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

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Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1971):

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32	Parts:	
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3110 is amended to show that an additional 50 special agent positions for undercover work in the Bureau of Narcotics and Dangerous Drugs are excepted under Schedule A. Effective upon publication in the FEDERAL REGISTER (3–2–71), subparagraph (1) of paragraph (c) of § 213.3110 is amended as set out below.

§ 213.3110 **Department of Justice.**

* * * * *

(c) *Bureau of Narcotics and Dangerous Drugs.* (1) 154 special agent positions for undercover work.

(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.71–2799 Filed 3–1–71;8:49 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that an additional position of Confidential Assistant to the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–2–71), subparagrah (1) of paragraph (a) is amended as set out below.

§ 213.3312 **Department of the Interior.**

(a) *Office of the Secretary.* (1) Four Confidential Assistants and one Private Secretary to the Secretary.

* * * * *

(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. 71–2798 Filed 3–1–71; 8:49 am]

PART 213—EXCEPTED SERVICE

Administrative Conference of the United States

Section 213.3319 is added to show that one position of Private Secretary to the Chairman of the Administrative Conference of the United States is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–2–71), § 213.3319 is added as set out below.

§ 213.3319 **Administrative Conference of the United States.**

(a) One Private Secretary to the Chairman.

(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.71–2796 Filed 3–1–71;8:49 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Special Assistant to the Deputy Administrator is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–2–71), paragraph (t) is added to § 213.3332 as set out below.

§ 213.3332 **Small Business Administration.**

* * * * *

(t) One Special Assistant to the Deputy Administrator.

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

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

[FR Doc.71–2800 Filed 3–1–71;8:49 am]

PART 213—EXCEPTED SERVICE

Commission on Civil Rights

Section 213.3356 is amended to show that one position of Confidential Secretary to the Deputy Staff Director is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–2–71), paragraph (d) is added to § 213.3356 as set out below.

§ 213.3356 **Commission on Civil Rights.**

* * * * *

(d) One Confidential Secretary to the Deputy Staff Director.

(5 U.S.C. 301, 302, 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.71–2797 Filed 3–1–71;8:49 am]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to permit appointments under Schedule A of severely handicapped persons upon certification by counselors of State Vocational Rehabilitation agencies and the Veterans Administration that such persons are likely to succeed in the performance of their duties. Section 213.3102 is amended by adding subparagraph (2) to paragraph (u) as set out below.

§ 213.3102 **Entire executive civil service.**

* * * * *

(u) Subject to prior approval of the Commission, positions when filled by severely handicapped persons who (1) under temporary appointment, have demonstrated their ability to perform the duties satisfactorily; or (2) are certified by counselors of State Vocational Rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties.

* * * * *

(34 F.R. 19258, Dec. 5, 1969, as amended at 34 F.R. 20263, Dec. 25, 1969)

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

[FR Doc.71-2872 Filed 3-1-71;8:52 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that in the Federal Crop Insurance Corporation one position of Assistant Manager Corporate Services is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3-2-71), subparagraph (4) is added to paragraph (g) of § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

* * * * *

(g) *Federal Crop Insurance Corporation.* * * *

(4) Assistant Manager Corporate Services.

* * * * *

(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.71-2871 Filed 3-1-71;8:52 am]

PART 316—TEMPORARY AND INDEFINITE APPOINTMENT

Persons Eligible for Career or Career-Conditional Appointments

Part 316 is amended to authorize noncompetitive temporary appointments for present and former Foreign Service employees who are eligible for nocompetitive career or career-conditional appointments. Section 316.402 is amended by adding subparagraph (6) to paragraph (b) as set out below.

§ 316.402 Authorities for temporary appointments.

* * * * *

(b) *Noncompetitive temporary limited appointments.* * * *

(6) A person eligible for career or career-conditional appointment under § 315.606 of this chapter.

(76A Stat. 18; 2 C.Z.C. 149(c)(2); E.O. 9830; 3 CFR 1943-1948 Comp., p. 606; E.O. 11103; 3 CFR, 1959-1963 Comp., p. 762)

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

[FR Doc.71-2873 Filed 3-1-71;8:52 am]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

REGULATED AREAS

Under the authority of § 301.52-2 of the Pink Bollworm Quarantine regulations, 7 CFR 301.52-2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.52-2a, is hereby revised as follows:

§ 301.52-2a Regulated areas; suppressive and generally infested areas.

The civil divisions or parts of civil divisions described below are designated as pink bollworm regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

ARIZONA

(1) *Generally infested area.* Entire State.
(2) *Suppresive area.* None.

ARKANSAS

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Cleburne County. The entire county.
Conway County. That portion of the county lying north of the north line of T. 6 N. and east of the east line of R. 16 W.
Faulkner County. That portion of the county lying north of the north line of T. 6 N.
Little River County. The entire county.
Miller County. The entire county.

CALIFORNIA

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Imperial County. The entire county.
Inyo County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.
Kern County. The entire county.
Los Angeles County. That portion of the county lying east of the east boundary of R. 15 W., and north of the north boundary of T. 4 N., SBBM.
Riverside County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.
San Bernardino County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.
San Diego County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.

LOUISIANA

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Avoyelles Parish. All of Ward 10, and all of Ward 9 lying south of Bayou Des Glaises and west of the east line of sec. 2, T. 1 S., R. 4 E.
Caddo Parish. The entire parish.
De Soto Parish. The entire parish.
Grant Parish. The entire parish.
Natchitoches Parish. The entire parish.
Rapides Parish. The entire parish.
Red River Parish. The entire parish.

NEVADA

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Clark County. That portion of the county lying south of State Highway FAS 538 and west of the east line of R. 57 E.; and Tps. 15 and 16 S., Rs. 67 and 68 E.
Nye County. That portion of the county lying south of the south boundary of T. 17 S., MDBM, and east of the east boundary of R. 51 E., MDBM.

NEW MEXICO

(1) *Generally infested area.* Entire State.
(2) *Suppressive area.* None.

OKLAHOMA

(1) *Generally infested area.* Entire State.
(2) *Suppressive area.* None.

TEXAS

(1) *Generally infested area.* Entire State.
(2) *Suppressive area.* None.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.52-2)

This revision shall become effective upon publication in the FEDERAL REGISTER (3-2-71) when it shall supersede 7 CFR 301.52-2a effective August 16, 1968.

The Director of the Plant Protection Division has determined that infestations of the pink bollworm exist or are likely to exist in the civil divisions or parts of civil divisions listed above, or that it is necessary to regulate such localities because of their proximity to infestations or their inseparability for quarantine enforcement purposes from infested localities.

The Director has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on the interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the pink bollworm. Therefore, such civil divisions and parts of civil divisions listed above are designated as pink bollworm regulated areas.

The purpose of this revision is to delete from the regulated areas the following previously regulated counties or parishes: Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crawford, Crittenden, Dallas, Desha, Drew, Franklin, Garland, Grant, Hempstead, Hot Spring, Howard, Jefferson, Johnson, Lafayette, Lincoln, Logan, Lonoke, Monroe, Montgomery, Nevada, Ouachita, Perry, Phillips, Pike, Polk, Pope, Prairie, Pulaski, Saline, Scott, Sebastian, Sevier, Union, Van Buren, White, and Yell Counties in Arkansas; and Allen, Beauregard, Bienville, Bossier, Claiborne, Evangeline, Jackson, Jefferson Davis, Lincoln, Ouachita, Sabine, Union, Vernon, Webster, and

Winn Parishes in Louisiana. Portions of Conway and Faulkner Counties in Arkansas are also being removed from regulation. Sufficient surveys have been conducted to determine that infestations no longer exist in these counties or parishes.

Inasmuch as this revision relieves restrictions presently imposed, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of February 1971.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[FR Doc.71-2830 Filed 3-1-71;8:51 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1971-72 Marketing Year

PROCLAMATION OF RESULT OF MARKETING QUOTA REFERENDUM

Section 730.1508 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1971, through July 31, 1972, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1971-72 marketing year and announced that a referendum would be held during the period January 18 to 22, 1971, each inclusive, by mail ballot in accordance with Part 717 of this chapter.

Since the only purpose of § 730.1508 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is unnecessary.

§ 730.1508 Proclamation of the result of the rice marketing quota referendum for the marketing year 1971-72.

In a referendum of farmers engaged in the production of rice of the 1970 crop held by mail ballot during the period January 18 to 22, 1971, each inclusive, 11,888 voted. Of those voting, 11,152, or 93.8 percent favored quotas for the marketing year beginning August 1, 1971. Therefore, rice marketing quotas will be in effect for the 1971-72 marketing year.

(Secs. 354, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1354, 1375)

Effective date: Upon publication in the FEDERAL REGISTER (3-2-71).

Signed at Washington, D.C., on February 23, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-2758 Filed 3-1-71;8:46 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1971

Basis and purpose and statement of bases and consideration. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment is to permit the importation of additional quantities of raw sugar from foreign countries during the first quarter of this year. This action was taken to make adequate supplies of raw sugar from foreign countries available to all refiners especially during late March. This delayed start of harvesting in Puerto Rico and slightly smaller production in Louisiana had reduced somewhat the supplies of domestically produced raw sugar available to Louisiana refiners. Additional first quarter importations will be authorized from countries that have fulfilled their first quarter quota set-aside obligations on the basis of applications which become eligible for consideration pursuant to "Sugar Quota Clearance" on Form SU-3. Such applications become eligible for consideration not more than 5 days prior to the scheduled date of departure of the vessel for arrival prior to April 1. Each applicant must certify that approval of the application will not adversely affect fulfillment of quota set-aside agreements currently in effect for the second quarter.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended as follows:

Paragraph (d) of § 811.93 is amended by amending subparagraph (1) and adding a new subparagraph (6) to read as follows:

§ 811.93 Quotas for foreign countries.

* * * * *

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, the total quantity of raw sugar which may be authorized for importation from all foreign countries in accordance with Part 817 of this chapter during the second quarter of 1971 shall be limited to 1,411,865 short tons, raw value, plus any raw sugar authorized for importation during the first quarter which arrives during the second quarter of 1971 and is authorized for entry during such second quarter in accordance with applicable regulations, minus any quantity of sugar under second quarter set-asides imported and released during the first quarter pursuant to paragraphs (c) and (d) of § 817.8 of this chapter.

* * * * *

(6) Notwithstanding subparagraph (2) of this paragraph (d), any applications for importation of raw sugar from foreign countries on or before March 31, 1971, may be authorized on the basis of applications for "Sugar Quota Clearance" submitted on Form SU-3 in accordance with the provisions of Part 817 of this chapter except as modified by subdivisions (i), (ii) and (iii) of this subparagraph (6). All such applications received on or before the effective date of this amendment shall become eligible for approval as of the effective date of this amendment.

(i) Any sugar covered by a set-aside agreement for first quarter importation must be charged to the respective country's quota pursuant to an approved application for "Sugar Quota Clearance" on Form SU-3 before the approval of an application to import sugar under this subparagraph (6).

(ii) Each applicant must certify on the application that the sugar covered will not adversely affect fulfillment of set-aside agreements currently in effect for the second quarter of 1971.

(iii) In the event sugar approved for entry pursuant to this subparagraph (6) does not arrive on or before March 31, 1971, such sugar shall be charged to an applicable second quarter setaside or released pursuant to a bond for refining and storage at the refiner where unladed until chargeable to an applicable quota.

* * * * *

(Secs. 202 and 403; 61 Stat. 924 as amended, 932 as amended; 7 U.S.C. 1112 and 1153)

Effective date. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar be able as soon as possible to make plans based on these changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on February 26, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-2892 Filed 2-26-71;4:04 pm]

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

[Orange Reg. 67, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee reflects its appraisal of the Florida orange crop and the current and prospective market conditions. Except for Navel, Temple, and Murcott Honey oranges, more restrictive regulation requirements should be made effective no later than March 1, 1971, so as to (1) establish and maintain returns to producers consistent with the declared policy of the act by preventing the shipment of less desirable oranges to fresh market outlets, and (2) provide consumers with oranges of the most desirable quality.

(3) 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 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; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 1, 1971. Domestic shipments of Florida oranges, including Navel, Temple and Murcott Honey oranges, are concurrently regulated pursuant to Orange Regulation 67 (35 F.R. 18741, 19245, 19246; 36 F.R. 1522, 2860, 3194, 3460) and determinations as to the need for, and extent of, continued regulation of Florida orange shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of orange shipments subsequent to February 28, 1971, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on February 25, 1971. Such meeting was held (after giving due notice) to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views; the provisions of this amendment are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of such oranges; it is necessary in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.529 (Orange Regulation 67; 35 F.R. 18741, 19245, 19246; 36 F.R. 1522, 2860, 3194, 3460), the provisions of paragraph (a)(2)(i) are amended to read as follows:

§ 905.529 Orange Regulation 67.

(a) * * *

(2) * * *

(i) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Grade for oranges;

* * * * *

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

Dated: February 26, 1971, to become effective March 1, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2856 Filed 2-26-71;11:44 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

PROGRAM OPERATIONS

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188, 82 Stat. 996, sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781–1787, as amended.

PROGRAM OPERATIONS

§ 1472.1301 General.

This subpart sets forth the policies procedures, and requirements governing price support payments for shorn wool and unshorn lambs (pulled wool) for the 1971, 1972, and 1973 marketing years by the Commodity Credit Corporation (referred to in this subpart as "CCC").

§ 1472.1302 Administration.

The program will be carried out by the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS") under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the ASCS State and county offices. ASCS State and county offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto unless the power to modify or waive is expressly included in the pertinent provisions.

§ 1472.1303 Announcement of price support level.

In accordance with section 703 of the National Wool Act of 1954, as amended by the Agricultural Act of 1970 (Public Law 91–524), for each of the 3 marketing years 1971, 1972, and 1973, the support price for shorn wool shall be 72 cents per pound, grease basis, and the Secretary of Agriculture shall establish and announce a support price level for pulled wool which he determines will maintain normal marketing practices for pulled wool. Such support price levels shall be announced, to the extent practicable, sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year.

§ 1472.1304 Definitions.

As used in the regulations in this subpart and in the forms and documents related thereto, the following terms shall

have the meaning assigned to them in this section.

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of sheep, lambs, or wool.

(b) "Joint producers" means two or more producers who are joint owners of shorn wool or unshorn lambs, or who are producers of shorn wool or unshorn lambs under a caretaking agreement pursuant to which one producer owns the sheep or lambs and the other producer furnishes labor in connection with lamb or wool production in return for which he is entitled to share either in the wool or lambs produced or in the proceeds from the sale of such wool or lambs.

(c) "Joint owners" means two or more persons who own the wool or lambs in question, regardless of the special nature of their relationship or how it came into being, and shall include owners in common.

(d) "Lamb" means a young ovine animal which has not cut the second pair of permanent teeth. The term includes animals referred to in the livestock trade as lambs, yearlings, or yearling lambs.

(e) "Liveweight" is the weight of live lambs which a producer purchases or sells. In the event the price for the lambs is based on weight, the weight actually used in determining the total amount payable shall be considered the liveweight.

(f) "Local shipping point" means the point at which the producer delivers his wool to a common carrier for further transportation, or if his wool is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser. The term "common carrier" includes any carrier that serves the public in transporting goods for hire whether or not he is required to be licensed by some Government authority to do so.

(g) "Marketing agency" with reference to shorn wool means a person who sells a producer's wool for his account, and with reference to lambs, it means a commission firm, auction market, pool manager, or any other person who sells a producer's lambs for his account.

(h) "Marketing year" means the period beginning January 1 and ending the following December 31, both dates inclusive.

(i) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a State and any subdivision thereof.

(j) "Producer" of shorn wool means a person who either owns, individually or jointly, the sheep or lambs from which the wool is shorn or is a joint producer of the wool under a caretaking agreement as described in paragraph (b) of this section. "Producer" of lambs means a person who either owns the lambs, individually or jointly, or is a joint producer of the lambs under a caretaking agreement as described in paragraph (b) of this section.

(k) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of shorn wool or unshorn lambs.

(l) "Slaughterer" means a commercial slaughterer, that is, a person who slaughters for sale as distinguished from a person who slaughters for home consumption.

(m) "Specified marketing year" is the marketing year as to which the Department of Agriculture has announced that marketings of shorn wool and unshorn lambs by a producer during that year will entitle him to a payment under this program.

(n) "Unshorn lambs" means lambs which have never been shorn.

SHORN WOOL

§ 1472.1305 **Price support payments.**

(a) *General.* Price support on shorn wool will be furnished for each specified marketing year in accordance with the provisions of this subpart by means of payments to the producer on the shorn wool he markets in that marketing year. Payments will not be made on marketings of the pelts of sheep or lambs or on the marketings of wool removed from such pelts.

(b) *Rate of payment.* At the end of a specified marketing year and after the Department of Agriculture has determined the national average price for shorn wool received by producers in that marketing year, the Department will announce the rate of payment under this subpart. The rate of payment will be the percentage of the national average price per pound received by producers in a specified marketing year which is required to bring such national average price up to the support price for shorn wool.

§ 1472.1306 **Eligibility for payments.**

Before payments under this subpart can be approved pursuant to any application for payment covering any lot or lots of wool, the following requirements must be satisfied:

(a) Except as provided in § 1472.1344, the applicant must be the producer, and in the case of a joint application each applicant must be a producer, of the shorn wool which must have been marketed during the specified marketing year.

(b) The wool must have been shorn in the United States. If wool is shorn from imported sheep or lambs while they are held in quarantine in connection with their importation, such wool is not considered to have been shorn in the United States. For the purpose of this program, shorn wool is deemed to include murrain and other wool removed from dead sheep and other off wools such as black wool, tags, and crutchings.

(c) The producer, or in the case of joint producers at least one of the producers, must have owned the wool at the time of shearing and must have owned in the United States the sheep or lambs from which the wool was shorn for not less than 30 days at any time prior to the filing of the application. Ownership of wool or animals as used in this paragraph does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien. If sheep or lambs are imported into the United States, the 30-day period of required ownership shall begin after their importation and, if they were quarantined in connection with such importation, the period shall begin after their release from quarantine.

(d) Beneficial interest in the wool must always have been in the producer from the time the wool was shorn up to the time of its sale. A producer has beneficial interest in wool (1) when he owns it and has not authorized any other person to sell or otherwise dispose of it, or (2) when he has, by transfer of legal title to such other person or otherwise, authorized another person to sell or otherwise dispose of the wool but continues to be entitled to the proceeds from any such sale or other disposition thereof. Such beneficial interest is not changed by a mortgage or other lien on the wool.

(e) The applicant shall either report purchases of unshorn lambs as required by § 1472.1311 (a)(1) or (b)(1), or make the statement provided for in § 1472.1311 (a)(2) or (b)(2).

(f) Payments will not be made on the marketing of wool shorn from imported sheep or lambs if the permit for the importation of the sheep or lambs or a communication connected with such permit, issued by the Agricultural Research Service of this Department, states that the importation is for slaughter.

§ 1472.1307 **Marketing within a specified marketing year.**

(a) Marketing shall be deemed to have taken place in a specified marketing year if, pursuant to a sale or contract to sell in the process of marketing, the last of the following three events, in whatever order they occur, was completed in that marketing year: (1) Title passed to the buyer; (2) the wool was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer is known to the applicant's marketing agency, if he markets through a marketing agency, or is known to the applicant, if he markets directly.

(b) Marketings on which payments may be made under this subpart shall be sales in good faith. A sale by one producer to another shall not constitute a marketing in good faith unless (1) the selling producer usually markets his wool in that way, or (2) the buying producer is also engaged in the business of buying and selling wool and buys the wool in the course of that business. Neither an exchange of wool between the producers thereof nor a sale of wool conditioned on the acquisition by the selling producer from the buyer of the same wool or other wool shall constitute a marketing in good faith.

(c) Delivery of wool on consignment to a marketing agency to be sold for the producer's account does not constitute a

marketing, whether or not a minimum sales price is guaranteed or an advance against the prospective sales price is given by the consignee, except that the wool is deemed marketed if the marketing agency has guaranteed a minimum sales price, is unable to sell the wool for more, and with the producer's consent takes it over at the minimum sales price. The producer shall be deemed to have consigned the wool when he transfers to a marketing agency title to his wool and provides that such agency shall market the wool and that he shall be entitled to the proceeds of such marketing.

(d) The exchange of wool for merchandise or services (for instance, shearing) will be considered a marketing, provided a definite price for the wool is established by the parties to the exchange. Such price, or whatever other price the county ASC committee determines is the fair market value for such wool, whichever is lower, shall be utilized for the purpose of computing the net sales proceeds pursuant to § 1472.1308 upon which payment under this subpart is based.

§ 1472.1308 Computation of payment.

(a) The amount of the payment due to a producer shall be computed by applying the rate of payment to the net sales proceeds for the wool marketed during the specified marketing year. The resultant amount shall be reduced, on account of the purchase by the producer of unshorn lambs, by an amount resulting from multiplying the liveweight of such lambs reported in his application for payment by the announced rate of payment on unshorn lambs during said marketing year. If the amount of the reduction exceeds the payment computed on the shorn wool marketed, the liveweight of lambs which corresponds to the excess amount shall be carried forward and used to reduce payments on unshorn lambs marketed or slaughtered or shorn wool marketed in the current or future years.

(b) Except as provided in § 1472.1310 (a)(6) with respect to a guaranteed minimum sales price, the net sales proceeds shall be determined by deducting from the gross sales proceeds of the wool all marketing expenses, such as any charges paid by or for the account of the producer for transportation, handling (including commissions), grading, scouring, or carbonizing. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point. Charges for wool bags or storage, as well as any other charges not directly related to the marketing of the wool, such as interest on advances, shall not be considered marketing charges.

(c) All applications filed by a producer in the same county office for payments due on wool marketed during the specified marketing year shall be considered together for the purpose of determining the total net amount of payment due him. All such applications filed in different county offices may be considered together in determining such total payment.

§ 1472.1309 Preparation of application.

(a) *Preparation.* The application for payment on the sale of shorn wool shall be prepared on Form CCC–1155, "Application for Payment (National Wool Act)." Marketing agencies may assist producers in filling out applications by inserting the information on sales of shorn wool and sending the sales documents to the appropriate ASCS county office, but the producer must sign the application and is responsible for the requirements as to the time and manner of filing his application. If the producer paid marketing charges not shown on the sales document, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) *Supporting documents.* The application shall be supported by the original sales documents covering the wool sold.

(c) *Original sales document retained.* If the applicant does not wish the original sales document to remain within the ASCS county office, he may submit a photostat, carbon or other copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant, who shall retain it in accordance with § 1472.1351.

(d) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm preparing the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 1472.1310(a)(10), of the person or of the representative of the firm preparing the original sales document. Such copy shall be treated as an original for the purposes mentioned in this section.

(e) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated as an original for the purposes mentioned in this section.

§ 1472.1310 Contents of sales documents.

The sales documents attached to each application for an incentive payment must contain a final accounting and meet the requirements of paragraph (a) or (b) of this section, for the wool covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirements. Except as provided in § 1472.1344, sales documents must cover wool sold by the producer.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except a document covering an outright sale at the producer's farm, ranch, or local shipping point, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale. In case the producer's shipment to a marketing agency is sold in parts within a marketing year, the date when final settlement is made within that marketing year for the wool that was sold within the marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of wool sold. If the wool was sold as scoured or carbonized wool, the original grease weight must be shown as well as the scoured or carbonized weight.

(4) Except as otherwise provided in subparagraph (5) of this paragraph, the gross sales proceeds or sufficient information from which the gross sales proceeds can be determined.

(5) Marketing deductions, if any (see § 1472.1308(b)), except as otherwise provided in this subparagraph. The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketings services: _____. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and thus diminish the net proceeds on which the incentive payment is computed. Association dues are to be considered marketing deductions if they include compensation for marketing services.

(6) Net proceeds after marketing deductions. If a sales document contains a figure for net proceeds after marketing deductions, computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed. If a marketing agency has guaranteed a minimum sales price for the wool, is unable to sell the wool for a higher price, and therefore settles with the producer on the basis of such guaranteed minimum price, the sales document should be on the basis of that guaranteed minimum price regardless of a lower price at which the agency may sell the wool. In such a case, the marketing agency may indicate on the sales document that the price is the guaranteed minimum sales price.

(7) Additional deductions, such as

charges for bags, storage, interest, association dues which do not include compensation for marketing services, or other charges not directly related to the marketing of the wool.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency, whichever issues the sales document.

(10) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within a specified marketing year shall contain a statement that the wool was marketed during the marketing year.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document covering an outright sale at the producer's farm, ranch, or local shipping point, and attached to an application for incentive payment shall be prepared by the purchaser and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale.

(3) Net weight of wool sold. If the wool was sold as scoured or carbonized wool, the original grease weight must be shown as well as the scoured or carbonized weight.

(4) Net amount received by the seller for the wool at his farm, ranch, or local shipping point.

(5) Any applicable nonmarketing deductions, such as charges for bags, storage, interest, association dues which do not include compensation for marketing services, or other charges not directly related to the marketing of the wool.

(6) Name and address of the purchaser.

(7) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

§ 1472.1311 Report of purchases of unshorn lambs.

(a) *Report on actual basis.* (1) If the application includes wool removed in the first shearing of lambs purchased unshorn, and the applicant is able to identify the lambs from which such wool was shorn, he shall report the number and liveweight of such lambs at time of purchase, including those from which wool was removed after death.

(2) If the applicant knows that his application does not include any wool which was removed in the first shearing of lambs purchased unshorn, he shall state that there are no purchases of unshorn lambs related to the sale of such wool.

(b) *Report on "first in, first out" basis.* (1) If an applicant does not know whether the application includes wool removed in the first shearing from lambs purchased unshorn, or he knows that such wool is included but he is unable to identify the lambs from which such wool was shorn, he shall report on a "first in, first out" basis, that is, in chronological order, the number and liveweight at the time of purchase of a quantity of lambs purchased unshorn equal to the number of sheep and lambs from which wool was shorn and included in the application. This reporting of purchased lambs shall be continued in applications for the current and subsequent marketing years for payments on shorn wool and for payments on unshorn lambs until the applicant has accounted for all lambs purchased unshorn on or after April 1, 1956, not reported in previous applications. However, he need not report those lambs with respect to which he can show no application has been made for a payment for the 1956 or a subsequent marketing year on their sale or on the sale of wool shorn from them.

(2) If the application for payment on the sale of shorn wool is made after an applicant has accounted for the total purchases of unshorn lambs, he shall state that there are no purchases of unshorn lambs related to such sale.

(c) *Imported lambs.* If purchased lambs which the applicant is required to report were imported, the liveweight required to be reported shall be the liveweight of the lambs at the time of import, or if they were quarantined in connection with the importation, at the time of release from quarantine. For the purpose of reporting imported lambs, whether they were purchased or raised by the producer they shall be treated as if they had been purchased by him. Any report in an application of purchased lambs and their liveweights as required by this paragraph shall be deemed to include lambs both purchased and raised by the producer.

(d) *Additional information.* The applicant shall furnish any additional details requested by ASCS State and county offices concerning any report made pursuant to this section.

Unshorn Lambs (Pulled Wool)

§ 1472.1321 Price support payments.

(a) *Level of payments.* For each marketing year, price support will be furnished on pulled wool at such level, in relationship to the support price for shorn wool, as the Secretary determines will maintain normal marketing practices for pulled wool, by means of payments to the producer in accordance with this subpart on live unshorn lambs that are sold or moved to slaughter in a specified marketing year. Payments will not be made on the sale of the pelts of sheep or lambs or wool removed from such pelts.

(b) *Rate of payment.* The rate of payment will be 80 percent of the difference between the national average price per pound received by producers for shorn wool during a specified marketing year and the support price per pound of shorn wool multiplied by the average weight of wool per hundredweight of animals (5 pounds). The exact rate of payment will be determined and announced, after the end of that marketing year, as a specified amount per hundredweight of live animals.

§ 1472.1322 Eligibility for payments.

Before payments under this program can be approved pursuant to an application covering any lot or lots of lambs, the following requirements must be satisfied:

(a) Except as provided in § 1472.1344, the applicant must be the producer, and in the case of a joint application each applicant must be a producer, of the lambs.

(b) The producer, or in the case of joint producers at least one of the producers, must have owned the lambs for 30 days or more in the United States and title must have passed to the buyer within the specified marketing year. If a slaughterer is to qualify for a payment, he must have owned the lambs for 30 days or more in the United States prior to their moving to slaughter and they must have moved to slaughter within the specified marketing year. Ownership of lambs, as used in this paragraph, does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien. If lambs are imported into the United States, the 30-day period of required ownership shall again begin after their importation and, if they were quarantined in connection with such importation, the period shall begin after their release from quarantine.

(c) The lambs must never have been shorn at the time of sale, or, in the case of an application by a slaughterer, at the time of moving to slaughter.

(d) The applicant shall either report purchases of unshorn lambs as required by § 1472.1326 (a) (1) or (b) (1), or make the statement provided for in § 1472.1326 (a) (2) or (b) (2).

(e) Payments will not be made on the marketing of imported lambs if the permit for the importation of the lambs or a communication connected with such permit, issued by the Agricultural Research Service of this Department, states that the importation is for slaughter.

§ 1472.1323 Computation of payment.

(a) The amount of the payment due to an applicant shall be computed by applying the rate of payment to the liveweight of the lambs sold or moved to slaughter during the specified marketing year, reduced, on account of the purchase or importation by the applicant of unshorn lambs, by the liveweight of such lambs reported in his application for payment. If the amount of the reduction exceeds the liveweight of the unshorn lambs sold or moved to slaughter during said marketing year, such excess liveweight shall be carried forward and used to reduce payments on unshorn lambs

marketed or slaughtered or shorn wool marketed in the current or future years.

(b) All applications filed by a producer in the same county office for payments due on unshorn lambs marketed or moved to slaughter during the specified marketing year shall be considered together for the purpose of determining the total net amount of payment due him. All such applications filed in different county offices may be considered together in determining such total payment.

§ 1472.1324 Preparation of application.

(a) *Preparation.* The application for payment on the sale or slaughter of unshorn lambs shall be made on Form CCC–1155, "Application for Payment (National Wool Act)."

