORATORY DRILLING IN THE SANTA BARBARA CHANNEL

Public Notice Regarding Availability of Draft Environmental Impact Statement

Notice is hereby given of the public availability of a draft report dated February 23, 1971, which discusses the potential environmental impact of the program of drilling exploratory wells on Federal oil and gas leases on the Outer Continental Shelf in the Santa Barbara Channel, off the coast of California. This program involves 72 lease tracts that were acquired in 1967 and 1968 by private entities through competitive bidding.

Comments on the exploratory drilling program and on the draft environmental statement are solicited from, and may be submitted by, State and local agencies and members of the public. Such comments should be submitted to the office of Director, Geological Survey, U.S. Department of the Interior, Washington, D.C. 20242. All comments must be received by March 29, 1971, in order to be considered in the preparation of any final environmental statement and in the ultimate program reassessment.

Copies of the draft statement with attached colored map of the Santa Barbara Channel may be purchased (price, 2 dollars) or examined at any of the following locations:

Washington, D.C.: Office of Director of Information, Room 7208, Interior Department Building, 18th and C Streets NW.
Denver, Colo.: Geological Survey Public Inquiries Office, Room 1012 Federal Building.
Los Angeles, Calif.: Geological Survey Public Inquiries Office, 7638 Federal Building, 300 North Los Angeles Street.
Santa Barbara, Calif.: Geological Survey District Office, 214 Post Office Building, 836 Anacapa Street.
San Francisco, Calif.: Geological Survey Public Inquiries Office, Room 504 Customhouse, 555 Battery Street.

W. T. PECORA,
Director, Geological Survey.

[FR Doc.71-2514 Filed 2-22-71;10:17 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CONSUMER AND MARKETING SERVICE

Organization and Delegations

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, section 110c of Secretary's order dated December 3, 1969 (34 F.R. 19474), as amended in 35 F.R. 19701 is further amended by adding three new subparagraphs (27, 28, and 29), which read as follows:

(27) Wheat Research and Promotion Act (Public Law 91-430).

(28) Plant Variety Protection Act (Public Law 91-577).

(29) Egg Products Inspection Act (Public Law 91-597).

Done at Washington, D.C. this 17th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2412 Filed 2-22-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-214; NDA 10-240]

LAKESIDE LABORATORIES

Pediatric Piptal With Phenobarbital Drops; Order Withdrawing Approval of New-Drug Application

On August 19, 1970, there was published in the FEDERAL REGISTER, 35 F.R. 13224, a Notice of Opportunity for Hearing in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 10-240 for Pediatric Piptal with Phenobarbital Drops, and all amendments and supplements thereto, on the ground that there is a lack of substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Lakeside Laboratories, a division of Colgate-Palmolive Co., Milwaukee, Wisconsin 53201, holder of NDA No. 10-240 for Pediatric Piptal with Phenobarbital Drops, on September 17, 1970, filed a letter requesting a hearing pursuant to the August 19, 1970, publication.

Submitted with the letter was an affidavit of William C. Janssen, M.D., the firm's Director of Clinical Research and Medical Affairs, supported by its medical documentation, and a statement of reasons why the firm contends that a hearing is in order.

This presentation has been considered, and the Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing and that the legal arguments offered are insubstantial, all as explained in more detail below.

REASONS FOR WITHDRAWAL OF APPROVAL

1. *The Drug.* Pediatric Piptal with Phenobarbital is a fixed combination liquid preparation containing, in each milliliter, 6 milligrams of phenobarbital (a sedative), 4 milligrams of piptal (pipenzolate bromide, an anticholinergic), and 20 percent of alcohol.

It is recommended for use to alleviate "discomfort and restlessness in a broad range of gastrointestinal disorders"; to provide "rapid relief of pain and spasm in pylorospasm, spitting, regurgitation, cardiospasm and colic."

The recommended dose for colic is 0.5 to 1 cc. (16 drops) on a 15-minute

"self-demand schedule" and for functional disorders 0.5 to 1 cc. four times daily.

The rationale for the preparation is that it provides sedative relief accompanied by anticholinergic action to calm the gastrointestinal tract.

2. *The Clinical Evidence To Support The Claims Of Effectiveness.* Because the labeling indications for use are extremely vague, it is not possible to determine exactly what the Company considers to be scientifically supportable indications. This is admitted in the Lakeside submission. Spitting and regurgitation in infancy are usually painless and effortless due to overfeeding and require no medication. No evidence has been offered to support the claim for relief of pain of cardiospasm, for which this drug would not be helpful.

The medical documentation offered concentrates primarily on the treatment of colic and gastrointestinal upset, with a variety of causes.

The literature references offered by Lakeside for consideration by the NAS–NRC panel were evaluated by the panel as wholly insufficient.

When notified of the NAS–NRC evaluation, and FDA's concurrence in it, Lakeside submitted, on October 23, 1969, references to six papers in the literature. These were found to be uncontrolled, nonblind, studies, none of which was scientifically conducted.

The procedural and interpretive rules of the Agency came under attack in October 1969, and the legal issues involved were not resolved until May 8, 1970. The Notice of Opportunity for Hearing in this proceeding issued August 19, 1970.

The notice required a full-factual analysis of the medical data on which Lakeside relies to support its claims of effectiveness. This is presented in Dr. Janssen's affidavit and exhibits. Twelve published and unpublished reports (including the six previously submitted) are reviewed. They are described as "relating to the clinical experience with Pediatric Piptal with Phenobarbital", and the firm acknowledges that none of the studies was adequate or controlled under the Agency's criteria set out in 21 CFR 130.12. They were offered only to corroborate two studies then underway, under Lakeside's sponsorship, to satisfy the requirements for evidence derived from adequate and well-controlled clinical investigations.

The six reported studies, all but one conducted abroad, are clinical summaries with little relevance to the issue of this drug's effectiveness for the conditions for which it is labeled. One study involved a German product, apparently similar to this drug, used for a poorly defined symptom complex, unbilical colic, and for vomiting. Another was a study of the effect of Pediatric Piptal in vomiting in infants and children. The U.S. paper includes only brief clinical summaries from which no valid conclusions can be drawn. Three studies were unpublished reports of the "clinical experience of university professors in Yugoslavia to support registration for Pediatric Piptal with Phenobarbital in Yugoslavia." Vomiting again was the condition studied, but the drug is not offered for anti-emetic effectiveness in the United States.

This clear lack of substantial evidence of efficacy led to the current U.S. studies which appear to have been initiated early in 1970 to satisfy the criteria for adequate and well-controlled clinical investigations. Protocols were submitted September 3, 1970, and interim reports and statistical analyses were submitted September 17, 1970. Neither study meets the criteria for adequate and well-controlled clinical trials.

The aim of these studies was to evaluate the contribution made by each component to the claimed effectiveness of the combination. One [Nathan] involves a comparison of the combination with phenobarbital alone; the other [Grossman] involves a comparison of the combination with piptal liquid and with placebo. Lakeside acknowledges that neither study is complete. Dr. Grossman reported that insufficient case reports are available, in his study, to evaluate possible drug efficacy on a statistical basis. The Nathan study has produced interim reports on 63 cases, with claimed effectiveness in only 53 percent of the patients on the combination. Further, no comparison is being made in that study to determine whether this low response is any better than placebo.

The protocols for these studies do not clearly state the objectives in a manner which facilitates evaluation of the results. The diagnostic criterion for selection of subjects is stated as those "* * * who are experiencing gastrointestinal upsets which in the experienced judgment of the investigator would be benefited * * *" This vague description provides no meaningful parameters within which results can be appraised, and injects a highly subjective element into the process of subject selection. The protocols mention certain conditions which would "presumably" be included within this nonspecific category. Included are a variety of conditions, such as sleep disturbances, spitting, regurgitation, feeding disturbances, flatulence, and frequent stools. These conditions are nonspecific for gastrointestinal disturbances, and are often the harmless result of overfeeding, and suggest a need for correction of external factors rather than the administration of medication.

The method of observing and recording results, as reflected in the protocols and interim reports, is grossly defective, and precludes meaningful analysis. The use of parents as observers and reporters of results raises serious questions about the uniformity and reliability of the observations. The "Mothers Report Form" asks evaluation of symptoms in vague terms, subject to varying interpretation, such as "a lot, some, or none" for crying and vomiting, "good, bad, or too much" for sleeping. Lay parents having been used as observers, and only very general guidance appearing in the report forms, it is essential that more information be available concerning what training or preparation, if any, was given these parent-observers. Without this information, questions of possible observer bias and reporting errors cannot be answered, the level and nature of blinding actually achieved cannot be determined, and these studies are without predictive value for possible results in other infants.

The investigators reports on each subject provide no information on precise diagnosis, but, rather, list primary symptoms such as "fussy," "gassy," and "excessive spitting." Particularly in infants, further information and more detailed diagnosis is essential to an evaluation of possible drug efficacy. Without this information, there is no assurance of comparability between test and control groups, in terms of the nature, severity, or duration of the conditions involved. Although both protocols indicate dosage amounts and frequency per day, no information is given concerning the timing of the doses in relationship to each other, nor in relationship to other pertinent factors such as feeding or vomiting. This further limits the ability to evaluate possible drug effects.

Because of these defects in protocol, incomplete diagnostic criteria for subject selection, unreliable methods of observing and reporting results, and the omission of essential information concerning the subjects and their treatment regimen, these studies, even if completed, cannot be expected to yield any valid clinical data.

The legal objections urged by Lakeside have been resolved in Upjohn Co. v. Finch, 422 F. 2d 944 (C.A. 6, 1970); Pharmaceutical Manufacturers Assn. v. Richardson, Civ. Action 3946 D. Del., and Pfizer v. Richardson, C.A. 2 Docket No. 35177. The contention that this drug is not subject to efficacy review because of a 1958 letter in which FDA's Bureau of Medicine expressed the opinion that the drug was not a new drug when labeled in accord with the effective new-drug application is insubstantial. All such letters have been revoked, the issuance of such a letter did not nullify the then existing new-drug application, and all drugs that were covered by new-drug applications filed at any time between 1938 and 1962 are subject to efficacy review under the 1962 Drug Amendments.

Therefore, the Commissioner, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that, on the basis of new information before him with respect to Pediatric Piptal with Phenobarbital Drops, NDA No. 10–240, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence, that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

For the foregoing reasons, approval of new-drug application No. 10–240, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: February 8, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71–2399 Filed 2–22–71;8:45 am]

[DESI 4A]

HYDROXYAMPHETAMINE HYDROBROMIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Paredrine Tablets, containing hydroxyamphetamine hydrobromide; marketed by Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pennsylvania 19101 (NDA 0-004).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available information, and concludes that:

1. Hydroxyamphetamine hydrobromide for oral administration is probably effective for the indications listed in the labeling "Indications" section below.

