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Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Domestic Commerce Bureau
Environmental Protection Agency
Federal Communications Commission
Federal Highway Administration
Federal Housing Administration
Federal Power Commission
Federal Reserve System
Food and Drug Administration
General Services Administration
Hazardous Materials Regulations Board
Interstate Commerce Commission
Interstate Land Sales Registration Office
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Land Management Bureau
Securities and Exchange Commission
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FEDERAL REGISTER

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Deputy Administrator, Federal Railroad Administration is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (2–24–71), subparagraph (3) is added to paragraph (e) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(e) *Federal Railroad Administration.* * * *

(3) 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.71–2551 Filed 2–23–71;8:49 am]

PART 531—PAY UNDER THE GENERAL SCHEDULE

Superior Qualifications Appointments

Section 531.203(b)(2) is amended to permit certain new exceptions to the requirement of a 90-day break in service after previous Government employment before a superior qualifications appointment under 5 U.S.C. 5333(a).

§ 531.203 General provisions.

* * * * *

(b) *Superior qualifications appointments.* * * *

(2) An agency may make a superior qualifications appointment by new appointment or by reemployment except that when made by reemployment, the candidate must have a break in service of at least 90 calendar days from his last period of Federal employment or employment with the Government of the District of Columbia (other than (i) employment under an appointment as an expert or consultant under section 3109 of title 5, United States Code, (ii) employment under a temporary appointment effected primarily in furtherance of a postdoctoral research program, or effected as a part of a predoctoral or postdoctoral training program during which the employee receives a stipend, or employment under a temporary appointment of a graduate student when the work performed by the student is the basis for completing certain academic requirements for an advanced degree, (iii) employment as a member of the Commissioned Corps of the National Oceanic and Atmospheric Administration or the Commissioned Corps of the Public Health Service, or (iv) employment which is not both full-time employment and the principal employment of the candidate).

* * * * *

(5 U.S.C. 5115, 5338)

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

[FR Doc.71–2550 Filed 2–23–71;8:49 am]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 15—NONDISCRIMINATION

Subpart A — Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964

DEFINITION OF AGENCY

7 CFR, Subtitle A, Part 15, Subpart A, § 15.2(b), is hereby amended to read as follows:

§ 15.2 Definitions.

* * * * *

(b) "Agency" means any service, bureau, agency, office, administration, instrumentality of or corporation within the U.S. Department of Agriculture extending Federal financial assistance to any program or activity, or any officer or employee of the Department to whom the Secretary delegates authority to carry out any of the functions or responsibilities of an agency under this part.

* * * * *

Dated: December 22, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

Approved: February 16, 1971.

RICHARD NIXON,
President of the United States.

[FR Doc.71–2504 Filed 2–23–71;8:48 am]

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

[Navel Orange Reg. 225, Amdt. 1]

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

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 907.525 (Navel Orange Reg. 225, 36 F.R. 2861) are hereby amended to read as follows:

§ 907.525 Navel Orange Regulation 225.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 937,000 cartons;

(ii) District 2: 313,000 cartons.

* * * * *

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

Dated: February 18, 1971.

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

[FR Doc.71-2481 Filed 2-23-71;8:46 am]

[Lemon Reg. 467, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 910.767 (Lemon Reg. 467, 36 F.R. 3045) are hereby amended to read as follows:

§ 910.767 Lemon Regulation 467.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 40,000 cartons;

(ii) District 2: 155,000 cartons.

* * * * *

(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.71-2505 Filed 2-23-71;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-521]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e)(13) relating to the State of Texas, subdivision (vii) relating to El Paso County is amended to read:

(13) *Texas.* * * *

(vii) That portion of El Paso County bounded by a line beginning at the junction of U.S. Highway 62, 180 and the El Paso-Hudspeth County line; thence, following the El Paso-Hudspeth County line in a generally southerly direction to the Rio Grande River; thence, following the east bank of the Rio Grande River in a northwesterly direction to State Highway 16, 54; thence, following State Highway 16, 54 in a generally northeasterly direction to U.S. Highway 62, 180; thence, following U.S. Highway 62, 180 in a northeasterly direction to its junction with the El Paso-Hudspeth County line.

2. In § 76.2, in paragraph (e)(8) relating to the State of North Carolina, subdivisions (i) relating to Gates, Chowan, and Perquimans Counties, and (ii) relating to Pitt County are deleted.

3. In § 76.2, the reference to the State of Alabama in the introductory portion of paragraph (e) and paragraph (e)(1) relating to the State of Alabama are deleted, and paragraph (f) is amended by adding thereto the name of the State of Alabama.

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

Effective date. The foregoing amendments shall become effective upon issuance.

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

The amendments also exclude portions of Gates, Chowan, Perquimans, and Pitt Counties in North Carolina, and a portion of Dallas County, Ala., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine. No areas in Gates, Chowan, Perquimans, and Pitt Counties in North Carolina or in the State of Alabama remain under the quarantine.

The amendments add Alabama to the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are applicable to Alabama.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

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

Done at Washington, D.C., this 19th day of February 1971.

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

[FR Doc.71-2484 Filed 2-23-71;8:46 am]

Title 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

PART 1—ADMINISTRATION OF FEDERAL AID FOR HIGHWAYS

Public Hearing Procedures

Questions have been raised concerning the meaning of 23 U.S.C., section

128, which contains a requirement for a public hearing on certain types of Federal-aid highway projects. In its consideration of the Federal-Aid Highway Act of 1970 (Public Law 91-605) the House Committee on Public Works published a report (H. Rept. 91-1554, Oct. 2, 1970) which, in part, contained a statement pertaining to this public hearing requirement. This report reflects this agency's interpretation of that section of law and states at page 6:

In order to provide a formal means of documenting, ascertaining, testing and filtering all possible environmental, community, and transportation elements, two public hearings are now required in most cases under Federal-aid highway procedures. The first public hearing, appropriately advertised, conducted, and documented with an official record, must be held prior to seeking approval for a location within the general service corridor. The second hearing is held prior to approving a preliminary design of the highway at that location.

It should be remembered that the two hearing procedure was promulgated pursuant to section 128 of title 23 and it was our intent in that provision and amendments hereof to make the "public hearing" a part of the public informational process. These quasi-legislative type hearings are particularly useful as a means of focusing public attention upon the land use planning objectives and commitments, as well as upon the highway project itself. The hearings thus constitute an important interface between the State highway departments and the public affording both an opportunity to receive and exchange information on proposed highway projects.

Neither Congress, in the adoption of section 128 nor the Federal Highway Administration in the promulgation of PPM 20-8, intended that the final decision as to the location or design of the highways should be made by the participants in the public hearings. Such decision in the final analysis can only be made by the governmental agencies designated by Congress and the respective State Legislatures to execute and implement the highway program.

The highway departments who have the responsibility for conducting the hearings and making certification will consider the views brought out at the public hearing, and will make the final decisions subject to the approval of the Federal Highway Administration regarding the location and design of the project. The hearing itself was meant to be a "town hall" type meeting in which people are free to express their views. The hearing was not intended to be a quasi-judicial or adversary legal type hearing.

In addition to these required corridor and design hearings. [sic] States frequently hold additional hearings and meetings with interested groups, as deemed desirable, during the project planning and development process. One further clarification of the two hearing procedures is needed. Since its purpose is to encourage public comment and discussion of the location and design alternatives; obviously a final determination of such matters should not be made until after each of the respective hearings, otherwise the hearings would be a useless formality.

A highway project evolves from a series of complex considerations and these considerations must be handled in stages. Design is a continuous process. Design approval, for the purpose of the two hearing procedure, comes after the design hearing, but long before the determination of construction details which are necessary to prepare the plans, specifications, and estimates. This design approval is given when the major design features are known, including things that would have major effects on the community. It involves a consideration of the factors that would need to be known in order to give engineers instructions to develop the blueprint plan. The design approval does not mean approval of detailed plans, specifications and estimates. Such an interpretation may cause a State to dissipate all of its funds working on PS&E before it ever found a plan that was finally acceptable. PS&E approval in the final stages of the project is tantamount to approval of a detailed blueprint of the project and is not part of the two hearing procedure.

Issued: February 18, 1971.

F. C. TURNER,
Federal Highway Administrator.

[FR Doc.71-2501 Filed 2-23-71;8:47 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Penicillin, Tetracycline, or Chloramphenicol With Vitamins

Correction

In F.R. Doc. 71-2007 appearing at page 2968 in the issue of Saturday, February 13, 1971, on page 2969 paragraphs a. and b. of amendment 4. (§ 146c.221) should read as follows:

a. Paragraph (a), first sentence, by changing "and with or without one or more suitable and harmless vitamin substances" to read "and with or without one or more suitable solubilizers and stabilizers."

b. Paragraph (c) (1) (i), by deleting "and except that the blank is filled in with the date that is 12 months after the month during which the batch was certified if it contains one or more vitamin substances."

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

PERIOD WITHIN WHICH TO FILE FINANCIAL STATEMENTS

Part 203 is being amended to provide a specific time period within which annual audits and financial statements must be filed by nonsupervised and investing mortgagees, respectively. Failure to observe such requirements will be cause for withdrawal of approval, unless the Commissioner authorizes a longer time period.

1. In § 203.4 paragraphs (c), in part, and (e) (3) (iii) are amended to read as follows:

§ 203.4 Approval of other institutions.

* * * * *

(c) *Special requirements—nonsupervised institutions.* A mortgagee not subject to inspection and supervision of a governmental agency as provided in the preceding paragraph shall have as its principal activity the lending or investment of funds under its own control in real estate mortgages; shall have sound capital funds of a value of not less than $100,000; shall submit a detailed audit report of its books made by an independent accountant satisfactory to the Commissioner, reflecting a condition satisfactory to him; shall file with the Commissioner similar annual audits within 75 days of the close of its fiscal year so long as its approval as mortgagee continues; shall submit at any time to such examination of its books and affairs as the Commissioner may require; and shall comply with any other conditions that the Commissioner may impose. Prior to the approval of any such mortgagee, it shall submit an agreement in writing:

* * * * *

(e) *Special requirements—investing mortgagees.* * * *

(3) * * *

(iii) To submit to the Commissioner annual independent audit reports of its financial condition within 75 days of the close of its fiscal year so long as it is an approved investing mortgagee.

* * * * *

2. In § 203.7 paragraph (a) is amended by adding new subparagraph (5a) to read as follows:

§ 203.7 Withdrawal of approval.

(a) * * *

(5a) The failure of a nonsupervised mortgagee or an investing mortgagee to submit the required annual audit report of its financial condition within 75 days of the close of its fiscal year or such longer period as the Commissioner may determine.

* * * * *

(Secs. 203 and 211 of National Housing Act, 52 Stat. 10, as amended, 23; 12 U.S.C. 1709, 1715b)

Issued at Washington, D.C., February 18, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-2479 Filed 2-23-71;8:46 am]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter to reduce from 7½ percent to 7 percent

the maximum rate of interest for certain mortgage and loan insurance programs under the National Housing Act:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

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

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7 percent, except that where an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

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

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

3. In § 207.7 paragraph (a) is amended to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

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

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

4. In § 213.10 paragraph (a) is amended to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

5. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

6. In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

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

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

7. In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES AND INTERMEDIATE CARE FACILITIES

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

8. In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

9. In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

10. Section 235.540 is amended to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

SUBCHAPTER N—PROJECTS FOR LOWER-INCOME FAMILIES

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

Subpart A—Eligibility Requirements for Mortgage Insurance

11. Section 236.15 is amended to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 236, 52 Stat. 498; 12 U.S.C. 1715z–1)

SUBCHAPTER Q—SUPPLEMENTARY PROJECT LOAN INSURANCE

PART 241 — SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Subpart A—Eligibility Requirements

12. Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 241, 82 Stat. 508, 12 U.S.C. 1715z–b)

SUBCHAPTER Q–1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

Subpart A—Eligibility Requirements

13. Section 242.33 is amended to read as follows:

§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z–7)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

14. Section 1000.50 is amended to read as follows:

§ 1000.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

15. In § 1100.45 paragraph (a) is amended to read as follows:

§ 1100.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa–3)

Issued at Washington, D.C., February 17, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-2480 Filed 2-23-71;8:46 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 453–71]

PART 9a—CONFISCATION OF PROPERTY, INCLUDING MONEY, USED IN AN ILLEGAL GAMBLING BUSINESS

By virtue of the authority vested in me by sections 509 and 510 of title 28,

section 301 of title 5, and section 1955(d) of title 18, United States Code, Chapter I of Title 28 of the Code of Federal Regulations is amended by inserting after Part 9 a new Part 9a as follows:

Sec.

9a.1 Designation of officials having seizure authority.
9a.2 Designation of officials having custodial and disposition authority.
9a.3 Custody of seized property, inventory, and receipt.
9a.4 Appraisement of property subject to forfeiture.
9a.5 Notice of seizure and sale when value does not exceed $2,500; advertisement.
9a.6 Transfer of forfeited property to other districts for sale; destruction of forfeited property.
9a.7 Remission or mitigation of forfeitures.
9a.8 Compromise of claims.
9a.9 Award of compensation to informers.

AUTHORITY: The provisions of this Part 9a issued under secs. 509 and 510 of Title 28, sec. 301 of Title 5, and sec. 1955(d) of Title 18, United States Code.

§ 9a.1 Designation of officials having seizure authority.

The Director, Associate Director, Assistants to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation are authorized to exercise the power and authority vested in the Attorney General by section 1955(d) of title 18, United States Code, to make seizures of any property, including money used in an illegal gambling business.

§ 9a.2 Designation of officials having custodial and disposition authority.

Except for the power and authority conferred by § 9a.1, the powers described in the last sentence of this section, or as otherwise expressly provided herein, U.S. Marshals are, in accordance with section 1955(d) of title 18, United States Code, authorized and designated as the officers to perform the various duties with respect to seizures and forfeitures of money and other property under section 1955(d) of title 18, United States Code, which are comparable to the duties performed by collectors of customs or other persons with respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws. The Assistant Attorney General in charge of the Criminal Division is designated as the officer authorized to take final action under section 1955(d) of title 18, United States Code, on claims for award of compensation to informers, offers in compromise, and matters relating to bonds or other security.

§ 9a.3 Custody of seized property, inventory, and receipt.

All money and other property seized pursuant to section 1955(d) of title 18, United States Code, shall be held for or turned over to the U.S. Marshal for the district in which the seizure was made when not held as evidence. An inventory shall be prepared of the property seized and a receipt given for it at the time of seizure or as soon thereafter as practicable.

§ 9a.4 Appraisement of property subject to forfeiture.

Seized property shall be appraised. The appraisement shall be the function of the U.S. Marshal having custody of the property. The value of an article seized shall be the price at which it or a similar article is fairly offered for sale at the time and place of appraisement.

§ 9a.5 Notice of seizure and sale when value does not exceed $2,500; advertisement.

The notice required by section 607, Tariff Act of 1930, as amended (19 U.S.C. 1607), of seizure and intention to forfeit and sell or otherwise dispose of property not exceeding $2,500 in value seized pursuant to section 1955(d) of title 18, United States Code, shall describe the property seized; state the time, cause, and place of seizure; and state that any person desiring to claim the property must file with the U.S. Marshal within 20 days from the date of the first publication of the notice a claim to such property and a bond in the sum of $250, in default of which the property will be disposed of in accordance with law. The notice shall be published once each week for at least 3 successive weeks in a newspaper of general circulation in the judicial district in which the property was seized.

§ 9a.6 Transfer of forfeited property to other districts for sale; destruction of forfeited property.

(a) If the laws of a State in which an article of forfeited property is located prohibit the sale of such property or if the U.S. Marshal having custody thereof is of the opinion that the sale of forfeited property may be made more advantageously in another district, the property shall be moved to and sold in such other district as the Director, U.S. Marshals Service, may direct.

(b) If, after the summary forfeiture of property is completed, it appears that the proceeds of sale will not be sufficient to pay the costs of sale, the U.S. Marshal may order the destruction of the property. Similarly, property forfeited under a decree of any court may be destroyed if it is provided in the decree of forfeiture that the property shall be delivered to the Attorney General for disposition in accordance with section 611, Tariff Act of 1930 (19 U.S.C. 1611). Also if the sale or use of any article is prohibited under any law of the United States or of any State, the Director, U.S. Marshals Service, may order it destroyed or remanufactured into an article that is not prohibited.

§ 9a.7 Remission or mitigation of forfeitures.

(a) The provisions of Part 9 of this chapter are applicable, insofar as practicable and appropriate, to petitions for the remission or mitigation of forfeitures resulting from the application of section 1955(d) of title 18, United States Code.

(b) The duties imposed under § 9.4 of this chapter with respect to petitions for the remission or mitigation of administrative forfeiture of property of an appraised value of $2,500 or less shall, with respect to petitions for the remission or mitigation of forfeitures resulting from the application of section 1955(d) of title 18, United States Code, be performed as follows:

Duties comparable to those of—	Will be performed by—
Director of the Bureau of Narcotics and Dangerous Drugs.	Assistant Attorney General in charge of the Criminal Division.
Regional Director of the Bureau of Narcotics and Dangerous Drugs.	U.S. Marshal in whose district the property was seized unless otherwise directed by the Director, U.S. Marshals Service.
Office of the Chief Counsel, Bureau of Narcotics and Dangerous Drugs.	Narcotics and Dangerous Drug Section, Criminal Division, Department of Justice.
Chief Counsel or Deputy Chief Counsel, Bureau of Narcotics and Dangerous Drugs.	Chief or Deputy Chief, Narcotics and Dangerous Drug Section, Criminal Division, Department of Justice.

The petition shall be addressed to the Assistant Attorney General in charge of the Criminal Division and be filed in triplicate with the U.S. Marshal in whose district the property was seized.

§ 9a.8 Compromise of claims.

No offer pursuant to section 617, Tariff Act of 1930, as amended (19 U.S.C. 1617), in which a specific sum of money is tendered in compromise of a Government claim arising under section 1955(d) of title 18, United States Code, will be considered by the Attorney General or his designee unless accompanied by a bank draft, certified check, or money order in the amount of the offer.

§ 9a.9 Award of compensation to informers.

A petition for the award of compensation to an informer under section 619, Tariff Act of 1930 (19 U.S.C. 1619), as amended, and section 1955(d) of title 18, United States Code, will be forwarded to the Attorney General for action by his designee. The petition should be filed with or by the agent or official to whom the information was furnished. The petition will clearly identify the transaction to which it relates, contain evidence of the net amount recovered, and includes sufficient information and corroboration to permit a determination to be made concerning an award.

Dated: February 12, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-2487 Filed 2-23-71;8:46 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1023—STANDARDS FOR REGISTRATION OF CERTIFICATES AND PERMITS WITH STATES

Motor Carrier Standards; Evidencing Lawfulness of Interstate Operation

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of February 1971.

Pursuant to section 202(b) of the Interstate Commerce Act, the Commission promulgated standards for registering with the various States, certificates and permits issued by the Commission. These standards are contained in Part 1023 of Title 49 of the Code of Federal Regulations.

The National Association of Regulatory Utility Commissioners has certified to the Commission the following resolution amending these standards:

Whereas, the Congress of the United States has amended subsection (b) of section 202 of the Interstate Commerce Act (49 U.S.C., sec. 302(b)(2)) so as to authorize the "national organization of the State commissions" to determine and officially certify standards to the Interstate Commerce Commission evidencing the lawfulness of interstate operations of motor carriers, and to require the Interstate Commerce Commission to promulgate such standards into law; and

Whereas, the National Association of Regulatory Utility Commissioners, hereinafter sometimes referred to as the "NARUC", constitutes the "national organization of the State commissions" within the meaning of the Interstate Commerce Act, as amended; and

Whereas, the NARUC, assembled in its 78th Annual Convention on November 17, 1966, determined such standards for evidencing the lawfulness of interstate operations of motor carriers (Convention Proceedings, p. 371; NARUC Bulletin No. 63–1966, p. 2), and the Interstate Commerce Commission, pursuant to NARUC certification, promulgated them into law by publication in the FEDERAL REGISTER of December 28, 1966, 31 F.R. 16567–16575 (49 CFR Part 1023); and

Whereas, the Congress, in so amending subsection (b) of section 202 of the Interstate Commerce Act, has authorized the NARUC to amend from time to time the standards determined by it to evidence the lawfulness of interstate operations of motor carriers; and

Whereas, such standards have been so amended pursuant to certification of amendments by the NARUC and promulgation thereof into law by the Interstate Commerce Commission (80th NARUC Annual Convention Proceedings, pp. 263–265 (1968); NARUC Bulletin No. 49–1968, pp. 9–10; FEDERAL REGISTER of December 25, 1968, 33 F.R. 19250; 81st NARUC Annual Convention Proceedings, pp. 375–376 (1969); NARUC Bulletin No. 43–1969, pp. 12–13; FEDERAL REGISTER of February 4, 1970, 35 F.R. 2524); and

Whereas, since the primary purpose of such standards is to establish procedures for evidencing the lawfulness of interstate operations of motor carriers and not to affect the collection or method of collection of taxes or fees by a State from motor carriers, the NARUC has determined that such standards should be further amended so as to provide that the prescription of a maximum fee for the issuance of an identification stamp or number shall not preclude a State from imposing an additional fee to be paid to a State commission prior to the issuance of such stamp or number if such additional fee shall be used solely for defraying the cost of the regulation of carriers by highway and the enforcement of laws pertaining thereto; now, therefore, be it

Resolved, that the National Association of Regulatory Utility Commissioners, assembled in its 82nd Annual Convention in Las Vegas, Nev., hereby amends the said standards for evidencing the lawfulness of interstate operations of motor carriers, adopted November 17, 1966, as amended, by:

(1) Adding at the end of section 4.3, codified as 49 CFR 1023.33, a new sentence to read as follows: "The prescription of the maximum fee of five dollars for the issuance of such identification stamp or number shall not preclude a State from imposing an additional fee in a reasonable amount to be paid to a State commission prior to the issuance of such stamp or number if such additional fee shall be used solely for defraying the cost of the regulation of carriers by highway operating within the borders of such State and the enforcement of laws pertaining thereto."