(b) *Supporting documents.* The application for payment on the sale of unshorn lambs shall be supported by the original sales documents covering the sale. The application for payment on the slaughter of unshorn lambs shall be supported by the scale ticket covering the movement to slaughter.

(c) *Original sales document retained.* If the applicant does not wish the original sales document to remain with the ASCS county office, he may submit a photostat, carbon, or other copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this prgoram and will be returned to the applicant. He will be required to retain it in accordance with § 1427.1351.

(d) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm preparing the sales document to furnish a carbon or photostat copy to the seller in place of the original, the applicant may submit that copy in support of his application, provided the copy bears a signature in accordance with § 1472.1325(a)(6), of the person or the representative of the firm preparing the original sales document. Such copy shall be treated as an original for the purposes mentioned in this section.

(e) *Lost or destroyed sales document.* If the original sales document or scale ticket has been lost or destroyed, the applicant may submit a copy, certified by the person who issued the original, and such certified copy shall be treated as an original for the purposes mentioned in this section.

§ 1472.1325 Contents of sales documents and scale tickets.

(a) *Sales documents.* Each sales document supporting an application must cover lambs sold by the producer except as provided in § 1472.1344, must be issued by the purchaser or the producer's marketing agency, and must show the following:

(1) Name and address of seller.

(2) Date of sale.

(3) Number of unshorn lambs sold. If the sales document does not clearly identify the animals as lambs that had never been shorn at the time of sale, the person issuing the sales document shall add a statement to that effect. If the sales document refers to the animals "unshorn lambs," this will indicate that the lambs were never shorn. If the document issued in connection with the sale of unshorn lambs also covers the sale of other animals, the person preparing the sales document shall clearly indicate therein the number and the liveweight of unshorn lambs included in the sale.

(4) Liveweight of unshorn lambs sold. If the weight is not determined by scales, this weight may be an estimated weight agreed to by the purchaser and the producer.

(5) Name and address of the purchaser or marketing agency, whichever issues the sales document.

(6) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(b) *Scale tickets.* The scale ticket supporting an application must cover unshorn lambs moved to slaughter by the applicant and must show the information normally appearing on scale tickets issued by stockyards (that is, date, number of head, classification(s), weight by classification, scale ticket number, if any, place of weighing, and name of weigher).

§ 1472.1326 Report of purchases of unshorn lambs.

(a) *Report on actual basis.* (1) If the application is based on the sale or slaughter of lambs purchased unshorn and the applicant is able to identify such lambs, he shall report the number of lambs purchased and their liveweight at the time of purchase.

(2) If the applicant knows that his application is not based on the sale or slaughter of any lambs purchased unshorn, he shall state that there are no purchases of unshorn lambs related to the sale or slaughter of such lambs.

(b) *Report on "first in, first out" basis.* (1) If an applicant does not know whether the application is based on the sale or slaughter of lambs purchased unshorn, or he knows that such lambs are included but he is unable to identify such lambs, he shall report on a "first in, first out" basis, that is, in chronological order, the number and liveweight at the time of purchase of a quantity of lambs purchased unshorn equal to the number of lambs on which his application is based. This reporting of purchased lambs shall be continued in applications for the current and subsequent marketing years for payments on unshorn lambs and shorn wool until the applicant has accounted for all lambs purchased unshorn on or after April 1, 1956, not reported in previous applications. However, he need not report those lambs with respect to which he can show no application has been made for a payment for the 1956 or a subsequent marketing year on their sale or on the sale of wool shorn from them.

(2) If the application for payment on the sale or slaughter of unshorn lambs is made after an applicant has accounted for the total purchases of unshorn lambs, he shall state that there are no purchases of unshorn lambs related to such sale or slaughter.

(c) *Imported lambs.* If purchased lambs which the applicant is required to report were imported, the liveweight required to be reported shall be the liveweight of the lambs at the time of import, or, if they were quarantined in connection with the importation, at the time of release from quarantine. For the purpose of reporting imported lambs, whether they were purchased or raised by the producer, they shall be treated as if they had been purchased by him. Any report in an application of purchased lambs and their liveweight as required by this paragraph shall be deemed to include lambs both purchased and raised by the producer.

(d) *Additional information.* The applicant shall furnish any additional details requested by ASCS State and county offices concerning any report made pursuant to this section.

GENERAL PROVISIONS

§ 1472.1341 Filing application for payment.

(a) *Place of filing.* Applications for payment shall be filed by the applicant with the ASCS county office serving the county where the headquarters of the producer's farm, ranch, or feed lot, as the case may be, is located. If the producer has more than one farm, ranch, or feed lot, with headquarters in more than one county, separate applications for payment shall be filed with the ASCS county office serving each such headquarters covering only the wool or lambs produced at each such farm, ranch, or feed lot, except that: (1) If the producer sells his entire clip of wool in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on shorn wool in any one of those ASCS county offices, or (2) if the producer includes in one sale unshorn lambs that were ranged, pastured, or fed in more than one county, he may file his application(s) for payment on such lambs in any one of those ASCS county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his office or residence may be considered the farm or ranch headquarters.

(b) *Time of filing.* An application for payment shall be filed as soon as possible after completion of the sales of shorn wool or unshorn lambs for the specified marketing year, or in the case of slaughter, as soon as possible after the last of the lambs moved to slaughter in the specified marketing year, but in no event shall an application be filed later than 3 years after the end of the specified marketing year.

(c) *Withdrawal or amendment of application for payment on shorn wool.* (1) An applicant may request permission from the ASC county committee to withdraw an application for payment on shorn wool which constitutes the full first shearing of purchased unshorn lambs when, as a result of such application containing the necessary report of purchases of unshorn lambs on an "actual basis," there is excess liveweight carried forward which would be used to reduce payments in the current or future marketing years. An applicant may also request permission to amend his application by omitting sales of those lots of wool constituting the full first shearing of purchased unshorn lambs reported on an "actual basis." These requests must be accompanied by such supporting evidence as may be required by the ASC county committee. If the application was signed jointly by two or more producers, the request for withdrawal or amendment must be signed by each such producer. To be considered a full shearing, the wool must constitute the complete fleece, and not merely tags, clippings, trimmings around the eyes, or other off-wools.

(2) If the ASC county committee is satisfied that the conditions described in subparagraph (1) of this paragraph exist, the committee may grant the request. If the applicant has filed additional shorn wool applications in other ASCS county offices, his request may be granted only if it is determined that such additional applications do not include any wool removed in the full first shearing of the lambs which will not be reported as a result of the withdrawal or amendment.

§ 1472.1342 Signature of applicant.

No payment will be made unless an application for payment on shorn wool or unshorn lambs is signed. Each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., must be properly authorized to sign in such capacity.

§ 1472.1343 Joint applicants.

When the applicant for a shorn wool payment is a joint producer of the wool, all of the joint producers (except those who sign a release as provided below in this section) must sign any application based on the sale of such wool regardless of whether the wool was divided among such producers prior to sale or was sold without division. When the applicant for a payment of unshorn lambs is a joint producer of the lambs, all of the joint producers (except those who sign a release as provided below in this section) must sign any application based on the sale of such lambs regardless of whether the lambs were divided among such producers prior to sale or were sold without division. CCC will not be responsible for a division among the applicants of a payment made to all of them jointly. When the application shows such joint production, and one or more of the joint producers refuse to join in the application, if each such joint producer signs a form prescribed by CCC releasing CCC from any obligation to make a payment to him, CCC shall make payment of the amount due the remaining joint producers who sign the application. Such release(s) shall be attached to the application. When any joint producer is entitled to join in an application but fails to do so, and the application does not show his interest as a joint producer, he shall have no claim against CCC for any portion of the payment made pursuant to the application.

§ 1472.1344 Disability.

(a) If a producer who is otherwise eligible to receive a payment under this subpart dies, disappears, or is declared incompetent, before marketing the shorn wool or unshorn lambs or before filing an application, his successors or representatives authorized to receive payment in the order of precedence set forth in Part 707 of this title may complete the eligibility requirements and make application for such payment on Form CCC–1155. The applicant shall also file Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," in accordance with Part 707 of this title.

(b) If a producer who earned a payment under this subpart and filed an application therefor dies, disappears, or is declared incompetent, either before CCC has issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title may apply therefor on Form ASCS–325, in accordance with Part 707 of this title.

(c) If an Indian who is incompetent earned a payment under this subpart, an application therefor may be filed on his behalf by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. Such application for payment will be filed in the ASCS county office where the headquarters of the Indian's farm or ranch is located.

(d) In all other cases of disability, including bankruptcy and dissolution, payments will be made to a representative only in accordance with specified directions issued by CCC.

§ 1472.1345 Payment.

(a) Payment will be made under this subpart after the ASCS county office has reviewed the application and attached supporting documents and has approved payment in whole or in part, and after the appropriate rate of payment for the specified marketing year has been announced by the Department of Agriculture.

(b) Payments under this subpart shall be made only on the basis of the net sales proceeds received for shorn wool and on the liveweight of lambs sold or moved to slaughter. No payment shall be made on that part of any sale which has been cancelled or on the basis of prices or weights which have been fraudulently increased for the purpose of obtaining higher payments. No payment shall be made on sales to a wool growers association (as distinguished from a cooperative marketing association) by its producer-members on the basis of net sales proceeds in excess of the fair market value of the wool (grease basis) as determined by CCC.

(c) If it is determined by the ASCS State or county office that an applicant knowingly made a false statement in his application, including his failure to report accurately purchases of unshorn lambs, no payment shall be made to him with respect to such application.

(d) If CCC subsequently determines that available evidence does not sustain the applicant's right to all or any part of a payment made, the amount of the payment not so sustained shall immediately become due and repayable to CCC, and CCC may, without limitation upon any of the Government's rights in the matter, deduct such amount from any other payment due the applicant under this subpart. If the right to such amount becomes involved in a lawsuit between the Government and the applicant or his assignee, he or his assignee shall have the burden of proving that he was entitled to such amount.

(e) If the ASCS county office rejects in whole or in part an application for payment on shorn wool or unshorn lambs, or, after a payment has been made, determines that the available evidence does not sustain the applicant's right to the payment or any part thereof, the ASCS county office shall mail a notice to the applicant, or, in the case of a joint application, to each applicant, that the application has been rejected, specifying the reason therefor, or that the available evidence does not sustain the applicant's right to the payment or any part thereof, as the case may be.

§ 1472.1346 Deductions for promotion.

If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, as amended, the rate of such deductions for the specified marketing year will be announced and the appropriate deduction will be made from each payment due under this subpart for such specified marketing year.

§ 1472.1347 Setoff.

If the county office records show that the producer is indebted to CCC, to any other agency within the U.S. Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the producer in accordance with Part 1408 of this chapter.

§ 1472.1348 Liens on sheep or wool.

If a producer grants a lien on his sheep, lambs, or wool, such lien shall not be deemed to extend to payments made to the producer pursuant to this subpart.

§ 1472.1349 Requests for reconsideration and appeals.

Any applicant who is notified that his application has been rejected in whole or in part or that any other action has been taken by the ASCS county office which unfavorably affects a payment to him may obtain reconsideration and review of the determination in accordance with Part 780 of this title. In the request for reconsideration, the applicant shall identify the application by number and date. When a joint application is involved, the request for reconsideration and review may be filed by all applicants jointly or by any of the applicants, in which case it shall be considered a request in behalf of all the joint applicants.

§ 1472.1350 Assignments.

(a) *Form.* An assignment of a payment due or to become due under this subpart on shorn wool or on unshorn lambs may be given to a financing agency or a wool marketing agency as security for cash advanced or to be advanced on sheep, lambs, or wool. The assignees shall not reassign such payment. One assignment may cover payments due or to become due on the sale of shorn wool or unshorn lambs or both. An assignment may only include payments due or to become due for a specified marketing year and must include all payments due and to become due for that specified marketing year on the commodity or commodities for which payment is being assigned. The assignment shall be executed by the producer, or in the case of joint producers by all such producers, on Form CCC–1157, "Assignment of Payment Under the National Wool Act of 1954," and shall be null and void unless it is freely made and is either executed in the presence of an attesting witness, who shall not be an employee or agent of, or by consanguinity or marriage related to, the assignee, or acknowledged before a notary public, a member of the ASC county committee, the ASCS county executive director, or a designated employee of such committee.

(b) *Payment.* CCC will make payment pursuant to an accepted assignment unless the ASCS county office is furnished evidence that the assignment is released by the assignee.

§ 1472.1351 Records and inspection thereof.

(a) The applicant for a payment under this subpart, as well as his marketing agency and any other person who furnishes evidence to such applicant for use in connection with the application, shall maintain books, records, and accounts pertaining to the marketing of the commodity on which the application is based, for 3 years following the end of the specified marketing year during which the marketing took place. The applicant shall maintain books, records, and accounts pertaining to the production of wool, sheep, and lambs and the shearing thereof, with respect to which he applies for payment, for 3 years following the end of the specified marketing year during which the marketing took place. The applicant shall also maintain books, records, and accounts showing the purchases of lambs on or after April 1, 1956, for 3 years following the end of the specified marketing year during which any part of the wool shorn from such lambs has been marketed or during which any such lambs have been marketed, as the case may be. If the applicant is required to report purchases of unshorn lambs on a "first in, first out" basis, he shall maintain such books, records, and accounts of such lambs for 3 years following the end of the specified marketing year for which such lambs are to be reported.

(b) If an application is based on the sale of wool shorn from imported sheep or lambs, or on the sale of imported lambs, or if lambs required to be reported as purchased unshorn were imported, the books, records, and accounts required by paragraph (a) of this section to be maintained by the applicant shall show the details of such importation, including the date of arrival of the lambs in the United States and the liveweight on such date, and if the lambs were quarantined, the date when they were released from quarantine and their liveweight on such date.

(c) With respect to any application for payment filed after the end of the specified marketing year, instead of maintaining the books, records, and accounts for the time specified in paragraph (a) of this section, such books, records, and accounts shall be maintained for 3 years following the date on which the application is filed.

(d) At all times during regular business hours, CCC shall have access to the premises of the applicant, of his marketing agency, and of the person who furnished evidence to an applicant for use in connection with the application, in order to inspect, examine, and make copies of the books, records, and accounts, and other written data as specified in paragraphs (a), (b), and (c) of this section.

§ 1472.1352 Violations of program.

(a) Whoever issues a false sales document or otherwise acts in violation of the provisions of this program so as to enable an applicant to obtain a payment to which he is not entitled, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action.

(b) The issuance of a false sales document or the making of a false statement in an application for payment or other document, for the purpose of enabling the applicant to obtain a payment to which he is not entitled, will subject the person issuing such document or making such statement to liability under applicable Federal civil and criminal statutes.

§ 1472.1353 Forms.

(a) Form CCC–1155, "Application for Payment (National Wool Act)," Form CCC–1157, "Assignment of Payment Under the National Wool Act of 1954," Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Dissappeared, or Have Been Declared Incompetent," and other forms issued by the U.S. Department of Agriculture for use in connection with this program may be obtained from ASCS county offices.

§ 1472.1354 Authorization by Executive Vice President, CCC, or other official.

If the applicant is unable to furnish the documentary evidence of sale required in this subpart, the Executive Vice President, CCC, or the Deputy Administrator, State and County Operations, ASCS, may authorize the submission of any other evidence which establishes to the satisfaction of the authorizing official the information required by §§ 1472.1310 and 1472.1325.

§ 1472.1355 Expiration of time limitations.

Whenever the final date for filing an application falls on a Saturday, Sunday, national holiday, or State holiday, or on any other day on which the appropriate ASCS State or county office is not open for the transaction of business during normal working hours, the time for filing the application shall be extended to the close of business on the next working day. If filing is by mail, it shall be considered timely if it is postmarked by midnight of such next working day.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This subpart shall become effective on the date of publication in the FEDERAL REGISTER (3–2–71).

Signed at Washington, D.C., on February 23, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71–2759 Filed 3–1–71;8:46 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. 71–522]

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, 123–26, 134b, 134f), Part 76, Title 9, Code of Federal Regulations,

restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (13) relating to the State of Texas, subdivision (xi) relating to Galveston County is deleted.

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

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

The amendment excludes a portion of Galveston County, Tex., 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 area, 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 excluded area.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of February 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71–2831 Filed 3–1–71;8:52 am]

[Docket No. 71–523]

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, the introductory portion of paragraph (e) is amended by adding the name of the State of Ohio and a new subparagraph (9) relating to the State of Ohio is added to read:

(9) *Ohio.* That portion of Mercer County bounded by a line beginning at the junction of State Highway 49 and State Highway 219; thence, following State Highway 49 in a northerly direction to State Highway 29; thence, following State Highway 29 in an easterly direction to Gause Road; thence, following Gause Road in a southerly direction to State Highway 219; thence, following State Highway 219 in a westerly direction to its junction with State Highway 49.

2. In § 76.2, the reference to the State of Rhode Island in the introductory portion of paragraph (e) and subparagraph (10 relating to the State of Rhode Island are deleted.

(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 Mercer County, Ohio, 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 Providence County, R.I., 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 area, 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 area excluded from quarantine. No areas in Rhode Island remain under the quarantine.

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 25th day of February 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71–2832 Filed 3–1–71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10878; Amdt. 39–1163]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman Models BN–2 and BN–2A Airplanes

Pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, an airworthiness directive was adopted on January 26, 1971, and made effective immediately as to all known U.S. operators of Britten Norman Models BN–2 and BN–2A airplanes. The directive requires repetitive inspections of the eye end of the elevator jack assembly for cracks and replacement of cracked eye ends with serviceable eye ends until the eye end is replaced with an improved part.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Britten Norman Models BN–2 and BN–2A airplanes by individual telegrams dated January 26, 1971. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

BRITTEN NORMAN. Applies to Britten Norman Models BN–2 and BN–2A series airplanes.

Compliance is required as indicated.

To prevent failure of the elevator trim control system, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD unless already accomplished within the last 10 hours' time in service and thereafter at intervals not to exceed 20 hours' time in service since the last inspection removed the elevator trim jack assembly from the airplane and inspect the eye end, P/N AGS–590, for cracks using the dye penetrant method or an FAA-approved equivalent.

(b) If the eye end is found to be cracked during the inspection required by paragraph (a), before further flight replace the cracked eye end with a serviceable eye end

of same part number and continue the repetitive inspections required by paragraph (a), or replace the cracked eye end with a new eye end P/N NB45B2385 in accordance with paragraph (c).

(c) On or before February 15, 1971, replace the elevator trim jack eye end P/N AGS-590 with a new eye end P/N NB45B2385 in accordance with Britten Norman Modification Leaflet BN-2NBM 468 dated January 21, 1971, or an FAA-approved equivalent.

(d) The repetitive inspections required by paragraph (a) may be discontinued after the elevator trim jack eye end has been replaced in accordance with paragraph (c).

This amendment is effective upon publication in the FEDERAL REGISTER (3-2-71) as to all persons except those persons to whom it was made immediately effective by the telegram dated January 26, 1971, which contained this amendment.

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

Issued in Washington, D.C., on February 23, 1971.

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

[FR Doc.71-2764 Filed 3-1-71;8:47 am]

[Airspace Docket No. 70-EA-72]

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

Alteration of Transition Area

On December 23, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19520) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Block Island, R.I., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140) the Block Island, R.I., transition area is amended to read as follows:

BLOCK ISLAND, R.I.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Block Island State Airport (lat. 41° 10'05" N., long. 71°34'40" W.).

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 23, 1971.

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

[FR Doc.71-2765 Filed 3-1-71;8:47 am]

[Airspace Docket No. 70-PC-5]

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

Alteration of Transition Area

On December 30, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19794) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kahului, Hawaii, transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

Section 71.181 (36 F.R. 2140) is amended as follows: In the Kahului transition area all after the phrase "55-mile-radius circle centered on the Maui VORTAC," is deleted and the phrase "and on the south by V-6; and that airspace bounded on the north and northeast by V-23, on the east by V-11, on the south by V-21, and on the west by the Kona, Hawaii, VORTAC 357.5° radial." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 25, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2823 Filed 3-1-71;8:51 am]

[Airspace Docket No. 70-SW-52]

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

Designation and Alteration of Federal Airways and Designation and Revocation of Reporting Points

On January 21, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 995) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter numerous VOR Federal airway segments and reporting points within the greater Dallas/Forth Worth, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received in response to the notice.

Subsequent to the publication of the notice, it has been determined that a better route alignment would be provided by realigning V-16 segment from Scurry, Tex., direct to Quitman direct to Texarkana; and the realignment of V-66 segment from Bridgeport direct Blue Ridge; direct Sulphur Springs direct Texarkana, Ark., including a north alternate from Bridgeport to Blue Bridge via intersection of Bridgeport 069° T (060° M) and Blue Ridge 285° T (277°M) radials, and including north and south alternates between Sulphur Springs and Texarkana via intersection of Sulphur Springs 060° T (052° M) and Texarkana 272° T (265° M) radials and intersection of Sulphur Springs 090° T (082° M) and Texarkana 240° T (233° M) radials and the designation of the Greater Southwest, Tex., VORTAC as a low altitude reporting point.

Since these amendments are minor in nature and have minimal impact beyond those proposed in the notice, further notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

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

a. In V-15 all between "Waco 173° radials;" and Okmulgee, Okla.," is deleted and "Scurry, Tex.; Blue Ridge, Tex., including an east alternate via INT Scurry 023° and Blue Ridge 153° radials; Ardmore, Okla.;" is substituted therefor.

b. In V-16 all between "Mineral Wells, Tex.;" and "Pine Bluff, Ark.;" is deleted and "Acton, Tex.; Scurry, Tex., including a south alternate; Quitman, Tex.; Texarkana, Ark.;" is substituted therefor.

c. In V-17 all between "Waco 173° radials;" and "Bridgeport, Tex.;" is deleted and "Acton, Tex.;" is substituted therefor.

d. In V-18 "From Dallas, Tex., via Quitman, Tex.;" is deleted and "From Mineral Wells, Tex., via Greater Southwest, Tex.; INT Greater Southwest 090° and Quitman, Tex., 260° radials; Quitman;" is substituted therefor.

e. In V-54 all between "From Waco, Tex.," and "Texarkana, Ark.;" is deleted and "Scurry, Tex.;" is substituted therefor.

f. V-61 is revoked.

g. In V-62 all after "INT Abilene 096°" is deleted and "and Acton, Tex., 264° radials; Acton." is substituted therefor.

h. In V-63 "From McAlester, Okla., via" is deleted and "From Blue Ridge, Tex., via McAlester, Okla.;" is substituted therefor.

i. In V-66 all between "Bridgeport, Tex., 248° radials;" and "From Tuscaloosa, Ala.," is deleted and "Bridgeport; Blue Ridge, Tex., including a north alternate via INT Bridgeport 069° and Blue Ridge 285° radials; Sulphur Springs, Tex.; Texarkana, Ark., including a north alternate via INT Sulphur Springs 060° and Texarkana 272° radials, and also a south alternate via INT Sulphur Springs 090° and Texarkana 240° radials." is substituted therefor.

j. In V-94 all between "Tuscola, Tex.;" and "Gregg County, Tex.;" is deleted and "Acton, Tex.; Scurry, Tex.;" is substituted therefor.

k. In V-114 all between "Wichita Falls 262° radials;" and "Alexandria, La.," is deleted and "INT Wichita Falls 117° and

Blue Ridge, Tex., 285° radials; Blue Ridge; Quitman, Tex.; Gregg County, Tex.;" is substituted therefor.

l. In V–124 "From Dallas, Tex.;" is deleted and "From Blue Ridge, Tex., via" is substituted therefor.

m. In V–161 all before "Okmulgee, Okla.;" is deleted and "From Bridgeport, Tex., via Ardmore, Okla.;" is substituted therefor.

n. In V163 ; Bridgeport, Tex.;" is deleted and ", including an E. alternate from Lometa to Mineral Wells via Acton, Tex.; Bridgeport, Tex.;" is substituted therefor.

o. In V–278 "Dallas, Tex.;" is deleted and "Blue Ridge, Tex.;" is substituted therefor.

p. V–317 is added:

V–317 From Waco, Tex., via Greater Southwest, Tex.; Ardmore, Okla.

q. V–355 is added:

V–355 From Bridgeport, Tex.; Wichita Falls, Tex.

r. In V–477 all after "via Navasota, Tex.;" is deleted and "Scurry, Tex., including a W. alternate via INT Leona 330° and Scurry 182° radials" is substituted therefor.

2. Section 71.203 (36 F.R. 2301) is amended as follows:

a. Add: "Acton, Tex."; "Scurry, Tex."; "Blue Ridge, Tex."; "Greater Southwest, Tex.".

b. Revoke "Dallas, Tex."; "Britton, Tex.".

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

Issued in Washington, D.C., on February 26, 1971.

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

[FR Doc.71–2874 Filed 3–1–71;8:52 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–660; Amdt. 16]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Extension of Charter Regulations

Correction

In F.R. Doc. 71–1562 appearing at page 2482 in the issue for Friday, February 5, 1971, in § 207.13 the 17th line of paragraph (a), reading "shall not be carried, there shall be no", should appear as the fourth line of paragraph (c), while the fourth line of paragraph (c), reading "shall not charge the charterer for ferry", should appear as the 17th line of paragraph (a).

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7090]

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Procedures for Filing Claim for Floor Stock Credit or Refund on Cement Mixers

In order to provide procedures for filing a claim for a floor stock credit or refund on cement mixers under Public Law 91–678 (84 Stat. 2062), the following temporary regulations are hereby prescribed:

§ 48.4061–1 Temporary regulations with respect to floor stock refunds or credits on cement mixers.

(a) *In general*—(1) *Refund or credit.* Public Law 91–678 (84 Stat. 2062, Jan. 12, 1971) provides that if—

(i) A manufacturer, producer, or importer paid the tax imposed by section 4061 (relating to imposition of tax on motor vehicles) on the sale of a cement mixer after June 30, 1968, and before January 1, 1970, and

(ii) Such cement mixer was held by a dealer on January 1, 1970, for purposes of resale and was not used,

the manufacturer, producer, or importer is entitled to a credit or refund (without interest) of the amount of tax he paid on his sale of such cement mixer.

(2) *Time for filing claim.* The manufacturer, producer, or importer entitled to a credit or refund under subparagraph (1) of this paragraph shall file his claim for credit or refund on or before October 31, 1971, based upon a request submitted to the manufacturer, producer, or importer on or before July 31, 1971, by the dealer who held the cement mixer in respect of which the credit or refund is claimed. Before he files his claim for credit or refund, the manufacturer, producer, or importer shall either reimburse the dealer for the amount of tax he is claiming with respect to the cement mixer or obtain written consent from the dealer to claim such tax.

(3) *Other provisions applicable.* All provisions of law, including penalties, applicable in respect of the taxes imposed by section 4061 of such Code shall, insofar as applicable and not inconsistent with Public Law 91–678 apply in respect of the credits and refunds provided for in this section to the same extent as if the credits or refunds constituted overpayments of the taxes.

(b) *Definitions.* For purposes of this section—

(1) *Cement mixer.* The term "cement mixer" means—

(i) Any article designed to be placed or mounted on an automobile truck chassis or truck trailer or semitrailer chassis and to be used to process or prepare concrete, and

(ii) Parts or accessories designed primarily for use on or in connection with an article described in subdivision (i) of this subparagraph.

(2) *Dealer.* The term "dealer" includes a wholesaler, jobber, distributor, or retailer.

(3) *Held by a dealer.* A cement mixer shall be considered as "held by a dealer" if title thereto has passed to the dealer (whether or not delivery to him has been made), and if for purposes of consumption title to the cement mixer or possession thereof had not at any time prior to January 1, 1970, been transferred to any person other than a dealer. For purposes of paragraph (a) of this section and notwithstanding the preceding sentence, a cement mixer shall be considered as "held by a dealer" and not to have been used, although possession of such cement mixer has been transferred to another person, if such cement mixer is returned to the dealer in a transaction under which any amount paid or deposited by the transferee for such cement mixer is refunded to him (other than amounts retained by the dealer to cover damage to the cement mixer). Moreover, such a cement mixer shall be considered as held by a dealer on January 1, 1970, even though it was in the possession of the transferee on such day, if it was returned to the dealer (in a transaction described in the preceding sentence) before January 31, 1970. The determination as to the time title passes or possession is obtained for purposes of consumption shall be made under applicable local law. (See subdivisions (iii), (iv), and (v) of paragraph (b)(4) of § 145.2–1 of this subchapter for examples illustrating the provisions of this subparagraph.)

(c) *Other requirements.* All the requirements of paragraph (c) (relating to participation of dealers), paragraph (d) (relating to claim for credit or refund), paragraph (e) (relating to evidence to be retained), and paragraph (f) (relating to effect on other claims for refund or credit) of § 48.6412–1 are applicable (to the extent they are not inconsistent with section 4061 and Public Law 91–678) with respect to a claim for credit or refund under this section. With respect to claims for credit or refund under this section, the term "dealer request limitation date" and "claim limitation date" used in paragraphs (c) and (d) of § 48.6412–1 means July 31, 1971, and October 31, 1971, respectively.

Because of the need for immediate guidance with respect to the provisions

contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section. This Treasury decision is issued under the authority of 26 U.S.C. 4061 (note).

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

Approved: February 25, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[FR Doc. 71-2828 Filed 3-1-71;8:51 am]

[T.D. 7089]

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

Tax on Use of Civil Aircraft

Correction

In F.R. Doc. 71-2441 appearing on page 3367 in the issue of Tuesday, February 23, 1971, the following changes should be made:

1. In the second line of § 154.3-1(c) the word "proposed" should read "imposed".

2. The authority citation at the end of the document should be changed to read:

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

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Expense of Care and Handling of Excess and Surplus Real Property

Part 101-47 is amended to clarify the responsibility of the holding agency for expenses incurred in the care and handling of excess and surplus real property.

The table of contents for Part 101-47 is amended by the addition of the following new entry:

Sec.
101-47.403 Assistance in disposition.

Subpart 101-47.2—Utilization of Excess Real Property

Section 101-47.202-9 is revised as follows:

§ 101-47.202-9 Expense of care and handling.