2. The drug is possibly effective for other claimed indications, such as use in carotid sinus syndrome.

B. *Marketing status.* 1. Those indications for which the drug is described in paragraph A above as probably effective may continue to be used for 12 months, and the indications described as possibly effective may continue to be used for 6 months, following the date of this publication, to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drug on the market to be a new drug for which an approval is not in effect.

3. Within 60 days after publication hereof in the FEDERAL REGISTER, the holder of any approved new-drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommends use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

1. Postural hypotension.
2. Heart block.

4. After 60 days following publication hereof in the FEDERAL REGISTER, any such drug on the market without an approved new-drug application and shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act should be labeled in accord with this notice.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 4A, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 26, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2400 Filed 2-22-71;8:45 am]

[DESI 5504]

[Docket No. FDC-D-260; NDA No. 5-504 et al.]

CERTAIN SYMPATHOMIMETIC DRUGS FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Levophed Bitartrate 0.02 percent and 0.2 percent Injections containing levarterenol bitartrate; marketed by Winthrop Laboratories, Division of Sterling Drug Inc., 90 Park Avenue, New York, New York 10016 (NDA 7-513).

2. Vasoxyl Injection containing methoxamine hydrochloride; marketed by Burroughs Wellcome and Co. (USA) Inc., 1 Scarsdale Road, Tuckahoe, New York 10707 (NDA 6-772).

3. Vasoxyl in 1 percent Procaine Hydrochloride Solution containing methoxamine hydrochloride and procaine hydrochloride; marketed by Burroughs Wellcome and Co. (USA) Inc. (NDA 7-238).

4. Wyamine Sulfate Injection containing mephentermine sulfate; marketed by Wyeth Laboratories, Division, American Home Products Corp., Post Office Box 8299, Philadelphia, Pennsylvania 19101 (NDA 8-248).

5. Methedrine Injection containing methamphetamine hydrochloride; marketed by Burroughs Wellcome and Co. (USA) Inc. (NDA 5-504).

6. Desoxyn Sterile Solution containing methamphetamine hydrochloride; marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Illinois 60064 (NDA 6-017).

7. Aramine Injection containing metaraminol bitartrate; marketed by Merck Sharp and Dohme, Division of Merck and Co., West Point, Pennsylvania 19101 (NDA 9-509).

8. Drinalfa Injection containing methamphetamine hydrochloride; marketed by E. R. Squibb and Sons, Georges Road, New Brunswick, New Jersey 08903 (NDA 5-757).

The drugs are regarded as new drugs (21 U.S.C. 321 (p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

LEVARTERENOL BITARTRATE; METHOXAMINE HYDROCHLORIDE WITH OR WITHOUT PROCAINE HYDROCHLORIDE; MEPHENTERMINE SULFATE; METHAMPHETAMINE HYDROCHLORIDE; AND METARAMINOL BITARTRATE INJECTIONS.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. These drugs are effective or probably effective for the indications listed in the labeling indications section.

2. Levarterenol bitartrate 0.2 percent solution is probably effective for use in controlling "shock-like states" resulting from surgery, trauma, hemorrhage, pheochromocytomectomy, sympathectomy, poliomyelitis, spinal anesthesia, myocardial infarction, septicemia, blood transfusions, and drug reactions by restoration and maintenance of blood pressure.

3. Mephentermine sulfate is probably effective for the treatment of hypotension occurring during surgical and obstetrical procedures and the treatment of shock accompanying myocardial infarction.

4. Methamphetamine hydrochloride is probably effective for supporting, restoring, or maintaining blood pressure during operative procedures and in treating postoperative vascular collapse.

5. Metaraminol bitartrate is probably effective for use as adjunctive treatment of hypotension due to cardiogenic shock and septicemia.

6. Methoxamine hydrochloride with or without procaine hydrochloride lacks substantial evidence of effectiveness for the treatment of shock due to myocardial infarction and as a vasopressor for use in poor risk candidates for emergency surgery.

7. Methamphetamine hydrochloride lacks substantial evidence of effectiveness as a vasopressor for use in respiratory stimulation in comatose patients; and postoperatively to relieve nausea, vomiting, and vertigo.

8. The drugs listed in this announcement are possibly effective for their labeled indications other than those evaluated above (paragraphs 1 through 7).

B. *Form of drug.* These sympathomimetic preparations are in sterile aqueous solution form suitable for parenteral administration.

C. *Labeling conditions.* 1. The labels bear the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drugs are labeled to comply with all requirements of the Act and regulations. Their labeling bears adequate information for safe and effective use of the drugs and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

INDICATIONS

Levarterenol bitartrate 0.02 percent injection. As an adjunct in the treatment of cardiac arrest and profound hypotension.

Levarterenol bitartrate 0.2 percent injection. For the restoration of blood pressure in controlling certain acute hypotensive states (e.g., pheochromocytomectomy, sympathectomy, poliomyelitis, spinal anesthesia, myocardial infarction, septicemia, blood transfusions, and drug reactions) and may be useful for this same purpose in controlling "shock-like states" resulting from surgery, trauma, hemorrhage, pheochromocytomectomy, sympathectomy, poliomyelitis, spinal anesthesia, myocardial infarction, septicemia, blood transfusions, and drug reactions.

Methoxamine hydrochloride injection. A vasopressor for supporting, restoring, or maintaining blood pressure during anesthesia (including cyclopropane anesthesia) and for terminating some episodes of paroxysmal supraventricular tachycardia.

Methoxamine hydrochloride with 1 percent procaine hydrochloride injection. For supporting, restoring, or maintaining blood pressure during anesthesia (including cyclopropane anesthesia).

Mephentermine sulfate injection. Treatment of hypotension secondary to ganglionic blockade and that occurring with spinal anesthesia.

The drug may be used as an emergency measure in the treatment of shock or hypotension in the presence of hemorrhage to maintain blood pressure until blood or blood substitutes become available.

It may also be useful in the treatment of hypotension occurring during surgical and obstetrical procedures and shock accompanying myocardial infarction.

Methamphetamine hydrochloride injection. Indicated for supporting, restoring, or maintaining blood pressure during spinal, regional block, or intravenous barbiturate anesthesia. It may also be useful for this purpose during operative procedures when other types of anesthetics (except cyclopropane) are used and in treating postoperative vascular collapse.

Metaraminol bitartrate injection. Indicated for prevention and treatment of the acute hypotensive state occuring with spinal anesthesia. Adjunctive treatment of hypotension due to hemorrhage; reactions to medications; surgical complications; and shock associated with brain damage due to trauma or tumor. It may also be useful as an adjunct in the treatment of hypotension due to cardiogenic shock and septicemia.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which the drugs are referenced in paragraph A above as probably effective are included in the labeling conditions in paragraph C and may continue to be used for 12-months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

Those indications for which the drugs are refefenced in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6-months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

E. *Marketing status.* Marketing of the drugs may continue under the conditions described in F and G of this announcement except that those indications referenced in paragraph D may continue to be used as described therein.

F. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to October 10, 1962) for such drugs is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform with the labeling conditions described herein for the drug, and complete current container labeling, unless recently submitted.

b. Updating information as needed to make the application current.

2. Such supplements should be submitted within the following time periods after the date of publication of this announcement in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of section 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of this preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in paragraph D for the period stated.)

G. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as referenced under paragraph A above, should submit a new-drug application containing full information required by the new-drug application form FD–356H (21 CFR 130.4(c)). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph D for the period stated.)

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

H. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any such drug for human use offered for the indications for which substantial evidence of effectiveness is lacking, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

I. *Unapproved use or form of drug.* If the article is marketed in any other form or is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such form or use is approved in a new-drug application, or is otherwise in accord with this announcement.

A copy of the NAS–NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 5504, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Request for Hearing (identify with Docket number): Hearing Clerk, Office of General Council (GC–1), Room 6–62, Parklawn.

Requests for NAS–NRC report: Press Relations Office (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Foods and Drugs (21 CFR 2.120).

Dated: January 26, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2401 Filed 2–22–71;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING AREA DIRECTORS

Designation and Delegation of Authority

SECTION A. *Designation of Acting Area Director.* Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors: *Provided,* That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Production Division.
3. The Director, Housing Services and Property Management Division.
4. The Area Counsel.

SEC. B. *Delegations of authority.* 1. Each Area Director is authorized to designate by publication in the FEDERAL REGISTER, and in lieu hereof, any other order of Area Office officials, including officials in positions not named herein, to act as Area Director during his absence.

2. Each Regional Administrator is authorized to designate by publication in the FEDERAL REGISTER, and in lieu hereof, any other order of Area Office officials, including officials in positions not named herein, to act as Area Director during a vacancy in that position.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This designation and delegation shall be effective as of October 1, 1970.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71–2453 Filed 2–22–71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA–Petition–No. 24]

SOUTHERN RAILWAY SYSTEM

Petition for Relief From the Requirement of Initial Terminal Road Train Air Brake Tests

By petition filed January 18, 1971, the Southern Railway System seeks relief from 49 C.F.R. § 232.12 so as to omit the interchange, inspection and test, presently required when trains are received in interchange, in respect to a run-through train moving over the lines of the Southern, and the Baltimore and Ohio Railroad Co. between Atlanta, Ga. and Toledo, Ohio, with interchange at Cincinnati. The trains are operated intact over the entire route with no change in consist, motive power or ca-

boose. The movements are on the lines of the Southern between Cincinnati and Atlanta, and on the lines of the B&O between Cincinnati and Toledo.

The petitioner contends that a reasonable and practicable interpretation of § 232.12 would not require an interchange inspection and test in Cincinnati. It seeks to be interpreted to this effect but in the alternative it asks that the special rule for run-through trains recently enacted, applicable only to certain carriers and certain movements in docket FRA-Petition-No. 1. et al. be made applicable to the run-through train involved in the instant petition.

Upon consideration of the record and of the requirements of the statute pertaining to the granting of a hearing, it is hereby determined that this petition should be set down for hearing and further proceedings thereon. Accordingly, it should be, and it is hereby, assigned for hearing on March 16, 1971, at 9:30 a.m., eastern standard time, in conference room 353, 57th Street (corner of Peachtree Street and Seventh Street), Atlanta, GA, and for appropriate proceedings thereon.

Any party desiring a copy of the petition, or further information, should write to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Washington, D.C., and a copy or additional information will be furnished.

Dated this 17th day of February 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings, and Hearing Examiner.

[FR Doc.71-2402 Filed 2-22-71;8:46 am]

CIVIL AERONAUTICS BOARD

TRANS INTERNATIONAL AIRLINES, INC., AND AERONAVES DE MEXICO, S.A.

Notice of Proposed Approval

Joint application of Trans International Airlines, Inc., and Aeronaves de Mexico, S.A. for disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act of 1958, as amended, Docket 23074.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., February 18, 1971.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

Joint application of Trans International Airlines, Inc., and Aeronaves de Mexico, S.A. for disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act of 1958, as amended.