(2) Striking the period at the end of subsection (f) of section 4.2, codified as 49 CFR 1023.32(f), and inserting in lieu of such period the following: ", and shall enter the appropriate expiration date in the space provided below the certificate. Such expiration date shall be within a period of fifteen months from the date the cab card is executed and shall not be later in time than the expiration date of any identification stamp or number placed on the back thereof.";

(3) Inserting a new sentence between the first and second sentences of section 4.5, codified as 49 CFR 1023.35, to read as follows: "In addition, such stamp shall bear an expiration date of the '1st day of February in the succeeding calendar year' as provided in subsection (g) of sectoin 4.2 of this chapter." (such section 4.2 being codified as 49 CFR 1023.32); and

(4) Striking section 4.10, codified as 49 CFR 1023.40, and inserting a new section in lieu thereof.

Resolved, that the President of the NARUC and the Chairman of the NARUC Committee on Motor and Air Transportation are hereby directed to officially certify, for and on behalf and in the name of the NARUC, a copy of this resolution to the Interstate Commerce Commission within the next 15 days.

In accordance with the provisions of section 202(b) of the Interstate Commerce Act (49 U.S.C. 302(b)), and upon consideration of the above resolution:

It is ordered, That Part 1023 of Chapter X of Title 49 of the Code of Federal Regulations be amended as follows:

1. Strike the period at the end of paragraph (f) of § 1023.32 and insert in lieu of such period the following:

§ 1023.32 Registration and identification.

* * * * *

(f) * * *, and shall enter the appropriate expiration date in the space provided below the certificate. Such expiration date shall be within a period of 15 months from the date the cab card is executed and shall not be later in time than the expiration date of any identification stamp or number placed on the back thereof.

* * * * *

2. A new last sentence of § 1023.33 shall be added and shall read as follows:

§ 1023.33 Form and execution of application for identification stamps or number.

* * * The prescription of the maximum fee of $5 for the issuance of such identification stamp or number shall not preclude a State from imposing an additional fee in a reasonable amount to be paid to a State commission prior to the issuance of such stamp or number if such additional fee shall be used solely for defraying the cost of the regulation of carriers by highway operating within the borders of such State and the enforcement of laws pertaining thereto.

3. Insert a new sentence between the first and second sentences of § 1023.35 to read as follows:

§ 1023.35 Form of identification stamp or number.

* * * In addition, such stamp shall bear an expiration date of the "1st day of February in the succeeding calendar year" as provided in § 1023.32(g). * * *

4. Strike § 1023.40 and insert new text in lieu thereof to read as follows:

§ 1023.40 Destruction of cab cards; transfer.

(a) Each motor carrier shall destroy a cab card immediately upon its expiration, except as otherwise provided in the proviso to paragraph (b) of this section.

(b) A motor carrier permanently discontinuing the use of a vehicle, for which a cab card has been prepared, shall nullify the cab card at the time of such discontinuance: *Provided, however,* That if such discontinuance results from destruction, loss or transfer of ownership of a vehicle owned by such carrier and such carrier provides a newly acquired vehicle in substitution therefor within 30 days of the date of such discontinuance, each identification stamp and number placed on the cab card prepared for such discontinued vehicle, if such card is still in the possession of the carrier, may be transferred to the substitute vehicle by compliance with the following procedure:

(1) Such motor carrier shall duly complete and execute the form of certificate printed on the front of a new cab card, so as to identify itself and the substitute vehicle and shall enter the appropriate expiration date in the space provided below such certificate;

(2) Such motor carrier shall indicate the date it terminated use of the discontinued vehicle by entering same in the space provided for an early expiration date which appears below the certificate of the cab card prepared for such vehicle; and

(3) Such motor carrier shall affix the cab card prepared for the substitute vehicle to the front of the cab card prepared for the discontinued vehicle, by permanently attaching the upper left-hand corners of both cards together in

such a manner as to permit inspection of the contents of both cards and, thereupon, each identification stamp or number appearing on the back of the card prepared for the discontinued vehicle shall be deemed to apply to the operation of the substitute vehicle.

(Sec. 1, 49 Stat. 543, as amended, 546, as amended, 49 U.S.C. 302, 304)

It is further ordered, That since these amendments do not materially effect the substance of the standards, they shall be effective concurrently with the original standards promulgated by the Commission which is 5 years from the 14th day of December 1966.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register. Notice shall also be served upon the Governors and Chairmen of the Public Utility Commissions of the several States.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2493 Filed 2-23-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 37]

CANNED PACIFIC SALMON

Proposed Standards of Identity and Fill of Container

Notice is given that the Commissioner of Food and Drugs, on his own initiative, proposes to establish standards of identity and fill of container for canned Pacific salmon. Accordingly it is proposed that two new sections be added to Part 37, as follows:

§ 37.10 Canned Pacific salmon; definition and standard of identity.

(a) Canned Pacific salmon is the food prepared from one of the species of fish enumerated in paragraph (b) of this section, prepared in one of the forms of pack specified in paragraph (c) of this section, and to which may be added one or more of the optional ingredients specified in paragraph (d) of this section. The food is packed in hermetically sealed containers and so processed by heat as to prevent spoilage, destroy pathogenic organisms, and soften bones. The food is labeled in accordance with paragraph (e) of this section.

(b) (1) The species of fish which may be used in this food are:

Oncorhynchus tshawytscha	Chinook, king, and spring.
Oncorhynchus nerka	Blueback, red, and sockeye.
Oncorhynchus kisutch	Coho, medium red, and silver.
Oncorhynchus gorbuscha	Pink.
Oncorhynchus keta	Chum and keta.
Oncorhynchus masou	Cherry.

(2) For the purpose of paragraph (e) (1) of this section, the common or usual name or names of each species of fish enumerated in subparagraph (1) of this paragraph is (are) the name(s) immediately following the scientific name of each species.

(c) The optional forms of canned Pacific salmon are processed from fish prepared by removing the head, gills, viscera, blood, fins, tail, and damaged or discolored flesh and then washing. Canned Pacific salmon is prepared in one of the following forms of pack:

(1) "Regular" consists of sections which are cut transversely from the fish and which are filled vertically into the can in a single layer. In containers of more than 1 pound net contents, such sections may be cut in lengths suitable for packing in two layers of equal thickness. The sections shall be packed so that the cut surfaces approximately parallel the ends of the container. A portion of salmon may be added if necessary to fill the container.

(2) "Skinless and backbone removed" consists of the regular form of canned salmon set forth in subparagraph (1) of this paragraph from which the skin and vertebrae have been removed in accordance with good manufacturing practices.

(d) The food may contain one or more of the following optional ingredients:

(1) Salt.

(2) Edible salmon oil comparable in color, viscosity, and flavor to the oil which would occur naturally in the species of salmon canned.

(e) (1) The specified names of the canned salmon for which the definitions and standard of identity are prescribed by this section are formed by combining the word "salmon" and the common or usual name of the species of salmon used, as specified in paragraph (b) (2) of this section, for example "red salmon," with the words descriptive of the form of pack designated in paragraph (c) (2) of this section when such form is packed, for example "red salmon skinless and backbone removed."

(2) Wherever the word "salmon" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements used to form the name of the food, as provided in subparagraph (1) of this paragraph, shall immediately and conspicuously precede or follow such word "salmon" without intervening written, printed, or graphic matter and be in letters of the same style of type and not less in height than those used for such word.

(3) (i) When any of the optional ingredients provided for in paragraph (d) of the section are used, they shall be declared on the principal display panel of the label in conspicuous and easily legible letters of boldface print or 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 inch in height. Statements of optional ingredients shall appear on the label without obscuring design, vignettes, or crowding, and in lines generally parallel to the base on which the container rests as it is designed to be displayed.

(ii) When salmon oil is added as provided for in paragraph (d) (2) of this section, it shall be declared by the words "salmon oil added" or "with added salmon oil," and in accordance with subdivision (i) of this subparagraph.

§ 37.12 Canned Pacific salmon, fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned salmon is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in § 10.6(b) of this chapter.

(b) If canned salmon falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

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 in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: February 16, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2467 Filed 2–23–71;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Part 1710]

LAND REGISTRATION

Notice of Proposed Rule Making

It is proposed to amend Part 1710 of Chapter V, Title 24 of the Code of Federal Regulations with respect to registration requirements under the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701). The amendment reflects various procedural and editorial changes designed to clarify and reorganize these regulations in a manner which the Department considers will promote better enforcement of the Act. In addition, a substantive change is proposed by § 1710.14 to permit a new class of exemptions with respect to offerings of a "small number of lots" or offerings limited in nature. The principal revisions are set forth below.

In Subpart A, "General Requirements":

In § 1710.1, definitions of "sale" and "property report" are being incorporated.

A new § 1710.3 is being added to clarify determination of the filing date.

Section 1710.5 revises explanation of the chapter's scope.

A new § 1710.6 is being included to explain the terms "exemption opinion" and "exemption determination".

Section 1710.10 on exemptions, is being divided into five separate sections, 1710.10 through 1710.14, which distinguish respectively between statutory exemptions which do not require approval, those which do, regulatory exemptions which do not require approval, those which do, and a special category of exemptions with respect to limited offerings.

Section 1710.15 explains in more detail the procedure for requesting an "Exemption Advisory Opinion".

Section 1710.20 has been simplified to cover only the form and filing requirements for the Statement of Record and Property Report; a new § 1710.21 has been added to prescribe the rules under which the effective dates of Statements of Record are established, and a new § 1710.22 added to provide for the filing of consolidated Statements of Record.

Section 1710.25 has been revised to describe, in general, acceptance by the Office of Interstate Land Sales Registration of material filed with agencies of certain States; § 1710.26 lists the State agencies or authorities concerned, and § 1710.27 provides for consolidation and amendment of materials filed with those agencies.

Section 1710.30, which requires the Statement of Record to be amended if a material change occurs in any representation of fact, is being simplified.

Section 1710.35 has been revised in tabular form to avoid confusion in computing filing fees.

In Subpart B, "Reporting Requirements":

Section 1710.102, indicating format for the Statement of Reservations, Restrictions, Taxes, and Assessments, has been partially revised to provide under paragraph 1, "Reservations and restrictions", that developer furnish specific recording information whenever he refers to instruments of record.

Section 1710.105, indicating format for the Statement of Record, has been revised to clarify certain terms, as, for example, water quality and purity, and to reflect changes with respect to the filing of Statements of Record as outlined above.

Section 1710.110 provides more complete instructions for preparation of the Property Report and lease addendum.

Section 1710.115 adds a new paragraph to inform recipients of the State Property Report Disclaimer that the Office of Interstate Land Sales Registration has relied upon and accepted State determinations.

Finally, § 1710.125 has been revised to require that information shown in the heading of a full Statement of Record filed under § 1710.105 be shown in the same format in partial Statements of Records filed under § 1710.125.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and should be submitted in triplicate to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20411. All communications received on or before March 26, 1971, will be considered before taking action on the proposal. The proposals contained in this notice may be changed in light of comments received. A copy of each submittal will be available for public inspection during business hours, both before and after the closing date set forth above, in the HUD Information Center at the above address.

The proposed amendment is issued pursuant to section 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Amendment to Part 1710 is proposed as follows:

1. In the Table of Contents, new section headings for §§ 1710.2, 1710.3, 1710.6, 1710.11, 1710.12, 1710.13, 1710.14, 1710.21, 1710.22, 1710.26, and 1710.27 are added, the headings of §§ 1710.5, 1710.10, 1710.20, 1710.25, and 1710.30 are revised, and the heading of § 1710.40 is revoked. As amended, the Table of Contents reads as follows:

Subpart A—General Requirements

Sec.
1710.1 Definitions.
1710.2 Official address.
1710.3 Date of filing.
1710.5 Scope of chapter.
1710.6 Exemption opinions and exemption determinations.
1710.10 Statutory exemptions—no approval required.
1710.11 Statutory exemptions—approval required.
1710.12 Regulatory exemptions—no approval required.
1710.13 Regulatory exemptions—approval required—primarily intrastate.
1710.14 Regulatory exemptions—approval required—limited offering.
1710.15 Exemption advisory opinions.
1710.20 Statement of Record and Property Report—form and filing.
1710.21 Statement of Record—effective date.
1710.22 Consolidated Statements of Record.
1710.25 State filings—in general.
1710.26 State filings—acceptable filings.
1710.27 State filings—consolidations and amendments.
1710.30 Amendments—Statement of Record and Property Report.
1710.35 Payment of Fees.
1710.40 [Revoked].
1710.45 Suspensions.

Subpart B—Reporting Requirements

1710.101 Claim of exemption—affirmation.
1710.105 Statement of Record—Format and instructions.
1710.110 Property Report and lease addendum.
1710.115 State property report disclaimer.
1710.120 Statement of Record—State filing.
1710.125 Partial Statement of Record—Request for exemption.

Subpart A—General Requirements

2. In § 1710.1, paragraph (a) is amended and new paragraphs (m) and (n) are added to read as follows:

§ 1710.1 Definitions.

(a) "Act" means the Interstate Land Sales Full Disclosure Act. The Act, approved August 1, 1968, became effective in its original form April 28, 1969, as Title XIV of Public Law 90–448, and may be cited as 15 U.S.C. 1701.

* * * * *

(m) Unless otherwise indicated in the context of this part, the words "sale" and "seller" include the words "lease" and "lessor," respectively.

(n) The term "Property Report," as used in this part, means the Property Report prescribed by the Secretary and approved by him as to content.

3. A new § 1710.2 is added to read as follows:

§ 1710.2 Official address.

The official address of the Secretary for delivery of all mail, telegrams, information, filings, registration, and other material required by or relating to the Act or this chapter is:

Office of Interstate Land Sales Registration, 2108 HUD Building, 451 Seventh Street SW., Washington, DC, 20411.

4. A new § 1710.3 is added to read as follows:

§ 1710.3 Date of filing.

The date of filing for the purposes of this chapter shall be considered to be the date upon which statements, material, documents, or information in form required by the Secretary (and accompanied by a fee if required) are received by him.

5. Section 1710.5 is amended to read as follows:

§ 1710.5 Scope of chapter.

The Act and the regulations in this chapter cover the offer, sale or lease of lots in a subdivision located in any State or in a foreign country, and provide that the offer, sale or lease shall not be made where the direct or indirect use of any means or instruments of transportation or communication in interstate commerce or of the U.S. mails have been used unless a Statement of Record is in effect and each purchaser has been furnished with a printed Property Report. The Statement of Record and the Property Report shall shall meet the requirements of this part. The Property Report shall be delivered to the purchaser in advance of or at the time the purchaser signs any contract or agreement for sale or lease in a subdivision.

6. A new § 1710.6 is added to read as follows:

§ 1710.6 Exemption opinions and exemption determinations.

(a) Where the term "exemption opinion" is used, it shall be considered to mean the formal written finding of the Secretary stating whether or not in his

opinion a particular subdivision or method of disposition of lots in a subdivision is exempt from the requirements of the Act. Such findings shall be considered an opinion binding only on the Secretary and not binding upon any court in a judicial finding with regard to the question of exemption.

(b) Where the term "exemption determination" is used, it shall be considered to mean the formal written decision of the Secretary to exempt a subdivision or lots within a subdivision from such provisions of the Act as he may consider appropriate. Such determination shall operate to exempt sales under the conditions prescribed by the Secretary.

7. In § 1710.10, the section heading and the introductory text are amended; paragraphs (j), (k), (l), and (m) are revoked; and a new paragraph (n) is added to read as follows:

§ 1710.10 Statutory exemptions—no approval required.

Unless a method of sale, lease, or other disposition of land or an interest in land is adopted for the purpose of evasion of the Act, the requirements of this chapter shall not apply to:

* * * * *

(j) [Revoked]

(k) [Revoked]

(l) [Revoked]

(m) [Revoked]

(n) The sale or lease of lots where there is no direct or indirect use of any instruments of transportation or communication in interstate commerce or of the U.S. mails.

8. A new § 1710.11 is added to read as follows:

§ 1710.11 Statutory exemptions—approval required.

The sale of real estate which, at the time of such sale, is free and clear of all liens, encumbrances and adverse claims shall be exempt from the requirements of this chapter. The definitions of terms in paragraphs (a) and (b) of this section shall be applicable for the purpose of exemptions under this section. To obtain the Secretary's approval of the exemption of a subdivision under this section the conditions of paragraph (c) of this section shall be met and the developer shall agree to comply with the provisions of paragraphs (d), (e), and (f) of this section.

(a) The meaning of "liens, encumbrances and adverse claims" shall not include:

(1) Property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed.

(2) Taxes and assessments imposed by a State, by any other public body having authority to assess and tax property or by a property owners' association, which under applicable State or local law constitute liens before they are due and payable.

(3) Beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision.

(b) The "time of sale" shall be deemed to be the date the sales contract is signed by the purchaser except that the time of sale shall be deemed to be the effective date of the conveyance if both of the following conditions are met:

(1) The contract of sale requires delivery of a deed to the purchaser within 120 days following the signing of the sales contract.

(2) Any earnest money deposit or other payment on account of the purchase price, made by the purchaser prior to the effective date of the conveyance, is placed in an escrow account, fully protecting the interests of the purchaser. Such account shall be with an institution or organization which has trust powers or in an established bank, title insurance or abstract company, or an escrow company which is doing business in the jurisdiction in which the property is located.

(c) The developer has filed with the Secretary a claim of exemption in the form of affirmation set forth in § 1710.101 and paid the required fee.

(d) Each and every purchaser or his or her spouse shall have personally made an on-the-lot inspection of the real estate which he has purchased or leased prior to the signing of a contract to purchase or lease.

(e) The developer shall obtain the Secretary's approval of a Statement of Reservations, Restrictions, Taxes, and Assessments, prepared in accordance with the instructions in § 1710.102. Such Statement shall be furnished to each purchaser prior to the time of sale, and the receipt thereof acknowledged by the purchaser in writing prior to the time of such sale.

(f) The developer shall file with the Secretary, within 31 days after the expiration of the calendar year in which a sale is made, a copy signed by the purchaser of each such Statement furnished a purchaser pursuant to paragraph (e) of this section. The developer shall file, with the copy of the acknowledged Statement, a copy of the contract of sale if the developer has relied on the provisions of paragraph (b)(1) of this section to establish the time of sale for purposes of this section. Such copies shall be bound in alphabetical order and indexed by purchaser surname. Each bound volume shall contain only such copies as are applicable to a single subdivision and shall be identified on the outer cover by the name and location of the subdivision and the number assigned by OILSR to such subdivision. Upon demand by the Secretary made at any time during the calendar year, the developer shall, without delay, file such copies of acknowledged Statements as the Secretary shall request.

(g) An offer or sale made before the Secretary has approved the Statement of Reservations, Restrictions, Taxes, and Assessments is in violation of the Act unless otherwise exempt and may be voidable at the option of the purchaser.

9. A new § 1710.12 is added to read as follows:

§ 1710.12 Regulatory exemptions—no approval required.

Certain transactions have been approved by the Secretary as exempt from the requirements of this chapter, as follows:

(a) The sale or lease of lots each of which exceeds 10,000 square feet and each of which will be sold for less than $100, including closing costs.

(b) The lease of lots for a term not to exceed 5 years, provided the terms of the lease do not obligate the lessee to renew.

10. A new § 1710.13 is added to read as follows:

§ 1710.13 Regulatory exemptions—approval required—primarily intrastate.

(a) The Secretary may exempt from the provisions of this chapter a subdivision where he has made a determination in writing that the offering to sell or lease and the sale or lease of lots in the subdivision is almost entirely intrastate.

(b) To obtain a decision by the Secretary under paragraph (a) of this section, the developer shall:

(1) File a Partial Statement of Record—request for exemption (§ 1710.125).

(2) Pay the required filing fees (§ 1710.35).

(3) Submit a comprehensive statement describing the advertising and promotional media used or to be used in connection with the sale or lease or offers to sell or lease lots in the subdivision. The statement shall describe the area and States in which newspapers and periodicals are distributed, or in which broadcasts of radio or television stations are received, or to which mailings or other promotional materials are directed.

(4) Submit such additional information as the Secretary may require in order to make his decision.

(c) An offer or sale made before the Secretary has determined that a subdivision shall be exempted under this section may be in violation of the Act and voidable at the option of the purchaser.

11. A new § 1710.14 is added to read as follows:

§ 1710.14 Regulatory exemptions—approval required—limited offering.

(a) The Secretary may exempt from the provisions of this chapter any lots, within a subdivision which otherwise would be covered by the Act, where he has determined in writing that the enforcement of this chapter with respect to such lots is not necessary in the public interest and for the protection of purchasers by reason of the small number of lots involved or the limited character of the public offering.

(b) To obtain a decision by the Secretary under paragraph (a) of this section, the developer shall:

(1) File a Partial Statement of Record—request for exemption (§ 1710.125).

(2) Pay the required filing fee (§ 1710.35).

(3) Submit a comprehensive statement listing the lots which he wishes to be exempt and the reasons why he believes such exemption should be granted.

(4) Submit such additional information as the Secretary may require in order to make his decision.

(c) An offer or sale made before the Secretary has determined that the sale of certain lots in a subdivision shall be exempted under this section may be in violation of the Act and voidable at the option of the purchaser.

12. Section 1710.15 is amended to read as follows:

§ 1710.15 Exemption advisory opinions.

(a) *In general.* A developer of a subdivision may obtain an exemption advisory opinion from the Secretary stating whether or not, in the opinion of the Secretary, the sale or offer to sell lots in that subdivision is subject to the registration and disclosure provisions of the Act and regulations in this chapter. An exemption advisory opinion is issued solely in connection with those methods of sale or lease exempted by §§ 1710.10 and 1710.12. An exemption advisory opinion may be obtained in the manner described in paragraph (b) or (c) of this section.

(b) *Opinion request—full Statement of Record.* (1) A developer who wishes to begin promptly to offer or to sell lots in a subdivision may submit in connection with a request for an exemption advisory opinion a full Statement of Record (§ 1710.20). The request for such opinion shall not affect the date upon which the Statement of Record shall become effective.

(2) If a Statement of Record has become effective prior to the issuance of an advisory opinion of the Secretary to the effect that the method of disposition is exempt, the developer shall elect within 30 days of the issuance of such opinion whether he intends to rely upon such opinion or intends for the Statement of Record registration to remain in effect. Unless the developer informs the Secretary to the contrary, it will be presumed that he intends to rely upon the opinion of the Secretary and thereafter he shall not represent to a purchaser that:

(i) The subdivision has been registered with the Secretary,

(ii) The Statement of Record is in effect, or

(iii) The Secretary has approved any Property Report or similar information given to a purchaser.

If he does not intend to rely on the exemption advisory opinion, he shall so inform the Secretary and shall not thereafter represent to a purchaser that the method of disposition is exempt from the Act.