When there are expenses connected with the physical care, handling, protection, maintenance, and repair of the property reported to GSA, the notice to the holding agency of the date of receipt (see § 101-47.202-8) will indicate, if determinable, the date that the provisions of § 101-47.402-2 will become effective. Normally this will be the date of the receipt of the report. If because of actions of the holding agency the property is not available for immediate disposition at the time of receipt of the report, the holding agency will be reminded in the notice that the period of its responsibility for the expense of care and handling will be extended by the period of the delay.

Subpart 101-47.3—Surplus Real Property Disposal

Section 101-47.304-5 is revised as follows:

§ 101-47.304-5 Inspection.

All persons interested in the acquisition of surplus property available for disposal under this Subpart 101-47.3 shall, with the cooperation of the holding agency, where necessary, and with due regard to its program activities, be permitted to make a complete inspection of such property, including any available inventory records, plans, specifications, and engineering reports made in connection therewith, subject to any necessary restrictions in the interest of national security and subject to such rules as may be prescribed by the disposal agency. (See § 101-47.403.)

Subpart 101-47.4—Management of Excess and Surplus Real Property

1. Section 101-47.402-2 is amended as follows:

§ 101-47.402-2 Expense of care and handling.

(a) The holding agency shall be responsible for the expense of physical care, handling, protection, maintenance, and repair of such property pending transfer or disposal for not more than 12 months, plus the period to the first day of the succeeding quarter of the fiscal year after the date that the property is available for immediate disposition. If the holding agency requests deferral of the disposal, continues to occupy the property beyond the excess date, or otherwise takes actions which result in a delay in the disposition, the period for which that agency is responsible for such expenses shall be extended by the period of delay. (See § 101-47.202-9.)

* * * * *

2. New § 101-47.403 is added as follows:

§ 101-47.403 Assistance in disposition.

The holding agency is expected to cooperate with the disposal agency in showing the property to prospective transferees or purchasers. Unless extraordinary expenses are incurred in showing the property, the holding agency shall absorb the entire cost of such actions. (See § 101-47.304-5.)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (3-2-71).

Dated: February 22, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-2745 Filed 3-1-71;8:45 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL PROVISIONS

PART 4—NATIONAL LIBRARY OF MEDICINE

On August 25, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13525-13527) proposing to amend Subchapter A of the Public Health Service regulations by adding a new Part 4 prescribing rules under which the facilities, library collections and related services of the National Library of Medicine shall be made available to public and private agencies, organizations and institutions, and individuals.

Views and arguments relating to the proposed regulations were invited to be submitted within 30 days after publication of such notice in the FEDERAL REGISTER, and notice was given of intention to make any regulations that are adopted effective upon publication in the FEDERAL REGISTER.

Two changes have been made in the interest of clarity. Section 4.4(c) relating to the use of study rooms has been amended by changing the term "fellows" to "persons" to conform to amendments to section 395 (authorizing the award of grants for special scientific projects) made by Public Law 91-212. In addition, § 4.5(c) relating to the availability of MEDLARS tapes was amended to emphasize that such tapes shall be provided in accordance with such rule to the extent Library resources permit.

After consideration of all comments submitted and with the advice and recommendations of the Board of Regents of the Library, the regulations set forth below are hereby adopted, effective upon publication in the FEDERAL REGISTER (3-2-71).

Subchapter A of Chapter I of the Public Health Service regulations is amended by adding immediately after Part 3, the following new Part 4:

Sec.

4.1 Applicability and scope.
4.2 Purpose of the Library.
4.3 Definitions.
4.4 Access to Library facilities and collections.
4.5 Reference, bibliographic, reproduction and consultation services; fees
4.6 Publications of the Library and information about the Library

AUTHORITY: The provisions of this Part 4 issued under sec. 215, 58 Stat. 690, as amended, sec. 382, 70 Stat. 960, as amended; 42 U.S.C. 216, 276.

§ 4.1 **Applicability and scope.**

(a) The regulations of this part relate to access to the facilities and library collections, including audiovisual materials, of the National Library of Medicine and the availability of its bibliographic, reproduction, reference, and related services. Such services are those functions performed by the Library directly for the benefit of the general public or health sciences professionals as described in section 382(a)(3)–(5) of the Public Health Service Act.

(b) Such services do not include, and the regulations in this part do not apply to:

(1) Except as provided in § 4.5, functions which relate to the Library's internal processing activities, whether by manual, photographic, or electronic means, as required by section 382(a)(1) and (2) of the Act.

(2) The availability of "records" of the Library as defined in, and available in accordance with, rules and procedures set forth in 45 CFR Part 5 and Part 1 of this chapter.

(3) Federal assistance for medical library construction and other purposes authorized by sections 390–398 of the Act (Parts 59a, 61, 63, and 64 of this chapter).

(4) The availability of facilities, collections and related services of Regional Medical Libraries established or maintained by grants authorized by section 397 of the Act (see Part 59a, Subpart C, of this chapter).

§ 4.2 **Purpose of the Library.**

In order to assist the advancement of medical and related sciences and to aid the dissemination and exchange of scientific and other information important to the progress of medicine and the public health, the National Library of Medicine, established by section 381 of the Public Health Service Act, acquires and maintains library materials, including audiovisual materials, pertinent to medicine; compiles, publishes, and makes available catalogs, indices, and bibliographies of such materials as appropriate; provides reference and other assistance to research, and engages in other activities in furtherance of the Library's overall purpose.

§ 4.3 **Definitions.**

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Library" means the National Library of Medicine, established by section 381 of the Act (42 U.S.C. 275).

(c) "Director" means the Director of the Library.

(d) "Collections" means all books, periodicals, prints, films, videotapes, recordings, manuscripts, and other resource materials of the Library, including audio and visual materials produced or developed by the National Medical Audiovisual Center located in Atlanta, Ga., but excluding data processing tapes used solely for internal processing activities to generate reference materials. It does not include "records" as that term is defined in 45 CFR 5.5.

(e) "Historical collection" means materials in the collections published or printed prior to 1871, including manuscripts and prints, and the archival film collection of the National Medical Audiovisual Center and other materials of the collections which, because of age, or unique or unusual value, require special handling, storage, or protection for their preservation, as determined by the Director.

(f) "Health sciences professional" means any person engaged in the administration of health activities, the provision of health services, or in research, teaching or education concerned with the advancement of medicine or other sciences related to health or improvement of the public health.

(g) "Regional Medical Library" means a medical library established or maintained as a regional medical library under section 397 of the Act (42 U.S.C. 280b–8).

§ 4.4 **Access to Library facilities and collections.**

(a) *General.* The Library facilities and collections are available to any person seeking to make use of the collections, subject to such reasonable rules, consistent with the regulations in this part, as the Director may prescribe to assure the most effective use of such resources by health sciences professionals and to protect the collections from misuse or damage.

(b) *Reading rooms.* Public reading rooms are available for obtaining and reading materials from the collections, subject to rules of the Director designed to provide adequate reading space and orderly conditions and procedures for those using the collections.

(c) *Study rooms.* A limited number of study rooms are available for assignment to individuals requiring extensive use of the collections, or other Library resources. Priority shall be given to persons engaged in "special scientific projects" under section 395 of the Act (42 U.S.C. 280b–5), and to health sciences professionals. Applications for use of study rooms shall be addressed to the Director.

(d) *Use of materials from the collections*—(1) *Materials generally.* Except as otherwise provided in this paragraph, materials from the collections are available for use only in facilities provided by the Library for such purposes.

(2) *Audiovisual materials.* Audio and visual materials in the collections are available for loan application setting forth to the Director's satisfaction that the material will be safeguarded from misuse, damage, loss or misappropriation, and will promptly be returned as required after use or upon request of the Library. Applications for such material may be made to the National Medical Audiovisual Center, Atlanta, Ga. 30333.

(3) *Interlibrary loans.* Materials from the collections, or copies thereof, not specified in subparagraph (2) of this paragraph, may be made available for use through libraries of public or private agencies or institutions upon application by such libraries setting forth to the Director's satisfaction that the requesting party has exhausted all other reasonably available local or regional library resources (including Regional Medical Libraries) and, when so prescribed, providing satisfactory assurances that the requested material will be safeguarded from misuse, damage, loss or misappropriation, and will be promptly returned to the Library as required after use or upon request of the Library. Libraries served by a Regional Medical Library are encouraged to file such applications through their Regional Medical Library.

(4) *Loans to health sciences professionals.* Except as provided in subparagraph (2) of this paragraph, loans of materials, or copies thereof, from the collections may be made directly to health sciences professionals upon application to the Director setting forth to his satisfaction that the requesting individual is geographically isolated, in terms of distance or available transportation, from all medical literature resources likely to contain the desired material, and providing the assurances to the Director required in subparagraph (3) of this paragraph.

(5) *Historical collection.* In addition to the rules specified above with respect to availability of the Library's collections generally, materials from the historical collection are available only in accordance with such other rules as the Director may prescribe to assure their maximum preservation and protection. Such materials may also be made available in the form of microfilm and paper print copies, for which reasonable fees may be levied.

(6) *Gifts and restricted materials.* In addition to the rules specified above, materials in the collections, whether acquired by the Library as the result of gift or purchase, shall be made available only in accordance with limitations imposed as a condition of such gift or purchase.

§ 4.5 **Reference, bibliographic, reproduction and consultation services; fees.**

(a) *General.* Reference, bibliographic, reproduction (in addition to those reproduction services discussed in § 4.4(d)) and consultation services provided by the Library, whether provided by professional medical librarians, through the use of computerized systems, or otherwise, are available upon request to the extent Library resources permit. In the provisions of services not reasonably available through local or regional library resources, priority shall be given to health sciences professionals.

(b) *Specialized bibliographic services.* (1) Requests for bibliographies on individually selected medical or scientific topics may be filled by use of a reference retrieval system, upon determination by the Director, on the basis of information

submitted with the request, that use of such system would be appropriate and effective in the circumstances. Requests must be made upon such forms and in such manner as the Director may from time to time prescribe. Searches determined by the Director to be of general interest may be published and made available for general distribution by the Library.

(2) A limited number of computerized bibliographies on topics of general interest to group users, such as public or nonprofit health related professional societies and research organizations, may be produced on a regularly recurring basis pursuant to contractual arrangements between the Library and public or nonprofit agencies, when determined in each case by the Director to be necessary to assure more effective distribution of the bibliographic information involved, in furtherance of the Library's special purposes.

(c) *MEDLARS tapes.* To the extent Library resources permit, where deemed necessary by the Director to further the dissemination of scientific and other information important to the progress of medicine and the public health, or to assist research and investigations in the field of medical library science, copies of all or part of the Library's magnetic tapes comprising the Medical Literature Analysis and Retrieval System (MEDLARS) may be made available to agencies, organizations and institutions upon application by such persons providing assurances that (1) such tapes will be utilized to provide reference or bibliographic services pertinent to medicine not otherwise available from the Library or a Regional Medical Library, or (2) such tapes are necessary to carry out such research or investigation. The use of such tapes shall be subject to such further conditions as the Director may prescribe when in his judgment necessary to further the purpose of the Library.

(d) *Fees for services.* The Director may, in accordance with schedules available at the Library on request, charge fees reasonably designed to recover all or a portion of the cost to the Library, including the employment of personnel, of providing any of the above or other reference, bibliographic and reproduction services. Such fees shall be charged only where the nature of the service in question is beyond that normally provided to the general public or health sciences professionals or where Library resources are limited or unduly taxed.

§ 4.6 Publications of the Library and information about the Library.

Lists of bibliographies or Library publications sold by the Government Printing Office, and other information concerning the organization, operation, functions and services of the Library, including necessary application forms, are available from the National Library of Medicine, Bethesda, Md. 20014.

Dated: January 15, 1971.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: February 23, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-2761 Filed 3-1-71;8:47 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1064]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February 1971.

It appearing, that an acute shortage of plain boxcars with inside length of 40 feet or longer and less than 50 feet, equipped with side doors 9 feet or wider or of plain boxcars with inside length 50 feet or longer and less than 70 feet, regardless of door width exists throughout the United States; that shippers are being deprived of such cars required for loading creating great economic loss and resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such boxcars to the owning railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1064 Service Order No. 1064.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraphs (4) and (6) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 378, issued by E. J. McFarland, or successive issues thereof as having mechanical designation XM, with inside length of 40 feet or longer and less than 50 feet and equipped with side doors 9 feet or wider, or with inside length 50 feet or longer and less than 70 feet regardless of door width, which bear the identification marks shown:

Burlington Northern Inc.
Identification marks—BN, CBQ, GN, NP, SPS.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Identification marks—Milw.
Missouri-Kansas-Texas Railroad Co.
Identification marks—BKTY, MKT.
Southern Pacific Transportation Co.
Identification marks—SP.
Union Pacific Railroad Co.
Identification marks—UP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (3), (4), (5), (6), (7), and (8) of this paragraph.

Chicago & Eastern Illinois Railroad Co.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.
The Texas and Pacific Railway Co.

(3) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(4) Except as otherwise provided in subparagraph (4) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(5) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(6) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(7) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraphs (2) or (4) of this paragraph, at a junction with the car owner.

(8) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(9) In using plain boxcars owned by railroads not listed in subparagraph (1) of this paragraph, the railroads named therein will restrict the use of such cars to traffic destined to a station closer to the car owner than the station at which the car was last loaded.

(10) In determining distances to the car owner from points of loading or unloading, tariff distances applicable via

the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(11) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (2) or (4) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.71-2793 Filed 3-1-71;8:49 am]

[S.O. 1065]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February 1971.

It appearing, that an acute shortage of certain plain boxcars exists on the railroads named in paragraph (a)(1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in a severe emergency and causing grain elevators to be unable to accept grain from farmers, thus creating economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1065 Service Order No. 1065.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in subparagraphs (5) and (7) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 378, issued by E. J. McFarland or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide and bearing the identification marks shown:

The Atchison, Topeka and Santa Fe Railway Co.
Identification marks—ATSF.
Burlington Northern Inc.
Identification marks—BN, CBQ, GN, NP, SPS.
Chicago & Eastern Illinois Railroad Co.
Identification marks—CEI.
Chicago and North Western Railway Co.
Identification marks—CGW, CMO, CNW, MSTL.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Identification marks—MILW.
Chicago, Rock Island and Pacific Railroad Co.
Identification marks—RI
The Colorado and Southern Railway Co.
Identification marks—C&S
Fort Worth and Denver Railway Co.
Identification marks—FW&D
Missouri-Illinois Railroad Co.
Identification marks—M–I.
Missouri-Kansas-Texas Railroad Co.
Identification marks—MKT.
Missouri Pacific Railroad Co.
Identification marks—MP.
Soo Line Railroad Co.
Identification marks—DSA, SOO.
The Texas and Pacific Railway Co.
Identification marks—T&P, TP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (4), (5), (6), (7), (8), and (9) of this paragraph.

Burlington Northern Inc.
The Colorado and Southern Railway Co.
Fort Worth and Denver Railway Co.

(3) The following companies will be considered as one railroad in the application of subparagraphs (1), (4), (5), (6), (7), (8), and (9) of this paragraph.

Chicago & Eastern Illinois Railroad Co.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.
The Texas and Pacific Railway Co.

(4) Plain boxcars described in subparagraph (1) of this paragraph includes both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(5) Except as otherwise provided in subparagraph (4) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(6) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(7) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(8) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraph (2) or (4) of this paragraph, at a junction with the car owner.

(9) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(10) In using plain boxcars owned by railroads not listed in subparagraph (1) of this paragraph, the railroads named therein will restrict the use of such cars to traffic destined to a station closer to the car owner than the station at which the car was last loaded.

(11) In determining distances to the car owner from the points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(12) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (2) or (4) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17),

15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2794 Filed 3-1-71; 8:49 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3–2–71).

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Entrance on the refuge and the recently approved wilderness area is permitted for the purpose of bird watching, photography, nature study, hiking, and swimming during daylight hours. Shellfishing is permitted in conformance with regulations prescribed by the Town of Chatham. Tide water fishing is permitted 24 hours a day. Pets are permitted on a leash not exceeding 10 feet in length. Fires are permitted on the beach.

The refuge, comprising of 2,696 acres, the Refuge Manager, Great Meadows is delineated on a map available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, MA 01742 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 23, 1971.

[FR Doc.71-2747 Filed 3-1-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 31]

INCOME AND EMPLOYMENT TAXES

Definitions of Terms "United States," "Possession of the United States," and "Foreign Country"

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Employment Tax Regulations (26 CFR Part 31) to the amendments made by section 505 of the Tax Reform Act of 1969 (83 Stat. 634), such regulations are amended as follows:

PARAGRAPH 1. The following new sections are added immediately after § 1.632-1.

CONTINENTAL SHELF AREAS

§ 1.638 Statutory provisions; continental shelf areas.

SEC. 638. *Continental shelf areas.* For purposes of applying the provisions of this chapter (including sections 861(a)(3) and 862(a)(3) in the case of the performance of personal services) with respect to mines, oil and gas wells, and other natural deposits—

(1) The term "United States" when used in a geographical sense includes the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources; and

(2) The terms "foreign country" and "possession of the United States" when used in a geographical sense include the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the foreign country or such possession and over which the foreign country (or the United States in case of such possession) has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources, but this paragraph shall apply in the case of a foreign country only if it exercises, directly or indirectly, taxing jurisdiction with respect to such exploration or exploitation.

No foreign country shall, by reason of the application of this section, be treated as a country contiguous to the United States.

[Sec. 638 as added by sec. 505(a), Tax Reform Act 1969 (83 Stat. 634)]

§ 1.638-1 Continental shelf areas.

(a) *General rule.* For purposes of applying any provision of chapter 1, 2, 3, or 24 (including section 861(a)(3), 862(a)(3), 1441, 3402, or other provisions dealing with the performance of personal services), with respect to mines, oil and gas wells, and other natural deposits—

(1) *United States and possession of the United States.* The terms "United States" and "possession of the United States" when used in a geographical sense include the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States or such possession and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources.

(2) *Foreign country.* The term "foreign country" when used in a geographical sense includes the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the foreign country and over which such foreign country has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources, but this sentence applies only if such foreign country exercises, directly or indirectly, taxing jurisdiction with respect to such exploration or exploitation. A foreign country is not to be treated as a country contiguous to the United States by reason of the application of section 638 and this section.

(b) *Exercise of taxing jurisdiction.* For purposes of paragraph (a)(2) of this section, the exercise, directly or indirectly, of taxing jurisdiction with respect to the exploration or exploitation of natural resources is deemed to include those cases in which a foreign country—

(1) Imposes a tax upon capital assets connected with or income derived from such exploration or exploitation,

(2) Requires natural resources referred to in paragraph (a)(2) of this section to be transported to points within its landward boundaries and then levies a tax upon such natural resources or upon the income derived from the sale thereof, or

(3) Except as otherwise provided in this paragraph, exempts any person, in whole or in part for any period, from taxes imposed on income derived from such exploration or exploitation or assets connected therewith.

A foreign country which exempts any person, property, or activity engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits in the seabed or subsoil referred to in paragraph (a)(2) of this section, or the income therefrom, from taxation while not exempting within its territorial boundaries any person, property, or activity engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits, or the income therefrom, is deemed not to be exercising, directly or indirectly, taxing jurisdiction for purposes of paragraph (a)(2) of this section, unless such exemption expires not more than 10 years from the commencement of such exploration or exploitation.

(c) *Scope.* (1) For purposes of applying this section, persons, property, or activities which are engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits need not be physically upon, connected, or attached to the seabed or subsoil referred to in subparagraph (1) or (2) of paragraph (a) of this section to be deemed to be within the United States, a possession of the United States, or a foreign country, as the case may be, to the extent that the United States, a possession of the United States, or a foreign country, as the case may be, has jurisdiction over such person, property, or activities, in accordance with international law, with respect to such exploration or exploitation.

(2) Persons, property, or activities which are engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits and which are above or physically upon, connected, or attached to the seabed or subsoil referred to in subparagraph (1) or (2) of paragraph (a) of this section are generally within the United States, or a possession of the United States, as the case may be, or a foreign country if such country exercises, directly or indirectly, taxing jurisdiction with respect to such exploration or exploitation.

(d) *Natural deposits.* For purposes of this section, the term "natural deposits" means nonliving resources to which section 611(a) applies. Such term does not

include fish, plant life, or living organisms belonging to the sedentary species (organisms which, at the harvestable state, either are immovable on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil referred to in paragraph (a) of this section). Living organisms belonging to the sedentary species include abalone, clams, king crab, and sponge.

(e) *Examples.* The application of the provisions of section 638 and this section may be illustrated by the following examples:

Example (1). A, a citizen of the United States privately employed as an engineer, is engaged in the exploitation of oil and is physically present on an offshore oil drilling platform. Such platform is affixed to the seabed of a submarine area which is adjacent to the territorial waters of foreign country X and over which that foreign country has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. Assuming that foreign country X exercises taxing jurisdiction as provided in paragraph (a)(2) of this section, A is to be treated as being in foreign country X for purposes of section 638 and this section.

Example (2). The facts are the same as in example (1) except that B, a citizen of the United States privately employed as an attorney-at-law, is physically present on such platform for the sole purpose of interviewing his client, A, whom he represents in a domestic relations matter and has no other activities on the seabed or subsoil referred to in example (1). Since B is not engaged in activities related to the exploration or exploitation of natural deposits, he is not to be treated as being in foreign country X for purposes of section 638 and this section.

Example (3). B, a nonresident alien individual privately employed as a sailor, is physically present on a ship servicing an offshore oil drilling platform which is engaged in the exploitation of oil. Such platform is affixed to the seabed of a submarine area which is adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. In such case, B is to be treated as being in the United States for purposes of section 638 and this section for that period he was on such ship when related to such exploitation and while the ship was above such seabed.

Example (4). C, a nonresident alien individual privately employed as an engineer in a foreign country, designs equipment for use on the oil drilling platform described in example (3). Although C's activities in this respect are related to the exploitation of oil in those submarine areas described in example (3), C is not treated as being in the United States for purposes of section 638 and this section by reason of such activities.

Example (5). M Corporation, a domestic corporation, chartered a ship from N Corporation, also a domestic corporation, under a time charter under which N Corporation's personnel continued to navigate and manage the ship. M Corporation equipped the ship with special oil exploration equipment and furnished its personnel to operate the equipment. The ship then commenced to explore for oil in the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of foreign country Y and over which that foreign country has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. Assuming that foreign country Y exercises taxing jurisdiction as provided in paragraph (a)(2) of this section, M and N Corporations shall be treated as being within foreign country Y for purposes of section 638 and this section for the period they, their personal property, or activities are engaged in or related to the exploration for oil in such seabed or subsoil while such ship was above such seabed and subsoil.

Example (6). The facts are the same as in example (5) except that C, a citizen of the United States, is privately employed by N Corporation as a cook and is physically present on the ship. C's sole duties consisted of cooking meals for personnel aboard such ship. In such case, as C's activities are related to the exploration for oil, C is to be treated as being in foreign country Y for purposes of section 638 and this section for the period he was aboard such ship while it was engaged in activities relating to the exploration for oil in such seabed or subsoil and while the ship was above the seabed and subsoil referred to in example (5).

Example (7). Z Corporation, a foreign corporation, entered into a contract with Y Corporation, a United States corporation, to engage in exploratory oil drilling activities on a leasehold held by Y Corporation. Such leasehold was located in the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. Since Z Corporation is engaged in and has property and activities which are engaged in and related to the exploration for oil, Z Corporation, its property, and activities are to be treated as being in the United States for purposes of section 638 and this section for that period such corporation, property, and activities were engaged in or related to the exploration for oil in such seabed or subsoil and were above or physically upon, connected, or attached to such seabed or subsoil.

§ 1.638–2 Effective date.

The specific requirements and limitations of § 1.638–1 apply on and after December 30, 1969.

PAR. 2. Section 1.1402(a)–12 is amended to read as follows:

§ 1.1402(a)–12 Possession of the United States.

For purposes of the tax on self-employment income, the term "possession of the United States", as used in section 931 (relating to income from sources within possessions of the United States) and section 932 (relating to citizens of possessions of the United States) shall be deemed not to include the Virgin Islands, Guam, or American Samoa. The provisions of section 1402(a)(9) and of this section insofar as they involve nonapplication of sections 931 and 932 to Guam or American Samoa, shall apply only in the case of taxable years beginning after 1960. For definition of the term "United States" and for other geographical definitions relating to the continental shelf see section 638 and § 1.638–1.

PAR. 3. Section 1.1441 is amended by adding immediately after § 1.1441(e) the following new subsection.

§ 1.1441 Statutory provisions; withholding of tax on nonresident aliens.

SEC. 1441. *Withholding of tax on nonresident aliens.* * * *

(f) *Continental shelf areas.* For sources of income derived from, or for services performed with respect to, the exploration or exploitation of natural resources on submarine areas adjacent to the territorial waters of the United States, see section 638.

[Sec. 1441 as amended by sec. 505(b), Tax Reform Act 1969 (83 Stat. 634)]

PAR. 4. Section 1.1441–5 is amended by revising paragraph (d) to read as follows:

§ 1.1441–5 Claiming to be a person not subject to withholding.

* * * * *

(d) *Definitions.* For determining whether an alien individual is a resident of the United States see § 1.871–2. For definition of the terms "foreign partnership" and "foreign corporation" see section 7701(a)(4) and (5) and § 301.7701–5 of this chapter. For definition of the term "United States" and for other geographical definitions relating to the continental shelf see section 638 and § 1.638–1.

PAR. 5. Section 31.3401(a)–1 is amended by inserting the following paragraph immediately after § 31.3401(a)–1(b):

§ 31.3401(a)–1 Wages.

* * * * *

(c) *Geographical definitions.* For definition of the term "United States" and for other geographical definitions relating to the continental shelf see section 638 and § 1.638–1 of this chapter.

[FR Doc.71–2829 Filed 3–1–71;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 90]

PROCEDURES FOR TRANSFER OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS

Notice of Proposed Rule Making

Notice is hereby given that in accordance with the provisions of section 203 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), and pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act, it is proposed that Subchapter O of Chapter I, Title 30, Code of Federal Regulations, be amended by adding Part 90, as set forth below, which provides procedures to be followed by miners, operators, and the Bureau of Mines, in relation to notification, exercise, and enforcement of the option of a miner with evidence of pneumoconiosis to transfer his position to a less dusty area of the mine.

Interested persons may submit written comments, suggestions or objections to

the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

FEBRUARY 23, 1971.

Subchapter O of Chapter I, Title 30, Code of Federal Regulations, would be amended by adding the following:

PART 90—PROCEDURES FOR NOTIFICATION OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS OF OPTION TO TRANSFER POSITION; EXERCISE OF OPTION; IMPLEMENTATION OF TRANSFER; ENFORCEMENT

Subpart A—General

Sec.
90.1 Scope.
90.2 Definitions.

Subpart B—Notification to Miner

90.10 Notification by Director; contents.

Subpart C—Miner's Election of Option of Transfer

90.20 Election of option of transfer; notification.

Subpart D—Operator's Transfer of Miner

90.30 Operator's transfer of miner; requirements.
90.31 Verification of option of transfer by Director.
90.32 Transfer of miner; time requirement.
90.33 Notification to District Manager of transfer.
90.34 Compensation of transferred miner.

Subpart E—Enforcement of Miner's Option of Transfer by Bureau of Mines

90.40 Enforcement of option of transfer; notices and orders.

AUTHORITY: The provisions of this part 90 issued under sections 203 and 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173).

Subpart A—General

§ 90.1 Scope.

Section 203(a) of the Federal Coal Mine Health and Safety Act of 1969 requires the operator of a coal mine to cooperate with the Secretary of Health, Education, and Welfare in making available to each miner working in a coal mine the opportunity to have chest roentgenograms. The films of such roentgenograms shall be read and classified in a manner prescribed by the Secretary of Health, Education, and Welfare, and the Secretary of the Interior shall submit the results of these roentgenograms to each miner and advise him of his rights under the Act related thereto. Section 203(b)(1) of the Act provides that any miner who, in the judgment of the Secretary of Health, Education, and Welfare based upon such reading or other medical examinations, shows evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of such disease, where the concentration of respirable dust in the mine atmosphere is not more than 2.0 milligrams of dust per cubic meter of air. Section 203(b)(3) of the Act further provides that any miner so transferred shall receive compensation for such work at not less than the regular rate of pay received by him immediately prior to his transfer. The regulations in this Part 90 prescribe the manner by which the Director, Bureau of Mines shall notify miners of the results of chest roentgenograms and advise them of related rights; the method by which eligible miners shall exercise their option of transfer of position; the method to be followed by operators in transferring such eligible miners; and the manner in which the Director, Bureau of Mines shall enforce the option of transfer of position of eligible miners.

§ 90.2 Definitions.

As used in this Part 90:

(a) "Coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(b) "Director" means the Director, Bureau of Mines, U.S. Department of the Interior.

(c) "Miner" means any individual working in a coal mine.

(d) "Operator" means any owner, lessee, or other person who operates, controls, or supervises a coal mine.

(e) "Option of transfer" means the option afforded a miner, whose chest roentgenogram or other medical examination shows evidence of the development of pneumoconiosis, to transfer from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of pneumoconiosis, where the concentration of respirable dust in the mine atmosphere is not more than 2.0 mg/m^3 of air.

(f) "Pneumoconiosis" means a chronic dust disease of the lung arising out of employment in a coal mine.

(g) "Respirable dust" means only dust particulates 5 microns or less in size.

(h) "Secretary" means the Secretary of Health, Education, and Welfare.

Subpart B—Notification to Miner

§ 90.10 Notification by Director; contents.

(a) Upon the receipt of information from the Secretary that a miner has been given a chest roentgenogram, and that such roentgenogram has been read and classified in the manner prescribed by the Secretary, the Director shall inform such miner, by letter, of the results of such roentgenogram and his rights related thereto, and shall include therewith a copy of the information received from the Secretary.

(b) When a chest roentgenogram shows, in the judgment of the Secretary, evidence of the development of pneumoconiosis, the Director shall notify the affected miner that he has the option of transfer.

Subpart C—Miner's Election of Option of Transfer

§ 90.20 Election of option of transfer; notification.