By application filed February 4, 1971, as amended February 9, 1971, Trans International Airlines, Inc. (TIA), and Aeronaves de Mexico, S.A. (Aeronaves), request that the Board disclaim jurisdiction over, or in the alternative, approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) an agreement whereby TIA will dry-lease to Aeronaves two DC-8-63F aircraft.

TIA is a U.S. supplemental air carrier. Aeronaves holds Board authority as a foreign air carrier and engages in foreign air transportation of persons, property and mail between points in Mexico and points in the United States, points in Mexico and points in Europe, via points in the United States, and between points in Mexico and points in the Canada, via points in the United States.[1]

According to the applicants, the two aircraft are needed to fulfill Aeronaves' increased route requirements. It is contemplated that one of the aircraft will be utilized on a scheduled route run from Mexico City to Montreal, via Miami and New York, and return; and the other, on a routing from Mexico City to Paris, via Miami and Madrid, and return.

The agreement involves the lease of two DC-8-63 aircraft, including inflight passenger servicing equipment and related spare parts, including two Quick Engine Changes, for a term commencing on March 10, 1971, and terminating on March 31, 1974. Rental will be at the rate of $150,000 per month for each aircraft, $6,500 for each QEC, and 1.8 percent of TIA's cost for the spare parts selected by Aeronaves.

The applicants state that the amounts paid under the lease are not in any way contingent upon the revenues generated by the leased aircraft; that Aeronaves will have complete and exclusive control over the aircraft; that the aircraft will be flown by Aeronaves' crews; and that all costs of operation, including fuel, and hull and liability insurance will be borne by Aeronaves.

The applicants further state that TIA's lease of the subject aircraft to Aeronaves will not interefere with any of TIA's current or projected air transportation service commitments under its military or commercial contracts; that the lease agreement will not result in control of an air carrier engaged in air transportation, nor will it result in creating a monopoly or tend to restrain competition; that the rental will be of benefit to TIA by materially assisting TIA in improving its financial condition; and that the transaction will benefit the United States with respect to its balance of payments problem.

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that the lease involves a substantial part of the properties of TIA[2] and, therefore, is subject to section 408 of the Act. However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It appears that the lease will enable Aeronaves to expand its present services without depriving TIA of aircraft necessary to meet its own commitments. In addition, the subject lease is similar to other leases approved by the Board and raises no new issues not previously considered by the Board.[3] Under all of the circumstances, it is not found that the lease transaction will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing transaction should be approved under section 408(b) of the Act without a hearing; and that the request for disclaimer should be dismissed.[4]

Accordingly, it is ordered, That:

1. The subject lease by Aeronaves of two DC-8-63 aircraft and related parts and spare engines from TIA be and it hereby is approved; and

2. To the extent not granted, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective upon issuance and the filing of such petitions shall not stay its effectiveness.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2436 Filed 2-22-71;8:48 am]

[Docket No. 9977]

AIRLINES MUTUAL AID PACT

Notice of Prehearing Conference

Order 70-11-110, November 23, 1970, remanded the above-entitled case to the Examiner for further evidentiary hearing in accordance with the views expressed therein. In light of that order, notice is hereby given that a prehearing conference in the matter is assigned to be held on March 23, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washing-

[1] Order 69-2-47, Jan. 10, 1969.

[2] The application reveals that the two aircraft constitute in excess of 21 percent of the market value of TIA's aircraft. Thus, on the basis of existing policy, we shall dismiss the application to the extent that it requests a disclaimer of jurisdiction. (Cf. Braniff Airways, Inc.—Qantas Airways, Ltd., Order 70-11-140, Nov. 27, 1970, et al.)

[3] See e.g., World Airways, Inc.—Pakistan International Airlines Corp., Order 70-9-62, Sept. 11, 1970.

[4] In light of the early delivery date of the aircraft and the fact that the action herein is governed by prior Board precedent and policy, this order will be made effective upon date of issuance and the filing of any petition for review shall not preclude such action from becoming effective. (14 CFR 385.6)

ton, DC, before the undersigned examiner.

In order to facilitate the conduct of the conference the Bureau of Operating Rights is asked to submit to the Examiner and all parties, on or before March 11, 1971, (1) a proposed statement of issues; (2) proposed stipulations; (3) requests for information; (4) a statement of position; and (5) proposed procedural dates.

It is requested that the statements of position of all other parties be circulated on or before March 17, 1971, and be accompanied by any suggested changes considered necessary to the material submitted by the Bureau.

Dated at Washington, D.C., February 17, 1971.

[SEAL] ARTHUR S. PRESENT,
Hearing Examiner.

[FR Doc.71-2437 Filed 2-22-71;8:48 am]

[Docket No. 22634]

LEP TRANSPORT, LTD. (UNITED KINGDOM)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 16, 1971, at 10 a.m., e.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Report of Prehearing Conference served January 18, 1971, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 17, 1971.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[FR Doc.71-2438 Filed 2-22-71;8:48 am]

[Docket No. 22982]

TRANSPORTE AEREO RIOPLATENSE, S.A.C. e I.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 9, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., February 16, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-2439 Filed 2-22-71;8:48 am]

[Order 71-2-82]

UNAUTHORIZED INDIRECT AIR CARRIERS

Order Granting Temporary Relief Regarding Household Goods Services for the Department of Defense

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of February 1971.

At the request of the Department of Defense (DOD), the Board, by Orders 69-10-60, October 13, 1969, and 70-10-45, October 8, 1970, granted temporary relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit 17 unauthorized indirect air carriers[1] to transport by air used household goods[2] of Department of Defense personnel. The relief granted will expire October 14, 1971.

By letters, dated November 6, 1970, the Department of the Army (acting on behalf of DOD) states that, in addition to the 17 already exempted carriers, it now has a requirement for the services of eight additional unauthorized indirect air carriers and requests that those eight carriers be similarly relieved from the requirements of the Act, such relief to terminate no later than October 14, 1971. The carriers whose services are requested by DOD are listed in Appendix A below.

In view of the foregoing circumstances, the Board finds that it is in the public interest to temporarily relieve from the provisions of the Act those carriers whose services have been requested by DOD to transport by air used household goods of personnel of DOD.[3]

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[1] American Ensign Van Service, Inc., Asiatic Forwarders, Inc., CTI—Container Transport International, Inc., Four Winds Forwarding, Inc., HC&D Moving & Storage, Imperial Household Shipping Co., Inc., International Sea Van, Inc., North American Van Lines, Inc., Aero Mayflower Transit Co., Inc., Allied Van Lines, Inc., Astron Forwarding Co., Davidson Forwarding Co., Fernstrom Storage and Van Co., Home-Pack Transport, Inc., King Van Lines, Inc., Richardson Transfer & Storage Co., Inc., and Smyth Worldwide Movers, Inc.

[2] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[3] Five of the eight carriers relieved herein are applicant parties to the Household Goods Airfreight Forwarder Investigation, Docket 20812. The Board's action herein should not be construed as a determination of the final disposition to be made of the applications for air freight forwarded authority filed by the carriers relieved by this order or as an approval of control and interlocking relationships or agreements involving the carriers relieved by this order, or their affiliates.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the persons listed in Appendix A are hereby relieved from the provisions of title IV and section 610(a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department;

2. That the relief granted herein shall expire October 14, 1971, unless sooner terminated by the Board;

3. That this order may be amended or revoked at any time in the discretion of the Board, without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and all persons listed in Appendix A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX A

Air Van Lines, Inc., 135 Post Road, Anchorage, AK 99501.
Burnham Van Service, Inc., 1636 Second Avenue, Box 1125, Columbus, GA 31902.
Suddath Van Lines, Inc., 525 Stevens Street, Post Office Box 6699, Jacksonville, FL 32205.
United Van Lines, Inc., No. 1 United Drive, Fenton Street, St. Louis County, MO 63026.
Von der Ahe Van Lines, Inc., 600 Rudder Avenue, Fenton, MO 63026.
Door to Door International, Inc., 308 Northeast 72d Street, Seattle, WA 98115.
Republic Van & Storage Co., Inc., Post Office Box 8615, 9219 Harford Road, Baltimore, MD 21234.
Trans-American Van Service, Inc., 7540 South Western Avenue, Chicago, IL 60620.

[FR Doc.71-2440 Filed 2-22-71;8:49 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Administrator, Oil Import Administration.

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

[FR Doc.71-2462 Filed 2-22-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil

Service Commission authorizes the Department of Transportation, Federal Aviation Administration, to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator for General Aviation Affairs.

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

[FR Doc.71-2464 Filed 2-22-71;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Congressional Affairs.

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

[FR Doc.71-2460 Filed 2-22-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignments in the excepted service the positions of Deputy General Counsel, Office of the Administrator; and Legislative Counsel, Office of the Administrator.

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

[FR Doc.71-2461 Filed 2-22-71;8:50 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Human Rights Division, Office of the General Counsel.

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

[FR Doc.71-2463 Filed 2-22-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 531]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 16, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

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

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

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

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

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

194-C2-P-(4)71—Allegheny Mobile Communications (KGA252), C.P. for additional facilities to operate on frequencies 454.025, 454.075, 454.125, and 454.175 MHz at a new location described as location No. 4: 1411 Grandview Avenue, Pittsburgh, PA.

4182-C2-P-71—Susquehanna Mobile Communications, Inc. (New), C.P. for a new 2-way station to be located at 916 Cumberland Street, Lebanon, PA, to operate on frequency 152.18 MHz.

4183-C2-P-71—The Ohio Telephone Co. (KQA768), C.P. to relocate facilities operating on frequency 454.40 MHz at location No. 2 to: 100 Erieview Plaza, Cleveland, OH, and replace transmitter for same.

4229-C2-P-(2)71—Southwestern Bell Telephone Co. (KKD291), C.P. for additional facilities to operate on frequencies 454.475 and 454.525 MHz at station located at Keightly Drive and State Highway No. 10, Little Rock, AR.

4230-C2-P-(6)71—Southwestern Bell Telephone Co. (KKE967), C.P. to change the antenna system and relocate facilities operating on frequencies 152.51, 152.63, 152.72, 152.75, 152.78, and 152.81 MHz to 2.5 miles south of Sinton, Tex.

4231-C2-MP-71—Airsignal International, Inc. (KIF650), Modification of C.P. to relocate facilities operating on frequency 35.58 MHz to the top of Red Mountain, approximately 2.5 miles south of Birmingham, Ala.

4244-C2-P-71—Loomis Electronic Protection, Inc. (New), C.P. for a new 1-way station to be located at Fourth and Denali Street, Anchorage, AK, to operate on frequency 152.24 MHz.

4245-C2-P-71—Professional Answering Service (New), C.P. for a new 2-way station to be located at Butchers Mill Road, Warren, PA, to operate on frequency 152.060 MHz.

4246-C2-MP-71—RCC of Virginia, Inc. (KRS676), Modification of C.P. to change the antenna system, change base frequency to 152.12 MHz and replace transmitter. Station location: 2215 Jefferson Davis Boulevard, Fredericksburg, VA.