(c) *Opinion request—partial Statement of Record.* A developer who, for any reason, prefers not to file a complete Statement of Record may file a partial Statement of Record in connection with a request for an exemption advisory opinion. The partial Statement of Record shall be in the form required by this part (§ 1710.125). The partial Statement of Record shall not operate as registration under the Act.

(d) *Supporting statement and fees.* Any opinion request shall be accompanied by the required fee together with a statement of facts and applicable law under which the developer believes the method of disposition to be exempt. The fee required is set forth in § 1710.35.

13. Section 1710.20 is amended to read as follows:

§ 1710.20 Statement of Record and Property Report—form and filing.

The general requirements for registering a subdivision, by filing a Statement of Record with the Secretary and obtaining the Secretary's approval of a date when such filing becomes effective, are as follows:

(a) *Filing.* A Statement of Record and a Property Report relating to a subdivision shall be filed with the Secretary by personal delivery or by certified mail, return receipt requested, addressed as shown in § 1710.2.

(b) *Form of Statement of Record.* The Statement of Record shall be filed in the form, and shall be supported by the documentation, required by § 1710.105 under the centered heading, "Instructions for completion of Statement of Record." The Statement of Record shall also include such other information as the Secretary may require as being reasonably necessary or appropriate for the protection of purchasers.

(c) *Form of Property Report.* The Property Report is a summary of information disclosed in the Statement of Record and is to be given to purchasers. It shall be in the form set forth in § 1710.110.

(d) *State filings.* Instead of the forms required by paragraphs (b) and (c) of this section, a Statement of Record and Property Report may be in the form required by State authorities if filed in accordance with the provisions of §§ 1710.25, 1710.115, and 1710.120.

14. A new § 1710.21 is added to read as follows:

§ 1710.21 Statement of Record—effective date.

(a) *Original filing.* The effective date of a Statement of Record shall be the 30th day after the date of filing, unless the Secretary shall notify the developer in writing prior to such 30th day either that:

(1) The effective date has been suspended in accordance with § 1710.45, or

(2) An earlier effective date has been approved by the Secretary.

(b) *Consolidated filing.* The effective date of a consolidated Statement of Record shall be governed by the provisions of paragraph (a) of this section except that the date of filing shall be the date the required fee and the material, which is to be consolidated with the original filing is received by the Secretary.

(c) *Amendments.* Amended Statements of Record shall become effective as follows:

(1) If a Statement of Record has been filed but is not yet effective, the effective date of the Statement, as amended, shall be governed by the provisions of paragraph (a) of this section except that the Statement of Record as originally filed shall not become effective and the date of filing shall be deemed to be the date the amendatory material is received by the Secretary.

(2) If a Statement of Record has been filed with the Secretary and is in effect, the effective date of the Statement, as amended, shall be governed by the provisions of paragraph (a) of this section except that the date of filing shall be deemed to be the date the amendatory material is received by the Secretary.

(3) When, as a result of an amendment to the Statement of Record, a change is required in the Property Report, the Report in use prior to filing of the amendatory material shall continue to be used by the developer until the Statement of Record, as amended, becomes effective.

15. A new § 1710.22 is added to read as follows:

§ 1710.22 Consolidated Statements of Record.

If in connection with lots previously offered for sale and covered by an effective Statement of Record, the developer intends to offer additional lots as part of a common promotional plan, either a new or a consolidated Statement of Record may be filed. A consolidated Statement of Record shall incorporate by reference the prior Statement of Record except for material changes which have occurred since the date of the original filing. Material changes shall be specifically described and shall be supported by such documentation as would be required in connection with an original filing. A consolidated Statement of Record shall otherwise conform to the format requirements of an original Statement of Record.

16. Section 1710.25 is amended to read as follows:

§ 1710.25 State filings—in general.

(a) Material filed with and found acceptable by State authorities charged with the responsibility of regulating the sale of lots in subdivisions may be accepted for filing by the Secretary as meeting the requirements of this part if the Secretary determines such action to be appropriate. Material filed with the Secretary under this section shall be certified by such State authorities. The certification shall:

(1) State that the material is a complete duplicate of all materials which were the basis for the finding of acceptability under applicable State law and regulations.

(2) Specifically cite the State law under which the material was found acceptable.

(3) State the date when the finding was determined to be acceptable.

(4) State that the finding of acceptability is effective as of the date of the certification.

(b) Where duplicate material has been accepted for filing by the Secretary under paragraph (a) of this section and such material or any part thereof, for any reason, is no longer acceptable to the State authorities or effective in that State, the filing with the Secretary shall be considered ineffective unless amended pursuant to § 1710.27.

17. A new § 1710.26 is added to read as follows:

§ 1710.26 State filings—acceptable filings.

The Secretary has determined that material filed with and certified by authorities in the several States listed below shall be accepted pursuant to § 1710.25:

(a) California.

(b) Florida, except as to material filed with State authorities prior to enactment of section 478, Florida Statutes, as effective August 1, 1967.

(c) Hawaii, except as to material filed with State authorities prior to enactment of Act 223, Session Laws of Hawaii 1967.

(d) New York.

18. A new § 1710.27 is added to read as follows:

§ 1710.27 State filings—consolidations and amendments.

Where material filed with State authorities also has been filed with the Secretary pursuant to § 1710.25, and subsequent thereto, the State authorities approve amendments or consolidations to such material, copies of the amended or consolidated material as approved shall be filed with the Secretary. Such a filing shall be made with the Secretary within five (5) days after it becomes effective under the applicable State laws and shall include the following information:

(a) A letter or other document from the State authorities stating that the amendment or additional material has been allowed to become effective.

(b) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment or consolidation and referring to that part of the Statement of Record which is being amended.

(c) The OILSR number of the Statement of Record shall appear at the top of each page of the material submitted.

19. Section 1710.30 is amended to read as follows:

§ 1710.30 Amendments—Statement of Record and Property Report.

(a) An amendment to an effective Statement of Record or to a Property Report shall be filed with the Secretary if any material change occurs in any representation of fact made in such Statement or Report. An amendment shall be filed within 30 days of the date on which the developer knows or should have known that there has been a material change.

(b) An amendment to a Statement of Record shall incorporate by reference the prior Statement of Record except for any material change which may have occurred. A material change shall be specifically described and shall be supported by such documentation as would be required in connection with an original filing and shall include the following information:

(1) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that part of the Statement of Record which is being amended.

(2) The OILSR number of the Statement of Record shall appear at the top of each page of the material submitted.

(3) A copy of a Property Report revised to reflect the change made by amendment of the Statement of Record.

20. Section 1710.35 is amended to read as follows:

§ 1710.35 Payment of fees.

(a) *Method of payment.* Fees shall be paid by certified check or cashier's check or postal money order. Such check or money order shall be payable to the Treasurer of the United States.

(b) *Initial filing.* The fee, not to exceed $1,000, for the initial filing of a Statement of Record shall be $250 plus an additional amount, as shown in column 1 of paragraph (f) of this section, based on the number of lots in the offering.

(c) *Consolidated filing.* The fee, not to exceed $1,000, for filing a consolidated Statement of Record shall be $200 plus an additional amount as shown in column 1 of paragraph (f) of this section, based on the number of lots being added to the number which were offered in the initial Statement of Record.

(d) *Initial State filing.* The fee, not to exceed $1,000, for an initial filing of a duplicate of material filed with a State (§ 1710.25) shall be $200 plus an additional amount, as shown in column 2 of paragraph (f) of this section, based on the number of lots in the offering.

(e) *Consolidated State filing.* The fee, not to exceed $1,000, for the filing of a duplicate of material filed with a State covering a number of lots in addition to the number contained in the initial offering approved by the State (§ 1710.27), shall be $100 plus an additional amount, as shown in column 2 of paragraph (f) of this section, based on the number of lots being added to the number in the initial offering. This paragraph applies only in those instances where the State has permitted the consolidation of the additional number of lots with those included in the initial offering.

(f) *Fee schedule.* The following chart shall be used in computing the additional fee to be added to the basic fees required to be paid under paragraphs (b), (c), (d), and (e) of this section.

Number of lots	Column 1 Additional fee	Column 2 Additional fee
1–50	$50	$25
51–100	100	50
101–150	150	75
151–200	200	100
201–250	250	125
251–300	300	150
301–350	350	175
351–400	400	200
401–450	450	225
451–500	500	250
501–550	550	275
551–600	600	300
601–650	650	325
651–700	700	350
701–750	750	375
751–800	800	400
801–850	800	425
851–900	800	450
901–950	800	475
951–1,000	800	500
1,001–1,050	800	525
1,051–1,100	800	550
1,101–1,150	800	575
1,151–1,200	800	600
1,201–1,250	800	625
1,251–1,300	800	650
1,301–1,350	800	675
1,351–1,400	800	700
1,401–1,450	800	725
1,451–1,500	800	750
1,501–1,550	800	775
1,551–1,600	800	800
1,601–1,650	800	825
1,651–1,700	800	850
1,701–1,750	800	875
1,751 or more	800	900

(g) *Exemption determination or advisory opinion.* The fee for an exemption determination or an exemption advisory opinion (§§ 1710.10–1710.15) shall be $100 to be collected as follows:

(1) When the developer files a complete Statement of Record, the fee required by paragraphs (b) through (e) of this section shall be submitted and if the Secretary advises that the offering is exempt under §§ 1710.10–1710.14, the Secretary will refund the submitted fee except for $100.

(2) Where the developer files a request for an exemption advisory opinion or exemption determination not accompanied by a complete Statement of Record, the fee of $100 shall be submitted. If the Secretary finds that the filing of a complete Statement of Record is required, the fee shall be retained and the $100 shall be applied as a credit toward the fee required for the filing of the complete Statement of Record.

21. Section 1710.40 is revoked as follows:

§ 1710.40 Early effective date for sales in progress. [Revoked]

Subpart B—Reporting Requirements

22. In § 1710.102, paragraph 1 of the format of the Statement of Reservations, Restrictions, Taxes, and Assessments is amended to read as follows:

§ 1710.102 Statement of Reservations, Restrictions, Taxes, and Assessments—format and instructions.

* * * * *

1. *Reservations and restrictions.*

(The developer shall set forth, in descriptive and concise terms, a complete statement

of all reservations and restrictions affecting the property within the above-named subdivision. Where reservations or restrictions are not applicable to all lots within a subdivision the statement shall identify the lots affected. State whether such reservations and restrictions are enforceable by other lot owners or lessees of lots in the subdivision. Reference to instruments of record shall include a specific citation to the public record in which such instruments are recorded or filed by book, page, and place of record.)

23. In § 1710.105, under the centered heading "Statement of Record," a new line C is added to Part XI; and, under the centered heading "Instructions for completion of Statement of Record," item A.8.d of Part VIII, item A.4 of Part IX and paragraph A. of Part XI are amended, and a new paragraph C, is added to Part XI, as follows:

§ 1710.105 Statement of Record—format and instructions.

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STATEMENT OF RECORD

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PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES

* * * * *

C. ----------

* * * * *

INSTRUCTIONS FOR COMPLETION OF STATEMENT OF RECORD

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PART VIII. UTILITIES

A. Water.

* * * * *

8. Supporting documentation.

* * * * *

d. Copy of letter or report from cognizant health officer which includes an analysis of the chemical quality and bacteriological purity of water.

* * * * *

PART IX. RECREATIONAL AND COMMON FACILITIES

* * * * *

A. (Name of facility.)

* * * * *

4. Supporting documentation. Include copy of the contract for construction of the facilities, if any, and describe any bond or escrow arrangements to assure completion of the facilities. If a property owners' association, or similar organization, owns or will own the facility, state whether the association has been formed as a legal entity or is to be formed. If it has been formed, attach as exhibits copies or articles of association and by-laws and a statement, from the appropriate State authority, confirming that the charter is in effect. If the association has not been formed, state when it is expected to be formed and the conditions under which the association will take title to the facility.

* * * * *

PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES

A. Will the buyer or lessee be required to pay any property taxes or special assessments to any municipal, governmental or public body after signing the contract to purchase or to lease and prior to delivery of an executed deed or lease? Will the buyer or lessee be required to pay any assessments, dues or other payments to a property owners' association or similar organization for the maintenance of common facilities or other purposes after signing the contract to purchase or lease and prior to delivery of an executed deed or lease? If the answer to either of the foregoing questions is affirmative, itemize the amounts and rates to be paid and to whom they must be paid.

* * * * *

C. If a property owners' association exercises or will exercise any control over or provides or will provide any services or maintenance on any lots or common areas in or adjacent to the development, include:

1. A statement that the association has been formed or the steps to be taken to form such association;

2. A statement setting forth the requirements for membership in the association;

3. A listing of the assets or contemplated assets of the association;

4. A statement as to who may use the facilities of the association;

5. A statement of the degree and duration of control of the developer in the association.

6. If the association has been formed as a legal entity, attach as exhibits copies of articles of association and bylaws and a statement from the appropriate State authority, confirming that the charter is in effect. If not formed, attach proposed articles of association and bylaws if available.

24. In § 1710.110, the introductory text is amended; and under the centered heading "Instructions for Completing the Property Report and Lease Addendum," paragraph c is revoked, and a new centered heading "Special Instructions" is added following the text of paragraph e. The following changes also are made under the new centered heading "Special Instructions" which correspond to numbered paragraphs in the Property Report: Paragraph 2a and paragraph 2b are added; paragraph 4 is amended; paragraph 5 is amended; and a new paragraph 11 is added. Additional instructions under a new centered heading "Additional Requirements for Property Report" are added immediately preceding the centered heading "Property Report." Under the centered heading "Property Report," two new paragraphs are added following paragraph 2 and are designated as paragraph 2a and paragraph 2b and a new subparagraph (d) is added under paragraph 8.

§ 1710.110 Property Report and lease addendum.

The Property Report, and if applicable the lease addendum, to be filed as a part of the Statement of Record shall be prepared as follows:

INSTRUCTIONS FOR COMPLETING PROPERTY REPORT AND LEASE ADDENDUM

* * * * *

c. [Revoked].

* * * * *

SPECIAL INSTRUCTIONS

The instructions below correspond to the numbered paragraph in the Property Report:

Paragraph 2a. The effective date of registration is the date the Statement of Record becomes effective under § 1710.21. This date should be shown as the thirtieth day after the date of anticipated filing. If this date is not correct, the developer will be informed. If the Statement of Record has been amended or consolidated, the date the most recent amendment to the Statement of Record or consolidation became effective should be used.

Paragraph 2b. The legal description of the land offered for sale shall include a list of all of the individual lots in the offering. The list shall describe the lots adequately to permit identification from the public records of the county where located.

* * * * *

Paragraph 4. If the buyer or lessee is exposed to the risk of losing his investment in the event of the developer's failure or bankruptcy, this fact must be made unmistakably clear in this paragraph. Explanations should include any measures designed to protect the buyer's interests, and they must disclose any circumstances under which the buyer would lose his investment either because of his own default or the developer's inability to perform under the sales contract. If there is any prohibition or penalty against the buyer recording the sales contract or lease, so state. Describe also any potential adverse effect on the buyer's interests which may arise from not having his contract recorded. ("Potential adverse effect" includes subordination of the buyer's interest to after recorded liens on the property.) A statement may be included by the developer describing his past performance in conveying free and clear titles to buyers upon their payment of the full purchase price.

* * * * *

Paragraph 11. If the statement that the water supply will be adequate to serve the anticipated population of the area is based upon the use of private wells, such statement must be supported by an engineer's report or hydrological survey accessible to buyers and lessees. The Property Report must state that such reports are available and when and where they may be inspected by prospective buyers or lessees.

* * * * *

ADDITIONAL REQUIREMENTS FOR PROPERTY REPORT

a. The Property Report, as filed with the Statement of Record and in final form to be given to prospective purchasers, shall be on good quality, unglazed, white paper, approximately 8½ by 13 inches in size, with a 2 inch margin at the top and a 1½ inch margin on each side. It shall be in black ink and the type size shall not be smaller than 10 point leaded type of uniform size and in an easily read style.

b. No portion of the Property Report shall be underscored, italicized or printed in larger or bolder type than the balance of the report, except where the Secretary requires or permits it as being necessary or appropriate in the public interest or for the protection of purchasers.

c. The Secretary may require or permit such additional information to be included in a Property Report or such change in the sequence or position of information required by this section as he may consider necessary or appropriate in the public interest or for the protection of purchasers.

d. The developer shall attach to and file with the Property Report submitted as part of the Statement of Record a statement in the following form:

"The Property Report attached hereto is in the form in which it will be duplicated for delivery to prospective purchasers of lots in the (insert identification of subdivision).

e. When the Property Report, as submitted, is reproduced or duplicated by other than photocopy or similar facsimile copying methods, a copy of the Property Report as printed shall be filed with the Secretary within 10 days of the receipt by the developer of the printed property reports from the printer. A copy of each subsequent reprint shall also be filed with the Secretary whether or not there has been a material change from the Property Report previously submitted.

PROPERTY REPORT

* * * * *

2a. State the date the registration with the Office of Interstate Land Sales Registration became effective.

2b. Legal description of lots in the offering.

* * * * *

8. (a) * * *

* * * * *

(d) List all existing or proposed unusual conditions relating to noise or safety which affect or may affect the subdivision.

25. Section 1710.115 is amended by adding to the form of "State Property Report Disclaimer" shown therein a new paragraph as follows:

§ 1710.115 State property report disclaimer.

* * * * *

STATE PROPERTY REPORT DISCLAIMER

* * * * *

The Office of Interstate Land Sales Registration has relied on determination made by the State of _____ in connection with the filing by the developer and has accepted such determination as meeting the requirements for disclosure under the Interstate Land Sales Full Disclosure Act.

26. In § 1710.125 the introductory text and the instructions under the centered heading "Instructions for completion of Partial Statement of Record—request for exemption" are amended as follows:

§ 1710.125 Partial Statement of Record—request for exemption.

Requests for an exemption determination, or exemption advisory opinion pursuant to § 1710.13, § 1710.14 or § 1710.15 (c) shall be prepared in accordance with the following instructions:

INSTRUCTIONS FOR COMPLETION OF PARTIAL STATEMENT OF RECORD—REQUEST FOR EXEMPTION

The Partial Statement of Record shall be prepared in the manner shown below and shall contain the information requested, as follows:

Employer's IRS No.:_____
Developer:_____
Owner:_____

STATEMENT OF RECORD

Name of subdivision:_____
Location: _____
Name of developer:_____
Developer's address:_____
Authorized agent:_____
Authorized agent's address:_____

PART I, Administrative Information, shall be filed in the form set forth in § 1710.105 followed by the Affirmation and Agreement as set forth below:

The filing of this information does not preclude a developer from filing a complete Statement of Record. If the developer files the material necessary to complete the Statement of Record, the date of filing shall be the date the complete Statement of Record is received by the Secretary.

AFFIRMATION AND AGREEMENT

* * * * *

(Sec. 1419, 82 Stat. 598, 15 U.S.C. 1718, and delegation of authority 35 F.R. 2749, February 7, 1970)

Issued at Washington, D.C., February 18, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.71-2488 Filed 2-23-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 10, 12, 30, 31, 32, 33, 35, 50, 52, 54, 56, 58, 75, 93, 94, 98, 110, 111, 112, 113, 137, 151, 157, 160, 162, 177, 182, 183, 192]

[CGFR 71-11]

NAVIGATION AND VESSEL INSPECTION

Notice of Proposed Rule Making

FEBRUARY 19, 1971.

1. The Merchant Marine Council will hold a public hearing on Monday, March 29, 1971, commencing at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, for the purpose of receiving comments, views, and data on the proposed changes in the navigation and vessel inspection regulations, as set forth in Items PH 1-71 to PH 9-71, inclusive, of the Merchant Marine Council Public Hearing Agenda (CG-249), dated March 29, 1971. This agenda contains the complete text of the changes being proposed to the navigation and vessel inspection regulations, and for certain items the present and proposed regulations are set forth in comparison form, with the reason for the change. Each item in the agenda has been given a general title to encompass the specific proposals presented thereunder.

2. This document contains only general descriptions of the proposed changes in the navigation and vessel inspection regulations in each item, with appropriate references to the statutory authorities. For full particulars of the items being considered at the public hearing, the complete text of the proposed changes and the additions to the regulations as set forth in the Merchant Marine Council Public Hearing Agenda (CG-249), dated March 29, 1971, should be consulted. Copies of this agenda will be mailed to persons and organizations who have previously requested that they be furnished with copies of proposed changes in the regulations. Copies will be forwarded upon request to the Commandant (CMC) and will be available for examination at that office, Room 8234, Coast Guard Headquarters, as well as the offices of the Coast Guard District Commanders.

3. Interested persons are invited to submit written data, views, arguments or comments regarding these proposals to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591. Communications received on or before March 29, 1971, will be considered before final action is taken on the proposal. To facilitate the Coast Guard's checking and recording of the received comments, it is requested that each communication regarding a section or paragraph of the proposed regulation be submitted, preferably in triplicate, on Form CG-3287. All communications should identify the section number to which it is directed; the specific wording recommended; the reason for the recommended change; and the name and address of the firm, if any, making the submission. A few copies of Form CG-3287 are attached to the agenda and additional copies may be reproduced.

4. The public hearing on the proposed changes will be an informal one. It will not be a judicial or evidentiary type of hearing and there will be no cross-examination of persons presenting statements. Interested persons are invited to attend the hearing and present oral or written statements on these proposals.

5. Each communication received within the time specified, whether or not at the public hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in room 8234, U.S. Coast Guard Headquarters, Washington, D.C., both before and after the closing date for the receipt of comments. The proposals considered at this public hearing may be changed in the light of the communications received. All action on the proposed changes will be published in the FEDERAL REGISTER.

PH 1-71—PERSONNEL AND MANNING OF VESSELS

1a—AUTHORIZATION TO SERVE AS PILOT OF VESSELS

The purpose of the proposed change is to clarify the authority of a licensed officer to serve as pilot on vessels of not more than 1,000 gross tons. The proposed change, § 157.30-40(a), will authorize the holder of a license as master or mate of steam and/or motor vessels to serve as pilot on vessels of not more than 1,000 gross tons, to which he is assigned as master or mate. Currently this authority is found in Part 10 of Title 46 CFR under a special license as master or mate of freight and towing vessels of not more than 1,000 gross tons. This special license become redundant with the above change and is to be deleted.