Any miner notified by the Director that he has the option of transfer, if he elects to exercise such option, shall:

(a) In writing, inform the operator by whom he is employed of his eligibility for the option of transfer and of his election to exercise such option. The miner shall include as part of his information to the operator a copy of the letter received from the Director, however, to preserve medical confidentiality the miner shall not be required to furnish the operator a copy of the information received from the Secretary and provided to the miner by the Director; and,

(b) Send a copy of the information given to the operator pursuant to paragraph (a) of this section to the Assistant Director—Coal Mine Health and Safety, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Subpart D—Operator's Transfer of Miner

§ 90.30 Operator's transfer of miner; requirements.

The operator shall (a) upon receipt, in writing, of the information from a miner required by § 90.20(a); and (b) upon receipt of a letter of verification from the Director in accordance with § 90.31, transfer the miner to such a position as is required by section 203(b) of the Act, within the time prescribed in § 90.32.

§ 90.31 Verification of option of transfer by Director.

Upon receipt by the Director, pursuant to § 90.20(b), of the copy of the information to be furnished to the operator by the miner, the Director shall send to the operator employing such miner a letter of verification notifying the operator that the miner is afforded the option of transfer and that the miner has exercised the option of transfer.

§ 90.32 Transfer of miner; time requirement.

The operator shall transfer the miner who has exercised the option of transfer as soon as practicable, but no later than 45 days from the date of the receipt by the operator of the letter of verification by the Director pursuant to § 90.31, or by such other date after the period of 45 days that the miner may indicate, in writing, to both the operator and the Director as being acceptable to the miner for such transfer.

§ 90.33 Notification to District Manager of transfer.

The operator shall immediately notify, in writing, the District Manager of the Coal Mine Health and Safety District in which the mine is located when the transfer has been accomplished. The notice shall include the name and Social Security number of the transferred miner, the name and identification number of the mine, the date of transfer, the section identification number, and the mine area and position from which the miner was transferred and the mine area and position to which the miner was transferred.

§ 90.34 Compensation of transferred miner.

Any miner transferred in accordance with the provisions of this Part 90 shall receive compensation for his work at not less than the regular rate of pay received by him immediately prior to his transfer.

Subpart E—Enforcement of Miner's Option of Transfer by Bureau of Mines

§ 90.40 Enforcement of option of transfer; notices and orders.

(a) If notification of the accomplishment of a miner's transfer is not received from the operator within the time required by § 90.32, the District Manager of the Coal Mine Health and Safety District where the mine is located shall make or cause to be made an inspection and investigation to determine whether or not the transfer of the miner has been accomplished and whether there is compliance with section 203 of the Act.

(b) If the inspection and investigation shows noncompliance with section 203 of the Act, the District Manager shall make or cause to be made appropriate findings, notices, and orders under section 104 of the Act. In no case shall a reasonable time for abatement of a violation be more than 30 days from the date of the notice of violation.

[FR Doc.71-2746 Filed 3-1-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 73]

[Docket No. 19153; FCC 71-156]

FORMULATION OF RULES AND POLICIES RELATING TO RENEWAL OF BROADCAST LICENSES

Notice of Inquiry and Proposed Rule Making

Introduction. 1. The Commission is reexamining in this and an associated proceeding (Docket No. 19154) its renewal processes in the commercial broadcast field. Programing is the essence of service to the public, the principal ingredient of which is the diligent, positive and continuing effort by the licensee to discover and fulfill the needs and interests of his area (En Banc Inquiry re: Programing, 25 F.R. 7291, 7295 (1960).

2. Recent experience has pointed up the need to revise our renewal policies. During the past year there has been a significant increase in the number of petitions to deny or complaints directed to license renewal applications. Many of these petitions and complaints contend that the licensee has not met the above-noted obligation. In most instances the points raised in these filings were not communicated to the licensee during the license period; indeed, little or no dialogue occurred between the petitioner and the licensee prior to the filing of the renewal application. This is a patently unsatisfactory situation.

3. The proposals set out in the following four sections are designed to remedy that situation and to promote the fulfillment of public interest obligations by the licensee. Parts II and III are applicable to broadcasting generally, Parts I and IV exclude educational broadcasters (proposals regarding revised requirements for educational broadcasters will be forthcoming shortly), with Part IV pertaining just to commercial television (a revised renewal form for commercial radio will be considered at a later date). In brief, the purpose here is to simplify the renewal process by concentrating on the essential elements, to insure a continuing dialogue on these elements between the licensee and the community, and finally, if there is to be resort to Commission processes, to provide more orderly procedures, fair to both petitioning parties and to the licensee.

4. Specifically, the proposals in this docket are designed to ensure that: (1) The licensee will remain conversant with and attentive to community problems and needs throughout the license period; (2) the licensee will make known to the public his responsibility to continually ascertain the most significant problems and needs of his service area and to present programs designed to deal with these problems and needs; (3) the public will be continually encouraged by the licensee to make comments, complaints, and suggestions regarding the operation of the station; (4) any complaints regarding the operation of a station will be communicated to the licensee immediately and every effort will be made during the license period by both the complainant and the licensee to resolve differences and problems through discussion on the local level; (5) if this dialogue is ineffective and a petition to deny the station's license renewal is filed, reasonable time periods will be provided for the petitioners to examine the license renewal application before filing the petition, for the station to reply to the petition, and for the petitioners to comment on the station's reply, with no extensions to be granted without the consent of all parties; (6) the Commission will be able to more easily determine, as one criterion in evaluating petitions to deny license renewal, the extent to which the petitioners had made a genuine effort to communicate their complaints to the licensee during the license period.

5. With respect to commercial television licensees, the Commission proposes to eliminate from the renewal form all information not essential to the Commission in making its public interest finding. The Commission also proposes that the licensee make an annual programing report needed for nationwide annual statistics; the report will include a list of community problems and concerns and programs directed thereto.

6. In its actual renewal processes for commercial television, the Commission will pay particular attention to (1) community feedback, facilitated by the proposals in this docket; (2) the applicant's actual programing during the past renewal period as compared to the programing proposed in his previous renewal application; (3) the applicant's performance during the past renewal period in the critical programing categories (e.g., local programs, news, public affairs, etc.) which are in the proposed annual report and renewal form; and (4) any information suggesting violation of the Act and/or Commission rules and policies.

7. In connection with (3) in the preceding paragraph, using the nationwide data base when it is available, the Commission will rank each station within a yet to be determined group (groupings may be determined by market, by revenues, or by a combination of factors) in each critical programing category. The parties are requested to comment on the appropriate groupings. The staff will then be instructed to closely scrutinize the renewal applications of those stations whose rankings fall below an appropriate level (e.g., 10 percent) and make a summary report of the application to the Commission. In so doing, it is not implied that all such applicants will be designated for hearing or even subject to further inquiry. Rather, the purpose of the process is, as stated, to ensure close scrutiny of all such applicants in order to delineate those whose performance is of such a borderline nature as to warrant inquiry and further showing. The grouping of stations and the levels below which stations will receive close scrutiny will, when determined by the Commission, be made a matter of public record. The Commission will also be assured that it does not, willy-nilly, renew an applicant which could not be said to meet statutory test of section 307(d).

8. As can be seen, this is a far-ranging proceeding with many facets. The Commission has, of course, reached no final conclusion on these proposals and would welcome comments and alternatives. After gaining experience with any approach adopted in this proceeding, the Commission could consider its extension to other fields. Finally, as stated at the outset, the proceeding is part of an overall inquiry, involving actions as to the survey requirements (see FCC 71-176) and in the comparative renewal hearing

process (see Notice of Inquiry, FCC 71-159, 36 F.R. 3939 issued this day). The latter particularly bears on the overall renewal process, since it involves the proper balancing of the competitive spur and stability factors, to promote to a maximum extent "the public interest in the larger and more effective use of radio" (section 303(g) of the Communications Act; See NBC v. United States, 319 U.S. 190(1943)).

9. The Commission has received complaints concerning the public's right to inspect locally maintained records of the licensee required by § 1.526 of the rules. The Commission believes it important to reaffirm this vital aspect of existing renewal policy. It has, therefore, today issued a Public Notice titled "Availability of Locally Maintained Records for Inspection by Members of the Public" (FCC 71-157).

I. PROPOSED RULE MAKING TO ADOPT RULES REQUIRING BROADCAST NOTICE OF THE MANNER IN WHICH THE PUBLIC MAY EXPRESS OPINIONS ABOUT BROADCAST SERVICE AND THE MAINTENANCE OF A LOCAL PUBLIC FILE OF OPINIONS RECEIVED BY LICENSEES

1. In this section, we give notice of proposed rule making in the above-captioned matter. The Commission has consistently stated that its licensees are expected to remain conversant with community needs and problems throughout the license period. This obligation was clearly stated in the Network Programing Inquiry, 25 F.R. 7291, at 7295 (1960).[1] The broadcaster is obligated to make a positive, diligent and continuing effort, in good faith, to determine the tastes, needs, and desires of the public in his community and to provide programing to meet those needs and interests. This is a duty of the licensee and may not be delegated to others. Our proposal here is designed to better implement this all-important responsibility of the broadcast licensee.

2. The Commission notes an increase in the number of petitions to deny license renewal applications and in the number of informal complaints submitted concerning stations whose renewal applications are being processed. These petitions and objections often concern conduct of stations or incidents which occurred in the past. It is therefore apparent that there are complaints about station operation which are not communicated to licensees when the complaints arise. In its recent decision in WSM, Inc., et al., 24 F.C.C. 2d 561, at 563-4 (June 29, 1970),[2] the Commission stated that it:

> * * * does not condone the practice of community groups waiting until long after an application for renewal of license has been filed before raising any complaints they may have concerning a station's policies or program practices. Complaints concerning a licensee's hiring or employment practices should be brought to the attention of the licensee and/or Commission immediately upon their occurrence, and this can be done any time during the license period. Likewise, community groups can and should take any complaints they may have concerning a licensee's programing or program policies to the licensee at any time during the license period. Such practices should serve to encourage better relationships between the licensee and concerned community groups. The practice of waiting until long after a renewal application is filed before seeking correction of alleged past derelictions of a licensee (which it has been given no prior opportunity to consider) is disruptive of the Commission's processes.

3. To insure licensees remain conversant with and attentive to community problems throughout the license period and to promote resolution of complaints as they arise at the local level through discussion between complainant and the licensee (rather than through Commission inquiry), the Commission proposes to incorporate as § 73.1202 of its rules a requirement that a notice to the public informing them of their interest in station performance and of the appropriate manner in which to express their satisfaction or complaints with station operation be broadcast by every commercial licensee throughout the license period, except during the period from 6 months prior to expiration of the license to 30 days prior to expiration, during which time the proposed renewal application notices included in section III of this docket are being broadcast. The Commission is proposing that these announcements be aired every eighth day, but will, of course, consider written comments before making a final determination regarding the frequency of the announcements as well as their content. The announcement will include the following information:

I. For commercial radio stations:

(a) The station's call letters.

(b) A statement that the frequency on which the station operates is public property and that the station was granted on (give date of last renewal grant) a 3-year license by the Federal Communications Commission in Washington, D.C., to serve the public interest, convenience, and necessity.

(c) A statement that the Commission has indicated that service in the public interest obligates the broadcaster to make a continuing, diligent effort to determine the most significant problems and needs of his service area and to provide programing to help meet those problems and needs.

(d) A statement that to remain informed of the adequacy of its performance, the station requests its viewers or listeners to inform it of their opinions, criticisms, or suggestions.

(e) A request that comments regarding the station's performance be as specific as possible.

(f) The appropriate name and address to which comments should be mailed.

(g) A statement indicating that comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

II. For commercial television stations:

(a) The station's call letters.

(b) A statement that the frequency on which the station operates is public property and that the station was granted on (give date of last renewal grant) a 3-year license by the Federal Communication Commission in Washington, D.C., to serve the public interest, convenience, and necessity.

(c) A statement that the station is required to submit an annual filing with the Commission indicating what the licensee considered during the past year to be the most significant problems and needs of the public which he served and what programs the station aired during the year that were addressed to those problems and needs.

(d) A statement that the above filing is available for public inspection at the station's business office (or station's main location) during regular business hours. Give address and business hours.

(e) A statement that to remain informed of the adequacy of its performance, the station requests its viewers or listeners to inform it of their opinions, criticisms, or suggestions.

(f) A request that comments regarding the station's performance be as specific as possible.

(g) The appropriate name and address to which comments should be mailed.

(h) A statement indicating that comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

The differences in the announcement proposed for television from that proposed for radio results from the fact that the Commission's proposal for an annual reporting of community problems and concerns and programs that dealt with them is presently limited to television. (See section IV of this docket.) If future examination of issues related to renewal of radio licenses suggests that such annual reports should be submitted by radio stations, presumably announcements by radio and television stations would become identical. If the Commission decides to adopt this rule making before it adopts rule making requiring annual reporting for television licenses, the Commission could in the interim require television stations to air the proposed radio announcement.

5. The notices, a sample of which is set forth below as Appendix B, would be required to be made during the following time periods:

(a) For commercial television broadcast stations, between 8 p.m. and 10 p.m.

(b) For commercial AM and FM broadcast stations, between 7 p.m. and 9 a.m., but if such stations do not operate during these hours, then between 4 p.m. and 7 p.m.

The Commission welcomes comments on the above or other appropriate time periods (e.g. 6-11 p.m., 8:30-10:30 p.m.) and on whether all or merely a substantial percentage of the announcements should be required within the specified periods of maximum viewing or listening.

In the case of television broadcast stations such notice would be broadcast

[1] F.C.C. 60-970, 20 R.R. 1902.
[2] 19 R.R. 2d 476, at 479.

orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address for receiving complaints would be shown.

During the period between 30 days prior to expiration of the license and the date of license renewal, stations would broadcast every eighth day the appropriate (radio or television) announcement herein, except for the mention of the date of the last renewal grant. Commencing on the eighth day following the date of renewal, the regular announcement would be resumed and be broadcast every eighth day thereafter.

6. All written comments and suggestions received by the licensee concerning operation of the station would be maintained in a local file, available for inspection by the public, except when the person making the comment or suggestion has specifically requested that his communication not be made public or where the licensee feels that it should be excluded from availability for public inspection because of the special nature of its content, such as a defamatory or obscene letter. In accordance with § 1.526 of the Commission's rules such file would be kept for 7 years. Licensees would be required to separate written comments by subject categories to facilitate inspection by members of the public. Subject categories would include comments on technical operation; comments on advertising; comments regarding employment practices; comments complimentary of programing; comments adversely critical of programing; and comments suggesting new programing. If comments in one letter relate to more than one subject category, the correspondence is to be filed under the category which, in the licensee's judgment, receives the most attention in the letter.

7. Nothing in this proposed rule making would be construed as preventing the Commission from considering formal or informal complaints containing material and substantive matters which have been filed at any time concerning any applications submitted to the Commission.

APPENDIX A

1. Part 73, Subpart H, of the Commission's rules is amended by adding § 73.1202, to read as follows:

§ 73.1202 Public Notice of Licensee Obligations.

(a) Each licensee of a commercial AM, FM, or television station, except international or television translator stations, would make an announcement informing the public of the licensee's obligation to the public and of the appropriate method for individuals to express their opinion of the station's operation. Such announcement would be given at least once every eighth day throughout the license period except during the period from 6 months prior to expiration of the license to 30 days prior to expiration, during which time the renewal application notices in § 1.580 of this chapter would be broadcast. Such announcements would be aired during the following time periods:

(1) For commercial television broadcast stations, between 8 p.m. and 10 p.m.

(2) For commercial AM and FM broadcast stations, between 7 a.m. and 9 a.m., but if such stations do not operate during these hours, then between 4 p.m. and 7 p.m.

(b) In the case of commercial television broadcast stations, such notices would be broadcast orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address for receiving complaints would be shown.

(c) The announcement would contain the following information:

(i) For commercial radio stations:

(*a*) The station's call letters.

(*b*) A statement that the frequency on which the station operates is public property and that the station was granted on (give date of last renewal grant) a 3-year license by the Federal Communications Commission in Washington, D.C., to serve the public interest, convenience, and necessity.

(*c*) A statement that the Commission has indicated that service in the public interest obligates the broadcaster to make a continuing, diligent effort to determine the most significant problems and needs in his service area and to provide programing to help meet those problems and needs.

(*d*) A statement that to remain informed of the adequacy of its performance, the station requests its viewers or listeners to inform it of their opinions, criticisms, or suggestions.

(*e*) A request that comments regarding the station's performance be as specific as possible.

(*f*) The appropriate name and address to which comments should be mailed.

(*g*) A statement indicating that comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

(ii) For commercial television stations:

(*a*) The station's call letters.

(*b*) A statement that the frequency on which the station operates is public property and that the station was granted on (give date of last renewal grant) a 3-year license by the Federal Communications Commission in Washington, D.C., to serve the public interests, convenience, and necessity .

(*c*) A statement that the station is required to submit an annual filing with the Commission indicating what the licensee considered during the past year to be the most significant problems and needs of the public which he served and what programs the station aired during the year that were addressed to those problems and needs.

(*d*) A statement that the above filing is available for public inspection at the station's business office (or station's main location) during regular business hours. Give address and business hours.

(*e*) A statement that to remain informed of the adequacy of its performance, the station requests its viewers or listeners to inform it of their opinions, criticisms, or suggestions.

(*f*) A request that comments regarding the station's performance be as specific as possible.

(*g*) The appropriate name and address to which comments should be mailed.

(*h*) A statement indicating that comments may also be sent to the Federal Communications Commission, Washington, D.C.

(d) During the period between 30 days prior to expiration of the license and the date of license renewal, stations are to broadcast the appropriate announcement herein, except for the mention of the date of the last renewal grant. Commencing on the eighth day following the date of renewal, the regular announcement would be resumed and would be broadcast every eighth day thereafter.

(e) All written comments and suggestions received by the licensee concerning operation of the station will be maintained in a local file available for inspection by the public, except when the person making the comment or suggestion has specifically requested that his communication not be made public or where the licensee feels that it should be excluded from availability for public inspection because of the special nature of its content, such a defamatory or obscene letter. In accordance with § 1.526 of this chapter such file would be kept for 7 years. Licensees will be required to separate written comments by subject categories to facilitate inspection by members of the public. Subject categories will include comments on technical operation; comments on advertising; comments regarding employment practices; comments complimentary of programing; comments adversely critical of programing; and comments suggesting new programing. If comments in one letter relate to more than one subject category, the correspondence is to be filed under the category which, in the licensee's judgment, receives the most attention in the letter.

APPENDIX B

SAMPLE ANNOUNCEMENT FOR TELEVISION

The channel on which this station operates is public property. On (date of last renewal grant), we were granted a 3-year license by the Federal Communications Commission to operate this channel in the public interest.

Each year we are required to submit to the Commission a list of what we consider to have been the most significant problems and needs of this community during the past year and the programs we aired during the year that were addressed to those problems and needs. This filing is available for public inspection at our business office (address _____) during our regular business hours of _____ a.m. to _____ p.m., Monday through Friday.

In order that Station _____ may better serve our viewers, we request that you inform us of any opinions, criticisms, or suggestions you may have regarding our station operation. Comments or suggestions should be as specific as possible and should be mailed to (name and mailing address _____). Your letters will be made available for public inspection at our business office unless otherwise requested. Comments may

also be sent to the Federal Communications Commission, Washington, D.C. 20554.

SAMPLE ANNOUNCEMENT FOR RADIO

The frequency on which this station operates is public property. On (date of last renewal grant), we were granted a 3-year license by the Federal Communications Commission to operate this frequency in the public interest. We are obligated to make a continuing, diligent effort to determine the most significant problems and needs of this community and to provide programing to help meet those problems and needs.

In order that Station _____ may better serve the needs and interests of our listeners, we request that you inform us of any opinons, criticisms or suggestions you may have regarding our station operation. Comments or suggestions should be as specific as possible and should be mailed to (name and mailing address (_____)). Unless otherwise requested, your letter will be made available for public inspection at our business office (address _____) during our regular business hours of _____ a.m., to _____ p.m., Monday through Friday. Comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

II. PROPOSED RULE MAKING TO AMEND §§ 1.516(e)(1), 1.539(a), and 1.580 (i) and (j) OF THE COMMISSION'S RULES RELATING TO THE TIME FOR FILING APPLICATIONS FOR RENEWAL OF BROADCAST STATION LICENSES, PETITIONS TO DENY SUCH APPLICATIONS, OPPOSITIONS TO SUCH PETITIONS AND REPLIES TO SUCH OPPOSITIONS

1. In this section notice of proposed rule making is given in the above entitled matter. The proposals herein would amend the Commission's rules to change the deadline for filing applications for renewal of broadcast station licenses from 90 days prior to the expiration date of the license sought to be renewed to 4 months before that date. They would also provide that requests for extensions of time in which to file petitions to deny renewal applications will not be granted unless all parties concerned, including the renewal applicant, consent to such requests. Finally, they would lengthen the times in which to file oppositions to petitions to deny renewal applications and replies to such oppositions. The proposed amendments are set forth in Appendix C below. The following information and discussion explain why the Commission believes the rule changes to be necessary.

2. Prior to June 25, 1969, the Commission rules (§ 1.539) provided that applications for renewal of broadcast station licenses be filed at least 90 days before the expiration date of the license involved.[3] Applications for construction permits for new broadcast stations and for modification of construction permits and licenses of existing stations that were mutually exclusive with applications for license renewal, and petitions to deny renewal applications, could be filed at any time prior to the day of Commission grant thereof without hearing or the day of formal designation thereof for hearing. The rules (§ 1.580) also provided that after the renewal application had been filed, local public notice of the filing be published in a newspaper and broadcast over the station involved and that subsequent verification of the giving of such public notice be filed with the Commission.

3. In a rule making proceeding, Docket No. 18495, the rules were amended, effective June 25, 1969, insofar as they pertained to the filing of mutually exclusive applications and petitions to deny, and the giving of local notice of filing. The 90-day filing provision was not changed and remains in effect today. Broadcast License Renewal Applications, 20 F.C.C. 2d 191 (1969).

4. New § 1.516(e) and amended § 1.580 (i), adopted in the aforementioned proceeding, established a cutoff date after which applications mutually exclusive with renewal applications, and petitions to deny such applications, could not be filed. The cutoff date was designated as the end of the first day of the last full calendar month of the expiring license term. In the case of license renewal applications not timely filed 90 days before the expiration date, the cutoff date was established as the 60th day after the Commission gives public notice that it has accepted for filing the late-filed renewal application. The purpose of establishing a cutoff date was to provide for orderly and timely processing of renewal applications by setting a date certain, before the expiration of the license term, by which the Commission and the renewal applicant might be informed about the filing of mutually exclusive applications and formal petitions to deny.

5. New § 1.580(m), also adopted in the proceeding mentioned above, changed the local notice requirement by providing that the local notice of renewal applications be given during the 6-week period preceding the filing of the application rather than after the filing, and that verification of the giving of such public notice be filed with the Commission at the same time the renewal application is filed. The purpose of changing from a postfiling notice to a prefiling notice was to give a longer period of notice to the public and afford additional time for republication of defective notices in order to expedite processing and make for timely action on renewal applications.

6. Since the adoption of the prefiling notice rule and the cutoff date for the filing of formal petitions to deny renewal applications, community groups, from time to time, have requested extensions of time in which to file such petitions. In support of such requests, they have averred that they were engaged in discussions with the stations about such matters as their programming and employment policies and practices, that they preferred to resolve these matters by discussion, that they would file formal petitions to deny if discussions failed, and that an extension of time was therefore essential. Typically, such requests have been made at the last minute.

7. On several occasions we have expressed our views concerning such last-minute pleadings. Thus, in WSM, Incorporated, et al., 24 F.C.C. 2d 561 (1970), we referred to the 1969 amendment of the rules which provides for prefiling notification to the public, and stated, at 562:

> * * * The purpose of the publication rule is to insure that all residents and interested parties in the communities will be advised of the fact of the filing of applications and will be afforded an opportunity to submit whatever comments they may have concerning the licensee's stewardship. This rule also insures that the orderly administration of the Commission's processes will not be thwarted by the filing of belated pleadings or complaints. In this latter regard, each licensee should be afforded an opportunity to respond to allegations made against it in time to avoid undue delay in the processing of its application.

8. In the same document we also stated that we do not condone the practice of community groups waiting until long after renewal applications have been filed before registering complaints about a station's policies or program practices. We further stated that complaints about a licensee's hiring or employment practices, or programing, or programing policies should be made to the licensee or the Commission, as the case might be, during the license period, for this would encourage better community service and better relations between the licensee and community groups. The document also pointed out that the practice of making late complaints is disruptive of the Commission's processes.

9. Another expression of our views appeared in a recent memorandum opinion and order dealing with requests by community groups for extensions of time in which to file petitions to deny renewal applications of various broadcast stations serving the Chicago area, which alleged that discussions with the stations were in progress (FCC 70-1174, adopted November 2, 1970). In that document, we made the following statement (at paragraph 3):

> We have noted an increase in "last minute" filings of requests for extensions of time in circumstances like these. [Footnote omitted.] Based on our recent experience, we believe that a revision of our procedures is called for—one which will afford a better opportunity to interested persons to file a petition to deny and at the same time insure orderly and proper renewal processing. To that end, we intend to explore means which may provide a longer period of time during which renewal applications will be available for inspection and which will essentially provide that to obtain an extension of time all interested parties must join in the request.

10. In the 1969 action setting the present cutoff date 2 months after the filing date, we concluded that 60 days was sufficient for the filing of petitions to deny. Broadcast License Renewal Applications, 20 F.C.C. 2d 191. However, as indicated in the preceding paragraph, a revision appears to be necessary. We have found that many of the community groups do not have legal counsel, and

[3] An exception to this requirement was that applications for renewal of licenses for experimental or developmental broadcast stations could be filed up to 60 days before expiration.

many members of such groups are employed during day-time hours and can only examine applications on a part-time basis. We are of the view that if the time for filing renewal applications is set at 4 calendar months before expiration of license (instead of the present 90 days), and the end of the first day of the last full calendar month of the expiring license term is retained as the cutoff date for filing petitions to deny, the resulting 3-month period should be sufficient for such groups to examine renewal applications on file in the community, to discuss problems with station licensees and, if desired, to file timely petitions to deny. We are proposing to amend the rules accordingly.

11. As previously mentioned, the late-filed pleadings which we have been receiving are disruptive of the Commission processes. We believe an additional month will provide community groups interested in the performance of local stations with ample time to examine renewal applications and will thereby eliminate the necessity for seeking last-minute extensions of time. Moreover, where such requests are based on a claim of negotiations with the station, we are proposing that no extensions of time will be granted unless all parties concerned, including the renewal applicant, consent to such request.[4] The time which we are proposing would allow all interested parties a reasonable period to prepare and file petitions to deny. Absent any such filings, licensees are entitled to a prompt renewal unless problems are encountered in processing the renewal application. Coupled with the proposed publication requirements (section III of this docket), this course appears to represent a reasonable balance between necessary safeguards for the expression of the public interest by community groups and the need for orderly application processing.

12. Concerning license renewal applications that are not timely filed, present rules provide that the cutoff date for filing petitions to deny is the 60th day after the Commission gives public notice of acceptance for filing of the late-filed application (paragraph 4, supra). This means that, under the present rules, parties have about the same length of time in which to file formal petitions to deny whether the renewal application is timely or untimely filed. Since the same considerations apply, we are proposing to amend § 1.516(e)(1) to provide that in the case of late-filed applications, the cutoff date for filing petitions to deny will be the 90th day after the Commission gives public notice of acceptance for filing of the application. Thus, under the proposal, 90 days would be provided for filing petitions to deny late-filed renewal applications, and 3 calendar months would be allowed for filing petitions to deny timely filed applications.

13. In connection with the filing of petitions to deny renewal applications, another problem has come to our attention. Section 1.580(j) of the rules provides, among other things, that renewal applications have 10 days in which to file oppositions to petitions to deny, and that parties filing petitions to deny may reply to such oppositions within 5 days after the time for filing the oppositions has expired. It has been urged by applicants for renewal of license that a period of 10 days is often inadequate for preparing an opposition. Moreover, it is said that 5 days are not sufficient for preparing a reply to an opposition. It appears that there is merit to these allegations and that longer periods such as 30 and 20 instead of the present 10 and 5 days would be preferable. Additionally, in the interest of avoiding unnecessary delay in renewal processing, we believe that the time for filing replies to oppositions should run from the date of filing of the oppositions rather than (as provided in the present rules) from the date on which the time for filing oppositions has expired. Using this approach, if a renewal applicant were to file an opposition before the time for filing oppositions had expired, the time for filing a reply would commence to run from the former date. We are proposing to amend § 1.580(j) in accordance with the foregoing.

14. As we stated in paragraph 8, we believe that complaints about a station should be made to the licensee or to the Commission during the license period. Our proposal to change the filing date for renewal applications, which is designed to give local groups more time to examine renewal applications, is in no way meant to change that view. In fact, to encourage the ongoing registering of opinions about station operation during the license period, we have today adopted a notice of proposed rule making (section I of this docket) in which we invited comments on proposed rules that would require licensees to broadcast at least once every eighth day over their stations a notice to the public informing them of their interest in station performance and of the appropriate manner in which to express their satisfaction or complaints with station operation. In short, we cannot stress too strongly the importance of a continuing dialogue between station and community, rather than a triennial spirit of interest. See discussion in section I, supra, paragraph 3.

15. If after evaluating the comments and reply comments filed in this proceeding, the rules as proposed, or modification thereof, are adopted, the Commission will then give consideration to the question of what is the first group of renewal applications to which they should be applied in order to allow for an orderly transition from the old rules to the amended ones. Parties are invited to comment on this point as well as on the proposed amendments made herein.

16. Authority for the adoption of the rule amendments proposed herein is contained in sections 4(i), 303, 308, 309, and 315(a) of the Communications Act of 1934, as amended.

APPENDIX C

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

§ 1.516 [Amended]

1. The first proviso of § 1.516(e)(1) is proposed to be amended by changing "60th" therein to "90th".

2. Section 1.539(a) is proposed to be amended to read as follows:

§ 1.539 Application for renewal of license.

(a) Unless otherwise directed by the Commission, an application for renewal of license shall be filed not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed, except that applications for renewal of license of an experimental or developmental broadcast station shall be filed not later than the first day of the second full calendar month prior to the expiration date of the license sought to be renewed. If any deadline prescribed in this paragraph falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter.