4247-C2-P-(4)71—Electronic Engineering Co. (KAF242), C.P. for additional facilities on frequencies 454.100, 454.150, 454.200, and 454.325 MHz at location No. 2: Ninth and Pleasant, Des Moines, IA.

4256-C2-P-(4)71—Contact of New Mexico (New), C.P. for a new 2-way station to operate on 152.12 MHz base and 459.25 MHz repeater at location No. 1: Davis Peak, 7.6 miles southwest of Cloudcroft, N. Mex.; to operate on 454.25 MHz control at location No. 2: 722 New York Avenue, Alamogordo, NM, and to operate on 454.25 MHz control at location No. 3: Comanche Peak, El Paso, Tex.

4257-C2-P-71—General Communications, Inc. (KEC516), C.P. to replace transmitter operating on 43.58 MHz and change the transmission line located at Sentinel Heights Road, Lafayette, NY.

4258-C2-P-(4)71—Hawaiian Telephone Co. (KUA216), C.P. to change the antenna system operating on 152.51, 152.63, 152.69, and 152.81 MHz located at Puu Papaa Ridge, 2 miles northwest of Kailua, Hawaii.

4270-C2-P-(2)71—The Mountain States Telephone & Telegraph Co. (KAD934), C.P. to replace transmitters operating on 152.69 and 152.75 MHz located at 4 miles east-southeast of Sterling, Colo.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

4271–C2–P–71—Chicago Communication Service, Inc. (KSD310), C.P. for additional facilities to operate on 454.200 MHz at a new site described as location No. 2: Intersection of Arlington Heights Road and Highway No. 12, Arlington Heights, IL.

4272–C2–P–71—Polar Rural Telephone Mutual Aid Corp. (KAH671), C.P. to add frequency 152.60 MHz at station located at 2.5 miles northwest of Lankin, N. Dak.

4285–C2–TC–(2)71—Tribune Publishing Co. Consent to transfer of control from Bank of California N.A., Tacoma, Wash., Executor and Trustee of Estate of Frank S. Baker, deceased, Transferors, to: Elbert H. Baker II, Mary B. Russell, and Elizabeth B. Kelley, Transferees. Stations: KOP258, Tacoma, Wash. (1-way); KOP299, Tacoma, Wash.

RURAL RADIO SERVICE

4184–C1–P/L–71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at 26 miles southwest of Lamont, Wyo., to operate on 158.07 MHz communicating with Station KOK330, Rawlins, Wyo.

4232–C1–P/L–71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at 19.9 miles south-southwest of Green River, Wyo., to operate on 157.95 MHz communicating with Station KOK341, Rock Springs, Wyo.

4273–C1–P–71—Louisiana Offshore Telephone Co., Inc. (New), C.P. for a new central office station to be located in the East Cameron Area, Block 265, Platform A, Gulf of Mexico, to operate on 454.550 MHz.

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

4185–C1–P–71—The Pacific Telephone & Telegraph Co. (KNL75), C.P. to add frequencies 4190 and 6152.8 MHz toward Farmington, Calif., a new point of communication. Station location: 1.2 miles west-northwest of Lodi, Calif.

4350–C1–R–71—The Bell Telephone Co. of Pennsylvania (KOC47), Renewal of developmental license expiring Mar. 11, 1971. Term: Mar. 11, 1971, to Mar. 11, 1972.

4233–C1–MP–71—The Mountain States Telephone & Telegraph Co. (KBC97), Modification of C.P. to delete frequency 11,485 MHz and add 11,075 MHz toward Northfield, Colo., and delete frequency 11,035 MHz and reuse frequency 11,685 MHz toward Denver, Colo. Station location: 5 miles northwest of Elizabeth, Colo.

4234–C1–MP–71—The Mountain States Telephone & Telegraph Co. (KZA51), Modification of C.P. delete frequency 10,795 MHz and add 11,445 MHz toward Hilltop, Colo., and add 11,285 MHz toward Hilltop, Colo.; change polarity of 11,325 MHz from horizontal to vertical toward Colorado Springs and delete 10,795, 11,245, 11,445, and 11,605 MHz and add 11,485, 11,565, and 11,645 MHz toward Colorado Springs, Colo.

4235–C1–MP–71—The Mountain States Telephone & Telegraph Co. (KZA53), Modification of C.P. to delete frequencies 10,835, 10,995, and 11,565 MHz and add 11,035, 10,795, and 10,715 MHz and change polarity from vertical to horizontal on frequency 11,115 MHz all toward Northfield, Colo.

4236–C1–MP–71—General Telephone Co. of Wisconsin (WBP54), Modification of C.P. to add frequencies 11,245 and 11,485 MHz toward Spencer, Wis., a new point of communication. Station location: 201 South Cedar Avenue, Marshfield, WI.

4237–C1–P–71—General Telephone Co. of Wisconsin (New), C.P. for a new station to be located at northeast corner of Clark and Pacific Streets, Spencer, WI. Frequencies: 10,715 and 10,955 MHz toward Marshfield, Wis.

4238–C1–P–71—South Central Bell Telephone Co. (KJA21), C.P. to add frequency 3850 MHz toward Dutch Bend, Ala. Station location: 1316 Adams Avenue, Montgomery, AL (Houston Hills).

4239–C1–P–71—South Central Bell Telephone Co. (KYO22), C.P. to add frequency 3810 MHz toward Houston Hills, Ala., and toward Selma, Ala. Station location: Approximately 4 miles south of Autaugaville, Ala.

4240–C1–P–71—South Central Bell Telephone Co. (KIX66), C.P. to add frequency 3850 MHz toward Dutch Bend, Ala. Station location: 212 Washington Street, Selma, AL.

4248–C1–P–71—South Central Bell Telephone Co. (New), C.P. for a new station to be located 701 23d Avenue, Meridian, MS. Frequencies: 10,955 and 11,115 MHz toward Meridian Radio Tower, Miss.

4249–C1–P–71—South Central Bell Telephone Co. (KLJ76), C.P. to add frequencies 6241.7 and 6360.3 MHz toward De Kalb, Miss., and 11,405 and 11,565 MHz toward Meridian, Miss., a new point of communication. Station location: 2 miles south-southeast of Meridian, Miss.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

4250–C1–P–71—South Central Bell Telephone Co. (KLJ77), C.P. to add frequencies 5989.7 and 6108.3 MHz toward Prairie Point, Miss., and 5960.0 and 6078.6 MHz toward Meridian, Miss. Station location: 2 miles south-southeast of De Kalb, Miss.

4251–C1–P–71—South Central Bell Telephone Co. (KLK81), C.P. to add frequencies 6212.0 and 6330.7 MHz toward De Kalb, Miss., and 6241.7 and 6360.3 MHz toward Macon, Miss., a new point of communication. Station location: 7.8 miles east-northeast of Macon, Miss.

4252–C1–P–71—South Central Bell Telephone Co. (New), C.P. for a new station to be located at Washington Street, Macon, Miss. Frequencies: 5960.0 and 6078.6 MHz toward Prairie Point, Miss., and 5989.7 and 6108.3 MHz toward Fearns Spring, Miss.

4253–C1–P–71—South Central Bell Telephone Co. (New), C.P. for a new station to be located at 209 South Columbus Avenue, Louisville, MS. Frequencies: 5960.0 and 6078.6 MHz toward Fearns Spring, Miss.

4254–C1–P–71—South Central Bell Telephone Co. (New), C.P. for a new station to be located at 3½ miles northwest of Fearns Springs, Miss. Frequencies: 6241.7 and 6360.3 MHz toward Louisville, Miss., and 6212.0 and 6330.7 MHz toward Macon, Miss.

4274–C1–P–71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at Gulf of Mexico, Vermilion Area, Block 67, Platform A, latitude 29°17′51″ N., longitude 92°22′21″ W. Frequency: 2128.0 MHz toward Vermilion Area, Louisiana.

4275–C1–P–71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at the Gulf of Mexico, Vermilion Area, Block Platform 1, latitude 28°53′15″ N., longitude 92°29′09″ W. Frequency: 2120.0 MHz toward Vermilion Area, Block 119 and 2128.0 MHz toward East Cameron Area, Block 195.

4276–C1–P–71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at the Gulf of Mexico, Vermilion Area, Block 119, latitude 29°05′42″ N., longitude 92°31′02″ W. Frequency: 2178.0 MHz toward Vermilion Area, Block 67 and 2170.0 MHz toward Vermilion Area, Block 164.

4277–C1–P–71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at the Gulf of Mexico, Block 195, East Cameron Area, latitude 28°45′23″ N., longitude 92°48′10″ W. Frequency: 2178.0 MHz toward Vermilion Area Block 164, and 2170.0 MHz toward East Cameron Area, Block 265.

4278–C1–P–71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at the Gulf of Mexico, Block 265, East Cameron Area, Platform A. Frequency: 2120.0 MHz toward East Cameron Area, Block 195, Platform A.

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

Beaver Island Telephone Co.
KOB50—Beaver Island, Mich.

Dell Telephone Cooperative, Inc.
KTR47—Dell City, Tex.
KTR48—Near Pine Spring, Tex.
KTR49—2.6 miles southwest of Pine Spring, Tex.
KTR50—Salt Flat, Tex.

Major Amendments

2445–C1–P–70—MCI Pacific Coast, Inc. (New), Site 1: Change frequencies to 6256.5 and 6375.2 MHz and radio path azimuth to 96°09′ toward Jamul, Calif. Station location: Ninth Avenue and C Street, San Diego, CA.

2446–C1–P–70—MCI Pacific Coast, Inc. (New), Site 2: Change frequencies to 5974.8 and 6093.5 MHz and radio path azimuth to 276°16′ toward San Diego, Calif.; change frequencies to 5960.0 and 6078.6 MHz toward Silverado East, Calif. Station location: 3.6 miles west-southwest of Jamul, Calif.

2447–C1–P–70—MCI Pacific Coast, Inc. (New), Site 3: Change frequencies to 6241.7 and 6360.3 MHz toward Jamul, Calif. Station location: 6.5 miles east-southeast of Silverado, Calif.

2448–C1–P–70—MCI Pacific Coast, Inc. (New), Site 4: Change proposed station location to 6.4 miles east-southeast of Silverado, Calif. (latitude 33°42′39″ N., longitude 117°32′02″ W.); change frequencies to 11,075 and 10,835 MHz and radio path azimuth to 278°30′ toward Santa Ana, Calif.; change frequencies to 10,975 and 10,735 MHz and radio path azimuth to 7°41′ toward Home Gardens, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2449–C1–P–70—MCI Pacific Coast, Inc. (New), Site 5: Change frequencies to 11,625 and 11,305 MHz and radio path azimuth to 187°42′ toward Silverado West, Calif.; change frequencies to 10.895 and 11.135 MHz and radio path azimuth to 60°52′ toward Edgemont, Calif. Station location: 1.2 miles south-southeast of Home Gardens, Calif.