1b—APPRENTICE ENGINEER TRAINING FOR LICENSE AS THIRD ASSISTANT ENGINEER

A proposed amendment to 46 CFR Part 10 will permit satisfactory completion of a 3-year apprentice engineer training program as qualifying service for a

regular license as third assistant engineer (motor). Present regulations authorize apprentice engineer training programs for applicants for a license as engineer of steam vessels.

1C—FEE FOR DUPLICATE MERCHANT MARINERS DOCUMENTS

46 U.S.C. 643(h) provides that seamen will pay the government the cost required to supply duplicate documents. The present regulations require payment of the fee at the time of issuance. Statistics indicate that 18 percent of the duplicate documents prepared are never claimed. The proposed amendment to 46 CFR 12.02–23(c) will require the collection of the fee for duplicate merchant mariners documents at the time of submission of an application for such documents.

1d—ABLE SEAMEN

With the recent expansion of the offshore industry a demand has arisen for personnel to fulfill the manning requirements for able seaman on mineral and oil vessels equipped with and without lifeboats. The Subcommittee on Manning, Licensing, and Stability of the Coast Guard's National Offshore Operations Advisory Panel recommended the establishment of a limited able seaman endorsement to meet these increased manning requirements. The proposed amendments to 46 CFR Parts 12 and 157 will establish a special category of able seamen that recognizes the particular requirements of the mineral and oil industry. It will include experience level categories of 18 months and 12 months. Holders of certification under the 18 months' provision may comprise the required number of able seamen required on mineral and oil vessels while holders of certification under the 12 months' provision will be limited to one-fourth of the number of able seamen required on vessels of this type. Since many of these vessels now carry liferafts in lieu of lifeboats, able seamen without qualification as lifeboatman could adequately meet the manning requirements for such vessels without a sacrifice in safety and be endorsed as "Able Seaman, Mineral and Oil—any waters (liferaft)" until such time as all the requirements for lifeboatman have been satisfied.

1e—SUSPENSION AND REVOCATION PROCEDURE

The purpose of the proposed amendments to 46 CFR 137 is to achieve more flexible revocation and suspension procedures in the case of mental or physical incompetency. The Examiner will be given the authority to issue an order of indefinite suspension when it appears in such cases that the respondent is not permanently incapacitated. The amendments also provide for a new procedure to be followed in the issuance of new documents or licenses when revocation or indefinite suspension has been ordered, or there has been a voluntary surrender, because of medical incompetency. The respondent will be able to file his first application any time he is able to furnish sufficient evidence to substantiate that he is no longer suffering from the disability. The proposed regulations will also provide that in a hearing in which the physical, mental or psychiatric condition, including alcoholism, of a seaman is in controversy, the Examiner may enter an Interlocutory Order requiring the respondent to submit to medical examination, observation and tests by the U.S. Public Health Service or any other stipulated medical authority. If the seaman refuses or fails to submit to a physical examination, the charge shall be taken to be established, and the Examiner may suspend or revoke the seaman's document and license.

PH 2–71—MARINE ENGINEERING

2a—MISCELLANEOUS CHANGES

The proposals in this Item pertain to 46 CFR Subchapters F, Q, and T. Many amendments concern editorial changes and corrections of the regulations in these subchapters. An amendment to Table 52.01–1(a) will provide that PG–2 of the ASME Code is replaced by Table 54.01–5(a) of chapter I. Table 56.60–1(a) will be amended by deleting the sixth category and clarifying footnotes 10 and 11. Sections 50.15–20, 56.01–7, 56.05–1, 58.10–15(e), and Table 56.60–1(b) will be amended by the adoption of additional standards which involve, as appropriate, pressure rating of steam traps, ball valve construction, silver brazing joints for wrought and cast fittings, nuclear power piping, and noise level for gas turbine installations. Current regulations will be brought up to date by the inclusion of technological advances and changes in philosophy based on histories of successful performance. The areas include safety valves for auxiliary steam generating equipment, joint requirements for Class I pressure vessels, the relaxation of the restrictions of low temperature piping, nondestructive testing for piping, copper-nickel alloys in piping systems, vents for fresh water tanks, fuel level gage penetrations in independent fuel tanks and thermal protection of vertical exhaust piping. Finally, amendments will be made which concern interpretations of current regulations. The areas concerned include the following: Exemptions from providing a corrosion allowance for certain pressure vessels; piping systems requiring plan review; permissible locations for flexible pipe couplings; high-temperature hot water systems; steam and exhaust piping overpressure protection; threaded joints in fuel systems; overboard discharges of sanitary systems; and isolation valve materials for keel cooler installations.

2b—ALUMINUM FUEL TANKS

This proposed amendment accepts aluminum as a material for the fabrication of independent fuel tanks for gasoline and diesel fuel service. A long history of successful performance of aluminum tanks, attested to by designers, builders, owners, and Coast Guard Inspectors, in conjunction with the results of recent tests, prompts the proposals that aluminum, with appropriate limitations, be included in Tables 58.50–5(a), 182.15–25(a)(1), and 182.20–25(a)(1) of Title 46 CFR.

PH 3–71—SUBDIVISION AND STABILITY

Cargo and tank vessel regulations do not contain subdivision requirements, except for assignment of freeboard under Subchapter E, Load Lines. The proposed regulations concerning subdivision and stability would set minimum safety and pollution standards intended to increase safety and thereby reduce the likelihood of pollution from loss of vessel and of cargo and fuel in the event of a casualty. Cargo vessels are not required by regulation to be designed to remain afloat in the event of flooding even a single compartment. In Subchapter I of Title 46 CFR, the proposal would require that cargo and miscellaneous vessels over 328 feet in length withstand gradual flooding of any one compartment between transverse bulkheads to a final stable condition. Vessels 328 feet or less in length would not be required to comply fully with the above, but submission of calculations for review by the Commandant, indicating the degree of subdivision obtained, would be required. Tank vessels under 738 feet in length are not required by regulation to be designed to remain afloat in the event of engine room aft flooding. In Subchapter D, Title 46 CFR, tank vessels over 328 feet in length would be required to withstand gradual flooding of any two adjacent spaces to a final stable condition. Vessels 328 feet or less in length would be required to survive flooding of the machinery space alone, any two adjacent spaces excluding the machinery space, and where reasonable and practicable, any two spaces including the machinery space.

PH 4–71—PORTABLE TANKS FOR COMBUSTIBLE LIQUIDS ON CARGO AND MISCELLANEOUS VESSELS

The proposed amendment to the regulations applicable to transporting combustible liquids in portable tanks is designed to simplify administrative procedures by eliminating the requirement in 46 CFR 98.35–3 for the Commandant to authorize each separate non-paraffinic hydrocarbon. Also, it is proposed to revise venting requirements in 46 CFR 98.35–13 by adding a new paragraph (e) to provide a safeguard for the hazard created by exposure of a portable tank to fire or other unexpected sources of external heat.

PH 5–71—ELECTRICAL

5a—DEFINITIONS, CLARIFICATIONS AND MANUALS

The proposed amendment will provide a definition in 46 CFR 110.15–175 of the term "non-sparking fan" and will modify 46 CFR 111.15–10 by providing a more consistent use of standard terms in the area of battery room ventilation. The amendment provides a revision of the definition in 46 CFR 110.15–175 of "waterproof machine" to agree with industry standards. Miscellaneous changes have been proposed by Subparts 111.05 and 111.10 as a result of comments received

following the Public Hearing of March 30, 1970. Finally, a proposed editorial change to Table 112.05–5(a) would restate requirements of Subpart 112.20 concerning emergency lighting and power systems.

5b—INSULATION MATERIALS

The proposed amendment revises the definition of insulation materials in 46 CFR 111.05–30 by deleting Class O, and revising Class A, Class B, and Class H to conform to National Electrical Manufacturers Association Publication No. MG1.

5C—REQUIREMENTS FOR UNDERWRITERS' LABORATORIES, INC., LISTING OR LABELING

The proposed amendment to 46 CFR 111.65–15 would eliminate the general connotation of "approved equipment" and insert the explicit requirement for Underwriters' Laboratories, Inc. listing or labeling for projectors and enclosures for arc or incandescent lamps and associated equipment.

5d—IMPRESSED CATHODIC PROTECTION SYSTEMS ON TANK VESSELS

These proposed amendments to 46 CFR 111.70–10 would permit the installation of impressed cathodic protection systems in grade E cargo tanks.

5e—EXPLOSIONPROOF EQUIPMENT ON TANK VESSELS

The proposed amendments to §§ 32.45–1 and 111.85–10 will increase the safety requirements of tank vessels constructed after July 1, 1971 by making the entire cargo deck a hazardous area. Flammable vapors may be present outside the current "10-foot rule" in sufficient quantities to produce explosive or ignitable mixtures.

5f—GENERAL ALARM SYSTEMS FOR BARGES

In an effort to clarify the present requirements in 46 CFR 113.25–30(a) for "a suitable alarm bell" as applied to the increasing number, size, and complexity of barges in service, it is proposed to require that barges have general alarm systems as similar to that of ships as their design permits.

5g—WIRING ON SMALL PASSENGER VESSELS

As a result of many trial installations, it has been shown that marine type armored cable is not necessary for a safe electrical system on small passenger vessels. A relaxation of existing requirements in 46 CFR Subpart 183.10 has been proposed to permit specially suitable commercial cable for electrical systems of more than 50 volts on these vessels. The capacity of the cable will be modified by assuming an ambient temperature of 40° C. in lieu of 50° C.

PH 6–71—BULK DANGEROUS CARGOES

This amendment proposes editorial corrections to 46 CFR Subchapter O. It also adds additional cargoes to Subchapter O including: Ethylene dibromide; methyl acetylene propadiene mixture (minimum 32 percent stabilizer); aldehydes C_9 (distilled croton oil); benzene, toluene xylene crude; butyraldehydes (crude); dichloroethyl ether; diethylamine; diisopropylamine; ethylamine (50 percent); ethylhexyl acrylate (inhibited); isodecyl acrylate; isopropylamine (70 percent); 2-methyl-5-ethylpyridine; phthalic anhydride; polyethylene amines; propylene dichloride; tetraethylene pentamine; and triethylamine. Finally changes to Subchapter D, concomitant to the proposed changes to Subchapter O, are also included.

PH 7–71—LIFESAVING EQUIPMENT

7a—RING LIFEBUOYS AND WATERLIGHTS

This proposal will establish in 46 CFR Subchapters D, H, I, and U a service use life of 3 years from date of manufacture for the Floating Orange Smoke Distress Signal (15 min.).

7b—ADDITIONAL LIFE PRESERVERS ON PASSENGER VESSELS

The proposed amendment to 46 CFR 75.40–15 will require additional life preservers for personnel on watch in the engineroom, pilothouse, and bow lookout and the stowage of the additional life preservers will be such that they will be readily accessible to these personnel.

7C—ILLUMINATION OF LIFESAVING LAUNCHING AREAS

A conflict exists in the regulations between electrical regulations and vessel regulations regarding illumination for lifeboats and liferafts. Whereas the electrical regulations apply to all vessels, the vessel regulations only apply to international voyages and to certain other vessels whose embarkation deck is more than 30 feet above the light load line. As the problems of embarkation and loading of lifeboats/liferafts in the dark are similar regardless of vessel route, the proposed amendments to 46 CFR 33.20–1, 75.50–10, 75.50–15, 94.50–10, and 94.50–15 will amend the vessel regulations to agree with the electrical regulations and make lifeboat/liferaft emergency illumination generally applicable.

Also included in this Item is a proposed amendment to 46 CFR Subpart 112.15 which will bring the regulations into proper accord with SOLAS–60. The governing SOLAS regulations require that all emergency lighting be from the temporary source and that emergency lighting be provided at the lifeboat and liferaft embarkation and launching areas. The present regulations permit these loads to be split between the temporary and final emergency sources.

PH 8–71—SPECIFICATIONS

8a—LIFEBOAT WINCHES

Two foundry errors involving a mix-up between cast iron and ductile iron have necessitated the proposal to delete these two metals entirely from lifeboat winches in 46 CFR 160.015–3. Two proposals are made in this Item for improving the shipboard maintenance of lifeboat winches. The first of these would require the elimination of inaccessible areas on the exterior which have the potential to become pockets of corrosion (46 CFR 160.015–2). The second concerns the arrangement of internal bearings so that they can be lubricated independently and will not be dependent on an internal splash system that will be inoperative during long periods when a winch is secured at sea (46 CFR 160.015–3). Safety features relating to the use of portable air or electric motor hoisting rigs are proposed for § 160.015–3 which will make them comparable to permanently installed electric winch motors. To facilitate the practice of subcontracting, it is proposed to amend § 160.015–5 to permit a winch manufacturer to use a test tower located outside of the shop where a winch is manufactured. In addition, the necessity for excessive hand cranking when testing a gravity davit with a winch will be reduced.

8b—LIFEBOATS

The amendments to 46 CFR Subpart 160.035 are proposed in order to update current references to A.S.T.M. Standards, to include the hydraulic cranking system contained in the newly revised Marine Engineering Regulations (Subchapter F), to include current practices as to the use of other materials, methods and tests, and to update and clarify the fibrous glass reinforced plastic (FRP) requirements in accordance with recognized industry standards of construction.

8C—LINE THROWING APPLIANCES

The proposed amendments to 46 CFR Subpart 160.040 will bring the Coast Guard's specifications and MIL–L–45505, MIL–R–23139, MIL–C–83125 into conformity and permit the manufacturer flexibility in design and material.

8d—INFLATABLE LIFEBOATS

Many of the amendments proposed in this Item are editorial in nature. In addition, as an amendment to 46 CFR Subpart 160.051, a method of CO_2 inflation is proposed as a rigorous method of determining deterioration as may exist in rafts because of their age. The D.O.T. test regulations that apply to the inflation cylinders of these rafts are also proposed so that they will not be overlooked at 5-year intervals. Rescue and survival instructions recommended by the Inter-Governmental Maritime Consultative Organization are proposed to be included in the instructions accompanying each raft. A physical standard is proposed for evaluating the 2-mile distance now required for the outside canopy light of the rafts. Finally, the National Transportation Safety Board has recommended stronger sea painters for these rafts. A method is proposed to permit a raft a stronger sea painter while still providing the float-free capability that is currently required.

PH 9–71—FIBROUS GLASS REINFORCED PLASTIC CONSTRUCTION OF SMALL PASSENGER VESSELS

An amendment to 46 CFR 177.01–5 is proposed to provide uniformity in approval of materials for fibrous glass reinforced plastic construction. Particular concern has arisen over use of non-fire-resistant type resins in general construction and the proposed regulation would

require the use of fire resistant type resins.

6. These proposals are made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: February 19, 1971.

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

[FR Doc.71-2554 Filed 2-23-71;8:49 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM-68; Notice 70-24]

TRANSPORTATION OF HAZARDOUS MATERIALS

Portable Tank Specification; Notice of Extension of Time To File Comments

On December 12, 1970, the Hazardous Materials Regulations Board published Docket No. HM-68; Notice No. 70-24 (35 F.R. 18919), Portable Tank Specification. In response to petitions filed in accordance with 49 CFR 170.25, the Board has extended the period for comments on this notice of proposed rule making from February 23, 1971, to March 23, 1971.

This extension is made 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 18, 1971.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.71-2475 Filed 2-23-71;8:45 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 four new Intrastate Air Quality Control Regions in the State of New Mexico as set forth in the following new §§ 481.239-481.242 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 boundaries of the existing El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region (New Mexico-Texas) (§ 481.82), the Albuquerque-Mid Rio Grande Intrastate Air Quality Control Region (§ 481.83), and the Arizona-New Mexico Southern Border Interstate Air Quality Control Region (Arizona-New Mexico) (§ 481.99).

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.

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., February 26, 1971, in the Second Floor Auditorium, Public Employees Retirement Association Building, Corner of College and West Manhatten, Santa Fe, NM.

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

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

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

§ 481.239 Upper Rio Grande Valley Intrastate Air Quality Control Region.

The Upper Rio Grande Valley Intrastate Air Quality Control Region (New Mexico) 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. 1857(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico:

Los Alamos County. Taos County.
Santa Fe County.
Those portions of Rio Arriba County lying east of the Continental Divide.

§ 481.240 Northeastern Plains Intrastate Air Quality Control Region.

The Northeastern Plains Intrastate Air Quality Control Region (New Mexico) 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 New Mexico:

Colfax County. San Miguel County.
Guadalupe County. Torrance County.
Harding County. Union County.
Mora County.

§ 481.241 Southwestern Mountains-Augustine Pass Intrastate Air Quality Control Region.

The Southwestern Mountains-Augustine Pass Intrastate Air Quality Control Region (New Mexico) 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 New Mexico:

Catron County. Socorro County.
Those portions of McKinley County lying east of the Continental Divide.
Those portions of Valencia County, excluding the Zuni and Ramah Navajo Indian Reservations, lying west of a line described as follows: Starting at the point at which the south boundary of Bernillio County intersects with the section line between secs. 1 and 2 T. 7 N., R. 2 W.; thence south to the southern boundary of the Laguna Indian Reservation between secs. 35 and 36 T. 7 N., R. 2 W.; then southerly on section lines to the Socorro-Valencia County line at secs. 11, 12, 13, and 14, T. 5 N., R. 2 W.

§ 481.242 Pecos-Permian Intrastate Air Quality Control Region.

The Pecos-Permian Intrastate Air Quality Control Region (New Mexico) 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 New Mexico:

Chaves County. Lea County.
Curry County. Quay County.
De Baca County. Roosevelt County.
Eddy County.

§ 481.82 [Amended]

The El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region (New Mexico-Texas) 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 Texas:

Brewster County. Hudspeth County.
Culberson County. Jeff Davis County.
El Paso County. Presidio County.

In the State of New Mexico:

Dona Ana County. Otero County.

It is proposed to amend the boundaries of the New Mexico portion of the Region to include the following jurisdictions:

In the State of New Mexico:

Dona Ana County. Otero County.
Lincoln County. Sierra County.

§ 481.83 [Amended]

The Albuquerque-Mid Rio Grande Intrastate Air Quality Control Region (New Mexico) 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 New Mexico:

Bernalillo County in its entirety.
Those portions of Sandoval, Santa Fe, Socorro, and Valencia Counties included within the Middle Rio Grande Air Shed as defined in Air Shed Regulation No. 1 adopted by the New Mexico Board of Public Health, December 29, 1967.

It is proposed to revise the Region to consist of the territorial area encompassed by the boundaries of the following jurisdictions:

In the State of New Mexico:

Bernalillo County.
Those portions of Sandoval County lying east of the Continental Divide.
Those portions of Valencia County lying east of a line described as follows: Starting at the point at which the south boundary of Bernalillo County intersects with the section line between secs. 1 and 2 T. 7 N., R. 2 W.; thence south to the southern boundary of the Laguna Indian Reservation between secs. 35 and 36 T. 7 N., R. 2 W.; then southerly on section lines to the Socorro-Valencia County line at secs. 11, 12, 13, and 14, T. 5 N., R. 2 W.

§ 481.99 [Amended]

The Arizona-New Mexico Southern Border Interstate Air Quality Control Region (Arizona-New Mexico) 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 Arizona:

Cochise County. Greenlee County.
Graham County.

In the State of New Mexico:

Grant County. Hidalgo County.

It is proposed to amend the boundaries of the New Mexico portion of the Region to include the following jurisdictions:

In the State of New Mexico:

Grant County. Luna County.
Hidalgo County.

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 19, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2512 Filed 2-23-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Docket No. 16495]

ESTABLISHMENT OF DOMESTIC COMMUNICATION-SATELLITE FACILITIES BY NONGOVERNMENTAL ENTITIES

Order Granting Extension of Time for Filing Applications

1. On February 12, 1971, LVO Cable, Inc., filed a motion for an extension of time until March 30, 1971, to file applications for earth stations to be operated in conjunction with domestic communications satellite systems proposed by others. In view of the similar extension previously granted to the network Affiliates Associations and Western-Telecommunications, Inc. and the April 26, 1971, due date for reply comments on the applications and rule making issues to be considered herein (Memorandum Opinion and Order released on December 2, 1970, FCC 70-1238), it appears that a grant of this request would not unduly delay a resolution of this proceeding.

2. *Accordingly, it is ordered,* Pursuant to § 0.303 of the Commission's rules and regulations, that LVO Cable, Inc., and its affiliated companies are granted an extension of time until March 30, 1971, to file applications for earth stations to be operated with domestic communications satellite systems proposed by other applicants for consideration in this proceeding.

Adopted: February 17, 1971.

Released: February 18, 1971.

[SEAL] ASHER H. ENDE,
Acting Chief,
Common Carrier Bureau.

[FR Doc.71-2507 Filed 2-23-71;8:48 am]

[47 CFR Part 73]

[Docket No. 19116]

FM BROADCAST STATIONS

Table of Assignments, Skowhegan, Maine, etc.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Skowhegan, Augusta, Westbrook, and South Paris, Maine; Plymouth and Dover, N.H.; and Waterbury, Vt.), RM-1422, RM-1464.

1. This proceeding was begun by a notice of proposed rule making (FCC 71-23), adopted January 6, 1971, and published in the FEDERAL REGISTER on January 14, 1971 (36 F.R. 557). The time for filing comments and reply comments was specified as February 16, 1971, and February 26, 1971, respectively.

2. On February 12, 1971, counsel for Lakes Region Broadcasting Corp., Inc. (Lakes Region), one of the petitioners involved herein, filed a request for an extension of 10 days in which to file initial comments. Lakes Region states that although it has had meetings with legal and engineering counsel, the additional time is necessary in order to complete meaningful comments which will be of value to the Commission. A copy of the request was served on counsel for the other petitioner involved, and no responsive pleading has been received.

3. We are of the view that the additional time requested is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments is extended to and including February 26, 1971, and for reply comments to and including March 8, 1971.

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

Adopted: February 17, 1971.

Released: February 19, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-2508 Filed 2-23-71;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239]

[Release 33-5130]

REPORTS BY FIRST-TIME REGISTRANTS OF SALES OF REGISTERED SECURITIES AND USE OF PROCEEDS THEREFROM

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to require issuers filing a registration statement under the Securities Act of 1933 for the first time to file with the Commission reports of sales of securities registered under the Act and the application of the proceeds from such sales. Reports would be made at 6-month intervals during the period of the offering and thereafter until the proceeds have been applied by the registrant. Upon the completion or termination of the offering and application of the proceeds a final report would be made and the duty to file such reports would thereupon cease.

At the present time, after a registration statement becomes effective there is

no provision for the furnishing of information as to the progress of the offering to the Commission or to security holders, unless the registrant is required to file periodic reports pursuant to one of the other statutes administered by the Commission. Consequently, in many instances neither the Commission nor security holders know whether an offering is continuing or has been completed or terminated.