* * * * *

§ 1.580 [Amended]

3. Section 1.580(i) is proposed to be amended by deleting the period at the end of the first sentence, substituting a colon therefor, and adding after the colon a third proviso reading as follows: *"And provided further,* That requests for extension of time to file petitions to deny applications for renewal of license will not be granted unless all parties concerned, including the renewal applicant, consent to such requests."

4. Section 1.580(j) is proposed to be amended to read as follows:

(j) The applicant may file an opposition to any petition to deny, and the petitioner a reply to such opposition in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof. The times for filing such oppositions and replies shall be those provided in § 1.45 except that as to a petition to deny an application for renewal of license, an opposition thereto may be filed within 30 days after the petition to deny is filed, and the party that filed the petition to deny may reply to the opposition

[4] Our reasons for this requirement are obvious. If the parties are engaged in good faith, serious negotiations, clearly those negotiations should continue, and possible resort to the Commission should await their outcome. It follows that a licensee engaged in such negotiations would give its consent to an extension of time, with such other safeguards as would appropriately protect the putative petitioner's right to file with the Commission, in the event the negotiations are unsuccessful. On the other hand, if the station is not interested in such negotiations, there is no reason for an extension based on a claim of negotiations, and the petition should be filed within the ample time proposed to be provided, unless a compelling showing can be made of unusual circumstances warranting a deviation from the above policy.

within 20 days after the opposition has been filed.

III. PROPOSED RULE MAKING TO AMEND § 1.580 (c), (d), AND (m) AS TO NOTICES OF THE FILING OF RENEWAL APPLICATIONS

In this section, we propose to amend § 1.580 (c), (d), and (m) of the rules to require the renewal applicant to broadcast the following announcements concerning the filing of his renewal application described herein:

The prefiling notice in Appendix D following, would be broadcast for the first time on the first day of the sixth full calendar month prior to the expiration of the license. It would be broadcast every eighth day thereafter until the renewal application has been filed with the Commission. The postfiling notice in Appendix D would then be broadcast, beginning on the date on which the renewal application has been filed. It would be broadcast every eighth day thereafter until the first day of the first calendar month prior to the expiration of the license. Both announcements would be made during the following time periods:

(a) For commercial television stations, between 8 p.m., and 10 p.m.

(b) For standard and FM broadcast stations, between 7 a.m., and 9 a.m., but if such stations do not operate during these hours, then between 4 p.m., and 7 p.m.

(c) For noncommercial educational stations, at the same time as commercial stations, except that such stations need not broadcast the announcement during any month during which the station does not operate.

In the case of television broadcast stations and noncommercial educational television stations, such notices will be broadcast orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address and the Commission's Washington address will be shown.

In the case of television broadcast stations, such notices would be broadcast orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address and the Commission's Washington address will be shown.

During the period beginning on the first day of the sixth full calendar month prior to the expiration of the license up to the date of expiration, the public notice requirements proposed in section I of this docket would be waived.

It should be noted that under the proposed amendments, the renewal applicant will no longer be required to publish in a newspaper a notice of his renewal filing.

At the time of filing his renewal application, the licensee would be required to submit a statement setting forth the date and times at which the prefiling notice included herein had been broadcast and the postfiling notice included herein would be broadcast.

The statement in the proposed announcements that further information concerning the Commission's renewal processes is available at the station reflects the Commission's intention to publish a booklet explaining renewal procedures and to require licensees to have a legible copy of the booklet available for public inspection. It is assumed that by the time this rulemaking is completed, the booklet will be ready for distribution to all licensees and that the Commission will, without another notice of proposed rulemaking, amend its rules (e.g. § 1.526) to require that one copy of the booklet be readily available to the public at any time during the station's regular business hours.

Authority for the adoption of the proposed rule is contained in sections 4(i), 303, 307, 308, 309, 311(a), and 315(a) of the Communications Act of 1934, as amended.

APPENDIX D

Section 1.580 (c), (d), and (m) of the Commission's rules is hereby amended to provide the following:

During the period beginning on the first day of the sixth full calendar month prior to the expiration of a broadcast station license to the date on which the renewal application is filed, all applicants for the renewal of station licenses shall broadcast the following announcement every eighth day:

The frequency/channel on which this station operates is public property. On (date of last renewal grant) we were granted a 3-year license by the Federal Communications Commission to operate this frequency/channel in the public interest, convenience, and necessity.

Pursuant to the provisions of the Communications Act of 1934, as amended, notice is hereby given that the broadcast license of Station (call letters, city and state) will expire on (date of expiration) and that we are required to file with the Federal Communications Commission, no later than (a date 120 days prior to the expiration date), an application for license renewal.

A copy of this application will, upon filing with the Commission, be available for public inspection at our business office (address) during our regular business hours of ——— a.m. to ——— p.m. Monday through Friday. The renewal application will include reports by this station regarding its performance during the last 3 years, analysis of complaints and suggestions we have received from the public during the past 3 years, and projections of our programing during the next 3 years.

Members of the public who desire to bring to the attention of the Federal Communications Commission facts concerning whether this station has operated in the public interest and/or facts relating to our renewal application will have until (date 30 days before expiration) to file formal comments and petitions. The Commission welcomes informal comments at any time.

Further information regarding the Commission's process of renewing broadcast licenses and deadlines for relevant filings by both broadcasters and the public is available at our business office (address) or may be obtained from the Federal Communications Commission, Washington, D.C. 20554.

During the period beginning on the date in which the renewal application is filed to the first day of the last full calendar month prior to the expiration of the license, all applicants for the renewal of station licenses shall broadcast the following announcement every 8th day:

The frequency/channel on which this station operates is public property. On (date of last renewal grant) we were granted a 3-year license by the Federal Communications Commission to operate this frequency/channel in the public interest, convenience and necessity.

Pursuant to the provisions of the Communications Act of 1934, as amended, notice is hereby given that the broadcast license of Station (call letter, city, and state) will expire on (date of expiration) and that we have filed with the Federal Communications Commission an application for license renewal.

A copy of this application is available for public inspection at our business office (address) during our regular business hours of ——— a.m. to ——— p.m. Monday through Friday. The renewal application includes reports by this station regarding its performance during the last 3 years, analysis of complaints and suggestions we have received from the public during the past 3 years, and projections of our programing during the next 3 years.

Members of the public who desire to bring to the attention of the Federal Communications Commission facts concerning whether this station has operated in the public interest and/or facts relating to our renewal application will have until (date 30 days before expiration) to file formal comments and petitions. The Commission welcomes informal comments at any time.

Further information regarding the Commission's process of renewing broadcast licenses and deadlines for relevant filings by both broadcasters and the public is available at our business office (address) or may be obtained from the Federal Communications Commission, Washington, D.C. 20054.

Both announcements shall be made during the following time periods:

(a) For commercial television stations, between 8 p.m., and 10 p.m.

(b) For standard and FM broadcast stations, between 7 a.m., and 9 a.m., but if such stations do not operate during these hours, then between 4 p.m., and 7 p.m.

(c) For noncommercial educational stations, at the same time as commercial stations, except that such stations need not broadcast the announcement during any month during which the station does not operate.

In the case of television broadcast stations and noncommercial educational television stations, such notices will be broadcast orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address and the Commission's Washington address will be shown.

During the period beginning on the first day of the sixth full calendar month prior to the expiration of the license up to the first day of the last full calendar month prior to renewal, the public notice requirements proposed in section I of this docket would be waived.

Authority for the adoption of the proposed rule is contained in sections 4(i), 303, 307, 308, 309, 311(a), and 315(a) of the Communications Act of 1934, as amended.

IV. INQUIRY AND PROPOSED RULE MAKING TO AMEND SECTION IV–B OF FORM 303 APPLICATION FOR RENEWAL OF TELEVISION STATION LICENSE AND ADOPTION OF ANNUAL REPORTING FORM FOR TELEVISION STATION LICENSEES

1. This section constitutes a notice of inquiry and proposed rule making in the above-entitled matter. Form I[5] in Attachment A would replace section IV–B of the renewal application for commercial licensees. Form II[5] in Attachment A would be filed annually.

2. The new Part IV–B of the renewal form eliminates some questions in the present form. But questions which solicit specific quantitive information have been retained and refined so that licensees would be required to break down programing of news, public affairs, and "other" by time segments similar to the way local programing has been broken down in the part (e.g., 6 p.m.–11 p.m.). Licensees would also be asked to elaborate on their programing of public affairs by indicating what network public affairs programs were offered but were not carried and what programs were aired instead.

3. When the present form was adopted in 1966, the Commission indicated that while there was general agreement on the necessity for reporting on ascertainment procedures and the station's response to community needs, there was disagreement on the details that should be required in the reporting (5 FCC 2d 178). While, as indicated in today's Public Notice (FCC 71–177) renewal applicants will now be required to apply the Primer in answering Part I of section IV–B of the current form, the Commission believes that a more appropriate method for commercial television stations to report on ascertainment might be for them to submit an annual report listing what the licensee considers were the most significant problems and needs in his service area during the preceding 12 months and listing the programs televised during that period that dealt with those problems and needs. The new public announcement proposed in Part I of this docket would refer to the annual submissions and would invite viewers to examine the lists and make comments and suggestions to the licensee. This would encourage continuous dialogue between the licensee and members of the public concerning what both consider to be the major problems and needs of the community.

4. In addition to an annual reporting of problems and needs and programs designed to meet them, television licensees would be required to submit quantitative information regarding program performance in specified program categories during the composite week announced by the Commission each July or early August. These reports, along with the lists of community problems and needs and programs directed to them, would be submitted each year on or before September 1st, and, barring unusual circumstances (e.g., a complaint filed during the license period in which the material in the annual reports is germane), would be filed without evaluation at that time by the Commission. The purpose of these reportings are; first, to provide the Commission with yearly nationwide statistics regarding television programing during a given composite week—statistics which are not now available to the Commission but which would be valuable in shaping any new policies in this area and in simply making more informed the Commission, or Congress or other interested persons; second, to enable the Commission to make a more complete evaluation of programing performance of the licensee during the past renewal period and; third, if necessary, in a comparative hearing (where upgrading during the last year of the renewal period would not be determinative in concluding that a station was providing substantial as opposed to minimal service—see 22 F.C.C. 2d 2040) to enable the Commission more readily to ascertain if programing during the first 2 years of the license period differed significantly from programing during the third year. It is important to emphasize that initiation of annual reporting would not constitute the initiation of an annual renewal process and that except in unusual circumstances, evaluation of the station's performance by the Commission would still take place only every 3 years.

5. The definitions used for "news," "public affairs," "other programs," and "local programs," would remain the same. These definitions read:

(a) "News programs" (N) include reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis, and sports news.

(b) "Public affairs programs" (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(c) "Other programs" (O) include all other programs excluding entertainment and sports.

(d) A "local program" (L) is any program originated or produced by the station, or for the production of which the station is substantially responsible, and employing live talent more than 50 percent of the time. Such a program, taped, recorded, or filmed for later broadcast shall be classified by the station as local. A local program fed to a network shall be classified by the originating station as local. All nonnetwork news programs may be classified as local. Programs primarily featuring syndicated or feature films, or other nonlocally recorded programs shall be classified as "Recorded" (REC) even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program a nonnetwork 2-minute news report is given and logged as a news program, the report may be classified as local).

Parties may comment on the above definitions in light of these proposals and indeed we specifically raise the issue whether the news and public affairs categories should not be viewed together. (See notice of inquiry (FCC 71–159), paragraph 4, 36 F.R. 3939, issued this day.)

6. While Parts I, II, and III of this docket apply equally to both television and radio licensees, this notice of inquiry and proposed rule making applies only to commercial television stations. Evaluation of section IV–A of Form 303 for commercial AM and FM renewal applicants will take place at a later date. At such time the Commission will reach a decision regarding the need for a new renewal form for radio and/or annual reporting by radio licensees.

Authority for this proposal is contained in sections 4(i), 303, 307, 308, and 315(a) of the Communications Act of 1934, as amended.

FILING PROCEDURES

All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on any or all sections of this docket on or before May 3, 1971, and reply comments on or before June 3, 1971. Comments directed toward a particular section of the docket should be labeled as such.

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

On January 8, 1971, a petition for rule making (RM–1737) was filed by STATIC (Student Taskforce Against Telecommunication Information Concealment), a group of George Washington Law School students. The petition requested that the Commission adopt a rule which would require periodic announcements by licensees designed "to give the public effective notice of their rights vis-a-vis the licensees * * *." The material to be included in the announcement suggested in the petition is broader in scope than that in the announcement we are proposing in section III of this docket. Because the STATIC proposal is so similar in purpose to our own, we are considering the STATIC petition as a comment in this proceeding rather than issuing a separate proposed rule making regarding the STATIC petition. STATIC may of course filed additional comments if it so desires.

Adopted: February 17, 1971.

Released: February 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[6]

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

[FR Doc.71–2720 Filed 3–1–71;8:45 am]

[5] Forms filed as part of original document.

[6] Commissioner Wells concurring in the result.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1000, 1001, 1002, 1004, 1006, 1007, 1011–1013, 1015, 1030, 1032, 1033, 1036, 1040, 1043, 1044, 1046, 1049, 1050, 1060–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1124–1134, 1136–1138]

[Docket No. AO–160–A44, etc.]

MILK IN MIDDLE ATLANTIC AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1000	(Applicable to all the following areas.)	
1004	Middle Atlantic	AO–160–A44.
1001	Massachusetts-Rhode Island-New Hampshire.	AO–14–A48.
1002	New York-New Jersey	AO–71–A61.
1006	Upper Florida	AO–356–A7.
1007	Georgia	AO–366–A6.
1011	Appalachian	AO–251–A13.
1012	Tampa Bay	AO–347–A11.
1013	Southeastern Florida	AO–286–A19.
1015	Connecticut	AO–305–A27.
1030	Chicago Regional	AO–361–A4.
1032	Southern Illinois	AO–313–A21.
1033	Ohio Valley	AO–166–A41.
1036	Eastern Ohio-Western Pennsylvania.	AO–179–A33.
1040	Southern Michigan	AO–225–A23.
1043	Upstate Michigan	AO–247–A16.
1044	Michigan Upper Peninsula	AO–299–A18.
1046	Louisville-Lexington-Evansville.	AO–123–A38.
1049	Indiana	AO–319–A17.
1050	Central Illinois	AO–355–A10.
1060	Minnesota-North Dakota	AO–360–A5.
1061	Southeastern Minnesota-Northern Iowa.	AO–367–A3.
1062	St. Louis-Ozarks	AO–10–A43.
1063	Quad Cities-Dubuque	AO–105–A32.
1064	Greater Kansas City	AO–23–A39.
1065	Nebraska-Western Iowa	AO–86–A24.
1068	Minneapolis-St. Paul	AO–178–A26
1069	Duluth-Superior	AO–153–A18
1070	Cedar Rapids-Iowa City	AO–229–A23
1071	Neosho Valley	AO–227–A25
1073	Wichita	AO–173–A25
1075	Black Hills	AO–248–A13
1076	Eastern South Dakota	AO–260–A16
1078	North Central Iowa	AO–272–A18.
1079	Des Moines	AO–295–A21.
1090	Chattanooga	AO–266–A14.
1094	New Orleans	AO–103–A31.
1096	Northern Louisiana	AO–257–A19.
1097	Memphis	AO–219–A24.
1098	Nashville	AO–184–A30.
1099	Paducah	AO–183–A26.
1101	Knoxville	AO–195–A20.
1102	Fort Smith	AO–237–A19.
1103	Mississippi	AO–346–A13.
1104	Red River Valley	AO–298–A17.
1106	Oklahoma Metropolitan	AO–210–A29.
1108	Central Arkansas	AO–243–A21.
1120	Lubbock-Plainview	AO–328–A12.
1121	South Texas	AO–364–A4.
1124	Oregon-Washington	AO–308–A3.
1125	Puget Sound	AO–226–A22.
1126	North Texas	AO–231–A36.
1127	San Antonio	AO–232–A22.
1128	Central West Texas	AO–238–A25.
1129	Austin-Waco	AO–256–A18.
1130	Corpus Christi	AO–259–A22.
1131	Central Arizona	AO–271–A14.
1132	Texas Panhandle	AO–262–A21.
1133	Inland Empire	AO–275–A22.
1134	Western Colorado	AO–301–A12.
1136	Great Basin	AO–309–A16.
1137	Eastern Colorado	AO–326–A16.
1138	Rio Grande Valley	AO–335–A17.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601, et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Washington, D.C., September 30, 1970, pursuant to notice thereof which was issued August 21, 1970 (35 F.R. 13657), and a supplemental notice issued September 25, 1970 (35 F.R. 14998).

Sixty-two orders were listed in the notice of hearing, and this decision relates to all 62 existing orders. The findings and conclusions of this recommended decision are equally applicable to all Federal milk orders and will be effectuated by the newly established general order, Part 1000.

The material issue on the record of the hearing relates to:

Whether several general terms, definitions, and other administrative provisions common to all orders should be issued in a new general order which would be applicable to all Federal milk orders.

The Dairy Division of Consumer & Marketing Service proposed and presented evidence in support of a plan to issue an order (Part 1000) containing such provisions and to amend the individual orders: (1) Adopting by reference the general provisions included in Part 1000 as if set forth in each order; (2) deleting the duplicated provisions; and (3) providing for the transfer of those operating provisions contained in any affected section of an order into other sections of the order.

The proposed Part 1000 contains six sections covering certain general definitions, employee directives, and provisions dealing with order administration.

The first section (§ 1000.1) states that the uniform provisions included in Part 1000 shall be a part of each Federal milk marketing order as if set forth in full in each order, except in any order where any such provision is expressly defined or modified otherwise.

The second section includes definitions of five general terms used in all Federal milk orders: Act, Order, Department, Secretary, and Person.

The third section deals with the designation, powers, and duties of the market administrator. Each Federal milk order describes these three areas of order administration.

The fourth section pertains to the continuity and separability of provisions of the individual orders. Each order now contains these provisions, which for the most part, are internal administrative rules and instructions to Department employees regarding procedures involved in the suspension, termination or liquidation of any or all provisions of a Federal milk marketing order.

The fifth section describes a handler's responsibility with respect to records and facilities. This section is divided into three paragraphs dealing with the maintenance, retention and availability of records and facilities. Each order now contains provisions incorporating these three requirements.

The last section (§ 1000.6) relates to the termination of obligations. This is a standard provision now contained in each of the orders, and it is being placed in the general order in that same form.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

A separate general order applicable to all milk orders (Part 1000) containing certain definitions, terms and other general administrative provisions should be adopted, and the necessary conforming amendments to the individual orders should be made.

Dairy Division witnesses presented evidence in support of the proposal. It was supported also by organizations with wide representation among milk producers and handlers.

The attorney for the National Milk Producers Federation, an organization of cooperative associations of dairy farmers and federations of such cooperative associations, indicated its support for the proposal. The cooperative members of the Federation supply milk to handlers who are regulated under one or another of the 62 Federal milk marketing orders; and in most instances, these cooperatives supply the majority of milk to handlers regulated by such orders. Another witness representing producers indicated concurrence with the proposed procedure to obtain uniformity regarding the provisions pertaining to order administration.

Only one cooperative association of producers indicated any opposition at the hearing. The cooperative objected to the nationwide hearing approach to consideration of the proposal for uniform provisions. However, the witness for the cooperative did not criticize or recommend any specific modification of the proposed uniform provisions.

A witness appearing on behalf of the Milk Industry Foundation and the International Association of Ice Cream Manufacturers, indicated that both of these organizations support the objective of promoting uniformity in administration of the order program. These organizations, however, did propose changes in the wording of certain of the proposed provisions. The Milk Industry Foundation is an international trade association representing fluid milk processors and distributors, while the International Association of Ice Cream Manufacturers also is an international trade association, representing ice cream manufacturers and distributors. In many instances, a given Federal milk order regulates milk handled by members of both organizations. In other markets, members of at least one of these two organizations are regulated.

Another handler witness also proposed changes in the specific terms to be included in the proposed general provisions.

Provisions of the type proposed for inclusion in Part 1000 are now included in the respective orders. Most of the order language for these administrative provisions has remained standard and unchanged for many years. However, a survey of current order language for these particular provisions shows that many variations in terminology exist. These differences have occurred primarily because of the passage of time and individual efforts to improve language.

The general order (Part 1000) would provide precisely uniform provisions, applicable to all orders, for each of these provisions which have the same purpose, intent, and basis in each market. Its adoption will make it possible to eliminate the possibility of confusion associated with the varying terminology for the same provision from one order to another and at the same time will avoid unnecessary repetition of the same type of provision in each individual order. In addition, removing the terminology differences will promote uniform application of these provisions which have the same basic intent and purpose in each order.

The standard provisions would be printed in a separate part of the Code of Federal Regulations and would be made a part of each milk order by reference. A copy of the general order (Part 1000), containing these standard administrative provisions, would be furnished to interested persons along with the operating provisions of an individual order to complete the individual regulatory plan for each milk market.

The dairy industry is very dynamic and has changed considerably since the Federal milk order program began. The marketing trends for milk have been toward centralization and it appears that these trends will continue into the future. Improvements in the highway system, advancement in truck refrigeration, developments in milk packages, and the overall improvement in milk quality has facilitated milk movements over wide geographic areas. Economies of scale associated with large bottling operations have made it economically sound for milk distributors to supply several metropolitan areas with milk packaged at one location.

With these changes in the field of processing, packaging, and distribution have come new methods of assembling the milk supply to meet the needs of these centralized large-scale regional bottling plants. Large regional cooperatives and federations of cooperatives have developed to supply these larger distributing plants. As the channels of distribution under these larger organizations become involved with not one or two but several Federal milk marketing orders, the work of the marketing specialist or economist for the milk dealer or cooperative becomes considerably more complicated in attempting to keep familiar with the provisions of several orders. Since a milk order is a complex legal instrument, composed of detailed definitions, terms, and provisions, small differences in the terminology of a given provision having the same intent and purpose unnecessarily adds to the workload of persons who must be familiar with the terms of several orders.

Also, the work of Government personnel involved in promulgating and administering orders is increased unnecessarily by the multiplicity of provisions. The cost of preparing and printing these standard provisions can be reduced considerably by printing a separate general order and eliminating the duplicate provisions in the individual orders. Thus, the proposed procedure will achieve important savings in the cost of administering this Government program.

The first section of Part 1000 (§ 1000.1) provides that the terms, definitions, and provisions of Part 1000 shall be common to and part of each Federal milk marketing order, except as specifically defined otherwise or modified in an individual order. While the provisions in Part 1000 normally would be the applicable provisions for each milk order, if the term, definition, or provision needs to be specifically defined otherwise in an individual order because of some unusual circumstance, the term, definition, or provision as modified in the individual order would have precedence. Since the substance of the subject provisions has remained unchanged over a long period to the present, it is not expected that such modified provisions would be a frequent occurrence. Furthermore, the main objective is to maintain uniform terms and provisions in all orders to the extent possible.

The second section includes the definitions of five general terms which are common to all milk orders. Definitions for these terms are now included in most orders. The definitions of "Act," "Secretary," and "Department" are types of definitions which should be applied uniformly throughout the milk order program since they obviously must have the same meaning.

The term "person" as defined by the statute should be used in all orders. The definition varies only in minor respects in the various orders at the present time.

None of the milk orders now defines the term "order." However, since reference is often made to this term when discussing the provisions of a particular regulation, a definition of the term would provide helpful clarification.

The third section pertains to the designation, powers, and duties of the market administrator. In all instances, market administrator means the agency for the administration of the order(s) and is not limited to an individual. This designation includes all representatives and agents performing any appropriate duties of the market administrator. Each milk order covers three distinct areas of order administration which also are provided in the language of the statute. The first two categories, pertaining to designation and powers are governed by the Act, and the language proposed for these provisions parallels the applicable language of the Act.

The third paragraph of this section deals with the duties of the market administrator. The standard duties of the market administrator include the requirement that he obtain a bond covering his performance, that he employ necessary assistants, and that he pay necessary administrative expenses from the funds provided by the order. He must also maintain records reflecting transactions provided for in the order and furnish information and reports to the Secretary regarding his administration.

One of the most important duties which each market administrator must perform is the verification of reports which handlers are required to make under the terms of each order. Initially, the market administrator must prescribe reports which will reflect information in the detail required by the particular order. He must then verify information filed on such report and ascertain whether payments required by the order have been made. The provision describing the market administrator's duty in verifying that all handlers have met their obligations under the order lists, parenthetically, the kinds of records that the market administrator is to examine in verifying reports and payments. The records named are not exclusive, but only representative, and include the kinds of records the Secretary is authorized to examine pursuant to the authority of 608d of the Act.

The investigation may entail examination of the records and facilities of others involved in transactions with the handler. While there may be variations in the methods of verification depending on the nature of plant records and operations, the objective of the verification process is the same under all orders and the responsibility of the handlers to keep records should be the same in all orders.

The proposed provision describing the market administrator's duties with respect to verification is consistent with the current interpretation and application of existing order provisions. Since in application this duty is the same for all market administrators, the description of their duties in this respect should be uniform. The proposed language outlines

such duties exercised by the market administrator in the administration of the orders.

Among the duties all market administrators must perform is the public dissemination of information about the order and milk marketed under its terms. All administrators are required to make public such information to the extent that it does not reveal confidential information. Each market administrator is expressly required also to furnish each handler with a written statement of such handler's obligation under the order promptly upon computing such obligation.

Another general duty performed by each market administrator is to announce publicly, at his discretion and by such means as he deems appropriate, unless otherwise directed by the Secretary, the name of any handler who has not complied with the terms of the order regarding reports, payments or records and facilities. This requirement also should be continued.

The fourth section deals with the "continuity and separability of provision," which are very similar in all present orders. These provisions deal with internal rules and instructions as to procedures involved with any suspension, termination, or liquidation of individual provisions of an order, or of an entire order, and should be based on uniform language applicable to all orders.

The fifth section pertains to handlers' "records and facilities." This section describes the responsibility of handlers regarding the maintenance, retention and availability of records and facilities.

The general purpose of the order provisions requiring handlers to keep records and to make their records available for examination is basically the same under each order, although the specific requirements of indivdual orders may result in variations in detail. By examination of all records relevant to a handler's obligation, the market administrator determines whether the handler has met such obligation under the order.

Each handler's obligation depends upon the use of milk he received. Section 1000.5 provides that a handler shall pay the highest class price for any amount of milk for which he does not make available proof of its use in a lower-priced class. This kind of rule, placing the "burden of proof" on the regulated handler who is obligated to the pool, is now provided in each individual order. Since it is a basic general rule applied uniformly throughout the milk order system, it is appropriately made a part of these proposed general provisions.

The types of records that a regulated handler must maintain include, but are not limited to, records of all receipts of skim milk and butterfat and the utilization of all such receipts. He must keep records of payments made pursuant to the respective order provisions. Also, since terms of individual orders vary and different records must be maintained as will reflect the different types of operations at various milk plants, each handler must be required to maintain such other specific records as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Paragraph (b) of § 1000.5 requires each handler to make available his records and facilities for examination by the market administrator. Each handler also must permit the market administrator to weigh, sample, and test milk and milk products, and to observe plant operations and equipment. The handler must make available to the market administrator such facilities as are necessary for the latter to carry out his duties with respect to verifying such handler's obligation under the terms of the applicable order. It is important that all of a handler's records be available for examination and that the market administrator's examiner be unrestrained from tracing both product pounds or units and values related thereto through the record or accounting system to the ultimate record kept by the handler. If any record is withheld, it becomes a potential hiding place for relevant information that a handler might wish to withhold from the market administrator.

Currently, some milk orders require that each handler make available records and facilities to the market administrator during the usual hours of business. This phrase, "during the usual hours of business," is ambiguous. The usual hour of business vary depending upon the particular operations in any given plant situation. For instance, even for a single plant, the bookkeeping, milk receiving, milk bottling, and inventory counting hours differ significantly. The usual hours for one plant function may be very different from the usual hours for performing some other activity. Therefore, flexibility is essential regarding the time for examining a handler's records or facilities. However, in all cases the hour of investigation must be reasonable in terms of the plant function involved in the verification process.

The last paragraph of § 1000.5 establishes a 3-year limit as the period for which a handler must retain records for examination by the market administrator. This limitation was adopted in 1949 for all milk orders than effective, on the basis of a hearing held July 30, 1947. It has been incorporated also in all orders issued since that date.

The 1947 hearing also dealt with the termination of obligations under milk orders which terms are proposed here to be included in § 1000.6. The rules established on the basis of that hearing covering termination of obligations are now included in each milk order.

The reasons for setting limits on the time period in which obligations continue and records must be retained are explained in the decision of the Secretary issued January 26, 1949 (14 F.R. 444). This decision sets forth the basis for selecting the particular limits. These limits regarding obligations and records remain unchanged.

Standardized provisions regarding the retention of records and termination of obligations were placed in the 28 milk orders affected by the 1949 decision, and the same provisions have been placed in all orders promulgated since that time. These provisions have, for all practical purposes, remained uniform and unchanged since this decision (20 years ago).

Minor changes from the provisions as proposed in the notice of hearing should be made. These changes are described in the following paragraphs.

At the hearing, confusion was expressed regarding the title of the first section of the general order. For clarification, that title is changed to "Scope and Purpose of Part 1000."

A witness, representing producers, posed two questions regarding the parenthetical phrase added at the end of § 1000.5(a)(1)(ii) as contained in the hearing notice. This phrase would place the burden of responsibility for proving any utilization other than in the highest use class on the handler who first receives the skim milk and butterfat. The questions concerned the location of this basic rule for classifying, and the word "all" in reference to the utilization of skim milk and butterfat.

It is proposed herein that this rule regarding handler responsibility appear in the introductory text of § 1000.5, and that the highest class price apply to such skim milk and butterfat for which adequate records are not maintained to establish a lower-priced use.

As proposed in the hearing notice, unless the handler who first receives skim milk and butterfat can prove the utilization of all skim milk and butterfat, all such skim milk and butterfat shall be priced in the highest priced class. This rule, as proposed, would price all skim milk and butterfat in the highest priced class even if such handler could prove the utilization of a portion of such milk in a lower class. The rule, as changed, prices only that skim milk and butterfat for which adequate records are not available to prove a lower classification in the highest priced class.