2450–C1–P–70—MCI Pacific Coast, Inc. (New), Site 6: Change frequencies to 11,585 and 11,345 MHz and radio path azimuth to 241°01′ toward Home Gardens, Calif.; change frequencies to 11,305 and 11,545 MHz toward San Bernardino, Calif. Station location: 2.8 miles north of Edgemont, Calif.

2451–C1–P–70—MCI Pacific Coast, Inc. (New), Site 7: Change frequencies to 11,175 and 10,935 MHz toward Edgemont, Calif. Station location: 501 E Street, San Bernardino, CA.

2452–C1–P–70—MCI Pacific Coast, Inc. (New), Site 8: Change proposed station location to 401 Civic Center Drive West, Santa Ana, Calif. (latitude 33°45′09″ N., longitude 117°52′17″ W.); delete Buena Park, Calif., as a point of communication and add frequencies 11,625 and 11,305 MHz toward new point of communication at Ocean View, Calif.; change frequencies to 11,225 and 11,465 MHz and radio path azimuth to 98°19′ toward Silverado West, Calif.

2455–C1–P–70—MCI Pacific Coast, Inc. (New), Site 12: Change proposed station location to Atlantic Richfield Plaza, Hollywood, Calif. (latitude 34°03′05″ N., longitude 118°15′23″ W.); delete Downey, Calif., as a point of communication and change frequencies to 11,505 and 11,265 MHz and radio path azimuth to 225°43′ toward Inglewood, Calif.; change frequencies to 11,345 and 11,505 MHz and radio path azimuth to 4°22′ toward La Crescenta, Calif.

2456–C1–P–70—MCI Pacfiic Coast, Inc. (New), Site 11: Change frequencies to 11,095 and 10,855 MHz and radio path azimuth to 45°39′ toward Hollywood, Calif.; change frequencies to 10,895 and 11,135 MHz toward Long Beach, Calif. Station location: Tishman Building, Century Boulevard, Inglewood, CA.

2457–C1–P–70—MCI Pacific Coast, Inc. (New), Site 10: Add frequencies 11,545 and 11,225 MHz toward new point of communication at Ocean View, Calif.; change frequencies to 11,545 and 11,225 MHz toward Inglewood, Calif. Station location: 110 Pine Avenue, Long Beach, CA.

2458–C1–P–70—MCI Pacific Coast, Inc. (New), Site 13: Change frequencies to 11,075 and 10,835 MHz and radio path azimuth to 184°23′ toward Hollywood, Calif.; change frequencies to 3910 and 4070 MHz toward Frazier Park, Calif.; change radio path azimuth to 254°19′ toward Sepulveda, Calif. Station location: 5.3 miles north of La Crescenta, Calif.

2459–C1–P–70—MCI Pacific Coast, Inc. (New), Site 14: Change frequencies to 6241.7 and 6360.3 MHz and radio path azimuth to 74°12′ toward La Crescenta, Calif. Station location: 8155 Van Nuys Boulevard, Sepulveda, CA.

2460–C1–P–70—MCI Pacific Coast, Inc. (New), Site 15: Change frequencies to 3890 and 4050 MHz and radio path azimuth to 9°20′ toward Glennville, Calif.; change frequencies to 3730 and 3970 MHz toward La Crescenta, Calif. Station location: 3.4 miles south of Frazier Park, Calif.

2461–C1–P–70—MCI Pacific Coast, Inc. Site 16: Change frequencies to 3830 and 3990 MHz and radio path azimuth to 189°27′ toward Frazier Park, Calif.: change frequencies to 3750 and 3910 MHz and radio path azimuth to 208°08′ toward Bakersfield, Calif.; change radio path azimuth to 354°57′ toward Milo, Calif. Station location: 4.3 miles northwest of Glennville, Calif.

2462–C1–P–70—MCI Pacific Coast, Inc. Site 17: Change proposed station location to 1813 H Street, Bakersfield, CA (latitude 35°22′32″ N., longitude 119°01′15″ W.); change frequencies to 3970 and 4130 MHz and radio path azimuth to 27°59′ toward Glennville, Calif.

2463–C1–P–70—MCI Pacific Coast, Inc. Site 18: Delete Shaver Lake, Calif., as a point of communication and add frequencies 6241.7 and 6360.3 MHz toward new point of communication at Pine Ridge, Calif.; change frequencies to 6241.7 and 6360.3 MHz and radio path azimuth to 174°55′ toward Glennville, Calif. Station location: 4.8 miles north-northwest of Milo, Calif.

2465–C1–P–70—MCI Pacific Coast, Inc. Site 20: Change proposed station location to 1058 Fulton Mall, Fresno, CA (latitude 36°44′08″ N., longitude 119°47′24″ W.); delete Shaver Lake, Calif., as a point of communication and add frequencies 5960.0 and 6078.6 MHz toward new point of communication at Pine Ridge, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2466–C1–P–70—MCI Pacific Coast, Inc. Site 21: Delete Shaver Lake, Calif., as a point of communication and add frequencies 6271.4 and 6390.3 MHz toward new point of communication at Pine Ridge, Calif.; change frequencies to 6212.0 and 6330.7 MHz and radio path azimuth to 344°33′ toward Twain Harte, Calif. Station location: 23 miles northwest of Mount Bullion, Calif.

2467–C1–P–70—MCI Pacific Coast, Inc. Site 22: Change frequencies to 6019.3 and 6137.9 MHz and radio path azimuth to 164°26′ toward Mount Bullion, Calif.; change frequencies to 6049.0 and 6167.6 MHz toward Pioneer, Calif. Station location: 2 miles northwest of Twain Harte, Calif.

2468–C1–P–70—MCI Pacific Coast, Inc. Site 23: Change radio path azimuth to 143°33′ toward Twain Harte, Calif., and to 294°31′ toward Latrobe, Calif. Station location: 1.4 miles west of Pioneer, Calif.

2469–C1–P–70—MCI Pacific Coast, Inc. Site 24: Change frequencies to 5989.7 and 6108.3 MHz and radio path azimuth to 48°38′ toward Pioneer, Calif. Station location: 345 East Main Street, Stockton, Calif.

2470–C1–P–70—MCI Pacific Coast, Inc. Site 25: Change proposed station location to 2.9 miles northwest of Latrobe, Calif. (latitude 38°35′06″ N., longitude 121°01′11″ W.); delete Sacramento, Calif., as a point of communication and add frequencies 11,505 and 11,265 MHz toward new point of communication at Sloughhouse, Calif.; change radio path azimuth to 114°15′ toward Pioneer, Calif., and to 37°41′ toward Georgetown, Calif.

2471–C1–P–70—MCI Pacific Coast, Inc. Site 27: Change proposed station location to 910 15th Street, Sacramento, Calif. (latitude 38°34′57″ N., longitude 121°30′03″ W.); delete Latrobe, Calif., as a point of communication and add frequencies 11,385 and 11,625 MHz to new point of communication at Sloughhouse, Calif.; change frequencies to 6212.0 and 6330.7 MHz toward Vacaville, Calif.

2472–C1–P–70—MCI Pacific Coast, Inc. Site 28: Change radio path azimuth to 227°36′ toward Ignacio, Calif. Station location: 5.6 miles west-northwest of Vacaville, Calif.

2473–C1–P–70—MCI Pacific Coast, Inc. Site 29: Change frequencies to 11,625 and 11,305 MHz and radio path azimuth to 151°50′ toward San Francisco, Calif.; change radio path azimuth to 47°18′ toward Vacaville, Calif. Station location: 2.5 miles southwest of Ignacio, Calif.

2474–C1–P–70—MCI Pacific Coast, Inc. Site 30: Change proposed station location to 555 California Street, San Francisco, CA (latitude 37°47′31″ N., longitude 122°24′07″ W.); change frequencies to 11,175 and 10,935 MHz and radio path azimuth to 331°56′ toward Ignacio, Calif.; change frequencies to 10,815 and 11,055 MHz and radio path azimuth to 83°11′ toward Oakland, Calif.; change frequencies to 6049.0 and 6167.6 MHz and radio path azimuth to 150°21′ toward Palo Alto, Calif.

2475–C1–P–70—MCI Pacific Coast, Inc. Site 31: Change frequencies to 11,505 and 11,265 MHz and radio path azimuth to 263°16′ toward San Francisco, Calif. Station location: 436 14th Street, Oakland, Calif.

2476–C1–P–70—MCI Pacific Coast, Inc. Site 32: Change frequencies to 6212.0 and 6330.7 MHz and radio path azimuth to 118°05′ toward San Jose, Calif.; change radio path azimuth to 330°30′ toward San Francisco, Calif. Station location: Corner of Foster and Cooper Street, Palo Alto, Calif.

2477–C1–P–70—MCI Pacific Coast, Inc. Site 33: Change proposed station location to Park Center Plaza, San Jose, Calif. (latitude 37°19′59″ N., longitude 121°53′23″ W.); change radio path azimuth to 298°15′ toward Palo Alto, Calif.

2478–C1–P–70—MCI Pacific Coast, Inc. Site 34: Change frequencies to 6212.0 and 6330.7 MHz and radio path azimuth to 326°0′ toward Challenge, Calif.; change radio path azimuth to 217°53′ toward Latrobe, Calif. Station location: 7.1 miles east of Georgetown, Calif.

2479–C1–P–70—MCI Pacific Coast, Inc. Site 35: Change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 145°42′ toward Georgetown, Calif.; change radio path azimuth to 320°27′ toward Cohasset, Calif. Station location: 1.4 miles southeast of Challenge, Calif.

2480–C1–P–70—MCI Pacific Coast, Inc. Site 36: Change proposed station location to 2.4 miles north-northeast of Cohasset, Calif. (latitude 39°57′20″ N., longitude 121°43′05″ W.); change radio path azimuth to 140°08′ toward Challenge, Calif., and to 330°01′ toward Lakehead, Calif.

2481–C1–P–70—MCI Pacific Coast, Inc. Site 37: Change proposed station location to 3.1 miles west-northwest of Lakehead, Calif. (latitude 40°54′29″ N., longitude 122°26′38″ W.);

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

change frequencies to 6049.0 and 6167.6 MHz and radio path azimuth to 149°33′ toward Cohasset, Calif.; change frequencies to 5989.7 and 6108.3 MHz and radio path azimuth to 18°08′ toward Dunsmuir, Calif.

2482–C1–P–70—MCI Pacific Coast, Inc. Site 38: Change frequencies to 6197.2 and 6315.9 MHz and radio path azimuth to 198°13′ toward Lakehead, Calif. Station location: 1.7 miles west-northwest of Dunsmuir, Calif.