Information as to the progress of an offering of registered securities would enable the Commission to know whether or not the registrant is required to file and use an up-to-date prospectus pursuant to section 10(a)(3) of the Act. It would also enable the Commission to know whether dealers effecting transactions in the registered security must furnish a copy of the prospectus to purchasers.

If issuers have used the proceeds from registered securities for purposes different from those stated in the prospectus, investors may have been misled as to the purposes for which the funds supplied by them would be applied. Information as to the actual use of the proceeds would indicate whether the statements in the prospectus with respect to such use are borne out by the registrant's subsequent actions.

The proposed requirements would consist of a new rule requiring the filing of the reports and a form specifying the information to be included therein. The text of the proposed rule follows:

I. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adding thereunder a new § 230.463 reading as follows:

§ 230.463 Report of sales of securities and use of proceeds therefrom.

(a) Except as hereinafter provided in this section, within 10 days after the end of each 6-month period following the effective date of the first registration statement filed under the Act by an issuer, such issuer shall file with the Commission four copies of a report on Form SR (§ 239.61 of this chapter) containing the information required by that form. A final report shall be filed within 10 days after completion or termination of the offering and application of the proceeds therefrom.

(b) No report need be filed pursuant to this section with respect to any offering of securities issued by any investment company registered under the Investment Company Act of 1940, or any public utility company or public utility holding company required to file reports with any State or Federal authority.

II. Part 239 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by reserving §§ 239.27 through 239.60 inclusive for future purposes, and by adding thereunder a new § 239.61, and as so amended, would read as follows:

§§ 239.27–239.60 [Reserved]

§ 239.61 Form SR, for report by first-time registrants under the Act of sales of registered securities and use of proceeds therefrom.

(a) Except as indicated in paragraph (b) of this section, this form shall be filed, pursuant to § 230.463 of this chapter, by each issuer which files a registration statement under this Act for the first time, as a report of the sales of securities so registered under this Act and of the application of the proceeds from such sales. Four copies of such report shall be filed by such issuer during the period of the offering within 10 days after the end of each 6-month period following the effective date of the first registration filed under the Act, and also within 10 days after the completion or termination of the offering and application of the proceeds therefrom.

(b) No report on this form need be filed with respect to any offering of securities issued by any investment company which is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.), or by any public utility company or public utility holding company which is required to file reports with any State or Federal authority.

NOTE: Copies of Form SR are attached to Release No. 33–5130 and have been filed with the Office of the Federal Register. Additional copies are available on request from the Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549.

The new rule and form would be adopted pursuant to sections 19(a) and 20(a) of the Act which, among other things, authorize the Commission to make rules and regulations necessary to carry out the provisions of the Act.

All interested persons are invited to submit their views and comments on the foregoing proposal, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before March 12, 1971. All such communications will be considered available for public inspection.

By the Commission, February 8, 1971.

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

[FR Doc.71–2472 Filed 2–23–71;8:45 am]

[17 CFR Part 240]

[Release 34–9076]

TIMELY ADVANCE NOTICE OF RECORD DATES FOR PUBLICLY TRADED SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 10b–17 (17 CFR 240.10b–17) under the Securities Exchange Act of 1934 to require companies whose securities are publicly traded to furnish public investors with timely advance notice of the right to receive dividend and other rights which accrue to holders of record of a specified class of securities as of a specialized date ("the record date").

The proposed rule would require issuers of publicly traded securities to furnish specified advance information concerning such rights to the National Association of Securities Dealers, Inc. (NASD) or an exchange on which the securities are registered and which has substantially comparable procedures to those proposed herein.[1] These reports would be required at least 10 days prior to the record date set by the issuer for determining the identity of the security holders to whom rights accrue. In the case of a rights offering or other subscription offering, the information would be required on or before the record date and in no event later than the day on which the registration statement, to which the offering relates, becomes or is declared effective by the Commission. In those situations where the issuer would report to the NASD, the proposed rule would also provide that exemptions from these requirements could be granted by the Commission. It is contemplated, however, that such an exemption would be granted only in special circumstances where the purposes of the rule are not applicable and where the NASD does not need the report to enable it to adequately disseminate the information to its members and the investing public.

It has been the experience of the Commission and the securities industry that the failure of a publicly held company to provide a timely announcement of the record date with respect to these types of rights has had a misleading and deceptive effect on both the broker-dealer community and the investing public. As a direct result of such failure, purchasers and their brokers may have entered into and settled securities transactions without knowledge of the accrual of such rights and were thus unable to take necessary steps to protect their interests. Further, sellers who have received the benefits of such rights as recordholders on the specified record date after having disposed of their securities, have also disposed of the cash or stock dividends or other rights received as such recordholders without knowledge of possible claims of purchasers of the underlying security to those rights. In some instances, the broker-dealers who have acted for such buyers or sellers have settled resulting disputes at their own expense, while, in others, the disputes have led to arbitration and to litigation. In many instances, innocent buyers and sellers have suffered losses. In addition, some issuers have made belated declarations of stock splits or dividends with the apparent knowledge that this action would have a manipulative effect on the market for their securities. In these cases, "buy-in" transactions effected by purchasers to liquidate the sellers' obligations have had the effect of raising the price of the security. This effect has been particularly significant when the existing floating supply of the security is limited.

When an issuer establishes a record date it is, in general, obligated to furnish the cash, securities, or other property or property rights that are the subject of the distribution only to those persons owning the underlying security as reflected in the issuer's records. However, not all transactions occurring prior to

[1] The New York, American, Philadelphia-Baltimore-Washington, Midwest, Pacific Coast, Boston, Cincinnati, Detroit, and National Stock Exchanges appear to have substantially comparable requirements.

that cut-off date can be settled and appropriate changes effected on the issuer's records to provide assurance that the distributions of the rights will actually be made by the issuer to purchasers. Since during this period purchasers pay a price for the underlying security which indicates the value of the asset to be distributed, it has therefore been the practice and custom of the trade for brokers and dealers to render the purchaser as the person entitled to the distribution which is made by the issuer to the seller as record owner. If the participating brokers have notice of the cut-off date, they can take necessary steps at settlement (e.g. by use of a "due bill" procedure [2]) to protect the right of the purchaser to the distribution and at the same time alert the seller to his obligation to turn over the distributed property to the purchaser. In addition, in order to minimize the amount of additional cost and paperwork that results from clearing up purchasers' claims to distributions made to record-holder sellers, the securities industry has developed the "ex-date" procedure. Under this procedure, the cut-off date for entitlement to most kinds of distributions is moved back in time by the usual settlement period (generally 4 or 5 business days) to allow a period for more ownership transfers to take place on the issuer's records prior to the record date. In this way, fewer post-settlement adjustments have to be made by securities brokers, thus alleviating costs and paperwork substantially. On that "ex-date", securities firms begin to trade the underlying securities at prices adjusted downward (e.g. "ex-dividend" by the value (if any) of the right to be distributed. Accordingly, in transactions on and after the ex-date, the seller retains the right to receive the distribution.

The NASD and securities exchanges have long had procedures for obtaining and disseminating information of the character called for by the proposed rule. Based on this information, these organizations are then able to disseminate news of impending distributions and to set "ex" dates for trading purposes through various media, including the standard financial services and membership bulletins, to the brokerage community and investing public. The advance publication of an ex-date is thus designed to provide an appropriate cut-off date which will not only enable the broker-dealer community to settle transactions in the normal course of business with a minimum of additional paperwork but will also provide adequate notice of the steps that must be taken by their members at settlement (e.g. request settlement with due-bills) so as to protect public customers. It has been the experience of the securities industry that 10 days advance notice of a record date is needed by self-regulatory organizations to reasonably accomplish these objectives. However, in the case of issuance of rights and warrants pursuant to a registration statement under the Securities Act of 1933, 10 days advance notice is not practicable in most cases because the issuer must await affirmative Commission action before the distribution can occur. Thus, notice of the latter types of distribution must be given by the issuer on or before the record date and in no event later than the date the registration statement becomes effective.

The proposed § 240.10b–17 of Chapter II of Title 17 of the Code of Federal Regulations would be adopted pursuant to sections 10(b) and 23(a) of the Securities Exchange Act of 1934. The text is as follows:

§ 240.10b–17 Untimely announcements of record dates.

(a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act for any issuer of a class of securities publicly traded by the use of any means or instrumentality of interstate commerce or of the mails or of any facility of any national securities exchange to fail to give notice in accordance with paragraph (b) of this section of the following:

(1) A dividend or other distribution in cash or in kind, including a dividend or distribution of any security of the same issuer;

(2) A stock split or reverse split; or

(3) A rights or other subscription offering.

(b) Notice shall be deemed to have been given in accordance with this section only if:

(1) Given to the National Association of Securities Dealers, Inc. no later than 10 days prior to the record date involved or, in case of a rights or other subscription offering, on or before the record date and in no event later than the effective date of the registration statement to which the offering relates, and such notice includes:

(i) Title of the security to which the declaration relates;

(ii) Date of declaration;

(iii) Date of record for determining holders entitled to receive the dividend or other distribution or to participate in the stock or reverse split;

(iv) Date of payment or distribution or, in the case of a stock or reverse split or rights or other subscription offering, the date of delivery;

(v) For a dividend or other distribution including a stock or reverse split or rights or other subscription offering:

(*a*) In cash, the amount of cash to be paid or distributed per share,

(*b*) In the same security, the amount of the security outstanding immediately prior to and immediately following the dividend or distribution and the rate of the dividend or distribution,

(*c*) In any other security of the same issuer, the amount to be paid or distributed and the rate of the dividend or distribution,

(*d*) In any security of another issuer, the name of the issuer and title of that security, the amount to be paid or distributed, and the rate of the dividend or distribution and if that security is a right or a warrant, the subscription price,

(*e*) In any other property (including securities not covered under (*b*) through (*d*) of this subdivision) the identity of the property and its value and basis for assigning that value;

(vi) Method of settlement of fractional interests;

(vii) Details of any condition which must be satisfied or government approval which must be secured to enable payment or distribution; and in

(viii) The case of stock or reverse split in addition to the aforementioned information;

(*a*) The name and address of the transfer or exchange agent;

(2) The Commission, upon written request or upon its own motion, exempts the issuer from compliance with subparagraph (1) of this paragraph either unconditionally or on specified terms or conditions, as not constituting a manipulative or deceptive device or contrivance comprehended within the purpose of this rule or;

(3) Given in accordance with substantially comparable rules and listing agreements of the national securities exchange or exchanges upon which a security of such issuer is registered pursuant to section 12 of the Act which contain requirements substantially comparable to those set forth in subparagraph (1) of this paragraph.

All interested persons are invited to submit their views and comments on proposed Rule 10b–17, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549 on or before March 19, 1971. All such communications will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 17, 1971.

[FR Doc.71–2473 Filed 2–23–71;8:45 am]

[17 CFR Parts 240, 249]

[Release 34–9077]

REPORT OF CHANGES IN OUTSTANDING SECURITIES QUOTED ON NASDAQ INTERDEALER QUOTATION SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to its general rules and regulations, and the adoption of a new reporting form (Form 10–C) under the Securities Exchange Act of 1934 (the Act).

The amendments and related forms would provide in substance that any issuer of securities registered under section 12(g) or subject to section 15(d) of the

[2] The due-bill is an instrument assigning the rights to the distribution which is delivered to the purchaser with the securities covered by the transaction, in settlement thereof. The due-bill is thereafter redeemed by delivery of the distribution, upon its receipt by the seller, to the holder of the due-bill.

Act, upon being notified that a class of its securities is to be quoted on the National Association of Securities Dealers, Inc. (NASD), NASDAQ interdealer quotation system, shall thereafter report on Form 10–C any aggregate net change with respect to the amount of securities of the class outstanding which exceeds 5 percent. These proposals would also provide that a report on Form 10–C be made by any issuer of securities quoted on the NASDAQ system if it changes its corporate name. In either event a report on Form 10–C would be required to be filed no later than 10 days after the change is effected. Provision has also been made in the form for filing a copy of the report directly with the NASD. Comparable information is already required by the major securities exchanges.

These proposals would not require the reporting of any new information or events by issuers of publicly traded securities. The corporate events covered by the new rules normally are and would continue to be required to be reported on a more detailed basis with the Commission under existing reporting rules. By requiring this initial report, however, the NASD will be provided with more timely notice of information which it needs for administration of the NASDAQ system and in its program for publication of daily price indexes for over-the-counter securities quoted on the system.

The NASDAQ system, which is expected to become operational early this year, provides for the first time a real-time automated quotation service for approximately 2,500 over-the-counter securities to offices of brokers, retail traders, and market makers throughout the country. It is expected that this system and its indexes will provide new sources of important information to both broker-dealers and the investing public concerning the over-the-counter markets.

I. The text of the proposed §§ 240.13a–17 and 240.15d–17 of Chapter II of Title 17 of the Code of Federal Regulations, which sections are being proposed pursuant to the Securities Exchange Act of 1934, and more particularly sections 13(a), 15(d), and 23(a) thereof, is set forth below.

§ 240.13a–17 Reports on Form 10–C by issuers of securities quoted on the NASDAQ interdealer quotation system.

(a) Every issuer having securities registered pursuant to section 12(g) of the Act, upon being notified by a national securities association registered pursuant to section 15A of the Act that any class of its securities is to be quoted on an interdealer quotation system which is sponsored and governed by the rules of such association, shall thereafter report within the time and in the manner specified in Form 10–C, any aggregate increase or decrease in the amount of securities of such class outstanding which exceeds 5 percent of the amount of the class outstanding as last reported. The obligation of an issuer to report pursuant to this paragraph with respect to a class of its securities shall continue until notification is received from such association that the security will no longer be quoted on such an interdealer quotation system.

(b) Issuers having a class of securities quoted on such an interdealer quotation system shall also report in the manner and time specified in Form 10–C changes in their corporate name. The obligation to report pursuant to this paragraph shall continue until notification is received from the national securities association that the security is no longer quoted on such an interdealer quotation system.

(c) Nothing in paragraph (a) or (b) of this section shall be construed, however, to relieve issuers of the duty to file any other report required under the Act or rules promulgated thereunder with respect to such changes.

§ 240.15d–17 Reports on Form 10–C by issuers of securities quoted on the NASDAQ interdealer quotation system.

(a) Every issuer subject to section 15(d) of the Act, upon being notified by a national securities association registered pursuant to section 15A of the Act that any class of its securities is to be quoted on an interdealer quotation system which is sponsored and governed by the rules of such association, shall thereafter report within the time and in the manner specified in Form 10–C any aggregate increase or decrease in the amount of securities of such class outstanding which exceeds 5 percent of the amount of the class outstanding as last reported. The obligation of an issuer to report pursuant to this paragraph with respect to a class of its securities shall continue until notification is received from such association that the security will no longer be quoted on such an interdealer quotation system.

(b) Issuers having a class of securities quoted on such an interdealer quotation system shall also report in the manner and time specified in Form 10–C changes in their corporate name. The obligation to report pursuant to this paragraph shall continue until notification is received from the national securities association that the security is no longer quoted on such an interdealer quotation system.

(c) Nothing in paragraph (a) or (b) of this section shall be construed, however, to relieve issuers of the duty to file any other report required under the Act or rules promulgated thereunder with respect to such changes.

II. Part 249 of Chapter II of Title 17 of the Code of Federal Regulations is to be amended by reserving for future use §§ 249.310a and 249.310b respectively, and by adding a new § 249.310c, all to follow present § 249.310, and as so amended, would read as follows:

§ 249.310a [Reserved]

§ 249.310b [Reserved]

§ 249.310c Form 10–C for report by issuers of securities quoted on NASDAQ interdealer quotation system, pursuant to section 13 or 15(d) of the Act.

This form shall be filed, as required by § 240.13a–17 or § 240.15d–17 of this chapter, by any issuer of securities which are registered under section 12(g) of the Act or which are subject to section 15(d) of the Act, after such issuer has been notified that any class of its securities is to be quoted on the NASDAQ interdealer quotation system, reporting thereon any aggregate increase or decrease in the amount of its securities which change exceeds 5 percent of the amount of the class outstanding as last reported. This report shall be filed not later than 10 days after the first date on which such change in outstanding securities has occurred and also not later than 10 days after any change in its corporate name, and such obligation to file reports shall continue until notification is received by the issuer from the NASDAQ interdealer quotation system that the securities in question will no longer be quoted on such system. The obligation to file this report shall not relieve any issuer of the duty to file any other report required under the Act or the rules and regulations promulgated thereunder.

Copies of Form 10–C are included in Release No. 34–9077 dated February 17, 1971, which release has been filed with the Office of the Federal Register. Copies of such Form and Release may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit their views and comments on the proposed rules and attached form. Written statements of views and comments should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549 on or before March 19, 1971. All such communications will be available for public inspection.

By the Commission.

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

FEBRUARY 17, 1971.

[FR Doc.71–2474 Filed 2–23–71;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC–19 (Sub-No. 14)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Reweighing of Shipments

At a general session of the Interstate Commerce Commission, held at its office

in Washington, D.C., on the 3d day of February 1971.

Section 1056.6(d) of Title 49 of the Code of Federal Regulations presently requires, among other things, that a shipper of household goods must pay a carrier's published charge for a reweigh requested by him regardless of the variance between the weight obtained on the initial weighing and the reweighing of the shipment. This rule making proceeding is being initiated here, on our own motion, to determine whether it would be in the public interest to revise this regulation so as to allow a carrier charge for the reweighing of shipments of household goods only in certain circumstances.

Set forth in the appendix [1] to this notice and order are the present regulations pertaining to the reweighing of shipments of household goods which became effective June 1, 1970, in Ex Parte No. MC–19 (Sub-No. 8), "Practices of Motor Common Carriers of Household Goods", 111 M.C.C. 427, and former § 1056.10(f) which was the regulation in effect prior to that time. The background of the present proceeding follows.

The notice and order instituting the Sub-No. 8 proceeding proposed the modification of § 1056.10(f) of the then-existing regulations to read as follows:

> The carrier, upon request of shipper, owner, or consignee made prior to delivery of a shipment, will reweigh the shipment. The lower of the two net scale weights shall be used for determining the applicable charges. If the reweigh develops a net scale weight in excess of the initial net scale weight or if the difference between the initial net scale weight and the reweight net scale weight is less than 100 pounds on a shipment weighing 5,000 pounds or less or 2 percent or less of the lower net scale weight on shipments in excess of 5,000 pounds, a reasonable reweigh charge may be established. The person paying the freight charges, or his representative, shall be permitted to observe the gross and tare reweighing.

In our discussion leading to the rejection of the proposed change and to the modification of the former regulation, we attempted to place the need for the availability to shippers of a publicized procedure for the reweighing in their presence of their shipments of household goods within the context of the comprehensive revisions of the former regulations, particularly the adoption of more stringent record-keeping requirements for carriers with respect to the weights of shipments and the transportation of household goods shipments with reasonable dispatch. Thus, at 111 M.C.C. 475, we stated:

> * * * It is incongruous to our theme of full disclosure to fail to inform the shipper of his right to request and to observe the reweighing of his shipment. On the other hand, reweighing, with or without the presence of the shipper, must not be allowed to interfere unduly with carrier operations and the ability of the carrier to serve other shippers with reasonable dispatch.

We there rejected the modifications advanced by two parties which would have required weights obtained on reweigh (whether lower or higher) to prevail and we also modified the formerly required contingent method of determining whether a shipper was responsible to the carrier for a reasonable reweigh charge if the initial weight was reasonably accurate. It is to the appropriateness of this latter modification that the instant proceeding is directed.

In Ex Parte No. MC–19, "Practices of Motor Common Carriers of Household Goods," 47 M.C.C. 119 (1947), former Division 5 first allowed carriers to make a charge for reweighing a shipment when performed at the request of the shipper and then only when the difference between the two net scale weights did not exceed 2 percent, minimum 100 pounds, which the Division there found to be a reasonable tolerance for the variations in scales, grades of scale approaches, and weighing techniques employed by carriers.

These regulations were thereafter modified to allow carriers to assess a reasonable charge for reweighing a shipment whenever the reweigh weight exceeded the initial weight, but it was not until the Sub-No. 8 proceeding that reweighing became mandatory upon request of the householder. At the same time, the principle of contingent charges for reweighing was abandoned.

Since the adoption of the revised regulation in § 1056.6(b), which retains the provision that the lower of the two net scale weights shall apply, complaints have nevertheless been received by this Commission questioning the fairness of a rule that requires a shipper always to bear the expense of a requested reweigh even when it results in the disclosure of a substantial variance between the initial and reweigh net weights.

In light of the developments set forth above, and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act (49 U.S.C. 301, et seq.), including more specifically sections 204(a) (1) and (6), 208(a), 212(a), 216, 217, 219, 220, 222, and 223, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine whether the facts and circumstances require or warrant (1) the modification of the last sentence of 49 CFR 1056.6(d), which presently requires the carrier to publish in its tariff a reasonable charge for reweigh to be paid by the shipper, to read as follows: "The carrier may publish in its tariff a reasonable charge for reweigh when the reweigh net weight exceeds exceeds or is less than 150 pounds lower than the billed net weight;" and (2) the revision of the Summary of Information for Shippers of Household Goods, 49 CFR 1056.7, the chapter entitled "How Do I Know the Weight of My Shipment?", by striking the words "at your expense" from the next-to-the-last sentence and adding a sentence at the end of the last paragraph reading: "The carrier may charge for reweighing only if the reweigh net weight exceeds, or is less than 150 pounds lower than, the billed net weight;" or (3) such other revisions of similar purport of the provisions mentioned as may be appropriate and necessary in the public interest; and to determine the need for such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of household goods operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

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

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate by submitting statements of verified facts, and views and arguments and replies thereto, concerning the issues in this proceeding.

It is further ordered, That all persons (including any respondent) who wish to participate actively in this proceeding by submitting initial statements or reply statements shall notify this Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 10, 1971, the original and one copy of a statement of his intention to participate; that this Commission then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list this Commission will fix the time within which initial statements and reply statements must be filed.