Another change places the responsibility for proof of use on the handler who is obligated for payment under the order, rather than the "first handler." This is to clarify responsibility when a cooperative acts as a handler on farm bulk tank milk. The cooperative is the first handler who receives such milk; however, under some orders the pool plant operator is obligated to the pool and determines the utilization of such milk.

A witness representing a milk handler objected to the discretion given the market administrator regarding the public announcement of handlers who are in violation of the order. However, another handler witness stated that all violations should be announced.

In some instances, a handler may be in violation of a milk order for some technical reason, perhaps one of which he is not aware. In order to avoid citing handlers who have not wilfully failed to meet their obligations under the order, it has been provided in the individual orders that the market administrator may exercise discretion in citing a handler for noncompliance. The market administrator's discretion is not unbridled but is

subject to a countermanding order by the Secretary.

Each of the existing 62 milk orders should be amended to conform with the general provisions included in Part 1000. To make the individual orders conform with the new general order, three types of conforming changes are needed. The two most significant of these conforming changes would provide, with respect to each individual order:

(1) A provision adopting by reference the provisions included in the general order; and

(2) The revocation of the provisions now included in the separate orders to be replaced by the uniform provisions of the general order.

In addition, other specific conforming changes, editorial in nature, are required in the individual orders.

The most extensive editorial change required in each order to make the individual orders conform with the new general provisions order pertains to the duties of the market administrator. The general order sets forth those duties which are the same under all milk orders. However, the individual orders now provide for some other specific duties that the market administrator necessarily performs to administer the terms and provisions of the particular order. To accommodate the new format, the paragraphs describing specific additional duties now provided for in the individual orders are retained under a new heading, "Additional Duties of the Market Administrator." Another less significant editorial change needed in each order is a revision of certain center headings.

In addition to the changes necessary in all milk orders, there are several other miscellaneous amendments to the individual orders needed to make the new general order and the individual orders conform.

In some instances the individual orders contain cross-references to sections to be revoked in the individual orders. However, in all cases, the information contained in each of the revoked sections is provided for in the new general order. In this amendment proceeding, unnecessary section references contained in the individual orders are revoked. However, if there is a continuing need for such reference in any individual order, it is changed to the applicable provision of the general order.

In several orders, the reference to the records and facilities section in the other source milk definition is revoked. This is a specific reference to a section which is now a part of the general order. This reference is not necessary.

In two orders, information regarding reports of individual producers, which was contained in the records and facilities section of the individual orders, is transferred to the reports section in the respective orders.

Another conforming change required in four orders revokes the proviso in the classification section stating that such skim milk and butterfat shall be Class I unless the handler who first received such milk proves that such milk should be classified otherwise. This basic rule for classifying milk has been transferred to the general order and is located in the introductory text of § 1000.5. Therefore, the purpose of this proviso is adequately covered in the general order and should be revoked from these four individual orders.

In one order (Part 1015), a sentence in the payments section is revoked. This sentence pertains to the billing statement furnished each handler by the market administrator showing the amounts due to and from the producer-settlement fund based on such handler's report. This information is adequately covered in the general order; therefore, this sentence is unnecessary and is revoked in the individual order.

Several orders have provisions exempting certain types of plants and handlers from the application of specific provisions of the order. Basically, these plans and handlers are subject only to the reporting and record keeping provisions of the order. Since the records and facilities section is moved to the general order, the individual orders must be amended revising the section references to reflect the records and facilities section of the new general order.

Some conforming amendments are necessary in some orders to relocate provisions pertaining to the division of responsibility between the cooperative and the pool plant operator when the cooperative acts as a handler on farm bulk tank milk. In four orders this division of responsibility is described only in a section which is being revoked. Therefore, in these four orders, this provision is repositioned in other sections.

An inadvertent error in the Texas Panhandle order, regarding the designation of paragraphs in the handler section, is being corrected at this time. The paragraphs in the handler section are redesignated as a necessary conforming change, so that the references to that section throughout the order are consistent.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the aforesaid marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1000—GENERAL PROVISIONS OF FEDERAL MILK MARKETING ORDERS

Sec.

§ 1000.1 Scope and purpose of Part 1000.

This part sets forth certain terms, definitions, and provisions which shall be common to and part of each Federal milk marketing order except as specifically defined otherwise, or modified, in an individual order.

§ 1000.2 Definitions.

The following terms shall have the following meanings as used in the order:

(a) *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

(b) *Order.* "Order" means the applicable part of Title 7 of the Code of Federal Regulations issued pursuant to section 8c of the Act as a Federal milk marketing order (as amended).

(c) *Department.* "Department" means the U.S. Department of Agriculture.

(d) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(e) *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1000.3 Market administrator.

(a) *Designation.* The agency for the administration of the order shall be a market administrator selected by the Secretary and subject to removal at the Secretary's discretion. The market administrator shall be entitled to compensation determined by the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to each order under his administration:

(1) Administer the order in accordance with its terms and provisions;

(2) Make rules and regulations to effectuate the terms and provisions of the order;

(3) Receive, investigate, and report complaints of violations to the Secretary; and

(4) Recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all the duties necessary to administer the terms and provisions of each order under his administration, including, but not limited to, the following:

(1) Execute and deliver to the Secretary a bond covering himself and a bond covering any person designated by the Secretary to act in his stead. The respective bond shall be:

(i) Delivered within 45 days after he (or the acting market administrator) enters upon his duties;

(ii) Effective as of the date he (or the acting market administrator) enters upon his duties;

(iii) Conditioned upon the faithful performance of the market administrator's duties; and

(iv) In an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of persons necessary to enable him to exercise his powers and perform his duties;

(3) Pay out of funds provided by the administrative assessment, except expenses associated with functions for which the order provides a separate charge, the cost of all expenses necessarily incurred in the maintenance and functioning of his office and in the performance of his duties, including his own bond and compensation and the necessary bonds of his employees;

(4) Keep records which will clearly reflect the transactions provided for in the order, and upon request by the Secretary, surrender the records to his successor or such other person as the Secretary may designate;

(5) Furnish information and reports requested by the Secretary and submit his records to examination by the Secretary;

(6) Announce publicly at his discretion, unless otherwise directed by the Secretary, by such means as he deems appropriate, the name of any handler who, after the date upon which he is required to perform such act, has not:

(i) Made reports required by the order;

(ii) Made payments required by the order; or

(iii) Made available records and facilities as required pursuant to § 1000.5;

(7) Prescribe reports required of each handler under the order. Verify such reports and the payments required by the order by examining records (including such papers as copies of income tax reports, fiscal and product accounts, correspondence, contracts, documents or memoranda of the handler, and the records of any other persons that are relevant to the handler's obligation under the order), by examining such handler's milk handling facilities; and by such other investigation as the market administrator deems necessary for the purpose of ascertaining the correctness of any report or any obligation under the order. Reclassify skim milk and butterfat received by any handler if such examination and investigation discloses that the original classification was incorrect.

(8) Furnish each regulated handler a written statement of such handler's accounts with the market administrator promptly each month. Furnish a corrected statement to such handler if verification discloses that the original statement was incorrect; and

(9) Prepare and disseminate publicly for the benefit of producers, handlers, and consumers such statistics and other information concerning operation of the order and facts relevant to the provisions thereof (or proposed provisions) as do not reveal confidential information.

§ 1000.4 Continuity and separability of provisions.

(a) *Effective time.* The provisions of the order or any amendment to the order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of the order whenever he finds that such provision(s) obstructs or does not tend to effectuate the declared policy of the Act. The order shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

(c) *Continuing obligations.* If upon the suspension or termination of any or all of the provisions of the order, there are any obligations arising under the order, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination.

(d) *Liquidation.* (1) Upon the suspension or termination of any or all provisions of the order, the market administrator, or such other liquidating agent designated by the Secretary, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition; and

(2) If a liquidating agent is so designated, all assets and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market admininstrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

(e) *Separability of provisions.* If any provision of the order or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of the order to other persons or circumstances shall not be affected thereby.

§ 1000.5 Handler responsibility for records and facilities.

Each handler shall maintain and retain records of his operations and make such records and his facilities available to the market administrator. If adequate records of a handler, or of any other persons, that are relevant to the obligation of such handler are not maintained and made available, any skim milk and butterfat required to be reported by such handler for which adequate records are not available shall not be considered accounted for or established as used in a class other than the highest priced class.

(a) *Records to be maintained.* (1) Each handler shall maintain records of his operations (including, but not limited to, records of purchases, sales, processing, packaging, and disposition) as are necessary to verify whether such handler has any obligation under the order, if so, the amount of such obligation. Such records shall be such as to establish for each plant or other receiving point for each month:

(i) The quantities of skim milk and butterfat contained in, or represented by, products received in any form, including inventories on hand at the beginning of the month, according to form, time, and source of each receipt;

(ii) The utilization of all skim milk and butterfat showing the respective

quantities of such skim milk and butterfat in each form disposed of or on hand at the end of the month; and

(iii) Payments to producers, dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

(2) Each handler shall keep such other specific records as the market administrator deems necessary to verify or establish such handler's obligation under the order.

(b) *Availability of records and facilities.* Each handler shall make available all records pertaining to such handler's operations and all facilities the market administrator finds are necessary for such market administrator to verify the information required to be reported by the order and/or to ascertain such handler's reporting, monetary or other obligation under the order. Each handler shall permit the market administrator to weigh, sample, and test milk and milk products and observe plant operations and equipment and make available to the market administrator such facilities as are necessary to carry out his duties.

(c) *Retention of records.* All records required under the order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such records pertain. If, within such 3-year period, the market administrator notifies the handler in writing that the retention of such records, or of specified records, is necessary in connection with a proceeding under section 3c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such records, or specified records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1000.6 Termination of obligations.

The provisions of this section shall apply to any obligation under the order for the payment of money:

(a) Except as provided in paragraphs (b) and (c) of this section, the obligation of any handler to pay money required to be paid under the terms of the order shall terminate 2 years after the last day of the month during which the market administrator receives the handler's report of receipts and utilization on which such obligation is based, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such written notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) on which such obligation is based; and

(3) If the obligation is payable to one or more producers or to a cooperative association (except an obligation to be prorated to producers under an individual handler pool), the name of such producer(s) or such cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler falls or refuses, with respect to any obligation under the order, to make available to the market administrator all records required by the order to be made available, the market administrator may notify the handler in writing, within the 2-year period provided for in paragraph (a) of this section, of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such records pertaining to such obligation are made available to the market administrator;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under the order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Unless the handler files a petition pursuant to section 8c(15)(A) of the Act and the applicable rules and regulations (7 CFR 900.50 et seq.) within the applicable 2-year period indicated below, the obligation of the market administrator:

(1) To pay a handler any money which such handler claims to be due him under the terms of the order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim was received; or

(2) To refund any payment made by a handler (including a deduction or offset by the market administrator) shall terminate 2 years after the end of the month during which payment was made by the handler.

PART 1001—MILK IN THE MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1001.1, 1001.5, 1001.6, 1001.30, 1001.31, 1001.44, 1001.45, 1001.90, 1001.91, 1001.92, 1001.93, 1001.94, 1001.95, 1001.96, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1001.1 is added as follows:

§ 1001.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1001.32 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1001.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1001.42 a new paragraph (e) is added as follows:

§ 1001.42 Reports regarding individual producers and dairy farmers.

* * * * *

(e) Each handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for the month, which shall show for each producer:

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, with the prices, deductions, and charges involved.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1002.1, 1002.2, 1002.4, 1002.20, 1002.21, 1002.33, 1002.34, 1002.43, 1002.91, 1002.92 1002.93, 1002.94, 1002.95, and the center heading "Miscellaneous" are revoked.

3. A new § 1002.1 is added as follows:

§ 1002.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1002.12(e) the reference to "§ 1002.33" is changed to "§ 1000.5".

5. In § 1002.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1002.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1004—MILK IN MIDDLE ATLANTIC MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1004.1, 1004.2, 1004.3, 1004.4, 1004.20, 1004.21, 1004.32, 1004.33, 1004.43, 1004.89a, 1004.90, 1004.91, 1004.92, 1004.93, 1004.100, 1004.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions," are revoked.

3. A new § 1004.1 is added as follows:

§ 1004.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1004.22 paragraphs (a) through (i) are revoked and the section title and introductory text are revised as follows:

§ 1004.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1006.1, 1006.2 1006.3, 1006.4, 1006.20, 1006.21, 1006.33, 1006.34, 1006.80, 1006.90, 1006.91, 1006.92, 1006.93, 1006.100, 1006.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1006.1 is added as follows:

§ 1006.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1006.17, the reference "pursuant to § 1006.33" is revoked.

5. In § 1006.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1006.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1006.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1007—MILK IN GEORGIA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1007.1, 1007.2, 1007.3, 1007.4, 1007.25, 1007.26, 1007.33, 1007.34, 1007.80, 1007.90, 1007.91, 1007.92, 1007.93, 1007.100, 1007.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1007.1 is added as follows:

§ 1007.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1007.17, the reference "pursuant to § 1007.33" is revoked.

5. In § 1007.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1007.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1007.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1011—MILK IN APPALACHIAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1011.1, 1011.2, 1011.3, 1011.4, 1011.20, 1011.21, 1011.33, 1011.34, 1011.43, 1011.73, 1011.99, 1011.100, 1011.101, 1011.102, 1011.103, 1011.110, 1011.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1011.1 is added as follows:

§ 1011.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1011.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1011.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1012—MILK IN TAMPA BAY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1012.1, 1012.2, 1012.3, 1012.4, 1012.20, 1012.21, 1012.33, 1012.34, 1012.80, 1012.90, 1012.91, 1012.92, 1012.93, 1012.100, 1012.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1012.1 is added as follows:

§ 1012.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1012.17, the reference "pursuant to § 1012.33" is revoked.

5. In § 1012.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1012.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In 1012.40 the proviso is revoked and the colon preceding the proviso is changed to a period.

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1013.1, 1013.2, 1013.3, 1013.4, 1013.25, 1013.26, 1013.32, 1013.33, 1013.43, 1013.74, 1013.87, 1013.100, 1013.101, 1013.102, 1013.103, 1013.110, 1013.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1013.1 is added as follows:

§ 1013.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1013.17, the reference "pursuant to § 1013.32" is revoked.

5. In § 1013.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1013.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1015.1, 1015.5, 1015.6, 1015.30, 1015.31, 1015.44, 1015.45, 1015.90, 1015.91, 1015.92, 1015.93, 1015.94, 1015.95, 1015.96 and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1015.1 is added as follows:

§ 1015.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1015.32 paragraphs (a) through (f) and paragraphs (h) through (j) are revoked, and the section title and introductory text are revised as follows:

§ 1015.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1015.42 a new paragraph (d) is added as follows:

§ 1015.42 Reports regarding individual producers.

* * * * *

(d) Each handler under § 1015.9 (a), (c), and (d) shall submit to the market administrator, within 5 days after his request made not earlier than 22 days after the end of the month, his producer payroll for the month, which shall show for each producer or with respect to producer milk received from a cooperative association in its capacity as a handler under § 1015.9(d):

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, or cooperative association with the prices, deductions, and charges involved.

6. In § 1015.80 the last sentence is revoked.

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1030.1, 1030.2, 1030.3, 1030.4, 1030.20, 1030.21, 1030.32, 1030.33, 1030.43, 1030.89, 1030.90, 1030.91, 1030.92, 1030.93, 1030.100, 1030.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new §1030.1 is added as follows:

§ 1030.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1030.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1030.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1032.1, 1032.2, 1032.3, 1032.4, 1032.20, 1032.21, 1032.34, 1032.35, 1032.42, 1032.72, 1032.90, 1032.100, 1032.101, 1032.102, 1032.103, 1032.104, 1032.105, and the center headings "Termination of Obligations" and "Miscellaneous Provisions" are revoked.

3. A new § 1032.1 is added as follows:

§ 1032.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1032.22 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1032.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1033—MILK IN OHIO VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1033.1, 1033.2, 1033.3, 1033.4, 1033.25, 1033.26, 1033.32, 1033.33, 1033.44, 1033.80, 1033.81, 1033.82, 1033.83, 1033.90, 1033.91, 1033.92 and the center headings "Effective Time and Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1033.1 is added as follows:

§ 1033.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1033.18 the reference "pursuant to § 1033.32" is revoked.

5. In § 1033.27 paragraphs (a) through (j) and subparagraph (1) of paragraph (1) are revoked, and the section title and introductory text are revised as follows:

§ 1033.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1036.1, 1036.2, 1036.3, 1036.4, 1036.25, 1036.26, 1036.33, 1036.34, 1036.63, 1036.79, 1036.90, 1036.91, 1036.92, 1036.93, 1036.100, 1036.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1036.1 is added as follows:

§ 1036.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1036.17 the reference "pursuant to § 1036.33" is revoked.

5. In § 1036.27 paragraphs (a) through (g) and paragraphs (i) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1036.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1036.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Handler Reports, Records, and Facilities" to "Reports."

2. Sections 1040.1, 1040.2, 1040.3, 1040.4, 1040.25, 1040.26, 1040.32, 1040.33, 1040.67, 1040.100, 1040.101, 1040.102, 1040.103, 1040.104, 1040.110, 1040.111, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1040.1 is added as follows:

§ 1040.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1040.27 paragraphs (a) through (f) and paragraphs (h) through (j) are revoked, and the section title and introductory text are revised as follows:

§ 1040.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties.

* * * * *

5. Section 1040.44 is revised as follows:

§ 1040.44 Bulk deliveries by a cooperative association.

Milk in bulk delivered by a cooperative association as a handler under § 1040.7 (c) or from the pool plant of a cooperative association to a handler's pool plant shall be classified according to use or disposition by the latter handler and the value thereof at the class prices shall be included in his net pool obligation pursuant to § 1040.60.

6. Section 1040.90 is revised as follows:

§ 1040.90 Handler exemption.

Only §§ 1040.31 and 1000.5 of this chapter, as incorporated by § 1040.1, shall

apply to a handler who operates a plant, other than a plant described in § 1040.16 (b), located outside the marketing area from which fluid milk products are disposed of within the marketing area on a route(s) but from which the disposition of fluid milk products on all routes operated wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers.

7. In § 1040.91 paragraph (a) is revised as follows:

§ 1040.91 Handlers subject to other Federal orders.

(a) Only § 1040.31, paragraph (b) of this section, and § 1000.5 of this chapter, as incorporated by § 1040.1, shall apply to a handler who operates a plant at which during the month milk is fully subject to the classification, pricing, and payment provisions of another order issued pursuant to the Act and the disposition of fluid milk products, except filled milk, if the other Federal marketing area exceeds that in the Southern Michigan marketing area.

* * * * *

8. Section 1040.92 is revised as follows:

§ 1040.92 Producer handler exemption.

Only §§ 1040.31 and 1000.5 of this chapter, as incorporated by § 1040.1, shall apply to a producer-handler.

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1043.1, 1043.2, 1043.3, 1043.4, 1043.20, 1043.21, 1043.34, 1043.35, 1043.44, 1043.64, 1043.78, 1043.90, 1043.91, 1043.92, 1043.93, 1043.100, 1043.101, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1043.1 is added as follows:

§ 1043.1 General provisions.

The terms, definitions, and provisions in Part 1000 or this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1043.22 paragraphs (a) through (h) are revoked, and the section title and introductory text are revised as follows:

§ 1043.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. Section 1043.81 is revised as follows:

§ 1043.81 Producer-handler exemption.

Only §§ 1043.32 and 1000.5 of this chapter, as incorporated by § 1043.1, shall apply to a producer-handler.

6. Section 1043.82 is revised as follows:

§ 1043.82 Handler exemption.

Only §§ 1043.33 and 1000.5 of this chapter, as incorporated by § 1043.1, shall apply to a handler who operates a plant from which an average of less than 100 points (one point being defined as one pint of half-and-half or one quart of any other Class I product) of Class I milk per day is disposed of in the marketing area during the month on routes.

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1044.1, 1044.2, 1044.3, 1044.4, 1044.20, 1044.21, 1044.34, 1044.35, 1044.44, 1044.64, 1044.75, 1044.90, 1044.91, 1044.92, 1044.93, 1044.100, 1044.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1044.1 is added as follows:

§ 1044.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1044.22 paragraphs (a) through (h) are revoked, and the section title and introductory text are revised as follows:

§ 1044.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. Section 1044.80 is revised as follows:

§ 1044.80 Producer-handler exemption.

Only §§ 1044.33 and 1000.5 of this chapter, as incorporated by § 1044.1, shall apply to a producer handler.

6. Section 1044.81 is revised as follows:

§ 1044.81 Exempt handler.

Only §§ 1044.33 and 1000.5 of this chapter, as incorporated by § 1044.1, shall apply to a handler who operates a fluid milk plant, of the type specified in § 1044.8(a), located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s).

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1046.1, 1046.2, 1046.3, 1046.4, 1046.20, 1046.21, 1046.33, 1046.34, 1046.43, 1046.89, 1046.90, 1046.91, 1046.92, 1046.93, 1046.100, 1046.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1046.1 is added as follows:

§ 1046.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1046.22 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1046.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1049—MILK IN INDIANA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1049.1, 1049.2, 1049.3, 1049.4, 1049.25, 1049.26, 1049.33, 1049.34, 1049.43, 1049.87, 1049.90, 1049.91, 1049.92, 1049.93, 1049.100, 1049.101, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1049.1 is added as follows:

§ 1049.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1049.27 paragraphs (a) through (i) and paragraph (1) are revoked, and the section title and introductory text are revised as follows:

§ 1049.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1050.1, 1050.2, 1050.3, 1050.4, 1050.20, 1050.21, 1050.34, 1050.35, 1050.42, 1050.72, 1050.90, 1050.100, 1950.101, 1050.102, 1050.103, 1050.104, 1050.105, and the center headings "Termination of Obligations" and "Miscellaneous Provisions" are revoked.

3. A new § 1050.1 is added as follows:

§ 1050.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1050.22 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1050.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1060—MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1060.1, 1060.4, 1060.6, 1060.7, 1060.30, 1060.31, 1060.38, 1060.39, 1060.43, 1060.89, 1060.90, 1060.91, 1060.92, 1060.93, 1060.100, 1060.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1060.1 is added as follows:

§ 1060.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1060.32 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1060.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c), of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1061.1, 1061.2, 1061.3, 1061.4, 1061.20, 1061.21, 1061.32, 1061.33, 1061.43, 1061.93, 1061.94, 1061.95, 1061.100, 1061.101, 1061.102, 1061.103, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1061.1 is added as follows:

§ 1061.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1061.22 paragraphs (a) through (g) are revoked, and paragraph (i), the section title and introductory text are revised as follows:

§ 1061.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

(i) On or before the 12th day after the end of each month, announce the uniform price computed pursuant to § 1061.71 and the producer butterfat differential pursuant to § 1061.81.

* * * * *

PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definition" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1062.1, 1062.2, 1062.3, 1962.4, 1062.20, 1062.21, 1062.33, 1062.34, 1062.43, 1062.72, 1062.89, 1062.90, 1062.91, 1062.92, 1062.93, 1062.94, 1062.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1062.1 is added as follows:

§ 1062.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1062.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1062.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1063.1, 1063.2, 1063.3, 1063.4, 1063.20, 1063.21, 1063.32, 1063.33, 1063.43, 1063.89, 1063.90, 1063.91, 1063.92, 1063.93, 1063.94, 1063.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1063.1 is added as follows:

§ 1063.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1063.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1063.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1064.1, 1064.2, 1064.3, 1064.4, 1064.20, 1064.21, 1064.33, 1064.34, 1064.43, 1064.89, 1064.90, 1064.91, 1064.92, 1064.93, 1064.100, 1064.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1064.1 is added as follows:

§ 1064.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1064.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1064.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1065.1, 1065.2, 1065.3, 1065.4, 1065.20, 1065.21, 1065.33, 1065.34, 1065.43, 1065.74, 1065.87, 1065.90, 1065.91, 1065.92, 1065.93, 1065.94, 1065.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1065.1 is added as follows:

§ 1065.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1065.15, the reference "pursuant to § 1065.33" is revoked.

5. In § 1065.22 revoke paragraphs (a) through (i) and revise the section title and introductory text as follows:

§ 1065.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1065.61 the introductory text is revised as follows:

§ 1065.61 Plants subject to other Federal orders.

Only §§ 1065.32, 1000.5 of this chapter, as incorporated by § 1065.1, and paragraph (c) of this section shall apply to a handler with respect to the operation of plants described in paragraphs (a) or (b) of this paragraph.

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1068.1, 1068.2, 1068.3, 1068.5, 1068.6, 1068.20, 1068.21, 1068.33, 1068.34, 1068.43, 1068.73, 1068.93, 1068.94, 1068.100, 1068.101, 1068.102, 1068.103, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1068.1 is added as follows:

§ 1068.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1068.22 paragraphs (a) through (f) are revoked, and the section title and introductory text are revised as follows:

§ 1068.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In the introductory paragraph of § 1068.62, the reference "§ 1068.33" is changed to "§ 1000.5 of this chapter."

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1069.1, 1069.2, 1069.3, 1069.4, 1069.20, 1069.21, 1069.33, 1069.34, 1069.43, 1069.72, 1069.89, 1069.90, 1069.91, 1069.92, 1069.93, 1069.94, 1069.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1069.1 is added as follows:

§ 1069.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1069.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1069.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1070.1, 1070.2, 1070.3, 1070.4, 1070.20, 1070.21, 1070.32, 1070.33, 1070.43, 1070.89, 1070.90, 1070.91, 1070.92, 1070.93, 1070.100, 1070,101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1070.1 is added as follows:

§ 1070.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1070.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1070.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1071.1, 1071.2, 1071.3, 1071.4, 1071.20, 1071.21, 1071.33, 1071.34, 1071.43, 1071.98, 1071.100, 1071.101, 1071.102, 1071.103, 1071.110, 1071.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1071.1 is added as follows:

§ 1071.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1071.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1071.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1073.1, 1073.2, 1073.3, 1073.4, 1073.20, 1073.21, 1073.33, 1073.34, 1073.43, 1073.72, 1073.89, 1073.90, 1073.91, 1073.92, 1073.93, 1073.94, 1073.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1073.1 is added as follows:

§ 1073.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1073.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1073.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1075—MILK IN BLACK HILLS, S. DAK., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1075.1, 1075.2, 1075.3, 1075.4, 1075.25, 1075.26, 1075.32, 1075.33, 1075.43, 1075.74, 1075.89, 1075.90, 1075.91, 1075.92, 1075.93, 1075.94, 1075.95, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1075.1 is added as follows:

§ 1075.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1075.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1075.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1076.1, 1076.2, 1076.3, 1076.4, 1076.25, 1076.26, 1076.33, 1076.34, 1076.43, 1076.76, 1076.86, 1076.100, 1076.101, 1076.102, 1076.103, 1076.104, 1076.105, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1076.1 is added as follows:

§ 1076.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1076.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1076.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1076.61 the introductory text is revised as follows:

§ 1076.61 Plants subject to other Federal orders.

Only §§ 1076.32, 1000.5 of this chapter, as incorporated by § 1076.1, and paragraph (c) of this section shall apply to a handler with respect to the operation of plants described in paragraph (a) or (b) of this section.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1078.1, 1078.2, 1078.3, 1078.4, 1078.20, 1078.21, 1078.32, 1078.33, 1078.43, 1078.86, 1078.90, 1078.91, 1078.92, 1078.93, 1078.100, 1078.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1078.1 is added as follows:

§ 1078.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1078.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1078.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1079.1, 1079.2, 1079.3, 1079.4, 1079.25, 1079.26, 1079.32, 1079.33, 1079.43, 1079.89, 1079.90, 1079.91, 1079.92, 1079.93, 1079.100, 1079.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1079.1 is added as follows:

§ 1079.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1079.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1079.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1090.1, 1090.2, 1090.4, 1090.19, 1090.25, 1090.26, 1090.32, 1090.33, 1090.43, 1090.75, 1090.87, 1090.100, 1090.101, 1090.102, 1090.103, 1090.110, 1090.111, and center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1090.1 is added as follows:

§ 1090.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In §1090.27 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1090.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1094.1, 1094.2, 1094.3, 1094. 5, 1094.20, 1094.21, 1094.34, 1094.35, 1094.43, 1094.77, 1094.87, 1094.100, 1094.101, 1094.102, 1094.103, 1094.110, 1094.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1094.1 is added as follows:

§ 1094.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1094.16 the reference "pursuant to § 1094.34" is revoked.

5. In § 1094.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1094.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. Section 1094.60 is revised as follows:

§ 1094.60 Producer-handler exemption.

Only §§ 1094.32 and 1000.5 of this chapter, as incorporated by § 1094.1, shall apply to a producer-handler.

7. The introductory text of § 1094.63 is revised as follows:

§ 1094.63 Plants subject to other Federal orders.

Only §§ 1094.32 and 1000.5 of this chapter, as incorporated by § 1094.1, and paragraph (c) of this section shall apply to a handler operating a plant specified in paragraph (a) or (b) of this section.

* * * * *

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1096.1, 1096.2, 1096.3, 1096.4, 1096.25, 1096.26, 1096.33, 1096.34, 1096.43, 1096.87, 1096.90, 1096.91, 1096.92, 1096.93, 1096.94, 1096.95, and the center hearing "Miscellaneous Provisions" are revoked.