2483–C1–P–70—MCI Pacific Coast, Inc. Site 39: Change frequencies to 5960.0 and 6078.6 MHz toward Dunsmuir, Calif., and to 5974.8 and 6093.5 MHz toward Placer, Oreg.; change radio path azimuth to 332°33′ toward Medford, Oreg. Station location: 3.2 miles northwest of Colestin, Oreg. (latitude 42°04′57″ N., longitude 122°42′02″ W.).

2484–C1–P–70—MCI Pacific Coast, Inc. Site 40: Change frequencies to 6197.2 and 6315.9 MHz and radio path azimuth to 152°26′ toward Colestin, Oreg. Station location: 128 East Main Street, Medford, OR.

2485–C1–P–70—MCI Pacific Coast, Inc. Site 41: Change frequencies to 6226.9 and 6345.5 MHz toward Colestin, Oreg., and to 6286.2 and 6404.8 MHz toward Black Butte, Oreg. Station location: 5.8 miles north of Placer, Oreg.

2486–C1–P–70—MCI Pacific Coast, Inc. Site 42: Change frequencies to 5960.0 and 6108.3 MHz toward Placer, Oreg., and to 5989.7 and 6108.3 MHz toward Black Butte, Oreg. Station location: 3.1 miles south-southwest of Black Butte, Oreg.

2487–C1–P–70—MCI Pacific Coast, Inc. Site 43: Change frequencies to 6286.2 and 6404.8 MHz toward Black Butte, Oreg., and to 6212.0 and 6330.7 MHz toward Mill City, Oreg., and to 6212.0 and 6330.7 MHz toward Eugene, Oreg. Station location: 6.8 miles northwest of Blachly, Oreg.

2488–C1–P–70—MCI Pacific Coast, Inc. Site 44: Change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 300°52′ toward Blachly, Oreg. Station location: 350 Pearl Street, Eugene, OR.

2489–C1–P–70—MCI Pacific Coast, Inc. Site 45: Change frequencies to 5974.8 and 6093.5 MHz toward Blachly, Oreg., and to 6049.0 and 6167.6 MHz toward Salem, Oreg. Station location: 5.9 miles north of Mill City, Oreg.

2490–C1–P–70—MCI Pacific Coast, Inc. Site 46: Change frequencies to 6241.7 and 6360.3 MHz toward Mill City, Oreg. Station location: 495 State Street, Salem, OR.

2491–C1–P–70—MCI Pacific Coast, Inc. Site 47: Add frequencies 6271.4 and 6390.0 MHz toward new point of communication at Ariel, Wash.; change frequencies to 11,665 and 11,425 MHz and radio path azimuth to 304°45′ toward Portland, Oreg. Station location: 3 miles north-northeast of Clackamas, Oreg.

2492–C1–P–70—MCI Pacific Coast, Inc. Site 48: Change proposed station location to corner of Southeast Grand and Southeast Morrison Streets, Portland, Oreg. (latitude 45°31′02″ N., longitude 122°39′33″ W.); delete Ariel, Wash., as a point of communication; change frequencies to 10,975 and 10,735 MHz and radio path azimuth to 124°39′ toward Clackamas, Oreg.

2493–C1–P–70—MCI Pacific Coast, Inc. Site 49: Delete Portland, Oreg., as a point of communication and add frequencies 5989.7 and 6108.3 MHz toward new point of communication at Clackamas, Oreg.; change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 319°18′ toward Wildwood, Wash. Station location: 2.8 miles northwest of Ariel, Wash.

2494–C1–P–70—MCI Pacific Coast, Inc. Site 50: Change frequencies to 6241.7 and 6360.3 MHz and radio path azimuth to 138°51′ toward Ariel, Wash.; change frequencies to 6226.9 and 6345.5 MHz and radio path azimuth to 46°13′ toward Rainier, Wash. Station location: 6.2 miles west-northwest of Wildwood, Wash.

2495–C1–P–70—MCI Pacific Coast, Inc. Site 51: Change proposed station location to 3.7 miles south of Rainier, Wash. (latitude 46°50′04″ N., longitude 122°41′10″ W.); change frequencies to 5974.8 and 6093.5 MHz and radio path azimuth to 226°36′ toward Wildwood, Wash.; change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 22°00′ toward Tacoma, Wash.

2496–C1–P–70—MCI Pacific Coast, Inc. Site 52: Change proposed station location to 1201 Pacific Avenue, Tacoma, WA (latitude 47°15′13″ N., longitude 122°26′14″ W.); change frequencies to 6212.0 and 6330.7 MHz and radio path azimuth to 202°11′ toward Rainier, Wash.; change frequencies to 6226.9 and 6345.5 MHz and radio path azimuth to 342°14′ toward Harper, Wash.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2497–C1–P–70—MCI Pacific Coast, Inc. Site 53: Change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 162°09′ toward Tacoma, Wash.; change frequencies to 5989.7 and 6108.3 MHz toward Seattle, Wash. Station location: 3.2 miles south-southwest of Harper, Wash.

2498–C1–P–70—MCI Pacific Coast, Inc. Site 54: Change frequencies to 6241.7 and 6360.3 MHz and radio path azimuth to 227°42′ toward Harper, Wash.; change frequencies to 6212.0 and 6330.7 MHz toward Monroe, Wash. Station location: Third Avenue and University Street, Seattle, WA.

2499–C1–P–70—MCI Pacific Coast, Inc. Site 55: Change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 307°39′ toward Everett, Wash.; change frequencies to 5989.7 and 6108.3 MHz toward Seattle, Wash. Station location: 5.7 miles southeast of Monroe. Wash.

2500–C1–P–70—MCI Pacific Coast, Inc. Site 56: Change frequencies to 6271.4 and 6390.0 MHz and radio path azimuth to 127°24′ toward Monroe, Wash. Station location: 1719 Hewitt Street, Everett, WA.

4279–C1–P–71—MCI Pacific Coast, Inc. (New), Site 9: C.P. for a new fixed station at Holland Drive and Beach Boulevard, Ocean View, CA, at latitude 33°42′39″ N., longitude 117°59′17″ W. Frequencies 11,015 and 10,735 MHz at radio path azimuth 66°50′ toward Santa Ana, Calif., and 11,135 and 10,815 MHz at radio path azimuth 288°47′ toward Long Beach Calif.

4280–C1–P–71—MCI Pacific Coast, Inc. (New), Site 19: C.P. for a new fixed station 3 miles west of Pine Ridge, Calif., at latitude 37°03′53″ N., longitude 119°24′52″ W. Frequencies 6019.3 and 6137.9 MHz at radio path azimuth 148°21′ toward Milo, Calif., and 6019.3 and 6137.9 MHz at radio path azimuth 312°36′ toward Mount Bullion, Calif., and 6212.0 and 6330.7 MHz at radio path azimuth 222°37′ toward Fresno, Calif.

4281–C1–P–71—MCI Pacific Coast, Inc. (New), Site 26: C.P. for a new fixed station 4.3 miles north-northeast of Sloughhouse, Calif., at latitude 38°33′06″ N., longitude 121°08′48″ W. Frequencies 10,815 and 11,055 MHz at radio path azimuth 71°28′ toward Latrobe, Calif., and 10,775 and 11,015 MHz at radio path azimuth 276°26′ toward Sacramento, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

4241–C1–P–71—Paul E. Taft doing business as Taft Broadcasting Co. (New), C.P. for a new station to be located at One Shell Plaza Building, intersection of Smith Street and Walker Avenue, Houston, TX. Frequencies: 2154.775 MHz (visual) and 2150.275 MHz (aural) both toward various receiving points of system.

4242–C1–P–71—Paul E. Taft doing business as Taft Broadcasting Co. (New), C.P. for a new station to be located at the Preston Tower Building, 6211 West Northwest Highway, Dallas, TX. Frequencies: 2154.775 MHz (visual) and 2150.275 MHz (aural) both toward various receiving points of system.

4243–C1–P–71—Chicago Communication Service, Inc. (New), C.P. for a new station to be located at John Hancock Center, 875 North Michigan Avenue, Chicago, IL. Frequencies: 2154.775 MHz (visual) and 2150.275 MHz (aural) both toward various receiving points of system.

4286–C1–P–71—American Television Relay, Inc. (KGC90), C.P. to change location of point of communications in El Paso, Tex. Frequencies: 5960.0, 6019.3, 6078.6, and 6137.9 MHz on azimuth 126°58′, and frequency 6301.7 MHz on azimuth 127°14′. Location: Aden Hills, 19.3 miles southwest of Las Cruces, N. Mex., at latitude 32°11′15″ N., longitude 107°05′ 33″ W.

4287–C1–P–71—American Television Relay, Inc. (KVH73), C.P. to change location of station to 0.9 mile northwest of El Paso, Tex., at latitude 31°47′31″ N., longitude 106°28′46″ W. Frequencies: 6212.0, 6271.3, 6330.7, 6390.0, and 6241.7 MHz on azimuth 104°30′.

4288–C1–P–71—American Television Relay, Inc. (New), C.P. for a new station on Mount Bigelow, 18 miles northeast of Tucson, Ariz., at latitude 32°24′56″ N., longitude 110°42′ 48.5″ W. Frequency 11,505 MHz on azimuth of 72°03′.

4289–C1–P–71—American Television Relay, Inc. (KOS63), C.P. to add frequency 10,815 MHz on azimuth 168°53′. Location: Heliograph Peak, 13.9 miles southwest of Safford, Ariz., at latitude 32°38′59″ N., longitude 109°50′53″ W.

(NONTELEPHONE)—continued

(Informative: Applicant proposes to provide the television signal of Station KZAZ-TV of Nogales, Ariz., to Douglas Television Co., Inc., in Douglas, Ariz.)

4290-C1-P-71—Garden State Micro Relay, Inc. (KEM56), C.P. to power split frequencies 6019.3, 6078.6, and 6137.9 MHz on azimuth 168°00' toward a new point of communication in Swainton, N.J. Location: 0.55 miles west of Milmay, N.J., at latitude 39°26'20.5" N., longitude 74°52'03" W.

(Informative: Applicant proposes to provide the television signals of Stations WNEW-TV, WOR-TV, and WPIX of New York City to National Cable TV Systems in the area of Upper Township, Cape May, N.J., known as Strathmere.)

4291-C1-P-71—Mountain Microwave Corp. (KOB37), C.P. to power split frequency 11,345 MHz on azimuth 02°46'. Location: Colorow Hill, 2 miles southwest of Golden, Colo., at latitude 39°43'54" N., longitude 105°14'58" W.

(Informative: Applicant proposes to relay the signal of KWGN-TV of Denver, Colo., to a receive point at Soderburg, Colo., in order to upgrade the signal pickup which is presently at Soderburg.)

4292-C1-MP-71—New York-Penn Microwave Corp. (WDD67), Modification of C.P. to change location to latitude 40°02'30" N., longitude 75°14'24" W. in Roxborough, Pa. Frequency 5974.8 MHz on azimuth 346°13' and frequency 11,265 MHz on azimuth 165°34'.