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

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–2561 Filed 2–23–71; 8:49 am]

[1] Appendix filed as part of original document.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 4143]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 16, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application for the withdrawal of the lands described below, subject to valid existing rights, from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land for development of a picnic site to be completed within the next 5 years. The site is located 2½ miles east of Cecilville on Forest Highway No. 93 at the confluence of the East Fork and the South Fork of the Salmon River. This site is directly across the South Fork Road from the East Fork Campground and the use of this portion of the river frontage for a picnic site would be complementary to the the campground use across the road.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E–2807, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

KLAMATH NATIONAL FOREST

MOUNT DIABLO BASE AND MERIDIAN

East Fork Addition

T. 38 N., R. 11 W. (unsurveyed),
Sec. 21, A portion thereof described as follows: Beginning at a point on the centerline of the Callahan-Cecilville Road No. 40N18, also known as Forest Highway No. 93, said point of beginning being Engineer's Station 1472+62; thence S. 60° W., 800 feet; thence due south 400 feet; thence N. 65° E., 600 feet; thence N. 15° E., 570 feet to the point of beginning.

The area described aggregates 6.2 acres in Siskiyou County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[FR Doc.71–2468 Filed 2–23–71;8:45 am]

CHIEF, DIVISION OF RESOURCES, ET AL., ALASKA

Redelegation of Authority

1. Pursuant to section 1.1 of Bureau Order No. 701, of July 23, 1964, as amended, the following authority is hereby delegated to the Chief, Division of Resources, et al., irrespective of land district boundaries in Alaska.

a. Chief, Division of Resources, authority to take all actions listed in sections 1.2 (b), (c), (e), and (k); 1.3 (a) and (c); 1.5 (b) and (c); 1.6 and 1.9 of Bureau Order No. 701, supra.

b. Manager, Anchorage Land Office and Chief Adjudicator, authority to take action in matters listed in sections 1.2 (b) and (e); 1.3 (a)(1) and (c); 1.6; and 1.9 except 1.9 (d), (g), (o), and (v) of Bureau Order No. 701, supra. The authority for the following sections is subject to conditions as follows:

Sections 1.5 (b) and (c): Subject to the receipt of a report from the State Director.

Section 1.9: Subject to classification action by the State Director where necessary.

Section 1.9(c): Subject to approval of color-of-title or claims of right by the Field Solicitor.

Section 1.9(r): Except designation of townsite trustees.

2. a. The Manager or Chief Adjudicator may, by written order, designate any qualified employee of his office to perform the functions of the Manager or Chief Adjudicator in his absence.

b. Each employee who serves in such capacity in (a) above, shall prepare a memorandum to be kept in the Division Office showing the date and hour of the commencement and termination of each period of service in that capacity.

3. The authority delegated may not be redelegated except as provided in paragraph 2.

4. Redelegation of authority approved April 20, 1970 (35 F.R. 6666), is hereby canceled.

CURTIS V. MCVEE,
Acting State Director.

Approved: February 18, 1971.

JOHN O. CROW,
Associate Director.

[FR Doc.71–2486 Filed 2–23–71;8:46 am]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands; Correction

FEBRUARY 17, 1971.

In F.R. Doc. 71–1460, appearing on page 1917 of the issue for February 3, 1971, the following change should be made:

Line 14 of the document should read: "Sec. 14, Lot 5, except that portion therein described".

PHILIP C. HAMILTON,
Acting State Director.

[FR Doc.71–2491 Filed 2–23–71;8:47 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW YORK

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following county in the State of New York natural disasters have caused a general need for agricultural credit:

NEW YORK

Chautauqua.

Emergency loans will not be made in the above-named county under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 17th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71–2483 Filed 2–23–71;8:46 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

UNIVERSITY OF LOUISVILLE ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 71-2029 appearing at page 3020 in the issue for Saturday, February 13, 1971, the following changes should be made in the center column on page 3021:

1. In the fourth paragraph the docket number for New York University, now reading "Docket No. 70-00622-33-46500", should read "Docket No. 70-00619-33-28500".

2. In the sixth paragraph the docket number for Albert Einstein College of Medicine, now reading "Docket No. 70-00622-33-46500", should read "Docket No. 70-00624-33-46500".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 11853]

TRIMETHOBENZAMIDE HYDROCHLORIDE

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. Tigan Solution for injection, containing trimethobenzamide hydrochloride; marketed by Roche Laboratories, Division of Hoffmann-LaRoche Inc., 340 Kingsland Ave., Nutley, New Jersey 07110 (NDA 11-853).

2. Tigan Capsules, containing trimethobenzamide hydrochloride; marketed by Roche Laboratories, Division of Hoffmann-LaRoche Inc. (NDA 11-854).

3. Tigan Suppositories, containing trimethobenzamide hydrochloride and benzocaine; marketed by Roche Laboratories, Division of Hoffmann-LaRoche Inc. (NDA 11-855).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Trimethobenzamide hydrochloride is probably effective for the conditions described in the labeling "Indications" section which follows.

2. There is a lack of substantial evidence that trimethobenzamide hydrochloride is effective for the treatment of nausea and vomiting due to infections, underlying disease processes, or drug administration.

3. Except for those indications referred to above, the drug is regarded as possibly effective for the labeled indications.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for a drug described in paragraph A above is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes those indications for which such drug has been classified as lacking substantial evidence of effectiveness and which contains an "Indications" section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes any claim for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Indications for a drug described in paragraph A above as probably effective may continue to be used for 12 months, and 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 § 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.

4. 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.

5. Labeling revised pursuant to this notice should take into account the comments of the Academy, furnish adequate information for safe and effective use of the drug, be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommend use of the drug (for the probably effective indications) as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

Nausea and vomiting due to radiation therapy or travel sickness. Emesis associated with operative procedures, labyrinthitis, or Meniere's syndrome.

The cited holder of the new-drug applications for these drugs has been mailed a copy of the Academy's report. Any other 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 11853, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplement (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.71-2466 Filed 2-23-71;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-269]

DUKE POWER CO.

Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on the Environmental Considerations by the Division of Reactor Licensing, U.S. Atomic Energy Commission, related to the proposed operation of Oconee Nuclear Station, Unit No. 1 by the Duke Power Company," is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the County Supervisor of Oconee County, Walhalla, S.C., where it will be available for public inspection. Appended to the statement are the applicant's environmental report and the comments of various Federal, State, and local agencies. A notice of proposed issuance of an operating license for the Oconee Nuclear Station Unit No. 1 was published in the FEDERAL REGISTER on January 8, 1971 (36 F.R. 296).

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

Dated at Bethesda, Md., this 12th day of February 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-2485 Filed 2-23-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20890; Order 71-2-86]

EUREKA AERO INDUSTRIES

Order To Show Cause

Issued under delegated authority, February 18, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 69-5-71, dated May 16, 1969, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Santa Maria and San Francisco, Calif.

The Postmaster General filed a petition on February 2, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 49.82 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 2, 1971, to Eureka Aero Industries, pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.82 cents per great circle aircraft mile between Santa Maria and San Francisco, Calif.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Cessna 310I aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Eureka Aero Industries, the Postmaster General, Hughes Air Corp., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eureka Aero Industries;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eureka Industries, the Postmaster General, and Hughes Air Corp.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2502 Filed 2-23-71;8:48 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in 385.16(g).

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16070; FCC 71-155]

COMMUNICATIONS SATELLITE CORP.

Memorandum Opinion and Order Enlarging Issues

In the matter of charges, practices, classifications, rates, and regulations for and in connection with the leasing of voice grade and television channels to common carriers authorized by the Federal Communications Commission, between Andover, Maine, and a communications satellite in connection with the establishment of communications paths between points in the United States and Europe for the transmission and reception of voice, record, data, telephoto, facsimile, television, and other signals.

1. The Commission has before it for consideration a Motion to Terminate Proceedings filed January 14, 1969, by the Communications Satellite Corp. (Comsat) in this matter. Comsat observed that no formal hearings have been held in Docket No. 16070 and stated that "no purpose would be served by continuing the proceeding". It pointed out the tremendous changes in the scope and character of the satellite service offering since the proceeding was instituted in June 1965. Dispositions have been made of such issues as authorized user,[1] interface,[2] and earth station ownership and operation.[3] Comsat submits that its earnings experience since it commenced operations demonstrates the reasonableness of its rates and charges and provides some insight into the reasonableness of permitting it to continue in effect its present rates for the foreseeable future. Comsat additionally maintains that, even if the motion to terminate is granted, its rates and earnings should be evaluated in light of a 5-year cumulative rate of return.

2. On February 10, 1969, the American Broadcasting Co., Canadian Broadcasting Corp., Columbia Broadcasting System, Inc., European Broadcasting Union,

[1] Authorized Entities and Users—Comsat, 4 FCC 2d 421 (1966).

[2] Amendment of Part 25 of the Commission's rules and regulations with respect to Ownership and Operation of Initial Earth Stations in the United States, 2 FCC 2d 658 (1966).

[3] Amendment of Part 25 of the Commission's rules and regulations with respect to Ownership and Operation of Initial Earth Stations in the United States, 5 FCC 2d 812 (1966).

and National Broadcasting Co., Inc., filed a joint statement noting that Comsat had filed rate reductions for television service to become effective February 1, 1969. These television broadcasters advised that they would be pleased if such rate reductions were allowed to remain in effect and that such rate schedule would satisfy their interest at this time in this rate proceeding. The broadcasters concluded with the statement that they have no objection to the granting of Comsat's motion with regard to the present proceeding.

3. The National Aeronautics and Space Administration (NASA), in its comments dated February 10, 1969, offered no objection to the Comsat motion to terminate this proceeding, with the understanding that any new proceeding involving Comsat's charges for services in the Apollo program would include consideration of the reasonableness of these charges since the commencement of the services in January 1967. Comsat responded saying that it had no objection to this position if it were construed as a preservation of NASA's right to raise whatever issues it believes are relevant in any future proceeding with a concomitant right in Comsat to object to the inclusion of any issue so raised by NASA. In an additional pleading of February 20, 1969, as supplemented and clarified by its statement dated September 8, 1969, NASA does not object to termination of this proceeding "on the assumption that the Commission will reflect in its order that it has reasonably been able to satisfy itself from the data submitted by the parties that there is no basis for a determination that the rates and charges set forth in Comsat's Tariff FCC No. 3 for the period January 19, 1967, to the effective date of the Commission's order [terminating this proceeding] are unreasonable or against the public interest".[4] NASA does not, however, make its withdrawal of objection to termination conditional on the Commission's making a legal finding as to the reasonableness of the rates contained in Comsat's Tariff FCC No. 3.

4. No party to the proceeding, other than the broadcasters and NASA filed a response to the Comsat motion.

5. This proceeding was instituted in June 1965 (Comsat Tariff FCC No. 1, 38 FCC 1286) as Comsat was about to undertake the first commercial provision of communications satellite services on a very limited scale. The proceeding was commenced, in part, because the initial rates of Comsat were based on estimates of costs and traffic volumes which, in the totally new field of satellites, involved more than the usual uncertainties as to their realization in fact. These uncertainties were recognized in another way by an unusual requirement that operating revenues be accounted for, until otherwise ordered or authorized by the Commission, by placement in a deferred credit account.[5] With the passage of time the scope of the proceeding was broadened [6] so that now all of Comsat's tariffed services, including the provision of service to NASA in conjunction with the Apollo program, are embraced within the proceeding.

6. The investigation of Comsat's rates has remained dormant for 5 years, without any formal hearings.[7] During these formative years of its existence, Comsat has gained a considerable amount of operational and rate-making experience, and at various times throughout this period, financial and operating data have been filed by Comsat relating to projections of operating results to be achieved in rendering various classes of communication service. Among such data supplied to the Commission in the investigation of Comsat's rates was a study titled, "Report on Rates and Revenue Requirements, 1967–1971", dated July 5, 1966. This report was subsequently revised on November 7, 1966, and August 8, 1967. The study undertook to determine, for the period 1967–71 (which Comsat urged as a period to be used for evaluating its rates), revenues needed, under present rates, to meet its evaluation of revenue requirements over the entire period. The results of the last revised study (dated Aug. 8, 1967), which was presented by Comsat as a part of Docket No. 16070, indicate that the annual earnings on net investment varied from a low of 0.6 percent in 1968 to a projected 23.0 percent in 1971. The cumulative rate of earnings through 1971 was estimated at 11.3 percent which included a net operating loss for the 8-month period of 1967. Comsat's earnings on net investment for the 12-month period ending November 30, 1970, is approximately 9.5 percent according to current data filed with the Commission. We estimate the earnings for calendar year 1970 to be approximately 10 percent. Estimated earnings on net investment for 1971 will be substantially in exeess of 10 percent. This estimated level of overall earnings indicates the desirability of a thorough examination by the Commission of Comsat's charges to the public and the rate levels for its services, to determine whether they are just and reasonable.

7. Comsat's public offerings of service fall into three groups. These are (a) the television program transmission services sold to the authorized user carriers for resale to the broadcasters, (b) the leased channel circuits (both voice grade and wideband) sold to the authorized user carriers for resale to the general public, and (c) the communications Apollo program "package" (both the original package and the one effective October 1, 1969) sold directly to NASA as an authorized user in its own right. We have no direct evidence as to the operating results realized or projected on any of the sub-groups separately.

8. Any determination of the lawfulness of existing rate levels and adjustments that should be made to such rate levels requires an ascertainment of total revenue requirements for Comsat's total operations. Since the communication plant is used in common for all services, the investment in such plant and the costs associated with its operation must be apportioned on some fair and equitable basis between geographical areas, and among the services, in order that we may prescribe just and reasonable charges, classifications, regulations, and practices with respect to each of the services offered by Comsat. Heretofore, the basis of assignments, allocations, and apportionment of plant investment, related cost and expenses has never been formally evaluated, approved or adopted by this Commission. Thus, in the determination of the revenue requirements applicable to such services, the rates of which may be in issue, we will consider the propriety of the principles and procedures used for this purpose. In determining the revenue requirements for its services, Comsat will be expected to justify its plant investment included in the rate base, as well as the reasonableness of all other items of rate base, expenses, taxes and reserves upon which it relies in determining its operating results.

9. Turning now to a procedural question, we are of the opinion that it would be desirable to provide for the submission of an Initial Decision by a hearing examiner and we have done so below. Moreover, we believe it would be desirable for the trial staff of the Common Carrier Bureau to be separated both from the Commission and from the Examiner. We will therefore follow the procedures recommended by the Administrative Conference which we have heretofore adopted in Docket No. 19129. See Selected Reports of the Administrative Conference of the United States, 88th Cong., first session, S. Doc. 24 at pp. 109–110.

Accordingly, it is ordered, That the motion to terminate proceedings filed by Comsat is hereby denied;

It is further ordered, That, without limiting the matters to be investigated herein, the issues in this proceeding are supplemented by the addition of the following issues:

4. The amounts properly includable in rate base, including the net investment of Comsat in property used and useful in the provision of communications services;

5. The amounts properly includable as expenses and taxes incurred by Comsat in the provision of communications services;

6. The reasonableness of the prices paid by Comsat for property, supplies

[4] Comsat Tariff FCC No. 3 covers a particular package offering tailored to NASA's needs for the Apollo program. The original rates published for this package were allowed to expire Sept. 30, 1969, and, effective the next day, a new, smaller and changed-composition package offering became effective by amendment of the existing tariff. The rate structure for the new package was also changed considerably. This was subsequently further changed.

[5] Comsat has been periodically relieved of this restriction on condition that it follow specified accounting procedures.

[6] In the Matter of Comsat, 1 FCC 2d 533 (1965); and FCC 67–57 (1967).

[7] The postponement of hearings were granted in view of the low level of the then current earnings and to afford an opportunity to gain operating experience which would be valuable in assessing the reasonableness of the current rate schedules.

and services purchased for providing such services;

7. The reasonableness and propriety of the procedures employed for assigning, allocating or apportioning plant investment, operating expenses, taxes, and reserves to communications services;

8. The fair rate of return required by Comsat on its allowable rate base determined pursuant to the foregoing as well as upon any other alternative approaches that may be appropriate;

9. The amount of current operating revenues and earnings and those which may reasonably be expected in the next 5 years to accrue to Comsat under present rates, and various alternative rate schedules, from communications services rendered by use of such plant and facilities, the costs of which are included in the net investment to be determined here;

10. From the foregoing issues 4 through 9, what revenues are required to give Comsat a fair rate of return (as determined in issue 8 above).

It is further ordered, That the portions of our memorandum opinion and order, adopted June 22, 1965, 38 FCC 1286, 1296 requiring that the Hearing Examiner certify the record to the Commission without preparing an initial or recommended decision and that the Chief, Common Carrier Bureau shall prepare and issue a recommended decision are hereby set aside;

It is further ordered, That the Hearing Examiner shall prepare an initial decision, which shall be subject to the submission of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR 1.276 and 1.277) after which the Commission shall issue its decision as provided in § 1.282 of the rules (47 CFR 1.282);

It is further ordered, That, subject to the procedures referred to in paragraph 9 above, the Common Carrier Bureau is named a party hereto;

It is further ordered, That the hearing which is to be held in this proceeding shall be reconvened promptly at a time to be hereafter specified by a subsequent order of the Hearing Examiner.

Adopted: February 10, 1971.

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

FEBRUARY 18, 1971.

[FR Doc.71-2506 Filed 2-23-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. E-7606]

IDAHO POWER CO.

Notice of Proposed Rate Schedule Change

FEBRUARY 19, 1971.

Take notice that on February 8, 1971, Idaho Power Co. (applicant) filed a rate schedule change, including an amendatory agreement dated January 19, 1971, proposing to change the existing rate schedule for service to the city of Weiser, Idaho. The date on which the rate change is proposed to become effective is March 15, 1971.

According to billing information submitted by applicant, the rate change proposed would increase the city of Weiser's rate by approximately $9,900 for the year ending February, 1971, and approximately $10,500 for the year ending February, 1972.

As justification for the new rate, applicant contends that the existing contract rate has remained in effect since January 2, 1963, notwithstanding a material increase in the cost of labor, materials and supplies, taxes, purchased power, and interest. According to Applicant, additional new facilities will be needed in the very near future.

Applicant does not have a similar wholesale service rate providing for deliveries of power at distribution voltage.

Any person desiring to be heard or to make any protest with reference to this application should on or before March 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2540 Filed 2-23-71;8:48 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on November 17, 1970.[1]

The information reviewed at this meeting suggests that real output of goods and services is changing little in the current quarter and that unemployment has increased. Part but not all of the weakness in overall activity is attributable to the strike in the automobile industry which apparently is now coming to an end. Wage rates generally are continuing to rise at a rapid pace, but gains in productivity appear to be slowing the increase in unit labor costs. Recent movements in major price measures have been erratic but the general pace of advance in these measures has tended to slow. Most interest rates declined considerably in the past few weeks, and Federal Reserve discount rates were reduced by one-quarter of a percentage point in the week of November 9. Demands for funds in capital markets have continued heavy, but business loan demands at banks have weakened. The money supply changed little on average in October for the second consecutive month; bank credit also was about unchanged, following a slowing of growth in September. The balance of payments deficit on the liquidity basis was at a lower rate in the third quarter and in October than the very high second-quarter rate, but the deficit on the official settlements basis remained high as banks repaid Eurodollar liabilities. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to orderly reduction in the rate of inflation, while encouraging the resumption of substainable economic growth and the attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to promote some easing of conditions in credit markets and moderate growth in money and attendant bank credit expansion over the months ahead, with allowance for temporary shifts in money and credit demands related to the auto strike. System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining bank reserves and money market conditions consistent with those objectives.

By order of the Federal Open Market Committee, February 12, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-2490 Filed 2-23-71;8:46 am]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on December 15, 1970.[1]

The information reviewed at this meeting suggests that real output of goods and services has declined since the third quarter, largely as a consequence of the recent strike in the automobile industry, and that unemployment has increased. Resumption of higher automobile production is expected to result in a bulge in activity in early 1971. Wage rates generally are continuing to rise at a rapid pace, but gains in productivity appear to be slowing the increase in unit labor costs. Movements in major price measures have been diverse; most recently, wholesale prices have shown little change while consumer prices have advanced substantially. Market interest rates declined considerably further in the past few weeks, and Federal Reserve discount rates were reduced by an additional one-quarter of a percentage point.

[1] The Record of Policy Actions of the Committee for the meeting of Nov. 17, 1970, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[1] The Record of Policy Actions of the Committee for the meeting of Dec. 15, 1970, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Demands for funds in capital markets have continued heavy, but business loan demands at banks have been weak. Growth in the money supply was somewhat more rapid on average in November than in October, although it remained below the rate prevailing in the first three quarters of the year. Banks acquired a substantial volume of securities in November, and bank credit increased moderately after changing little in October. The foreign trade balance in September and October was smaller than in any other 2-month period this year. The overall balance of payments deficit on the liquidity basis remained in October and November at about its third-quarter rate. The deficit on the official settlements basis was very large as banks continued to repay Euro-dollar liabilities. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to orderly reduction in the rate of inflation, while encouraging the resumption of sustainable economic growth and the attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations shall be conducted with a view to maintaining the recently attained money market conditions until the next meeting of the Committee, provided that the expected rates of growth in money and bank credit will at least be achieved.

By order of the Federal Open Market Committee, February 12, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-2489 Filed 2-23-71;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-87]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in an electric service 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 interests of the executive agencies of the Federal Government before the California Public Utilities Commission in a proceeding (Application No. 52336) involving the electric service rates of the Southern California Edison Co.

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 17, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-2465 Filed 2-23-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[31-707]

FIRST CHICAGO CORP. ET AL.

Notice of Filing of Application for Order Declaring Applicants Not To Be Electric Utility Companies or Holding Companies

FEBRUARY 12, 1971.

In the matter of First Chicago Corp., 1 First National Plaza, Chicago, IL 60670; First Chicago Leasing Corp., 1 First National Plaza, Chicago, IL 60670; BancOhio Corp., 51 North High Street, Columbus, OH 43216; and The Ohio National Bank of Columbus, 51 North High Street, Columbus, OH 43216.

Notice is hereby given that First Chicago Corp. (First Chicago), First Chicago Leasing Corp. (Leasing), BancOhio Corp. (BancOhio) and The Ohio National Bank of Columbus (Ohio National) have filed an application and an amendment thereto for an order declaring that neither First Chicago nor BancOhio will become a holding company and neither Leasing nor Ohio National will become an electric utility company within the meaning of sections 2(a)(7) and 2(a)(3), respectively, of the Public Utility Holding Company Act of 1935 (Act) as a result of the transactions set forth in the application and amendment thereto.