3. A new § 1096.1 is added as follows:

§ 1096.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1096.27 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1096.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1097.1, 1097.2, 1097.3, 1097.4, 1097.20, 1097.21, 1097.32, 1097.33, 1097.43, 1097.98, 1097.100, 1097.101, 1097.102, 1097.103, 1097.110, 1097.111, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1097.1 is added as follows:

§ 1097.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1097.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1097.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1098.1, 1098.2, 1098.3, 1098.4, 1098.20, 1098.21, 1098.33, 1098.34, 1098.43, 1098.73, 1098.88, 1098.100, 1098.101, 1098.102, 1098.103, 1098.104, 1098.105, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1098.1 is added as follows:

§ 1098.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1098.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1098.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1099.1, 1099.2, 1099.3, 1099.4, 1099.20, 1099.21, 1099.33, 1099.34, 1099.42, 1099.89, 1099.90, 1099.91, 1099.92, 1099.93, 1099.100, 1099.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1099.1 is added as follows:

§ 1099.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1099.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1099.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1101.1, 1101.2, 1101.3, 1101.4, 1101.20, 1101.21, 1101.32, 1101.33, 1101.43, 1101.73, 1101.89, 1101.100, 1101.101, 1101.102, 1101.103, 1101.110, 1101.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1101.1 is added as follows:

§ 1101.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1101.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1101.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1102.1, 1102.2, 1102.3, 1102.4, 1102.20, 1102.21, 1102.33, 1102.34, 1102.43, 1102.85, 1102.100, 1102.101, 1102.102, 1102.103, 1102.110, 1102.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1102.1 is added as follows:

§ 1102.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1102.22 paragraphs (a) through (h) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1102.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the followduties:

* * * * *

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1103.1, 1103.2, 1103.3, 1103.4, 1103.20, 1103.21, 1103.33, 1103.34, 1103.43, 1103.100, 1103.105, 1103.106, 1103.107, 1103.108, 1103.109, 1103.110, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1103.1 is added as follows:

§ 1103.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1103.22 paragraphs (a) through (h) and paragraphs (k) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1103.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1104.1, 1104.2, 1104.3, 1104.5, 1104.25, 1104.26, 1104.33, 1104.34, 1104.43, 1104.87, 1104.90, 1104.91, 1104.92, 1104.93, 1104.100, 1104.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1104.1 is added as follows:

§ 1104.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1104.27 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1104.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1106.1, 1106.2, 1106.3, 1106.4, 1106.20, 1106.21, 1106.33, 1106.34, 1106.43, 1106.89, 1106.90, 1106.91, 1106.92, 1106.93, 1106.100, 1106.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1106.1 is added as follows:

§ 1106.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1106.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1106.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1108.1, 1108.2, 1108.3, 1108.5, 1108.25, 1108.26, 1108.32, 1108.33, 1108.43, 1108.75, 1108.87, 1108.100, 1108.101, 1108.102, 1108.103, 1108.110, 1108.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1108.1 is added as follows:

§ 1108.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1108.27 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title, introductory text, and paragraph (i) are revised as follows:

§ 1108.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

(i) On or before the 11th day after the end of each of the months March through July, the market administrator shall notify each handler of the amount of base milk and excess milk received from each producer.

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1120.1, 1120.2, 1120.3, 1120.4, 1120.25, 1120.26, 1120.32, 1120.33, 1120.43, 1120.88, 1120.90, 1120.91, 1120.92, 1120.93, 1120.94, 1120.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1120.1 is added as follows:

§ 1120.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1120.16 the reference "pursuant to § 1120.32" is revoked.

5. In § 1120.27 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1120.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1121—MILK IN SOUTH TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1121.1, 1121.2, 1121.3, 1121.4, 1121.20, 1121.21, 1121.33, 1121.34, 1121.43, 1121.89, 1121.90, 1121.91, 1121.92, 1121.93, 1121.100, 1121.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1121.1 is added as follows:

§ 1121.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1121.17 the reference "pursuant to § 1121.33" is revoked.

5. In § 1121.22 paragraphs (a) through (h) and paragraphs (j) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1121.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1124—MILK IN OREGON-WASHINGTON MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1124.1, 1124.2, 1124.3, 1124.4, 1124.20, 1124.21, 1124.33, 1124.34, 1124.43, 1124.88, 1124.90, 1124.91, 1124.92, 1124.93, 1124.100, 1124.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1124.1 is added as follows:

§ 1124.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1124.14 the reference "pursuant to § 1124.33" is revoked.

5. In § 1124.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title, introductory text, and paragraph (j) are revised as follows:

§ 1124.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

(j) On or before the 14th day after the end of each month report to each cooperative association which so requests the amount and class utilization of producer milk delivered from members of such association to each proprietary handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

* * * * *

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions," "Reports, Records, and Facilities" to "Reports," and "Miscellaneous Provisions" to "Class I Base Provisions."

2. Sections 1125.1, 1125.2, 1125.3, 1125.4, 1125.20, 1125.21, 1125.33, 1125.34, 1125.43, 1125.89, 1125.90, 1125.91, 1125.92, 1125.93, 1125.100, 1125.101, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1125.1 is added as follows:

§ 1125.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1125.14(e) the reference to "§ 1125.33" is changed to "§ 1000.5".

5. In § 1125.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1125.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. The introductory text of § 1125.66 is revised as follows:

§ 1125.66 Plants subject to other Federal orders.

Only §§ 1125.30(e), 1125.32, paragraph (c) of this section, and § 1000.5, as incorporated by § 1125.1, shall apply to a handler with respect to the operation of plants described as follows:

* * * * *

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1126.1, 1126.2, 1126.3, 1126.4, 1126.25, 1126.26, 1126.33, 1126.34, 1126.43, 1126.98, 1126.100, 1126.101, 1126.102, 126.103, 1126.110, 1126.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1126.1 is added as follows:

§ 1126.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby

incorporated by reference and made a part of this order.

4. In § 1126.27 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1126.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1127.1, 1127.2, 1127.3, 1127.20, 1127.21, 1127.33, 1127. 34, 1127.43, 112".89, 1127.90, 1127.91, 1127.92, 1127.93, 1127.100, 1127.101 and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1127.1 is added as follows:

§ 1127.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1127.22 paragraphs (a) through (h) and paragraph (k) are revoked and the section title and introductory text are revised as follows:

§ 1127.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1128.1, 1128.2, 1128.3, 1128.4, 1128.20, 1128.21, 1128.33, 1128.34, 1128.43, 1128.99, 1128.100, 1128.101, 1128.102, 1128.103, 1128.110, 1128.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1128.1 is added as follows:

§ 1128.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1128.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1128.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1129—MILK IN AUSTIN-WACO, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1129.1, 1129.2, 1129.3, 1129.4, 1129.25, 1129.26, 1129.33, 1129.34, 1129.43, 1129.96, 1129.100, 1129.101, 1129.102, 1129.103, 1129.110, 1129.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1129.1 is added as follows:

§ 1129.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1129.27 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1129.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1130.1, 1130.2, 1130.3, 1130.4, 1130.20, 1130.21, 1130.33, 1130.34, 1130.43, 1130.89, 1130.90, 1130.91, 1130.92, 1130.93, 1130.100, 1130.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1130.1 is added as follows:

§ 1130.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1130.22 paragraphs (a) through (h) and paragraphs (j) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1130.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1131.1, 1131,2, 1131.3, 1131.4, 1131.20, 1131.21, 1131.32, 1131.33, 1131.43, 1131.74, 1131.87, 1131.100, 1131.101, 1131.102, 1131.103, 1131.110, 1131.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1131.1 is added as follows:

§ 1131.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1131.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1131.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1132.1, 1132.2, 1132.3, 1132.4, 1132.25, 1132.26, 1132.32, 1132.33, 1132.43, 1132.90, 1132.100, 1132.101, 1132.102, 1132.103, 1132.110, 1132.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1132.1 is added as follows:

§ 1132.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1132.12 the paragraphs are redesignated as follows: "paragraph (b)" is "paragraph (a–1)"; "paragraph (c)" is "paragraph (b)"; "paragraph (d)" is "paragraph (c)"; "paragraph (e)" is "paragraph (d)".

5. In § 1132.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1132.27 Additional duties of the market administrator.

In addition the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1133.1, 1133.2, 1133.3, 1133.4, 1133.20, 1133.21, 1133.33, 1133.34, 1113.43, 1133.89, 1133.90, 1133.91, 1133.92,

1133.93, 1133.100, 1133.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1133.1 is added as follows:

§ 1133.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1133.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1133.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1134—MILK IN WESTERN COLORADO MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1134.1, 1134.2, 1134.3, 1134.4, 1134.20, 1134.21, 1134.33, 1134.34, 1134.43, 1134.72, 1134.89, 1134.90, 1134.91, 1134.92, 1134.93, 1134.100, 1134.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1134.1 is added as follows:

§ 1134.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1134.15 the reference "pursuant to § 1134.33" is revoked.

5. In § 1134.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1134.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1134.44 paragraph (a) is revised as follows:

§ 1134.44 Transfers.

* * * * *

(a) At the utilization indicated in writing to the market administrator by the operators of both plants, on or before the seventh day after the end of the month within which such transfer occurred, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler (except that for the purpose of this paragraph milk that was physically received at a pool plant from a handler pursuant to § 1134.11(d) or in bulk from a plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant), subject to the following conditions:

* * * * *

7. In § 1134.46 the introductory text is revised as follows:

§ 1134.46 Allocation of skim milk and butterfat classified.

After making the computations under § 1134.45 the market administrator shall determine each month for each handler the classification of milk received from producers by each handler under § 1134.11 (c) and (d) which was not received at a pool plant, and the classification of milk received from producers, in bulk from pool plants operated by cooperative associations and from handlers under § 1134.11(d) at a pool plant(s). For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1134.11(d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant.

* * * * *

PART 1136—MILK IN GREAT BASIN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1136.1, 1136.2, 1136.3, 1136.4, 1136.20, 1136.21, 1136.33, 1136.34, 1136.40, 1136.74, 1136.87, 1136.90, 1136.91, 1136.92, 1136.93, 1136.110, 136.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1136.1 is added as follows:

§ 1136.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1136.14 the reference "pursuant to § 1136.33" is revoked.

5. In § 1136.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1136.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1136.44 the introductory text is revised as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1136.9 (b) and (c) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1136.9(c) by each handler. For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1136.9(c) shall be considered as a receipt of producer milk at such plant.

* * * * *

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1137.1, 1137.2, 1137.3, 1137.4, 1137.20, 1137.21, 1137.33, 1137.34, 1137.43, 1137.72, 1137.89, 1137,90, 1137.91, 1137.92, 1137.93, 1137.100, 1137.101, and center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1137.1 is added as follows:

§ 1137.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1137.13 the reference "pursuant to § 1137.33" is revoked.

5. In § 1137.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1137.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1137.44 paragraph (a) is revised as follows:

§ 1137.44 Transfers.

* * * * *

(a) At the utilization indicated by the operator of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant (except that for the purpose of this paragraph milk that was physically received at a pool plant from a handler pursuant to § 1137.9 (d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant), subject to the following conditions:

* * * * *

7. In § 1137.46 the introductory text is revised as follows:

§ 1137.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1137.45, the market administrator shall determine each month for each handler the classification of milk received from producers by each handler pursuant to § 1137.9 (c) and (d) which was not received at a pool plant and the classification of milk received from producers, in bulk from pool plants operated

by cooperative associations and from handlers pursuant to § 1137.9(d) at a pool plant(s). For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1137.9(d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant.

* * * * *

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1138.1, 1138.2, 1138.3, 1138.4, 1138.20, 1138.21, 1138.34, 1138.35, 1138.43, 1138.72, 1138.89, 1138.90, 1138.91, 1138.92, 1138.93, 1138.100, 1138.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1138.1 is added as follows:

§ 1138.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1138.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1138.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1138.46 the introductory text is revised as follows:

§ 1138.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1138.45, the market administrator shall determine the classification of producer milk received at each pool plant for each handler each month pursuant to the provisions of this section. Milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1138.9(c) shall be classified and allocated as producer milk.

* * * * *

6. In § 1138.70 the introductory text is revised and a new paragraph (a–1) is added as follows:

§ 1138.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler at each pool plant and of each cooperative association in its capacity as a handler pursuant to § 1138.9(b) or as a handler pursuant to § 1138.9(c) only for milk not delivered to a pool plant, during each month, shall be a sum of money computed as follows:

* * * * *

(a–1) Multiply the quantity of producer milk in each class as computed pursuant to §§ 1138.40 through 1138.46 for each cooperative association as a handler pursuant to § 1138.9(b) or as a handler pursuant to § 1138.9(c) for the milk not delivered to a pool plant, by the applicable class prices adjusted pursuant to §§ 1138.52 and 1138.53;

* * * * *

7. Section 1138.88 is revised as follows:

§ 1138.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, provided that for the purpose of this section milk received at a pool plant from a handler pursuant to § 1138.9(c) shall be considered as a receipt of producer milk by the handler operating such pool plant and shall be excluded from the producer milk of the handler pursuant to § 1138.9(c), (b) other source milk allocated to Class I pursuant to § 1138.46(a)(2)(i), (3) and (7) and the corresponding steps of § 1138.46(b), except other source milk on which no handler obligation applies pursuant to § 1137.70(e) and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1138.62(b)(2): *Provided*, That if a handler with respect to milk pursuant to (a), (b), or (c) of this section elects pursuant to § 1138.36 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

Signed at Washington, D.C., on February 25, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-2834 Filed 3-1-71;8:52 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 230]

WHALING

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by the Reorganization Plan No. 4 effective October 3, 1970 (35 F.R. 15627) and the Whaling Convention Act of 1949 (64 Stat. 421; 16 U.S.C. 916 et seq.), it is proposed to amend 50 CFR Part 230 as set forth below.

These amendments will accomplish two purposes. First, they will conform the whaling regulations to the requirements of the Schedule annexed to the International Whaling Convention. Second, they will amend the licensing provision to forbid the taking of any whales listed on the Endangered Species List, 50 CFR Part 17, App. A.

Interested persons may submit written comments, suggestions, or objections, including requests for a public hearing, with respect to the proposed amended Whaling Regulations to the Director, National Marine Fisheries Service, Interior Building, Washington, D.C. 20235, within thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are described below:

1. Amend § 230.10 to read as follows:

§ 230.10 Licenses required to engage in whaling.

(a) No person shall engage in the taking or processing of any whales without first having obtained an appropriate license.

(b) No license shall be issued for any species of whales appearing on the Endangered Species List, Part 17 of this title, Appendix A.

2. Amend paragraph (a) of § 230.20 and subparagraphs (1), (2), (4), and (5) to read as follows:

CLOSED SEASONS

§ 230.20 Whale catchers attached to land stations taking baleen whales.

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing any baleen whales except during the period April 15 to October 15, both days inclusive: *Provided*, That it is forbidden to kill or attempt to kill blue whales, by any means, in the following areas:

(1) The North Atlantic Ocean for 3 years ending on February 24, 1973.

(2) The North Pacific Ocean and its dependent waters north of the Equator for 5 years beginning with the 1971 season.

* * * * *

(4) In the North Atlantic Ocean for a period ending on November 8, 1972.

(5) In the North Pacific Ocean and its dependent waters north of the Equator for 3 years beginning with the 1971 season.

3. Amend § 230.22 to read as follows:

§ 230.22 Whale catchers attached to factoryships taking sperm whales.

It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating sperm whales in the waters between 40° south latitude and 40° north latitude. For all other waters, it is forbidden to use factoryships or whale catchers attached thereto for the purpose of taking or treating sperm whales except during the period April 1 to November 30 following both days inclusive.

4. Amend § 230.25 to read as follows:

CATCH QUOTAS

§ 230.25 Fin and sei whale quotas for the North Pacific.

Beginning with the 1971 season for taking baleen whales, it is forbidden for persons or vessels under the jurisdiction of the United States to take more than 40 fin whales and 51 sei whales from the waters of the North Pacific Ocean. The fin whale quota may be converted to sei and Bryde's whales combined, or vice versa, in terms of the formula as defined in paragraph 8(b) of the Schedule of the Convention: *Provided*, That the total catch of one or the other species does not exceed the level which is 10 percent (10%) above the quota for each species as prescribed above.

5. Add new § 230.26 to read as follows:

§ 230.26 Sperm whale quota for the North Pacific Ocean.

Beginning with the 1971 season for taking sperm whales, it is forbidden for persons or vessels under the jurisdiction of the United States to take more than 75 sperm whales from the waters of the North Pacific Ocean and dependent waters.

Issued at Washington, D.C., and dated January, 1971.

HARVEY M. HUTCHING,
Acting Director, National Marine Fisheries Service.

[FR Doc.71-2869 Filed 3-1-71;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-11]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Hot Springs, Va., control zone and alter the Hot Springs, Va., transition area (36 F.R. 2204).

The revised NDB (ADF) RWY 24 instrument approach procedure for Ingalls Field, Hot Springs, Va., requires alteration of the 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure. In addition with the availability of weather data and communications, a control zone can be designated.

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

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

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

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hot Springs, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Hot Springs, Va., control zone as follows:

HOT SPRINGS, VA.

Within a 6-mile radius of the center, 37°57'04" N., 79°50'02" W. of Ingalls Field, Hot Springs, Va. This control zone is effective from 0800 to 1800 hours, local time, daily.

2. Amend §71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hot Springs, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9.5 mile radius of the center, 37°57'04" N., 79°50'02" W. of Ingalls Field, Hot Springs, Va.

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

Issued in Jamaica, N.Y., on February 11, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-2766 Filed 3-1-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-12]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wrightstown, N.J., transition area (36 F.R. 2297).

A new VOR instrument approach procedure has been authorized for the Robert J. Miller Air Park, Toms River, N.J. Additionally, the VOR instrument approach procedure to the Flying W Ranch Airport, Lumberton, N.J., has been canceled. This will require alteration of the 700-foot-floor transition area to provide controlled airspace for aircraft executing the new approach procedure and to delete that airspace previously provided for the Flying W Ranch VOR procedure.

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

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

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

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

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wrightstown, N.J. 700-foot floor transition area as follows:

In the description of the Wrightstown, N.J. 700-foot floor transition area, delete, "within a 5-mile radius of the center, 39°56'05" N., 74°48'30" W., of Flying W Ranch Airport, Lumberton, N.J.; within 2.5 miles each side of the North Philadelphia VOR 134° radial extending from the Flying W Ranch 5-mile radius area to 21 miles southeast of the North Philadelphia VOR.", and insert thereof, "within a 7-mile radius of 39°55'41" N., 74°17'30" W. of Robert J. Miller Air Park, Toms River, N.J.; within 1.5 miles each side of the Coyle, N.J. VOR TAC 044° radial extending from the 7-mile radius area to the Coyle VORTAC."

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

Issued in Jamaica, N.Y., on February 11, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-2767 Filed 3-1-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-15]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Hammonton, N.J., transition area.

A new VOR instrument approach procedure for Hammonton Municipal Airport, Hammonton, N.J., will require designation of a 700-foot-floor transition area to provide protection for aircraft executing this procedure.

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

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

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

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

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Hammonton, N.J., 700-foot-floor transition area as follows:

HAMMONTON, N.J.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center of 39°40'30" N., 74°44'30" W. of Hammonton Municipal Airport, Hammonton, N.J.; within 2 miles each side of the Millville, N.J., VORTAC 051° radial extending from the 5.5-mile-radius area to 7.5 miles northeast of the VORTAC.

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

Issued in Jamaica, N.Y., on February 11, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-2768 Filed 3-1-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 70-PC-6]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Midway Island control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, HI 96812. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would amend the Midway Island control zone to read as follows:

Within a 5-mile radius of Midway NS (Henderson Field) (lat. 28°11'55" N., long. 177°22'50" W.) and within 3.5 miles northwest and 4.5 miles southeast of the 240° bearing from the Midway RBN, extending from the 5-mile-radius zone to 10.5 miles southwest of the RBN.

The proposed alteration of the control zone is necessary to provide controlled airspace, specified by existing criteria, for aircraft executing instrument approach and departure procedures at Midway NS (Henderson Field).

The amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 23, 1971.

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

[FR Doc.71-2769 Filed 3-1-71;8:47 am]

[14 CFR Part 73]

[Airspace Docket No. 70-EA-65]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-5201 at Camp Drum, N.Y.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules

Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The existing boundaries of R–5201 are as follows:

Beginning at lat. 44°15'00" N., long. 75°-31'30" W.; to lat. 44°11'15" N., long. 75°25'-00" W.; to lat. 44°03'00" N., long. 75°33'30" W.; to lat. 44°03'15" N., long. 75°37'39" W.; to lat 44°06'44" N., long. 75°43'54" W.; to point of beginning.

The FAA proposes to amend the boundaries of R–5201 to read as follows:

Beginning at lat. 44°15'00" N., long. 75°31'30" W.; to lat. 44°11'15" N., long. 75°25'00" W.; to lat. 44°03'00" N., long. 75°33'30" W.; to lat. 44°00'45" N., long. 75°37'25" W.; to lat. 44°03'25" N., long. 75°39'30" W.; to lat. 44°05'47" N., long. 75°44'30" W.; to lat. 44°10'00" N., long. 75°39'30" W.; to point of beginning.

The current boundaries of R–5201 do not meet the needs of the Department of the Army, Headquarters, Camp Drum. Since R–5201 was established, the number of units training at Camp Drum has saturated the reservation with artillery activity and resulted in the need to expand firing positions to the southwest. The proposed expansion of R–5201 would provide the needed protected airspace for this increased activity.

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

Issued in Washington, D.C., on February 25, 1971.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–2824 Filed 3–1–71;8:51 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 69–18; Notice 4]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Motor Vehicle Safety Standard; Extension of Time for Comments

A notice of proposed amendment to 49 CFR 571.21, Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, was published on February 3, 1971 (36 F.R. 1913) with a closing date for comments of March 4, 1971. The Motor & Equipment Manufacturers Association has petitioned for an extension of time to comment on the proposed amendment to omit sampling provisions from the test procedures for turn signal and hazard warning signal flashers, stating that it "raises serious problems among MEMA's automotive lighting member manufacturers as to individual company costs and other technological considerations." It should be noted, however, that the sampling and failure-rate provisions in question are exceptions to the normal form of the standards, and their deletion merely makes this area of the standards consistent with the legal assumptions that underlie the standards generally.

In response to the above request, the closing date for comments is hereby extended to April 5, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on February 24, 1971.

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

[FR Doc.71–2771 Filed 3–1–71;8:47 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 23138; Reg. PDR–32]

PROCEDURE FOR PROCESSING CONTRACTS FOR TRANSPORTATION OF MAIL BY AIR

Notice of Proposed Rule Making

FEBRUARY 25, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 302, its rules of practice in economic proceedings (14 CFR Part 302), which would provide procedures for the processing of certain contracts between the Postal Service and certificated air carriers pursuant to certain recently enacted legislation.

The background of the proposed amendment is described in the Explanatory Statement set forth below, and the amendment is set forth in the proposed rule. The amendment is proposed under the authority of section 204 of the Federal Aviation Act of 1958, as amended (72 Stat. 743; 49 U.S.C. 1324), and section 2 of the Postal Reorganization Act of 1970 (84 Stat. 772; 39 U.S.C. 5402).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before March 19, 1971, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. Public Law 91–375, approved August 12, 1970, contains a section [1] which permits the Postal Service, subject to certain conditions, to contract with certificated air carriers, without advertising for bids, for the transportation of mail between any of the points between which the carrier is authorized by the Board to transport mail.[2] The section requires any such contract to be filed with the Board not later than 90 days before its effective date. Unless the Board disapproves the contract, under the standards of section 102 of the Federal Aviation Act of 1958 not later than 10 days prior to its effective date, the contract automatically becomes effective. In order to provide procedures for the processing of contracts pursuant to this legislation, it is proposed to add a new Subpart O to Part 302 of the procedural regulations. The new subpart would prescribe, inter alia, rules for the filing and service of such contracts, and for the processing of complaints.

Proposed rules. It is prosed to amend Part 302, Rules of Practice in Economic Proceedings (14 CFR Part 302), as follows:

1. By amending the table of contents of Part 302 by adding a new Subpart O, to read as follows:

Subpart O—Procedure for Processing Contracts for Transportation of Mail by Air

Sec.
302.1504 Applicability.
302.1502 Filing.
302.1503 Explanation and data supporting the contract.
302.1504 Service.
302.1505 Complaints.
302.1506 Answers to complaints.
302.1507 Further procedures.
302.1508 Petitions for reconsideration.

2. By adopting a new Subpart O which will read as follows:

Subpart O—Procedure for Processing Contracts for Transportation of Mail by Air

§ 302.1501 Applicability.

This subpart sets forth the rules applicable to certain contractural arrangements between the Postal Service and certificated air carriers for the transportation of mail by air entered into without advertising for bids, pursuant to 39 U.S.C. 5402(a), 84 Stat. 772. Any such contract is required by that statute to be filed with the Board not later than 90 days before its effective date, and unless the Board disapproves the contract not later than 10 days prior to its effective date, the contract automatically becomes effective.

§ 302.1502 Filing.

Any car carrier which is a party to a contract to which this subpart is applicable shall file eight copies of the contract in the Docket Section of the Civil Aeronautics Board, Washington, D.C.

[1] 39 U.S.C. 5402(a), 84 Stat. 772.

[2] The contracts must be for the transportation of at least 750 pounds of mail per flight; moreover, no more than 10 percent of the domestic mail or 5 percent, based on weight, of the international mail, may consist of letter mail.

20428, not later than 90 days before the effective date of the contract. One copy of each contract filed shall bear the certification of the secretary or other duly authorized officer of the filing carrier to the effect that such copy is a true and complete copy of the original written instrument executed by the parties.

§ 302.1503 Explanation and data supporting the contract.

Each contract filed pursuant to this subpart shall be accompanied by economic data and such other information in support of the contract upon which the filing air carrier intends that the Board rely, including, in cases where pertinent:

(a) Estimates of the costs of performing the contract, and an explanation of the basis for the estimates which clearly sets forth the methodology involved in the assignment of direct and allocated costs and the investment related thereto (including, where available and relevant, data as to costs of performing past contracts for the transportation of mail by air);

(b) Estimates of the effect of the contract upon such carrier's revenues, and an explanation of the basis for the estimates (including, where available and relevant, data as to effects upon revenues resulting from past contracts for the transportation of mail by air); and

(c) Estimates of the annual volume of contract mail (weight and ton-miles) under the proposed contract, the nature of such mail (letter mail, parcel post, third-class, etc.), together with a statement as to the extent to which this traffic is new or diverted from existing classes of air and surface mail services and the priority assigned to this class of mail.

§ 302.1504 Service.

A copy of each contract filed pursuant to § 302.1502 shall be served upon each of the following persons:

(a) Each certificated route air carrier, other than the contracting carrier, which is authorized to carry mail between any pair of points between which mail is to be transported pursuant to the contract, and

(b) Each commuter air carrier (as defined in § 298.2 of this chapter) which serves between any pair of points between which mail is to be transported pursuant to the contract.

§ 302.1505 Complaints.

Within 10 days of the filing of a contract, any interested person may file with the Board a complaint against the contract setting forth the basis for such complaint and all pertinent information in support of same. A copy of the complaint shall be served upon each of the parties to the contract: *Provided*, That any complaint served upon the Postal Service pursuant to this section shall be addressed to the Assistant General Counsel, Transportation, U.S. Postal Service, Washington, D.C. 20260.

§ 302.1506 Answers to complaints.

Answers to the complaint may be filed within 10 days of the filing of the complaint. Copies of the answer shall be served upon the parties to the contract, and upon the complaining party: *Provided*, That any answer served upon the Postal Service pursuant to this section shall be addressed to the Assistant General Counsel, Transportation, Postal Service, Washington, D.C. 20260.

§ 302.1507 Further procedures.

(a) In any case where a complaint is filed, the Board shall issue either an order dismissing the complaint, or an order disapproving the contract. Such order shall be issued not later than 10 days prior to the effective date of the contract.

(b) In cases where no complaint is filed, the Board may issue an order directing the parties to the contract to show cause why the contract should not be disapproved. Unless otherwise specified by the Board, written answer to the order and supporting documents shall be filed within 10 days of the date of service of the order to show cause. A final order containing the Board's determination as to whether the contract should be disapproved shall be issued not later than 10 days prior to the effective date of the contract.

§ 302.1508 Petitions for reconsideration.

Except in the case of a Board determination to disapprove a contract, no petitions for reconsideration of any Board determination pursuant to this subpart shall be entertained.

[FR Doc.71-2816 Filed 3-1-71;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Riverside 1249]

CALIFORNIA

Opening of Land From Waterpower Withdrawal

FEBRUARY 23, 1971.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (14 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the authority of Bureau Order No. 701 of July 23, 1964 (29 F.R. 10526), as amended, as redelegated to me by the California State Director on August 11, 1967 (32 F.R. 11647), it is ordered as follows:

1. In an order issued October 29, 1968, the Federal Power Commission vacated EP-371-California, for the following described lands, all within the Inyo National Forest:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 1 S., R. 26 E.,
Sec. 5, lots 2 and 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, NE¼, E½NW¼, NE¼SW¼, NW¼SE¼;
Sec. 21, N½NW¼, SW¼NW¼, W½SW¼;
Sec. 28, W½W½;
Sec. 33, W½W½.
T. 2 S., R. 26 E.,
Sec. 4, lots 1 to 4, inclusive, S½N½, SW¼, NW¼SE¼;
Sec. 9, W½W½;
Sec. 13, S½;
Sec. 14, lots 2 and 3, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 15, lots 1 and 2, SW¼NE¼, S½NW¼, S½;
Sec. 16, NE¼NE¼, S½N½, S½;
Sec. 23, N½N½;
Sec. 24, N½N½.
T. 2 S., R. 27 E.,
Sec. 15, S½S½;
Sec. 16, S½S½;
Sec. 17, S½;
Sec. 18, S½;
Sec. 19, N½N½;
Sec. 20, N½;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, N½, N½S½;
Sec. 24, N½, N½S½.

2. At 10 a.m., April 15, 1971, the lands described in paragraph 1 will be opened to such forms of disposal as may by law be made of national forest lands, subject to valid existing rights, withdrawals and classifications and the requirement of applicable laws and regulations.

WALTER F. HOLMES,
Assistant Land Office Manager,
Riverside, California.

[FR Doc.71-2783 Filed 3-1-71;8:48 am]

[Serial No. I-3823]

IDAHO

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

FEBRUARY 22, 1971.