4293-C1-AL-71—Teleview Networks (KOS62), Consent to assignment from: Teleview Networks Assignor, to: Wyoming Microwave Corp. Assignee.

4269-C1-TC-(11)-71—Minnesota Microwave, Inc. Involuntary transfer of control from Dynasonics, Inc. Transferor to: Paul J. Schmitt, et al. Transferee. Stations: KAY61, Willmar, Minn.; KYC43, Brainerd, Minn.; KYC44, Ben Draper, Minn.; KYC45, Beauty Lake, Minn.; KCM71, East Rockford, Minn.; KCM72, Cold Springs, Minn.; KCM73, Little Falls, Minn.; KC74, Benson, Minn.; KCM75, Montevideo, Minn.; KZS97, Morris, Minn.; KOC70, Elbow Lake, Minn.

Major Amendment

7183-C1-P-68—Western Tele-Communications, Inc. (New), Application amended to change frequencies to 5945.2 MHz and 6004.5 MHz toward Nelson Peak, Utah, on azimuth 165°25'. Other particulars unchanged.

580-C1-P-67—Sierra Microwave, Inc. (New), Application amended to (a) change station coordinates to latitude 38°24'55" N., longitude 122°06'36" W.; and (b) change azimuth toward Newtown, Calif., to 63°30'. Station location: Mount Vaca, 8 miles northwest of Vacanville, Calif.

(Informative: Applicant correcting station coordinates to agree with those of existing Station KNM54, Mount Vaca, licensed to Microwave Communications Corp.)

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

Superior Communications Co., Inc.
KAQ73—Virginia, Minn.
KAQ74—Kabetogama, Minn.
KAQ75—Gheen, Minn.

Teleview Networks
KOS62—Red Cloud's Lookout, Wyo.

COMMUNICATION SATELLITE SERVICE

81-CSG-R-71—Communications Satellite Corp. (WA24), Renewal of developmental license expiring Feb. 17, 1971, for a fixed developmental earth station at Washington, D.C. Term: Feb. 17, 1971 to Feb. 17, 1972.

71-CSB-R-71—Hughes Aircraft Co. (KA26), Renewal of developmental license expiring Mar. 1, 1971 for a fixed developmental earth station at Hopper, Ark. Term: Mar. 1, 1971 to Mar. 1, 1972.

[FR Doc.71-2365 Filed 2-22-71;8:45 am]

FEDERAL MARITIME COMMISSION

MITSUI O.S.K. LINES (PASSENGER) LTD. ET AL.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Mitsui O.S.K. Lines (Passenger), Ltd.,
and
Mitsui OSK Lines, Ltd.,
and/or
Japan Industrial Floating Fair Association,
3-3, 5-chome, Akasaka, Minatoku, Tokyo,
Japan.

Dated: February 18, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2443 Filed 2-22-71;8:49 am]

MITSUI O.S.K. LINES (PASSENGER), LTD. ET AL.

Notice of Issuance of Performance Certificate

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

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Mitsui O.S.K. Lines (Passenger), Ltd.,
and
Mitsui OSK Lines, Ltd.,
and/or
Japan Industrial Floating Fair Association,
3-3, 5-chome, Akasaka, Minatoku, Tokyo,
Japan.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2444 Filed 2-22-71;8:49 am]

[Docket No. 71-15]

[Independent Ocean Freight Forwarder License No. 35]

INTERNATIONAL SHIPPING CO. OF NEW YORK ET AL.

Order of Investigation and Hearing

Harry Kaufman doing business as International Shipping Co. of New York was issued Independent Ocean Freight Forwarder License No. 35 by the Federal Maritime Commission on August 19, 1964. It has come to the attention of the Commission that Harry Kaufman on or about January 1, 1969, entered into a contract selling the forwarding business of Harry Kaufman doing business as International Shipping Co. of New York (Independent Ocean Freight Forwarder License No. 35) to Mr. Irving Betheil. It further appears that on or after January 1, 1969, the freight forwarding business of Mr. Kaufman was transferred to Mr. Irving Betheil and/or his son, Stephen M. Betheil, without notification to the Commission as required by § 510.5(c) of Commission General Order 4 and without prior approval of the Commission as required by § 510.8 (d) of Commission General Order 4.

It further appears that Harry Kaufman permitted his license or name to be used by Mr. Irving Betheil and/or Stephen M. Betheil, persons not employed by him, for the performance of freight forwarding services in violation of § 510.23(a) of Commission General Order 4. It further appears that Harry Kaufman accepted employment with and performed forwarding services on export shipments in association with Irving Betheil, whose grandfather rights as an independent ocean freight forwarder were revoked by the Federal Maritime Commission on June 9, 1964, and that he further permitted Irving Betheil to participate in the control or direction of his freight forwarder business, in violation of § 510.23(b) of Commission General Order 4.

It further appears that Irving Betheil and Stephen M. Betheil, in carrying on the business of forwarding since January 1, 1969, without a license issued by the Federal Maritime Commission, violated § 510.3(a) of Commission General Order 4 and Section 44 of the Shipping Act, 1916.

Now therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether:

1. Harry Kaufman, in failing to notify the Commission of the change in ownership of Harry Kaufman doing business as International Shipping Co. of New York (Independent Ocean Freight Forwarder License No. 35), and transferring such business and license without securing prior approval of the Commission, violated §§ 510.5(c) and 510.8(d) of Commission General Order 4.

2. Harry Kaufman, in permitting Irving and/or Stephen M. Betheil to use International's name and License No. 35 after January 1, 1969, violated § 510.23(a) of the Commission's General Order 4.

3. Harry Kaufman, in accepting employment with Irving Betheil, and permitting Irving Betheil to control and direct the business of International, after the freight forwarder rights of Irving Betheil had been revoked, has violated § 510.23(b) of General Order 4.

It is further ordered, That this proceeding determine whether because of the foregoing violations Federal Maritime Commission Independent Ocean Freight Forwarder License No. 35, issued to Harry Kaufman, doing business is International Shippers Co. of New York, should be revoked.

It is further ordered, That this proceeding determine whether Irving Betheil, in carrying on the business of forwarding without a license from the Federal Maritime Commission after January 1, 1969, has violated § 510.3(a) of General Order 4 and section 44 of the Shipping Act, 1916.

It is further ordered, That this proceeding determine whether Stephen M. Betheil, in carrying on the business of forwarding without a license from the Federal Maritime Commission after January 1, 1969, has violated § 510.3(a) of General Order 4 and section 44 of the Shipping Act, 1916.

It is further ordered, That Harry Kaufman, doing business as International Shippers Co. of New York, Irving Betheil, and Stephen M. Betheil be named respondents in this proceeding and that the matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the presiding examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy of the order and Notice of Hearing be served upon respondents.

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copies to respondents.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2445 Filed 2-22-71;8:49 am]

INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, General Secretary, The India, Pakistan, Ceylon and Burma Outward Frieght Conference, 25 Broadway, New York, NY 10004.

Agreement No. 7690-13, among the member lines of the India, Pakistan, Ceylon and Burma Outward Freight Conference, will modify the basic conference agreement by adding a new paragraph (j) to Clause 12 thereof which provides that every application for conference membership shall be accompanied by agreement to pay into the conference funds a nonreimbursable admission fee of $5,000.

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2446 Filed 2-22-71;8:49 am]

CALCUTTA, EAST COAST OF INDIA AND EAST PAKISTAN/U.S.A. CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, General Secretary, Calcutta, East Coast of India and East Pakistan/U.S.A. Conference, 25 Broadway, New York, NY 10004.

Agreement No. 8650-6, among the member lines of the Calcutta, East Coast of India and East Pakistan/U.S.A. Conference, will modify the basic conference agreement by adding a new paragraph to Clause 4 thereof which provides that every application for conference membership shall be accompanied by agreement to pay into the conference funds a nonreimbursable admission fee of $5,000.

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2447 Filed 2-22-71;8:49 am]

NEW YORK FREIGHT BUREAU

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. 5700–11 is a modification of the New York Freight Bureau's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2448 Filed 2–22–71;8:49 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

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. 14–31 is a modification of the Trans-Pacific Freight Conference's (Hong Kong) basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2449 Filed 2–22–71;8:49 am]

U.S. ATLANTIC AND GULF-HAITI CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. T. Schoonebeek, Vice Chairman, United States Atlantic and Gulf-Haiti Conference, 11 Broadway, New York, NY 10004.

Agreement No. 8120–11, among the member lines of the United States Atlantic and Gulf-Haiti Conference, modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by canceling the existing Articles 15 through 18 and substituting therefore new Articles 15 through 19.

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2450 Filed 2–22–71;8:49 am]

U.S. ATLANTIC & GULF-SANTO DOMINGO CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. T. Schoonebeek, Vice Chairman, United States Atlantic & Gulf-Santo Domingo Conference, 11 Broadway, New York, NY 10004.

Agreement No. 6080–18, among the member lines of the United States Atlantic & Gulf-Santo Domingo Conference,

modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by canceling the existing Articles 18 through 23 and substituting therefor new Articles 18 through 21.

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2451 Filed 2-22-71;8:50 am]

WEST COAST OF INDIA AND PAKISTAN/U.S.A. CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, General Secretary, West Coast of India and Pakistan/U.S.A. Conference, 25 Broadway, New York, NY 10004.

Agreement No. 8040-8, among the member lines of the West Coast of India and Pakistan/U.S.A. Conference, will modify the basic conference agreement by adding a new paragraph to Clause 9 thereof which provides that every application for conference membership shall be accompanied by agreement to pay into the conference funds a nonreimbursable admission fee of $5,000.

Dated. February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2452 Filed 2-22-71;8:50 am]

FEDERAL POWER COMMISSION

[Project No. 2179]

CALIFORNIA

Notice of Additional Land Withdrawal

FEBRUARY 17, 1971.

In the matter of Merced Irrigation District.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, this Commission by formal notice of land withdrawal dated June 27, 1963, gave notice of the reservation of approximately 5,862.80 acres of U.S. lands pursuant to the filing on February 21, 1963, of a completed application for license (major) by Merced Irrigation District of Merced, Calif., for Project No. 2179.

On July 24, 1970, and December 7, 1970, Merced Irrigation District filed an application for amendment of license (major) and a supplemental revision, respectively, in compliance with Article 35 of its license (major). This application modifies the project boundary to embrace additional U.S. lands.

Therefore, in accordance with the provisions of Section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described insofar as title thereto remains in the United States, are included in power Project No. 2179 and are from the date of the filing of said application and supplemental revision, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

Those portions of the following described subdivisions lying within the project boundary as shown upon map Exhibit K, sheets 2, 4, 5, 7, 8, 10, 12, and 12A through 16 of 17 (FPC Nos. 2179-99, -101, -102, -104, -105, -107, -109, and -110 through -114, respectively) filed July 24, 1970, and map Exhibit K, sheets 1, 3, 6, 9, 11, and 17 of 17 (FPC Nos. 2179-116 through -121, respectively) filed December 7, 1970.