First Chicago, a Delaware corporation, owns all of the outstanding stock of The First National Bank of Chicago, a commercial bank organized under the laws of the United States, and also owns all of the outstanding stock of Leasing, a Delaware corporation, organized to engage in the business of equipment leasing and financing. Neither First Chicago nor Leasing is presently a holding company or a subsidiary company of a holding company, each as defined in the Act.

BancOhio, an Ohio corporation and a registered bank holding company, owns substantially all of the capital stock of Ohio National, a banking association organized under the laws of the United States with its main office in Columbus, Ohio, and also owns substantially all of the capital stocks of 25 other national and State banks located in Ohio. Neither BancOhio nor Ohio National is presently a holding company or a subsidiary company of a holding company, each as defined in the Act.

Columbus and Southern Ohio Electric Co. (Columbus) is an electric utility company organized under the laws of the State of Ohio and states that it is not a holding company or a subsidiary company of a holding company.

Columbus has entered into purchase agreements with a manufacturer to supply to Columbus two gas turbine generating units and accessory equipment (the Generators) for an aggregate purchase price of approximately $11,700,000. Columbus proposes to assign its right to buy the Generators to Ohio National as Trustee for the benefit of Leasing and the institutional investors referred to below. The Trustee will purchase the Generators directly from the manufacturer and lease them to Columbus under a lease (the Lease) having a term of approximately 25 years. The Trustee will pay Columbus an amount equal to progress payments previously made by Columbus to the manufacturer. Columbus will have the right to buy the Generators at the end of the term of the Lease for their then market value.

The Trustee proposes to borrow approximately 80 percent of the funds to purchase the Generators from institutional investors and will issue therefor interest bearing securities which will be obligations of the Trustee, payable solely out of the proceeds of the Lease and will be secured by a security interest in the Generators and the Lease. The remaining 20 percent of the purchase price will be advanced to the Trustee by Leasing as an investment in 100 percent of the beneficial ownership of the Generators.

The Lease will be a net lease under which Columbus will be responsible for maintaining, repairing and insuring the Generators and for paying all taxes, assessments and other costs arising from its possession and use thereof. The rentals to be paid by Columbus to the Trustee during the term of the Lease will be calculated to provide funds sufficient to pay the principal of and interest on the securities and a return on Leasing's equity investment. After the term has expired, Leasing will be entitled to receive any proceeds realized from selling the Generators to Columbus or to others. It is stated that neither Leasing nor the Trustee will receive any revenue from the sale of electric energy generated by the Generators, that the Trustee's only financial interest in the transaction will be to receive fees for its services as Trustee and lessor under the Lease, and that neither Leasing nor Ohio National will be an electric utility company and that neither First Chicago nor BancOhio will be a holding company, as defined in sections 2(a)(3) and 2(a)(7) of the Act, respectively.

Notice is further given that any interested person may, not later than March 1, 1971, request in writing that a hearing be held in respect of the requests for exemptions, stating the nature of his interest and the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date the Commission may grant the exemptions requested, or take such other action as it deems appropriate.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.71-2469 Filed 2-23-71;8:45 am]

[70-4977]

UTAH POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

FEBRUARY 12, 1971.

Notice is hereby given that Utah Power & Light Co. (Utah), 1407 West North Temple Street, Post Office Box 899, Salt Lake City, UT 84110, an electric utility company and a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Utah proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $35 million principal amount of first mortgage bonds, _____ percent series due _____. The bonds will mature either on March 1, 1976, or on March 1, 2001. The maturity date will be designated by Utah by notice to prospective bidders not less than 5 days prior to the time designated for the presentation of bids. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Utah (which shall be not less than 99 percent and not more than 102 percent of the principal amount of the bonds) will be determined by the competitive bidding. The bonds are to be dated as of March 1, 1971, and will be issued under a mortgage and deed of trust dated as of December 1, 1943, between Utah and Morgan Guaranty Trust Company of New York, as trustee, and indentures of supplemental thereto including a 19th Supplemental Indenture to be dated as of March 1, 1971, which includes a prohibition until March 1, 1976, against refunding the bonds, directly or indirectly, with funds borrowed at a lower effective interest cost.

Utah also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 520,000 shares of its $_____ cumulative preferred stock, Series E, par value $25 per share. The dividend rate of the preferred stock (which shall be a multiple of $0.02) and the price, exclusive of accrued dividends, to be paid to Utah (which shall be not less than $25 nor more than $25.70 per share) will be determined by the competitive bidding. The terms of the preferred stock will include a prohibition until April 1, 1976, against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or other preferred stocks at a lower effective dividend cost.

The proceeds from the sale of the bonds and preferred stock will be applied to the payment of outstanding short-term notes (estimated at $38 million) evidencing borrowings made for construction purposes. The construction program for Utah and its subsidiary company, The Western Colorado Power Co., for the years 1971–73, inclusive, is estimated at $191 million of which $69 million is expected to be used in 1971.

The declaration states that the fees and expenses to be incurred by Utah in connection with the issue and sale of the bonds and preferred stock are estimated at $70,000 and $26,500 respectively, including fees of company counsel of $13,000 for the bonds and $6,000 for the preferred stock. The fees of counsel for the underwriters, which are to be paid by the successful bidders, are to be filed by amendment. Utah has applied to the Public Service Commission of Wyoming and the Idaho Public Utilities Commission for requisite authority to effectuate the proposed transactions. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 3, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificte) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.71-2470 Filed 2-23-71;8:45 am]

[812-2873]

W, S & W FUND, INC., AND W, S & W SPECIAL FUND, INC.

Notice of Application for Order Exempting Proposed Transactions

FEBRUARY 12, 1971.

Notice is hereby given that W, S & W Fund, Inc. (W, S & W) and W, S & W Special Fund, Inc. (Special), 20 Exchange Place, New York, N.Y. 10005, each of which is registered as an open-end, nondiversified management investment company under the Investment Company Act of 1940 (Act) (herein referred to collectively as the "applicants"), have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act to the extent necessary the proposed sale by Special and the acquisition by W, S & W of substantially all of the former's assets in exchange for shares of common stock of W, S & W as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The same individuals who serve W, S & W as directors also serve Special as directors and the officers of W, S & W hold the identical offices with Special. Three of the seven directors of W, S & W and of Special are officers and voting stockholders of Wood, Struthers & Winthrop Inc., the investment adviser of both W, S & W and Special. Accordingly, each of the applicants may be deemed to be under common control, and therefore are affiliated persons of the other within the meaning of section 2(a)(3) of the Act.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company to sell to or purchase from such investment company any security or property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are fair and reasonable and do not involve any overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, and that the proposed transaction is consistent with the general purposes of the Act.

Pursuant to an agreement between the applicants, substantially all of the assets (cash and securities) of Special at the closing date, with a net value of approximately $894,878 at October 31, 1970, will be transferred to W, S & W in exchange for shares of common stock of W, S & W. The total number of shares of common stock of W, S & W to be issued to Special will have an aggregate net asset value equal to the aggregate net asset value of the assets of Special to be transferred to W, S & W as of the "Computation Time," as defined in the agreement.

Following the acquisition by Special of shares of W, S & W, Special will be liquidated and dissolved and, in that connection, the W, S & W shares acquired by Special will be distributed by Special to its stockholders upon surrender of Special stock. Each stockholder of Special will be entitled to receive such number of full shares of W, S & W stock as shall be most nearly equal to, but not in excess of his proportionate share of the total number of W, S & W shares acquired by Special. Fractional shares of W, S & W stock will not be distributed. In lieu thereof any fractional interest in a share of W, S & W stock which any Special stockholder may be entitled to receive will be redeemed at the redemption price in effect at the "Computation Time" and the proceeds will be paid to the Special stockholders when he receives his certificate for full shares of W, S & W stock.

If the closing had occurred on November 30, 1970, after giving effect to the dividends and distributions and expenses of each applicant, mentioned below, the net asset value per share of Special stock and W, S & W stock would have been $7.86 and $7.55, respectively; and the holder of each share of Special stock would have been entitled to receive 1.0409 shares of stock of W, S & W (subject to the provisions for fractional shares) upon the liquidation and dissolution of Special.

Since the exchange is expected to be tax free for Special and its security holders, W, S & W's cost-basis for tax purposes of the assets to be acquired will be the same as Special's, rather than the price actually paid. No adjustment will be made on account of realized capital gains or losses or on account of unrealized appreciation or depreciation.

The terms of the agreement provide that, prior to the closing, each applicant will declare and pay to its respective stockholders dividends and distributions substantially equal to the amounts, if any, of its net investment income and net realized capital gains. As of October 31, 1970, unrealized depreciation of W, S & W amounting to approximately 24.4 percent of its net assets compares with unrealized depreciation of Special amounting to approximately 23.7 percent of its net assets. At the same date, net realized losses on sales of securities of each of the applicants were equal to approximately 3 percent of each's respective net assets. As of October 31, 1970, W, S & W and Special each held substantially the same portfolio securities in approximately the same proportions of their respective total net assets.

W, S & W and Special each have substantially the same investment objectives, policies and restrictions, the only difference relating to capital gains tax considerations. Special may disregard the effect of assessments on its stockholders of Federal income taxes at ordinary rates on realized short-term capital gains, whereas W, S & W ordinarily holds portfolio securities for at least 6 months in order to obtain long-term capital gains treatment for taxes on investment profits. To date this difference has not had any material effect on the holding periods of any portfolio securities of either W, S & W or Special.

The expenses of Special in connection with the proposed transaction are estimated to be approximately $6,700 or $0.06 per share, and the expenses of W, S & W in connection with the proposed transaction are estimated to be approximately $2,300 or $0.04 per share, in each case after giving effect to the anticipated payment by Wood, Struthers, & Winthrop, Inc., of approximately $6,700 to Special and $2,300 to W, S & W as contributions toward the expenses incurred by them in connection with the proposed transaction.

W, S & W and Special state that the consummation of the proposed transaction will eliminate the current duplication of certain expenses borne by the applicants such as accountants' fees and legal fees, and that the anticipated benefit to stockholders of both applicants of a reduction in applicable ratios of operating expenses to average net assets warrants incurring the expenses incident to the proposed transaction. The proposed sale by Special has been approved by the holders of two-thirds of Special's outstanding shares of common stock at a special meeting of the company's shareholders.

Notice is further given that any interested person may, not later than March 5, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.71-2471 Filed 2-23-71;8:45 am]

TARIFF COMMISSION

[AA1921-71]

BRASS KEY BLANKS FROM CANADA

Postponement of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921–71, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on March 16, 1971, has been postponed until 10 a.m., e.s.t., on March 23, 1971.

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of brass key blanks from Canada which the Assistant Secretary of the Treasury has determined are being, and are likely to be, sold at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of February 10, 1971 (36 F.R. 2840).

The postponement of the hearing is being made at the request of one of the interested parties who had a prior commitment for the date originally set for the hearing.

Issued: February 19, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-2503 Filed 2-23-71;8:48 am]

PIANOS (EXCEPT GRAND PIANOS)

Report to the President

FEBRUARY 19, 1971.

The U.S. Tariff Commission, in a report sent to the President today on recent developments in the trade in pianos (except grands), reported that both domestic shipments and imports of upright pianos declined in 1970. U.S. producers' shipments during the period January–October 1970 were 6 percent smaller in volume than in the corresponding period of 1969, continuing a downward trend in output that had started in 1967. U.S. imports were 26 percent smaller in January–October 1970 than in the first 10 months of 1969—reversing a long-term upward trend. It is estimated that imports of upright pianos in 1970 will equal about 9 percent of U.S. consumption of such pianos, compared with about 14 percent in 1969.

The Commission report was submitted to the President in accordance with section 351(d)(1) of the Trade Expansion Act of 1962, which provides as follows:

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

Pianos (except grands) are currently dutiable at the escape-clause rate of 13.5 percent ad valorem; this rate is presently scheduled to remain in effect until February 21, 1973, at which time the staging of duty reductions to carry out a U.S. trade-agreement concession granted at the Kennedy Round negotiations will be reinstituted.

Copies of the public report (TC Publication 363) will be available on request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets, NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-2478 Filed 2-23-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 19, 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. 42135—*Chlorine from Evans City, Ala.* Filed by O. W. South, Jr., agent (No. A6227), for and on behalf of the Southern Railway Co. Rates on chlorine, in tank carloads, as described in the application, from Evans City, Ala., to Camp Croft, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 22 to Southern Freight Association, agent, tariff ICC S-938.

FSA No. 42136—*Phosphate rock from Occidental, Fla.* Filed by O. W. South, Jr., agent (No. A6226), for interested rail carriers. Rates on phosphate rock, crude (other than ground phosphate rock), in carloads, as described in the application, from Occidental, Fla., to Courtright, Ontario, Canada.

Grounds for relief—Market competition.

Tariff—Supplement 135 to Southern Freight Association, agent, tariff ICC S-658.

By the Commission.

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

[FR Doc.71-2494 Filed 2-23-71;8:47 am]

[Notice 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 19, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 577), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed February 9, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 57 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55 (also designated U.S. Highway 66), thence over Interstate Highway 55 to junction U.S. Highway 66 at Gardner, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) at a point approximately 10 miles northeast of Joliet, Ill., thence over Illinois Highway 53 via Joliet to junction U.S. Highway 66 at or near Gardner, Ill.; and (2) from junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) and U.S. Highway 66, north of Joliet, Ill., over U.S. Highway 66 to junction Ohio Highway 126 (formerly portion U.S. Highway 66), thence over Illinois Highway 126 to Plainfield, Ill., thence over Illinois Highway 59 (formerly portion U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 129 (formerly portion U.S. Highway 66), thence over Illinois Highway 129 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) and U.S. Highway 66 near Gardner, Ill., and return over the same routes.

No. MC-1515 (Deviation No. 578), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed February 9, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 66 and Illinois Highway 126 with Interstate Highway 55 near Plainfield, Ill., over Interstate Highway 55 to junction with U.S. Highway 66 and Illinois Highway 59 (formerly U.S. Highway 66); and (2) from junction U.S. Highway 66 and Illinois Highway 129 (formerly U.S. Highway 66) with Interstate Highway 55, over Interstate Highway 55 to junction U.S. Highway 66 near Gardner, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) at a point approximately 10 miles northeast of Joliet, Ill., thence over Illinois Highway 53 via Joliet to junction U.S. Highway 66 at or near Gardner, Ill.; and (2) from junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) and U.S. Highway 66, north of Joliet, Ill., over U.S. Highway 66 to junction Ohio Highway 126 (formerly portion U.S. Highway 66), thence over Illinois Highway 126 to Plainfield, Ill., thence over Illinois Highway 59 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 129 (formerly portion U.S. Highway 66), thence over Illinois Highway 129 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) and U.S. Highway 66 near Gardner, Ill., and return over the same routes.

No. MC-13300 (Deviation No. 17), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, NC 27602, filed February 10, 1971. Carrier's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Durham, N.C., over North Carolina Highway 55 to junction North Carolina Highway 1121, thence over North Carolina Highway 1121 to Few, N.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Durham, N.C., over North Carolina Highway 1945 to Few, N.C., thence over North Carolina Highway 1121 via Research Triangle Park to junction North Carolina Highway 1959, and return over the same route.

By the Commission.

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

[FR Doc.71-2497 Filed 2-23-71;8:47 am]

[Notice 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 19, 1971.

The following letter-notices of proposals to operate over deviation routes

for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2202 (Deviation No. 115), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309, filed February 10, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and Interstate Highway 57 (near Chicago Heights, Ill.), over Interstate Highway 57 to junction Interstate Highway 55 (near Sikeston, Mo.), thence over Interstate Highway 55 to Memphis, Tenn. (including any direct existing access highway located immediately adjacent to unfinished portions of Interstate Highways 57 and 55), thence over U.S. Highway 79 to junction U.S. Highway 167 (near Fordyce, Ark.), thence over U.S. Highway 167 to junction Louisiana Highway 9, thence over Louisiana Highway 9 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction Texas Highway 315, thence over Texas Highway 315 to junction U.S. Highway 259, thence over U.S. Highway 259 to junction U.S. Highway 59, thence over U.S. Highway 59 to Lufkin, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from junction U.S. Highway 30 and Interstate Highway 57 over U.S. Highway 30 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 69, thence over U.S. Highway 69 to Lufkin, Tex., and return over the same route.

By the Commission.

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

[FR Doc.71-2498 Filed 2-23-71;8:47 am]

[Notice 13]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 19, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

MOTOR CARRIERS OF PROPERTY

No. MC 117574 (Sub-No. 184) (Republication) filed August 7, 1969, published in the FEDERAL REGISTER issues of September 11, 1969, and October 2, 1969, respectively, and republished this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 2, decided February 5, 1971, and served February 11, 1971, finds that the application as amended, and the record in the proceeding; that the present and future public convenience and necessity require operation by applicant; (1) in foreign commerce only, of general commodities (except classes A and B explosives), in cargo containers, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York (except Voorheesville), North Carolina, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, and the District of Columbia, on the one hand, and, on the other, points in the United States (except Escanaba, Mich.; Lincoln and Wahoo, Nebr.; Clintonville and Oshkosh, Wis., and points in Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming), restricted to the transportation of shipments having a prior or subsequent movement by water; and (2) in interstate or foreign commerce, of cargo containers, between points in the United States, except those points in Alaska, Hawaii, Washington, Oregon, Idaho, California, Nevada, Utah, Colorado, Wyoming, Montana, North Dakota, and South Dakota; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the grant of authority as originally published in the FEDERAL REGISTER may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126514 (Sub-No. 23) (Republication), filed June 9, 1970, published in the FEDERAL REGISTER issue of June 25, 1970, and republished in this issue. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, AZ 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. The modified procedure has been followed in this proceeding and a report of the Commission, Review Board No. 3, decided February 4, 1971, and served February 12, 1971 finds; that the present and future public convenience and necessity require operation by applicants in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes; (1) of frozen cocktail mixes; and (2) of agricultural commodities, otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with frozen cocktail mixes, from Los Angeles, Calif., to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin, and the District of Columbia; that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 87909 (Sub-No. 12), filed February 2, 1971. Applicant: ARROW MOTOR FREIGHT LINE, INC., 661 South La Salle Street, St. Paul, MN 55987. Applicant's representative: Allen E. Kroblin, 2125 Commercial Street, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Waterloo and Des Moines, Iowa, from

Waterloo over Iowa Highway 57 to junction of Iowa Highway 14, thence over Iowa Highway 14 to junction of Iowa Highway 175, thence over Iowa Highway 175 to junction U.S. Highway 69, thence over U.S. Highway 69 to Des Moines, and return over the same routes, serving all intermediate points, and the off-route points of Reinbeck, Morrison, Stout, Fern, Holland, Wellsburg, McCallsburg, Garden City, and Roland, Iowa. NOTE: The instant application is a matter directly related to No. MC-F-11082 published in the FEDERAL REGISTER issue of February 10, 1971. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11073. (Correction) (REFRIGERATED TRANSPORT CO., INC.—Purchase (Portion)—CARAVAN REFRIGERATED CARGO, INC.), published in the February 3, 1971, issue of the FEDERAL REGISTER, on page 1941. The operating rights sought to be transferred should include: *Bananas*, from New Orleans, La., and Gulfport, Miss., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

No. MC-F-11088. Authority sought for purchase by THE AETNA FREIGHT LINES, INCORPORATED, Post Office Box 350, 2507 Youngstown Road SE., Warren, OH 44482, of the operating rights of S. R. T. MOTOR FREIGHT, INC., 1552 South Pennsylvania Avenue, Morrisville, PA 19067, and for acquisition by J. PHIL FELBURN, Post Office Box 427, Middletown, OH, of control of such rights through the purchase. Applicants' attorneys: Edward G. Villalon, Suite 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004, and Alan Kahn, Two Penn Center Plaza, John F. Kennedy Boulevard, at 15th Street, Philadelphia, PA 19102. Operating rights sought to be transferred: *Heavy machinery and such commodities* as require special equipment by reason of size or weight, as a *common carrier* over irregular routes, between points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Connecticut and Massachusetts. Vendee is authorized to operate as a *common carrier* in Michigan, Pennsylvania, West Virginia, Ohio, New York, Indiana, Illinois, Kentucky, Iowa, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, Tennessee, Delaware, District of Columbia, Maryland, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11089. Authority sought for purchase by PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704, of a portion of the operating rights and property of O. L. HARE, doing business as GREEN COUNTY FAST FREIGHT, 1013 Fifth Avenue, Monroe, WI 53566, and for acquisition by HENRY PREDOLIN and HAROLD EUGENE OLSON, both of Post Office Box 3358, Madison, WI 53704, of control of such rights and property through the purchase. Applicants' attorneys: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602 and Edward Solie, 4513 Vernon Building, Madison, WI 53705. Operating rights sought to be transferred: *Casein, feed, casein equipment, and empty containers for casein*, as a *common carrier*, over irregular routes, between points in that part of Wisconsin bounded by a line beginning at Wisconsin Dells, and extending along Wisconsin Highway 23 to Reedsburg, thence along Wisconsin Highway 33 to Union Center, thence along Wisconsin Highway 80 to Elroy, thence along Wisconsin Highway 71 to junction Wisconsin Highway 131 (formerly Wisconsin Highway 142), thence along Wisconsin Highway 132 to Tomah, and thence along U.S. Highway 12 to point of beginning, including points on the indicated portions of the highways specified (except those on U.S. Highway 12), on the one hand, and, on the other, Chicago, Ill.; *farm machinery and farm supplies*, from Chicago, Ill., and points in Illinois in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in that part of Wisconsin within 200 miles of Madison, Wis., located south and west of U.S. Highway 12, not including points on the indicated portion of U.S. Highway 12; *such merchandise*, as is dealt in by both food manufacturing establishments, the business of which is the processing, manufacture, and sale of prepared food products, and wholesale food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, when moving to or from warehouses, plants or other facilities of such establishments, between Chicago, Ill., on the one hand, and, on the other, points in that part of Wisconsin south and west of U.S. Highway 12 (not including points located on U.S. Highway 12); fertilizer, from Bloom Township (Cook County), Ill., to certain specified points in Wisconsin located on, south, and west of U.S. Highway 12. Vendee is authorized to operate as a *common carrier* in Wisconsin, California, Arizona, Nevada, Wyoming, New Mexico, Utah, Idaho, Illinois, Indiana, Ohio, New York, Oregon, Washington, Montana, Minnesota, and Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11090. Authority sought for purchase by RINGSBY-PACIFIC LTD., 3201 Ringsby Court, Denver, CO 80205, of the operating rights of TACOMA MOVING & STORAGE CO., 2136 Pacific Avenue, Tacoma, WA 98402, and for acquisition by D. W. RINGSBY, also of Denver, Colo. 80205, of control of such rights through the purchase. Applicants' attorney: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods, as a *common carrier*, over regular routes, between Tacoma and Seattle, Wash.; *general commodities*, with exceptions as specified above, over irregular routes, between Tacoma, Wash., on the one hand, and, on the other, points and places in Pierce, Thurston, Lewis, Mason, and Grays Harbor Counties, Wash. Vendee is authorized to operate as a *common carrier* in California, Oregon, Nevada, Idaho, Washington, and Montana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11091. Authority sought for purchase by LYNDEN TRANSFER, INC., doing business as LYNDEN TRANSPORT, INC., Box 433, Lynden, WA 98264, of the operating rights of VERNON DALE MILLER, doing business as HUSKY PARCEL DELIVERY, Box 1886, Ketchikan, AK 99901, and for acquisition by HENRY JANSEN, also of Lynden, WA 98264, of control of such rights through the purchase. Applicants' attorney: John M. Stern, Jr., Box 1672, Anchorage, AK 99501. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points on Revillagigedo Island, Alaska. Vendee is authorized to operate as a *common carrier* in Washington, Alaska, and Idaho. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.71-2496 Filed 2-23-71;8:47 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 19, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes

therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 71066–CCT, filed February 8, 1971. Applicant: FLORIDA FAST FREIGHT, INC., Post Office Box 6718, Jacksonville, FL 32205. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except commodities in bulk, household goods and articles requiring specialized equipment over regular routes: (1) Between Jacksonville and Florida City over U.S. Highway 1; (2) between Jacksonville and Yankeetown over U.S. Highway 90 to Baldwin, thence over U.S. Highway 301 to Ocala and thence over Florida Highway 200 to its intersection with Florida Highway 484 to Dunnellon and thence over Florida Highway 40 to Yankeetown; (3) between Jacksonville and Maxville over Florida Highway 228 as an alternate route; (4) between Jacksonville and Baldwin over Interstate Highway 10 as an alternate route; (5) between Dunnellon and Tampa over U.S. Highway 41; (6) between Ocala and Tampa over U.S. Highway 301; (7) between Ocala and Tampa over Interstate 75 for operating convenience; (8) between Wildwood and Miami over the Florida Turnpike for operating convenience; (9) between Daytona Beach and Tampa over U.S. Highway 92; (10) between Daytona Beach and Tampa over Interstate 4 for operating convenience; (11) between Tampa and Miami over Florida Highway 60 to Lake Wales and thence over U.S. Highway 27 to Miami; (12) between Tampa and Miami over U.S. Highway 41; (13) between Jacksonville and Miami over Interstate 95 and U.S. Highway A1A as operating convenience; (14) between Naples and Fort Lauderdale over Everglades Parkway as operating convenience; (15) between Orlando and Miami over U.S. Highway 441 for operating convenience; (16) all points in Florida not on a regular route to be served as off-route points which are south of Route No. 2 and north of U.S. Highway 41 between Naples and Miami and (17) service is to be authorized to all intermediate points that are on regular routes. Both intrastate and interstate authority sought.