T. 3 S., R. 15 E.,
Sec. 15, NW¼NE¼, SE¼NE¼;
Sec. 24, SE¼SW¼NE¼, SE¼NE¼, SW¼NW¼;
Sec. 25, NE¼NE¼NE¼.
T. 5 S., R. 15 E.,
Sec. 2, lot 1;
Sec. 3, lot 2.
T. 3 S., R. 16 E.,
Sec. 5, NW¼NW¼, NW¼SW¼, SW¼SE¼;
Sec. 6, lots 1 and 2, S½NE¼, E½SW¼SW¼, NE¼SE¼;
Sec. 17, NE¼NW¼;
Sec. 19, SW¼SE¼;
Sec. 20, NW¼SW¼NE¼, NE¼NW¼;
Sec. 21, lot 1;
Sec. 22, S½NE¼SW¼, S½SE¼SE¼;
Sec. 23, SW¼SW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 30, NW¼NW¼NW¼;
Sec. 35, NE¼NE¼SE¼;
Sec. 36, unpatented portion of S½ of lot 7.
T. 4 S., R. 17 E.,
Sec. 4, W½SE¼SE¼;
Sec. 5, SW¼NE¼SW¼, SE¼SE¼;
Sec. 6, lot 11, E½ of lot 15, lot 17, lot 21;
Sec. 9, mineral lot No. 38;
Sec. 11, SE¼NW¼.

The area of U.S. lands reserved pursuant to the filing of this application is approximately 350.75 acres, of which approximately 214.38 acres have heretofore been reserved for power purposes under Projects Nos. 88 or 802, Power Site Reserves Nos. 204, 328, 472, 752, or Power Site Classifications Nos. 267 or 426.

Copies of the aforementioned project map exhibits have been transmitted to the Bureau of Land Management, Geological Survey and the Fish and Wildlife Service.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2411 Filed 2-22-71;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temporary Regulation F-85]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Florida Public Service Commission in a proceeding (Docket No. 70532-EU) involving the application of Tampa Electric Co. for increased rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 16, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-2397 Filed 2-22-71;8:45 am]

[Federal Property Management Regulations; Temporary Regulation F-86]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the

Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Louisiana Public Service Commission in a proceeding (Docket No. 10810) involving the application of Central Louisiana Electric Co. for increased rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 16, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[R Doc.71-2398 Filed 2-22-71;8:45 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Entry or Withdrawal From Warehouse for Consumption

FEBRUARY 18, 1971.

On March 15, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral agreement with the Government of the Polish People's Republic concerning exports of cotton textiles from Poland to the United States. Under this agreement the Polish People's Republic has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. On February 25, 1970, the two Governments exchanged notes amending the bilateral agreement of March 15, 1967. Among the provisions of the amended agreement are those applying specific export limitations to Categories 19, 26 (including a sublimit on duck fabric), 28, 42, 43, 46, 53, 60, and 62, for the second amended agreement year beginning March 1, 1971.

There is published below a letter of February 17, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 19, 26, 28, 42, 43, 46, 53, 60, and 62, produced or manufactured in Poland which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning on March 1, 1971, and extending through February 29, 1972, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

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

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

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

FEBRUARY 17, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 15, 1967, as amended, between the Governments of the United States and Poland, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective March 1, 1971, and for the 12-month period extending through February 29, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products produced or manufactured in Poland in excess of the following 12-month levels of restraint:

Category		12-month level of restraint
19	square yards	1,050,000
26	do [1]	1,260,000
28	pieces	288,750
42	dozen	31,500
43	do	63,000
46	do	5,250
53	do	3,150
60	do	16,409
62	pounds	178,500

[1] Of this amount, not more than 157,500 square yards may be in duck, T.S.U.S.A. Nos.:
320.01 through 04, 06, 08
321.01 through 04, 06, 08
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In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 19, 26, 28, 42, 43, 46, 53, 60, and 62, produced or manufactured in Poland and which have been exported to the United States from Poland prior to March 1, 1971, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period March 1, 1970, through February 28, 1971. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 15, 1967, as amended, between the Governments of the United States and Poland which provides in part that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

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

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

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

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-2477 Filed 2-22-71;8:51 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-B (Region V) Amdt. 5]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region V

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-B, 34 F.R. 19842, as amended (35 F.R. 1073, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-B (Region V) (35 F.R. 4155), as amended (35 F.R. 6095, 35 F.R. 10535, 35 F.R. 16758, and 36 F.R. 2947), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, Item III.A.2, Item IV-A.1, Item IV-B.A.2, Item IV-C.A.2, and Item IV-D.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 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 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 Managers*—IV–A. *Marquette, Mich.* 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).

* * * * *

IV–B. *Springfield, Ill.*—A. *Financing Program.* * * *

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 $100,000 (SBA share).

* * * * *

IV–C. *Milwaukee, Wis.*—A. *Financing Program.* * * *

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 $50,000 (SBA share).

* * * * *

IV–D. *Cincinnati, Ohio.*—A. *Financing Program.* * * *

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 $100,000 (SBA share).

* * * * *

Effective date: January 11, 1971.

ROBERT A. DWYER,
Regional Director, Region V.

[FR Doc.71-2427 Filed 2-22-71;8:48 am]

[Delegation of Authority 4.4–1 (Region V) 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 disasater 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 Agricultural 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) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

b. District Director and Chief, District Financing Division, Minneapolis, Minn., for the following disasters:

(1) Minnesota, St. Louis, Disaster No. 774.

(2) Minnesota, Douglas, Disaster No. 782.

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) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

b. District Director, Minneapolis, Minn., for the following disasters:

(1) Minnesota, St. Louis, Disaster No. 774.

(2) Minnesota, Douglas, Disaster No. 782.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Minneapolis, Minn., for the following disasters:

(1) Minnesota, St. Louis, Disaster No. 774.

(2) Minnesota, Douglas, Disaster No. 782.

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) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

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) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

b. District Director, Minneapolis, Minn., for the following disasters:

(1) Minnesota, St. Louis, Disaster No. 774.

(2) Minnesota, Douglas, Disaster No. 782.

Effective date: January 11, 1971.

ROBERT A. DWYER,
Regional Director, Region V,
Chicago, Ill.

[FR Doc.71-2428 Filed 2-22-71;8:48 am]

[Declaration of Disaster Loan Area 803]

FLORIDA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971, because of the effects of certain disasters, damage resulted to residences and business property located in Santa Rosa County, Fla.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid County and areas adjacent thereto suffered damage or destruction resulting from tornado occurring on February 7, 1971.

OFFICE

Small Business Administration District Office, 400 West Bay Street, Post Office Box 35067, Jacksonville, FL 32202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1971.

Dated: February 16, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2429 Filed 2-22-71;8:48 am]

[Declaration of Disaster Loan Area 804]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the months of December 1970, and January 1971, because of the effects of certain disasters, damage resulted to residences and business property located in areas of Malone, N.Y.

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid city of Malone, N.Y., suffered damage or destruction resulting from fires occurring on December 14, 1970, and January 6, 1971.

OFFICE

Small Business Administration District Office, Fayette and Salina Streets, Syracuse, NY 13202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1971.

Dated: February 16, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2430 Filed 2-22-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 18, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42134—*Roofing and building material from Port Arthur, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-212), for interested rail carriers. Rates on roofing and building material, in carloads, as described in the application, from Port Arthur, Tex., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 33 to Southwestern Freight Bureau, agent, tariff ICC 4791.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2432 Filed 2-22-71;8:48 am]

[Revised S.O. 994, ICC Order 51-A]

GRAND TRUNK WESTERN RAILROAD CO.

Car Distribution

Upon further consideration of ICC Order No. 51 (Grand Trunk Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 51 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 p.m., February 17, 1971.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 17, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-2431 Filed 2-22-71;8:48 am]

[Notice 650]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 18, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the

date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72558. By order of February 12, 1971, the Motor Carrier Board approved the transfer to Graves Trucking, Inc., Fort Wayne, Ind., a portion of certificate No. MC–15859 (Sub-No. 6), issued February 5, 1971, to The Hine Line, Newark, N.J., authorizing the transportation of: Salt, from Detroit, Mich., to points in Indiana on and north of U.S. Highway 40, with no transportation for compensation on return except as otherwise authorized. Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204, attorney for applicants.

No. MC–FC–72600. By order of February 10, 1971, the Motor Carrier Board approved the transfer to Transport, Inc., Kilgore, Tex., of the operating rights in certificates Nos. MC–104684 (Sub-No. 5), MC–104683 (Sub-No. 24), and MC–104683 (Sub-No. 25) issued October 24, 1958, February 17, 1960, and June 17, 1960 respectively to L. L. Majure Transport Co., a corporation, Meridian, Miss., authorizing the transportation of various petroleum products from and to specified points and areas in Mississippi, Florida, Alabama, and Louisiana. R. J. Reynolds, Jr., Suite 604 Healey Building, Atlanta, GA 30303, attorney for applicants.

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

[FR Doc.71-2433 Filed 2-22-71;8:48 am]

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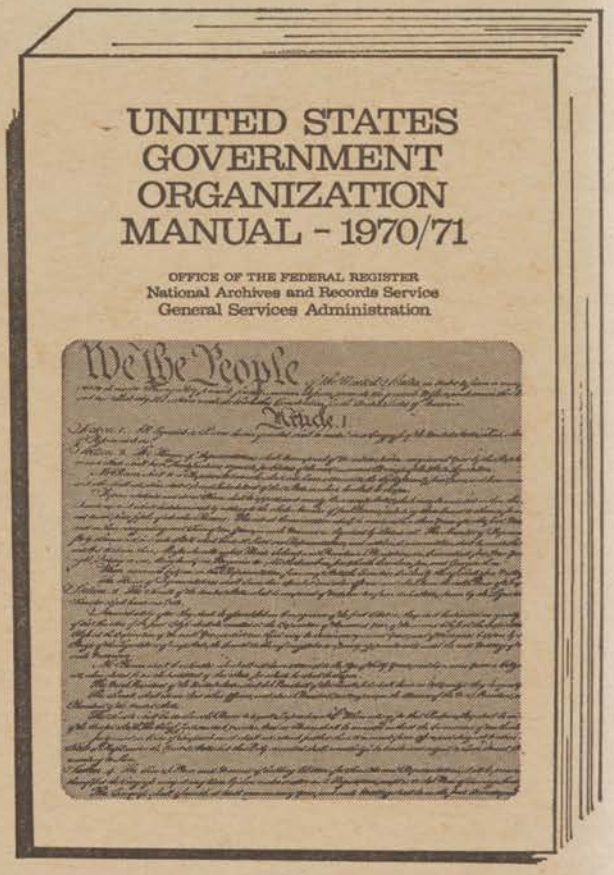

UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71

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