HEARING: Time and place of hearing not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

State Docket No. 71069–CCT, filed February 4, 1971. Applicant: FLORIDA TERMINALS & TRUCKING COMPANY, Post Office Box 13607, Orlando, FL 32809. Applicant's representative: James E. Wharton, 506 First National Bank Building, Post Office Box 231, Orlando, FL 32802. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except items of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, restricted to traffic having a prior or subsequent movement by rail, between points in Orange, Brevard, Lake, Osceola, Polk, Seminole, Marion, Volusia, Indian River, and St. Lucie Counties, and that portion of Martin County north of the St. Lucie River, Fla. Both intrastate and interstate authority sought.

HEARING: Time and place of hearing not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to Florida Public Service Commission, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.71-2495 Filed 2-23-71;8:47 am]

[Notice 250]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 19, 1971.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 62499 (Sub-No. 10 TA), filed February 12, 1971. Applicant: HAGERSTOWN MOTOR EXPRESS CO., INC., Post Office Box 1946, Middleburg Pike, Hagerstown, MD 21740. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except household goods as defined by the Commission, explosives and blasting supplies, commodities requiring special equipment and commodities requiring refrigeration), from points in Maryland, Virginia, and West Virginia, within 40 miles of Hagerstown, Md., to Hagerstown, Md., for 150 days. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 109994 (Sub-No. 40 TA), filed February 12, 1971. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MN 55901. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry juices, sauces and concentrates thereof; and fresh and frozen cranberries*, when moving in mixed loads with cranberry juices, sauces and concentrates from (1) Kenosha, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, New Mexico, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Ohio, Mississippi, and Alabama and (2) from Hanson, Onset and Middleborough, Mass., to Kenosha, Wis., for 180 days. Supporting shipper: Ocean Spray Cranberries, Inc., Hanson, Mass. 02341. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 109994 (Sub-No. 41 TA), filed February 12, 1971. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MN 55901. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber and molded products*, from Bridgeport, Pa., to points of Chicago, Ill., Noblesville, Ind., Milwaukee, Wis., Minneapolis and St. Paul, Minn., and the commercial zones of the named cities, for 180 days. Supporting shipper: The Budd Co., Polychem Division, Bridgeport, Pa. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 111401 (Sub-No. 317 TA), filed February 12, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard., Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Dimethyl sulfoxide*, (DMSO) in bulk, from Bogalusa, La., to Brownsville, Tex., for export into Mexico, for 180 days. Supporting shipper: Joseph T. Lazo, Assistant Manager, Southern District Transportation Office, Crown Zellerbach Centennial, Post Office Box 1060, Bogalusa, LA 70427. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 111401 (Sub-No. 318 TA), filed February 12, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enis, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Tulsa, Okla., to Sylacauga, Ala., for 180 days. Supporting shipper: Sun Chemical Corp., J. Bolzak, Director, Traffic, 631 Central Avenue, Carlstadt, NJ 07072. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 112668 (Sub-No. 53 TA), filed February 12, 1971. Applicant: HARVEY R. SHIPLEY & SONS, INC., U.S. Route 140, Finksburg, MD 21048. Applicant's representative: Norman E. Shipley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone products*, in bullk, in dump vehicles or pneumatic tanks, from Millville, W. Va., to Bridgeport, Conn., for 180 days. Supporting shipper: Ronald F. Heemann, Standard Lime and Refractories Co., 1900 First National Bank Building, Baltimore, MD 21203. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, MD 21201.

No. MC 113784 (Sub-No. 40 TA), filed February 12, 1971. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton 21, ON Canada. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Regenerator oxide*, in bulk, in pneumatic tank vehicles, from ports of entry on the international boundary line between the United States and Canada located on the Niagara River, to Kane, Pa., and *returned shipments* on return, for 150 days. Supporting shipper: Stackpole Carbon Co., St. Marys, Pa. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 118989 (Sub-No. 60 TA), filed February 12, 1971. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers and covers and lids therefor*, from the plantsite of Inland Steel Co. at Alsip, Ill., to Menominee, Mich., for 180 days. Supporting shipper: Inland Steel Container Co., Division of Inland Steel Co., 4300 West 130 Street, Chicago, IL 60658 (H. H. Taus, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53703.

No. MC 123391 (Sub-No. 6 TA), filed February 9, 1971. Applicant: MACHISE INTERSTATE TRANSPORTATION CO., 500 North Egg Harbor Road, Hammonton, NJ 08037. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, from Jacksonville, N.J., to Willow Grove, Pa., for 150 days. Supporting shippers: Interstate Storage & Pipe Line Corp., Post Office Box 582, Burlington, NJ 08016; Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 128383 (Sub-No. 8 TA), filed February 12, 1971. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Street, Philadelphia, PA 19148. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 10109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk; (a) between Logan International Airport, Boston, Mass., Bradley International Airport, Hartford County, Conn., Broom County Airport, Broom County, N.Y., Clearance E. Hancock Airport, Onondaga County, N.Y., Greater Buffalo International Airport, Erie County, N.Y., Rochester-Monroe County Airport, Monroe County N.Y., Oneida Airport, Oneida County, N.Y., Albany County Airport, Albany County, N.Y., Mercer County Airport, Mercer County, N.J., McGuire Air Force Base, Burlington and Ocean Counties, N.J., Wilkes-Barre-Scranton Airport, Luzerne and Lackawanna Counties, Pa., Allentown-Bethlehem-Easton Airport, Lehigh County, Pa., General Carl A. Spaatz Field, Berks County, Pa., Harrisburg-York Airport and Olmsted Airport Dauphin County, Pa., Lancaster Airport, Lancaster County, Pa., and the Greater Pittsburgh Airport, Allegheny County, Pa., Greater Wilmington Airport, New Castle County, Del., Hagerstown Municipal Airport, Washington County, Md., Kanawha Airport, Kanawha County, W. Va., Richard E. Byrd Flying Field, Richmond, Va., Shannon Airport, Fredericksburg, Va., Portsmouth, Va., Patrick Henry Airport, Newport News, Va., Norfolk Municipal Airport, Norfolk Va., Greensboro-High Point Airport, Guilford County N.C., Douglas Municipal Airport, Meklenburg County, N.C., Hickory Municipal Airport, Burke and Catawba Counties, N.C., Smith Reynolds Airport, Forsyth County N.C., Raleigh-Durham Airport, Wake County, N.C., Greenville Municipal Airport, Greenville County, S.C., Greenville-Spartanburg Airport, Greenville County, S.C., Charleston Air Force Base—Municipal Airport, Berkeley County, S.C., Columbia Airport, Lexington County, S.C., Atlanta Airport, Fulton County, Ga., Herndon Airport, Orlando, Orange County, Fla., Tampa International Airport, Tampa, Fla., Miami International Airport, Dade County, Fla., Thomas Cole Imeson Airport, Jacksonville, Fla., James M. Cox—Dayton Municipal Airport, Montgomery County, Ohio; Columbus Municipal Airport, Franklin County, Ohio; Greater Cincinnati Airport, Boone County Ky., Cleveland-Hopkins International Airport, Cuyahoga County, Ohio; Youngstown Municipal Airport, Trumbull County, Ohio; Akron-Canton Airport, Summit County, Ohio; Detroit Metropolitan Airport, Detroit, Mich., Willow Run Airport, Wayne County, Mich., Detroit City Airport, Detroit, Mich., and Chicago-O'Hara International Airport, Chicago, Ill., and

(b) Between the above-named airports on the one hand, and on the other, Dulles International Airport, Fairfax and Loudoun Counties, Va., Washington National Airport, Gravelly Point, Va., Friendship International Airport, Anne Arundel County, Md., Philadelphia International Airport, Philadelphia, Pa., Newark Airport, Newark, N.J., John F. Kennedy International Airport, New York, N.Y., and LaGuardia Airport, New York, N.Y., for 180 days. Supporting shippers: Aero Special Air Freight, Inc., 150–36 182d Street, Jamaica, NY 11413; Airwork Service Division, Millville, N.J. 08332; Astro Air Express, Inc., Post Office Box 66290, O'Hara Field, Chicago, IL 60666; Bor-Air Freight Co., Inc., 351 West 38th Street, New York, NY 10018; Medallion Air Freight Corp., 344 West 37th Street, New York, NY 10018; Pan American World Air-Ways, John F. Kennedy International Airport, Jamaica, NY 11430. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 135212 (Sub-No. 1 TA), filed February 12, 1971. Applicant: ACADIAN EXPRESS SERVICE LIMITED, 1950 Ellesmere Road, Unit 21, Scarborough, ON Canada. Applicant's representative: Robert D. Gunderman, 1708 Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts for electronic communication, computation, navigation, and control systems, machinery parts, films and video tapes, photographic transparencies, negative separations and color samples, sales samples, electronic connectors, insurance*

forms, and related advertising material and sporting goods, between the port of entry at or near Buffalo, N.Y., on the international boundary line between the United States and Canada, on the one hand, and, on the other, the city of Buffalo and the Greater Buffalo International Airport, Cheektowaga, N.Y. Restricted to shipments weighing no more than 100 pounds, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 135309 TA, filed February 10, 1971. Applicant: ZEP'S FRIGID XPRESS, INC., 99 Rome Street, Newark, NJ 07100. Applicant's representative: James J. Farrell, 206 North Boulevard, Belmar, NJ 07719. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) Commodities named in *Description in Motor Carrier Certificates,* 61 M.C.C. 209, Appendix 1, *meats, meat products and meat byproducts and dairy products,* between Elizabeth, Jersey City, Linden, and Newark, N.J., and New York, N.Y., on the one hand, and, on the other, Altantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Middlesex, Monmouth, Ocean, and Union Counties, New Jersey; and (2) *food, cooked, cured, preserved, or prepared frozen,* between Elizabeth, Linden, Newark, and Woodbridge, N.J., on the one hand, and, on the other, New York, N.Y., Bohemia (Suffolk County), N.Y., and Central Islip (Suffolk County), N.Y., for 180 days. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135314 TA, filed February 12, 1971. Applicant: KENNETH D. MURPHY AND FLOYD P. DINES, a partnership, doing business as D & M TRUCKING, Post Office Box 718, La Madera, NM 87539. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, NM 87108. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Mica ore,* in bulk, from La Madera, N. Mex., to Buckeye, Ariz.; and (2) *milled mica,* from La Madera, N. Mex., to Antonito, Colo., for 150 days. Supporting shipper: Moore Mica Co., Inc., Post Office Box 717, La Madera, NM 87539. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 500 Gold Avenue SW., Albuquerque, NM 87101.

By the Commission.

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

[FR Doc.71-2499 Filed 2-23-71;8:47 am]

[Notice 651]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 22, 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 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-72348. By order of February 1, 1971, the Motor Carrier Board approved the transfer to G. E. & W. Trucking Co., Inc., Woodside, N.Y., of the operating rights in permit No. MC-101362 issued May 24, 1949, to Gus Frask, Edward Rzonca, and Walter Voytus, a partnership, doing business as G. E. & W. Trucking Co., New York, N.Y., authorizing the transportation of new furniture, uncrated, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 35 miles of New York, N.Y. Alvin Altman, Esquire, 1776 Broadway, New York, NY 10019, attorney for applicants.

No. MC-FC-72473. By order of January 29, 1971, the Motor Carrier Board approved the transfer to The Mercer County Improvement Authority, doing business as Mercer Metro, Trenton, N.J., of the operating rights in certificate No. MC-8504 issued January 26, 1960, to Capital Transit, a corporation, Trenton, N.J., authorizing the transportation, over regular routes, of passengers and their baggage between specified points in New Jersey and the Fairless Works, United States Steel Co., Falls Township, Pa., and between Trenton, N.J., and Fort Dix, N.J., serving the intermediate point of Bordentown, N.J., and over irregular routes, of passengers and their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, (1) from points in Mercer County, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia; (2) from Bordentown, N.J., to New York, N.Y., and points in that part of Pennsylvania east of the Susquehanna River, and return, and (3) from New Hope, Pa., and points in that part of Bucks County, Pa., on and east of Pennsylvania Highway 232, to New York, N.Y., and points in New Jersey, and return. Frank V. Walsh, Jr., 28 West State Street, Trenton, NJ 08608, attorney for applicants.

No. MC-FC-72518. By order of January 28, 1971, the Motor Carrier Board approved the transfer to Berry Transportation, Inc., a corporation, Post Office Box 1824, Longview, TX 75601, of the operating rights in certificate No. MC-129282 (Sub-No. 5), issued April 16, 1970, to Fred S. Berry, doing business as Berry Transportation Co., Post Office Box 1824, Longview, TX 75601, authorizing the transportation of malt beverages, (1) from Fort Worth, Tex., and named Texas points, to Texarkana, Ark., and points in Louisiana, and returned shipments thereof; (2) malt beverages, from the plantsite and storage facilities of The Jackson Brewing Co., at New Orleans, La., to Fort Worth, San Antonio, and Longview, Tex., restricted to shipments originating at the above-named plantsite; and returned shipments thereof.

No. MC-FC-72573. By order of January 29, 1971, the Motor Carrier Board approved the transfer to Henderson Transfer Co., Inc., Vincennes, Ind., of the operating rights in certificate No. MC-46612 issued June 9, 1945, to Maurice H. Boles, doing business as Henderson Transfer Co., Vincennes, Ind., authorizing the transportation of household goods between specified points in Indiana on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Missouri, and Ohio. Horace A. Foncannon, 132 Forty Seventh Street, Vincennes, IN 47591, attorney for applicants.

No. MC-FC-72612. By order of February 1, 1971, the Motor Carrier Board approved the transfer to Wallace O. Whaley, Roanoke, Ala., of the operating rights in certificate No. MC-103271 issued August 8, 1968, to Joe H. Allen doing business as Allen Transfer, Roanoke, Ala., authorizing the transportation of household goods, as defined by the Commission, between Roanoke, Ala., and points within 15 miles of Roanoke, on the one hand, and, on the other, points in that part of Georgia on and west of U.S. Highway 41. R. S. Richard, Post Office Box 2069, Montgomery, Ala. 36103, attorney for applicants.

No. MC-FC-72629. By order of February 1, 1971, the Motor Carrier Board approved the transfer to Mix Transfer Co., a corporation, 701 North Fourth Street, Minneapolis, MN 55401, of the operating rights in certificate No. MC-45876 (Sub-No. 1) issued December 23, 1966, to Roy W. Mix, Minneapolis, Minn., authorizing the transportation of motion picture films, theater supplies, equipment, and advertising materials, between Minneapolis, St. Paul, Chemolite, Northfield, and Kenyon, Minn., on the one hand, and, on the other, specified points and portions of Wisconsin.

No. MC–FC–72681. *DUAL OPERATIONS ARE INVOLVED.* The Motor Carrier Board approved the transfer to Lloyd Wilson Porsborg, doing business as Porsborg Truck Line, Great Falls, Mont., of permit No. MC–127319 (Sub-No. 3) issued November 17, 1969, to Vernon C. Tintinger, doing business as Vernon Tintinger Trucking, Frenchtown, Mont., authorizing the transportation of: Malt beverages, from Portland, Oreg., to Cour d'Alene, Idaho, and specified points in Montana. Karl R. Karlberg, 101 East Front Street, Missoula, MT 59801, attorney at Law.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–2500 Filed 2–23–71;8:47 am]

NON-FEDERAL ORGANIZATIONS AND INDIVIDUALS

Guidelines and Conditions for Assignment of Space and Facilities

1. Assignment of desk or office space, including any related privileges, such as installing telephones or office equipment, will be made only upon demonstration by the applicant that he has a legitimate need therefor; that the work of the Commission will be facilitated thereby; and that such assignment is in the public interest. Applications for assignment of desk space and related privileges shall be submitted in writing to the Commission's Managing Director through the head of the bureau or office in which the facility is located.

2. The assignment of space in public reference rooms or other areas and any related privileges are subject to withdrawal or modification at any time by the Commission.

3. Assigned desk or office space and related privileges shall be used solely by the assignee (or his agents) and for the purpose(s) for which approved. Such assignments and/or related privileges are not to be transferred to or used by others for any reason without prior approval by the Commission's Managing Director.

4. Assignees using the Commission's public reference rooms shall observe the decorum normally required in libraries or public reference rooms. Assignees shall adhere strictly to the rules applicable to the area in which they are located concerning such matters as smoking, eating of food, storage of supplies, silence, etc. Under no circumstances will the interference of the work of others be permitted.

5. No incoming or outgoing telephone calls, local or long distance, shall be placed or received on the Commission's official telephones, except by authorized Commission personnel for official purposes.

6. Assignees shall make no alterations to the physical facilities assigned by the Commission. Advance approval of any change in authorized space allocations, telephone service, placement of office equipment, etc., must be requested from the Managing Director through the appropriate bureau or office head having immediate supervision over the facility.

7. Assignees, their agents or employees, shall acquaint themselves with the Commission's Canons of Conduct for Practitioners (49 CFR 1100.247, App. A) and for Employees and the statutory provisions in Appendix II thereto (49 CFR 1000.735–11 et seq.) which relate to ethical and other conduct. Particularly pertinent are the provisions of the Criminal Code, 18 U.S.C. 209, which make it a crime to compensate Commission employees in any way for services performed as part of their officially assigned duties; Practitioner Canon 5 and Employee Canon 14 which prohibit the giving or accepting of gifts or any form of entertainment; and Employee Canon 16 which prohibits employment of any Commission employee for part time work outside the Commission without specific written approval by the Commission's Director of Personnel.

8. Each assignee will be required to certify that he has read and understands the foregoing conditions and agrees to abide thereby. Failure to do so will result in the immediate revocation of all privileges previously extended pertaining to the assignment of space and facilities for the assignee's exclusive use.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–2476 Filed 2–23–71;8:45 am]

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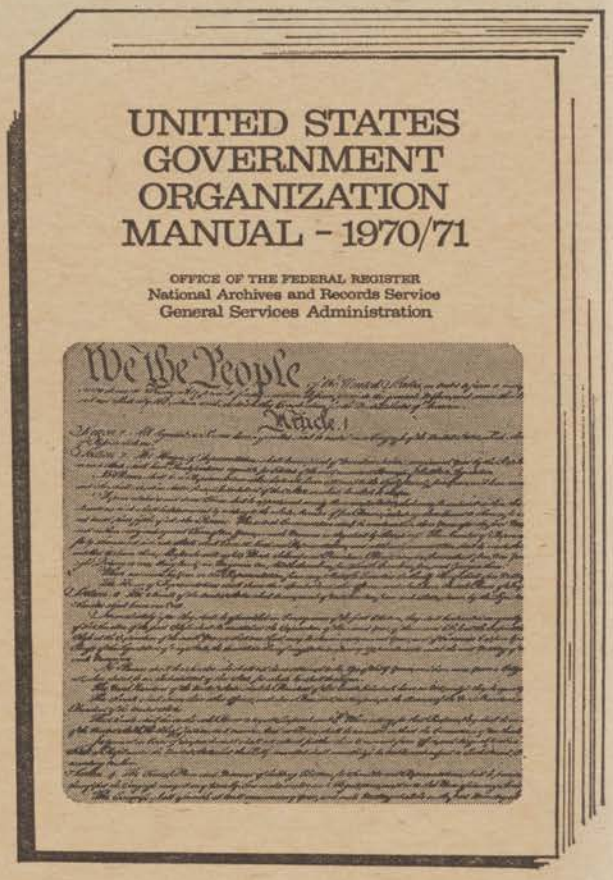

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