1. In F.R. Doc. 70-16714; filed December 11, 1970, appearing on pages 18926-7 of the issue for December 12, 1970, the following corrections should be made:

In T. 3 S., R. 1 E.,

"Sec. 9, W½W½;" should read:

Sec. 9, S½N½, NW¼NW¼, S½;

"Sec. 15, W½E½, NW¼, E½SW¼, SE¼SE¼;" should read:

Sec. 15, E½, NW¼, E½SW¼;

"Sec. 22, lots 3, 4, 5, 6, 7, 8, 9, NW¼NE¼, S½NE¼ E½NW¼, SE¼" should read:

Sec. 22, lots 3, 4, 5, 6, 7, 8, 9, NE¼, E½NW¼, SW¼SW¼;

"Sec. 24, SW¼NE¼, SE¼NW¼, S½;" should read:

Sec. 24, S½N½, S½;

"Sec. 25, W½NE¼, W½, SE¼;" should read:

Sec. 25, All;

In T. 4 S., R. 2 E.,

"Sec. 14, lots 1, 3, NE¼, SE¼NW¼, SW¼, NW¼SE¼;" should read:

Sec. 14, lots 1, 3, NE¼, SE¼NW¼, SW¼, W½SE¼;

"Sec. 15, N½NE¼, SW¼NE¼, NW¼;" should read:

Sec. 15, lots 3, 4, N½NE¼, SW¼NE¼, NW¼, SE¼SE¼;

"Sec. 23, NW¼NW¼, S½NW¼ SW¼, NW¼SE¼, S½SE¼;" should read:

Sec. 23, W½E½, W½, SE¼SE¼;

2. Notice of an application Serial No. I-3823, for withdrawal and reservation of lands was published as F.R. Doc. 70-16714 on pages 18926-7 of the issue for December 12, 1970. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2350, such lands will be at 10 a.m. on March 10, 1971, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

T. 1 S., R. 1 W., Boise Meridian, Idaho,
Sec. 29, S½SW¼;
Sec. 31, NE¼NE¼;
Sec. 32, NW¼NW¼.

Containing 160 acres.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71-2749 Filed 3-1-71;8:46 am]

[Wyoming 27621]

WYOMING

Order Providing for Opening of Public Lands

FEBRUARY 23, 1971.

1. By donation, pursuant to section 8(a) of the Taylor Grazing Act (43 U.S.C. 315g(a)), the following described lands became public land of the United States:

SIXTH PRINCIPAL MERIDIAN

T. 38 N., R. 91 W.,
Sec. 13, tracts 40 and 42.

The area described aggregates 39.29 acres.

2. The lands are located in Fremont County near the Lysite townsite. Topography is level to gently rolling. The lands have surface values for livestock grazing, wildlife habitat, watershed and limited recreation.

3. Subject to valid existing rights, and the requirements of applicable law, tracts 40 and 42 will at 10 a.m. on March 30, 1971, be open to application, petition and selection under the public land laws. All valid applications received at or prior to 10 a.m. on March 30, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 1828, Cheyenne, WY 82001.

JOHN R. KILLOUGH,
Acting State Director.

[FR Doc.71-2748 Filed 3-1-71;8:46 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 20, 1971, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added:

ALABAMA

Blount County

Oneonta vicinity, *Horton Mill Covered Bridge*, 5 miles north of Oneonta on Route 3.

Washington County

St. Stephens vicinity, *Site of Old St. Stephens*, northeast of St. Stephens and bounded on the north by cement excavations, on the east by the Tombigbee River, on the south by woodland, and on the west by woodland and pasture.

CALIFORNIA

Contra Costa County

Richmond vicinity, *East Brother Island Light Station*, on the East Brother Island west of Point San Pablo.

Los Angeles County

Wilmington, *Drum Barracks*, 1053 Carey Street.

Placer County

Auburn, *Old Auburn Historic District*, bounded approximately by Interstate 80, Maple Street, and Hamilton Lane on the north, High Street on the south, and including the westerly frontage on Spring Street, the easterly frontage on Lincoln Way and Sacramento Street, and the Traveler's Rest and Winery property at the southeast of the historic district.

Solano County

Benicia, *Benicia Capitol-Courthouse*, First and G Streets.

CONNECTICUT

Fairfield County

Redding, *Putnam Memorial State Park*, intersection of Routes 58 (Block Rock Turnpike) and 107 (Park Road).

Hartford County

Wethersfield, *Old Wethersfield Historic District*, bounded on the north and west by the New York, New Haven & Hartford Railroad tracks, on the east by Interstate 91, and also on the north by Wethersfield Cove.

New London County

New London, *Shaw Mansion*, 11 Blinman Street.
New London, *Whale Oil Row*, 105–119 Huntington Street.
Norwichtown, *Lathrop, Dr. Daniel, School*, 69 East Town Street.
Norwichtown, *Lathrop, Dr. Joshua, House*, 377 Washington Street.
Norwichtown, *Leffingwell Inn*, 348 Washington Street.

GEORGIA

Gwinnett County

Lawrenceville, *Old Seminary Building (Lawrence Female Seminary Building)* Perry Street.

McDuffie Connty

Thomson vicinity, *The Old Rock House*, about 3 miles northwest of Thomson on Old Rock House Road.

Muscogee County

Columbus, *Springer Opera House*, 105 10th Street.

ILLINOIS

Pike County

Pittsfield, *Pittsfield East School*, 400 East Jefferson.

KANSAS

Barton County

Pawnee Rock vicinity, *Pawnee Rock*, 0.2 mile north of Pawnee Rock off U.S. 56.

Johnson County (also in Jackson County, Mo.)

Leawood, *Majors, Alexander, House*, 8145 State Line Road.

MARYLAND

Garrett County

Grantsville vicinity, *Fuller-Baker Log House*, 0.5 mile west of Grantsville on U.S. 40.

MICHIGAN

Ingham County

Lansing, *Michigan State Capitol*, Capitol Avenue at Michigan Avenue.

MINNESOTA

Clearwater County

Lake Itasca vicinity, *Itasca Bison Site*, NW¼NW¼ sec. 22, T. 143 N., R. 36 W.

MISSOURI

Callaway County

Mokane vicinity, *Mealy Mounds Archeological Site*, 2 miles northeast of Mokane.

Cole County

Osage City vicinity, *Gay Archeological Site*, 0.5 mile northeast of Osage City.

Lawrence County

Mount Vernon vicinity, *Old Spanish Fort Archeological Site*, 3 miles south of Mount Vernon.

New Madrid County

Sikeston vicinity, *Sikeston Fortified Village Archeological Site*, 2 miles southeast of Sikeston.

Pulaski County

Buckhorn vicinity, *Decker Cave Archeological Site*, 4.5 miles southwest of Buckhorn.

St. Louis County

Crescent vicinity, *Crescent Quarry Archeological Site*, 1 mile east of Crescent.

Scott County

Diehlstadt vicinity, *Brown, E. L., Village and Mound Archeological Site*, 2.5 miles northeast of Diehlstadt.

Stoddard County

Bernie vicinity, *Rich Woods Archeological Site*, 2 miles north of Bernie.

Vernon County

Arthur vicinity, *Coal Pit Archeological Site*, 1 mile northwest of Arthur.
Fair Haven vicinity, *Brown Archeological Site*, 2 miles west of Fair Haven.

Washington County

Caledonia vicinity, *Lost Creek Pictograph Archeological Site*, 2 miles northeast of Caledonia.

NEW JERSEY

Cape May County

Cape May, *Cape May Historic District*, bounded on the south by the Atlantic Ocean from Second Avenue on the west to the Coast Guard base on the east; bounded on the north by Cape May harbor to Schellenger's Creek to Cape Island Creek and thus westerly to Sixth Avenue; thence south on Pacific Avenue to Sunset Boulevard, south to Cape Island Creek, east to Broadway, south to Mount Vernon Avenue and west to Second Avenue.

NEW YORK

Albany County

Coeymans, *Coaymans School (Acton Civil Polytechnic Institute)*, southwest corner of Westerlo Street and Civill Avenue.

Herkimer County

Danube, *Herkimer House*, near New York 5S.

Rensselaer County

Troy, *National State Bank Building*, 297 River Street.

PENNSYLVANIA

Delaware County

Wallingford, *Leiper, Thomas, Estate*, Avondale Road.

Lehigh County

Allentown, *Nonnemaker House (Thomas Mewhorter House)*, 301 South Lehigh Street.

Philadelphia County

Philadelphia, *Twelfth Street Meetinghouse*, 20 South 12th Street.

RHODE ISLAND

Providence County

Providence, *Woods-Gerry House*, 62 Prospect Street.

SOUTH CAROLINA

Charleston County

Charleston, *Simmons-Edwards House*, 12–14 Legare Street.

Georgetown County

Georgetown vicinity, *Hopsewee (Thomas Lynch House)*, 12 miles south of Georgetown on U.S. 17.

Marlboro County

Wallace vicinity, *Pegues Place*, 6 miles north of Wallace, just off U.S. 1 on County Route 266.

Richland County

Columbia, *First Baptist Church*, 1306 Hampton Street.
Columbia, *First Presbyterian Church*, 1324 Marion Street.
Eastover vicinity, *Kensington Plantation House*, 8 miles east of Eastover near Farm Road 764.

TENNESSEE

Shelby County

Memphis, *First Baptist Church*, 379 Beale Avenue.
Memphis, *Tri-State Bank*, 390 Beale Street.

VIRGINIA

New Kent County

Tunstall vicinity, *Hampstead*, 1 mile northwest of the intersection of Routes 606 and 607.

WISCONSIN

Dane County

Madison, *Old Synagogue (Shaare Shomain Synagogue)*, 214 West Washington Avenue.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[FR Doc.71-2689 Filed 3-1-71;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-505]

JOHN S. DOW

Notice of Loan Application

FEBRUARY 24, 1971.

John S. Dow, 30 Linden Street, Rockland, ME 04841 has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 37-foot length overall fiberglass vessel to engage in the fishery for lobsters, shrimp, and scallops.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-2763 Filed 3-1-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 22474, 23080; Order 71-2-98]

AIR INDIES CORP.

Order To Show Cause

Issued under delegated authority February 23, 1971.

The establishment of temporary service mail rates for Air Indies Corporation; Dockets Nos. 22474, 23080.

Air Indies Corp. (Air Indies), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By petition filed August 17, 1970, Air Indies requested the Board to establish final mail rates for the transportation of mail by aircraft between San Juan and Ponce, P.R. By Order 70-12-166, adopted December 31, 1970, the Board authorized Caribbean-Atlantic Airlines, Inc., to suspend certificated service at Ponce until April 1, 1971, or until construction is completed at Ponce Airport, whichever occurs later. By Order 71-2-23, adopted February 4, 1971, in this docket, the Board granted Air Indies exemption authority to engage in the transportation of mail by air in these markets.

No service mail rates are currently in effect for this transportation by Air Indies. Air Indies requests that the multielement service mail rates established for priority mail by Order E-25610, August 28, 1967, in the Domestic Service Mail Rate Investigation, and for nonpriority mail by Order 70-4-9, April 2, 1970, Nonpriority Mail Rates, be made applicable to this carriage of mail.[1] The Postmaster General supports the Air Indies petition and states that the Postal Service and Air Indies agree that the applicable multielement rates are the fair and reasonable rates of compensation for the proposed services.

The rates established by Orders E-25610 and 70-4-9 have been open since December 12, 1970, pursuant to Order 70-12-48, December 8, 1970, instituting an investigation of the domestic service mail rates for priority and nonpriority mail. Therefore, the present domestic service rates for the transportation of priority and nonpriority mail by air are subject to such retroactive adjustment to December 12, 1970, as the final decision in the current domestic service mail rate investigation may provide.

We propose to establish service rates for the transportation by Air Indies of priority and nonpriority mail at the levels established in Orders E-25610 and 70-4-9, respectively. These rates and provisions will be subject to retroactive adjustment when the current Priority & Nonpriority Domestic Service Mail Rate Investigation, in Docket 23080, is concluded. Furthermore, Air Indies will be made a party to that proceeding.

The Board finds it in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

On and after February 4, 1971, the fair and reasonable service mail rates to be paid to Air Indies Corp., entirely by the Postmaster General 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, between San Juan and Ponce, P.R., shall be:

(a) For priority mail, the multielement rates established by the Board in Order E-25610, August 28, 1967, as amended;

(b) For nonpriority mail, the multielement rates established by the Board in Order 70-4-9, April 2, 1970; and

(c) The rates and provisions of Orders E-25610 and 70-4-9 shall be applicable to Air Indies Corp. on a temporary basis, subject to such retroactive adjustment as the decision in Docket 23080 may provide.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's Regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.16(f):

It is ordered, That:

1. Air Indies Corp., the Postmaster General, Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., and all other interested persons, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable temporary rates of compensation to be paid to Air Indies Corp. for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the service connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below;

3. Air Indies Corp. is hereby made a party in Docket 23080; and

4. This order shall be served upon Air Indies Corp., the Postmaster General, Caribbean-Atlantic Airlines, Inc., Eastern Air Lines Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

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

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

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

[FR Doc.71-2818 Filed 3-1-71;8:51 am]

[1] The service mail rates established by those orders provide for terminal charges per pound of mail originated of 2.34 cents at San Juan and 4.68 cents at Ponce, plus linehaul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

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

[Docket No. 23140; Order 71-2-109]

DOMESTIC TRUNKLINE AND LOCAL SERVICE CARRIERS

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of February 1971.

Reasonableness of passenger fares charged by domestic trunkline and local service carriers from October 1, 1969, through October 14, 1970; Docket 23140.

On July 24, 1970, Congressman John E. Moss et al., filed a supplemental complaint with the Board [1] requesting, inter alia, that the Board institute an adjudicatory proceeding to determine appropriate relief for alleged fare overcharges for the period during which the air carrier parties charged fares pursuant to the tariffs declared unlawful by the Court of Appeals for the District of Columbia Circuit.[2] This period extended from October 1, 1969, "through the date on which lawful domestic passenger fares are re-established." [3] Specifically, the supplemental complaint requested that the Board calculate "the sum unlawfully extracted from the public" and "the proper disposition of the overcharge."

Initially, the Board entered an order on supplemental complaint (Order 70-9-73, Sept. 15, 1970) calling for briefs from the parties on a number of troublesome issues in order to assist the Board in deciding whether to institute the requested proceeding. Briefly, we asked for the parties' views on (1) the Board's legal power to order refunds or grant other relief, assuming that the fares charged after October 1, 1969, embodied "overcharges"; (2) the nature of the proof appropriate to a determination of unreasonableness or that the fares in question constituted "overcharges"; (3) the interrelationship of the requested proceeding and the Domestic Passenger-Fare Investigation, Docket 21866, now in an advanced state of progress; and (4) the practicality and feasibility of the various suggested forms of relief, if any, to be accorded.

The materials that we have requested have been submitted.[4] The Board has carefully considered all of the arguments and contentions presented, and we conclude that the public interest requires that we provide for the adjudicatory proceeding requested by the supplementary complaint and supported by virtually all of the carriers. These proceedings should not be burdensome to the parties since, as we explain below, the voluminous materials developed in the Domestic Passenger-Fare Investigation will be available for use here.

Specifically, we have determined that in light of all the circumstances an investigation should be initiated, including an adjudicatory hearing, to determine whether the fares charged from October 1, 1969, through October 14, 1970, were unjust and unreasonable, and if so, the amount of any overcharges that resulted for the period in question.[5] The fact that we are instituting an investigation does not necessarily reflect a view that the Board has power to grant relief; rather, we will defer resolution of this jurisdictional issue until such time as the factual issue of reasonableness is ready for decision. Moreover, we will also defer until that time the form any eventual relief may take, although we will expect the parties to develop an evidentiary record on this issue. We are also persuaded that this investigation should remain separate and distinct from the Domestic Passenger-Fare Investigation, but to the extent that evidence in the latter proceeding is relevant herein, such evidence is to be utilized to the maximum extent possible. Finally, we find that the justness and reasonableness of the fares in question will be best determined by application of the standards traditionally governing Board practice in rate cases as set forth in sections 102 and 1002(e) of the Act. The reasons and bases for our action are more fully explicated below.

Initially, it should be noted that virtually no controversy exsits among the parties concerning the desirability of having an adjudicatory proceeding. The Moss group argues that the Board has power to grant the relief requested in the supplemental complaint, relying chiefly upon United Gas Improvement Co. v. Callery, 382 U.S. 223 (1965) for the proposition that "an agency, like a court, can undo what is wrongfully done by virtue of its orders." [6] Accordingly, the complainants urge us to exercise our power to determine the extent of any "overcharges," and their appropriate disposition. The air carrier parties on the other hand, while arguing that the Board lacks power to order relief in the nature of refunds or reparations,[7] urge that a hearing be held nevertheless. Only Trans World Airlines, Inc. (TWA) is opposed, arguing that the T.I.M.E. case is an insurmountable bar to reparations and that no purpose would be served by a hearing.

The carriers emphasize as grounds for proceeding with a hearing the existence of a number of class actions seeking to recover alleged overcharges from the airlines following the decision of the Court of Appeals in the Moss case.[8] Should any

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[1] The original docket number and caption of this proceeding ("Passenger fare revisions proposed by the Domestic Trunkline Carriers," Docket 21322) have been replaced by a new caption and docket number in order to avoid confusion and to describe more accurately the investigation being undertaken herein.

[2] Moss, et al. v. C.A.B., 430 F.2d 891 (decided July 9, 1970).

[3] Tariffs replacing those declared unlawful by the court went into effect on Oct. 15, 1970. Order 70-7-128, dated July 28, 1970, established a program for achieving compliance with the Moss decision. The adopted procedures were approved by the court (Moss et al. v. C.A.B., C.A.D.C. No. 23,627, Order dated July 30, 1970). Order 70-9-123, dated Sept. 24, 1970, disposed of the new tariffs filed in response to Order 70-7-128, allowing several to go into effect and suspending others. All air carriers subsequently filed tariffs matching those which the Board permitted to go into effect, and these filing have also been permitted to go into effect (Special Tariff Permissions Nos. 27381 and 27396). All the new tariffs bore an effective date of Oct. 15, 1970.

[4] Briefs were filed by Honorable John E. Moss et al., Air West & Piedmont Aviation, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc. & North Central Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

Answering briefs were filed by Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[5] We are concerned here with the reasonableness of the general level of fares which took effect on Oct. 1, 1969, in compliance with Board Order 69-9-68, which the court declared invalid in the Moss case. As we have indicated in earlier orders, the Oct. 1, 1969, fare increases increased the average industry level of fares by approximately 6.35 percent. However, a substantial number of fares, particularly in long-haul markets, were reduced, many others were not changed, any those that were increased, were increased by widely varying percentages. The investigation we are instituting will not be concerned with either assessing or determining the reasonableness of specific fares in the myriad of city-pair markets in the United States, but only with the reasonableness of the general level of fares effective during the retrospective period, the returns to the carriers which they produced, and their conformance as a whole to the standards of section 1002(e) and 102 of the Act. More specifically, we are concerned with the question of whether the fares charged were within the zone of reasonableness and, if not, the extent to which the carriers were "unjustly enriched."

[6] Complainants acknowledge that the Federal Aviation Act lacks provision for reparations, but assert that this is irrelevant. They argue that they seek a remedy for illegal and excessive Board-made rates which are successfully challenged on substantive grounds on direct court review, rather than "reparations," which flow out of "collateral attack upon carrier-made rates which, when imposed, * * * [are] final and valid in the sense of being no longer subject to direct judicial review." Thus, in their view, the statutory concept of "reparations" is inapplicable to this case.

[7] The air carriers rely upon T.I.M.E. v. United States, 359 U.S. 464 (1959), and various other cases as well as the legislative history of the Federal Aviation Act. They also distinguish the Callery case on the facts as well as differences in the enabling statute, and assert that the defects found by the Court of Appeals in the Moss case were procedural rather than substantive, thus precluding reparations or other relief in any case.

[8] Air Travelers Association, et al. v. Air West, Inc., et al., U.S.D.C. N.D. Cal., Civil Action No. C-70 1540 SAW; William M. Bennett, et al v. Air Transport Association of America, et al., U.S.D.C. N.D. Cal., Civil Action No. C-70 1608 GSL; Michael W. Williams, et al. v. American Airlines, Inc., et al., U.S.D.C. D.C., Civil Action No. 2162-70; Alan Weidberg, et al. v. American Airlines, Inc., et al., U.S.D.C. N.D. Ill., Civil Action No. 70C 1879; Wayne A. Benjamin, et al. v. Delta Airlines, Inc., et al., U.S.D.C. N.D. Ill., Civil Action No. 70C 2004; Allen E. Botney v. American Airlines, Inc., et al., U.S.D.C. C.D. Cal., Civil Action No. 70-2405-R.

of the suits proceed to a decision on the merits, the carriers point out, the issue of the reasonableness of the fares, central to any award of restitution by the courts, would fall within the primary jurisdiction of the Board and would therefore have to be referred to the Board. Consequently, the air carrier parties (except TWA) urge us to institute a proceeding to determine justness and reasonableness, meanwhile deferring decision on the Board's power to grant relief, since the factual decision may well moot the jurisdictional issue.

Conversely, the Moss group, while not controverting the carriers' arguments, urges the Board to proceed initially on the jurisdictional issue, asserting that they are not parties to the class actions, and that it would be unfair and burdensome for them to participate in a factual determination if the Board should subsequently decide that it lacks power to grant the relief requested.

We agree with the complainants and the air carrier parties that a hearing is desirable. It is apparent that substantial uncertainty has followed in the wake of the Court's decision in the Moss case, and that a hearing will be necessary to clear the air concerning the fares in effect from October 1, 1969, through October 14, 1970. While the Court declared the fares unlawful, it did so on what we believe to be purely procedural grounds, intimating no opinion as to the fares' justness or reasonableness.[9] Moreover, pending the new tariffs filed for effectiveness on October 15, 1970, without the onus of Board compulsion as found by the Court, the tariffs declared invalid by the Court were the only ones which could be legally charged pursuant to Section 403 of the Federal Aviation Act.[10] Nevertheless, it appears that segments of the traveling public may view the fares in effect during the period in question as constituting "overcharges" and resulting in unjust enrichment of the airlines, as witnessed by the class actions in the various lower courts around the country as well as by the supplmentary complaint herein. Thus, the present unsettled condition concerning the fares works to the detriment of the scheduled air transportation system in general.

Finally, should any or all of the class actions surmount the initial jurisdictional hurdle and proceed to trial on the merits,[11] it would appear that the central issue would not be whether the airlines were entitled to collect the fares in question, but whether they are entitled to retain such amounts or a part thereof which were above the lawful fares in effect before October 1, 1969. Atlantic Coast Line R. Co. v. Florida, 295 U.S. 301 (1935), holds that relief is available only if it is shown that the retention of the moneys collected would "unjustly enrich" the carriers at the expense of the traveling public. It appears that the issue of "unjust enrichment" necessarily entails an assessment of the justness and reasonableness of the fares, a function statutorily entrusted to the primary jurisdiction of the Board.[12] Thus, it may well be that the factual issue of reasonableness will be referred to the Board for determination at some time in the future in any case. Under these circumstances, the Board's resolution of the reasonableness issue at this time could be an aid to the district courts in fashioning relief, if indeed relief is due, or in determining whether the class actions should be entertained any further.

For all of the above reasons we find that it is in the public interest to provide for the adjudicatory proceeding requested by the supplemental complaint and to determine the justness and reasonableness of the general level of fares for the past period in question. We do not think, however, that we should or need decide at this time the question of our power to order the relief requested. It may well be that the fares were in fact just and reasonable, as the carriers assert they are prepared to prove. If so, the jurisdictional issue could be "by-passed," [13] since a finding of reasonableness would be an adequate basis for passing upon the supplemental complaint.[14] Moreover, as noted above, the factual issue of reasonableness may come before the Board in any case, whereas a Board decision on jurisdictional grounds, even if favorable to complainants, would neither assist the district courts in the near future, nor remove the uncertainty currently surrounding the fares in question, since our determination of the Board's power would not necessarily bar the courts from acting.

In sum, we are convinced that to proceed first with the adjudicatory investigation instituted herein will serve a number of important public interests. It will provide both the carriers and the traveling public with one central forum wherein to present their respective views and evidence on the matter lying at the core of the controversy surrounding the fares in issue, their justness and reasonableness. It may further provide the various courts presently entertaining class actions against the airlines with guidance on an issue within the Board's primary jurisdiction. And it should alleviate confusion and uncertainty with respect to the fares in issue. The Board is therefore of the opinion that this investigation, with the jurisdictional issue temporarily deferred, will most fairly meet the needs of the traveling public and the carriers and is thus in the public interest.[15]

The Board's order on supplemental complaint requested the parties' views on the interrelationship between the Domestic Passenger-Fare Investigation and the proceeding requested by the complainants. Most carrier parties as well as the Moss group feel that this matter is retrospective, covering a "closed" period, whereas the Investigation is prospective, looking toward the establishment of fares and fare standards for the future, and that therefore consolidation would unnecessarily delay both proceedings. These parties conclude that the proposed proceeding be conducted independently, and that to the extent there is duplicative evidence it can be readily stipulated from the Domestic Passenger-Fare Investigation or otherwise incorporated into the separate proceeding.

We agree. The Domestic Passenger-Fare Investigation is now at an advanced stage, and the incorporation of the issues herein will require reopening of the record. Moreover, the Investigation is an extensive and complex reappraisal of the standards, structure, and level of domestic passenger fares with the purpose of guiding the air transportation system's fare development in the future. On the other hand, the crucial issue in this proceeding is the comparatively narrow one of the justness and reasonableness of the fares in effect for the "closed" period of October 1, 1969, through October 14, 1970. Many of the complex issues inherent in the Investigation do not arise in the adjudication we are instituting, and the folding in of this investigation

[9] See CAB Order 70–7–128, July 28, 1970, at 1; CAB Order 70–9–123, Sept. 24, 1970, at 5.

[10] The Court of Appeals recognized this factor in staying its mandate pending the establishment of new, lawful tariffs, Moss et al. v. CAB, CADC No. 23,627, Order dated July 30, 1970.

[11] We note that the Judicial Panel on Multidistrict Litigation is presently considering the possible consolidation of the class actions for purposes of pre-trial matters.

[12] Texas and Pacific R.R. Co. v. Abilene Cotton Oil Co., 204 U.S. 426, 448 (1907).

[13] The Board has on a number of recent occasions expressed its tentative view that it lacks power to order refunds or reparations, see CAB Order 70–7–128, July 28, 1970, at 1, and CAB Order 70–9–73, Sept. 15, 1970, at 3. However, the issue is not without doubt, Ibid., and the question has never been definitively settled.

[14] The deferral of jurisdictional issues pending resolution of factual questions is not unusual in either Board or judicial practice. See, e.g., Hawaiian Common Fares Case, 37 C.A.B. 269 (1962); Pan American World Airways, et al. v. C.A.B., 392 F.2d 483 (C.A.D.C., 1968) and cases cited therein at 486; Airline Employees Association v. C.A.B., 413 F.2d 1092 (C.A.D.C., 1969). Should the Board find the fares to have been unjust and unreasonable, we can thereafter squarely face the issue of our power to grant relief.

[15] We fail to see how this procedural arrangement will unduly burden the complainants, as they allege. In the first place, any hardship of presenting evidence before decision on the jurisdictional issue is ameliorated by the ready availability of evidence adduced in the Domestic Passenger-Fare Investigation. Secondly, the carriers intend to come forward with evidence on justness and reasonableness, so that the evidentiary burden does not lie solely or primarily on the complainants. Thirdly, any Board order finally disposing of the complaint is subject to court review. If the complainants expect to prevail in their contentions, as they assert they will, they will in any case be required to bear the burden of participating in the factual determination necessary to the relief they seek, whether the factual issue is heard prior to, contemporaneously with, or after the jurisdictional issue.

would, we believe, tend to blur the focus in both. Moreover, the time frames of the two proceedings differ. Consequently, we do not think that any significant duplication of evidence will occur. Thus, while the Investigation may be broad enough to absorb this proceeding, we are persuaded that completely separate proceedings would be preferable from the standpoint of convenience to the parties herein, the expeditious conclusion of both investigations, and the avoidance of unnecessary procedural complexity.

Nevertheless, it may be that some of the evidence adduced in the Domestic Passenger-Fare Investigation is relevant to this proceeding or duplicates pertinent evidence. To the extent that this is the case, we will allow the parties to stipulate evidence from the Investigation and in fact encourage them to do so to avoid needless expense and expenditure of time.

The Board also requested the parties' views on the nature of the proof to "be introduced to demonstrate that the fares charged after October 1, 1969, were 'excessive,' 'unreasonable,' or constituted 'overcharges' or that those fares were none of those things." The responses elicited diverged widely. The Moss group argued that the traveling public, not the carriers, is the aggrieved party, and that therefore the carriers have the entire burden of showing if any part of the fare increase was justifiable, or else the complainants will be entitled to the full amount of the increase above pre-October 1, 1969, levels as a matter of law.[16] On the other hand, some of the carriers assert that the basic showing is whether or not the carriers as a group had exceeded a 10.5 percent rate of return (our historical standard), and that consequently the only relevant proof is historical revenue and expense data for the period in question to determine the actual rate of return achieved. In their view, a full-blown rate proceeding would not be required.

We believe that the measure of overcharges, if any, constitutes those sums in excess of just and reasonable fares as determined by the standards of the Federal Aviation Act, which clothes us with the mantle of jurisdiction over this matter, particularly sections 1002(e) and 102 and the established practices of the Board thereunder. Thus, we agree with those carrier parties[17] who propose to show the fares accord with all of the substantive standards of the Act just as in any other rate proceeding involving a past period, with no presumption of either reasonableness or "unjust enrichment." We think that this approach will provide all parties with the opportunity to advance their contentions as to the reasonableness vel non of these fares on an equal basis and will best serve to build a useful record consistent with all of the substantive provisions of the Act. We leave the delineation of specific issues to the usual processes of the Board's adjudicatory machinery.

In light of our decision to defer the issue of our power to grant relief in the nature of refunds or reparations, we will also presently defer decision on the form any eventual relief might take. We believe that it would be appropriate, however, for the parties to develop an evidentiary basis at the hearing for the contentions they support with respect to the form any required relief is to take. Some air carriers assert that refunds to individuals would be a practical impossibility as well as administratively costly, and that in many markets fares were reduced, thus creating an obligation on some passengers to pay additional charges. Some of the carriers also assert that they lack capital to establish a specific fund to offset future fare increases. We will permit the introduction of concrete evidence bearing on these and similar problems, so that should we find the fares to be unjust and unreasonable and within our power to restore in appropriate fashion, we shall have an appropriate record to determine the specific means for effectuating our determinations.

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

It is ordered, That:

1. An investigation is instituted to determine whether the passenger fares between points in the 48 contiguous States and the District of Columbia in effect during the period October 1, 1969, to and including October 14, 1970, based upon Board Order 69-9-68, as modified during such period, and the rules, regulations and practices affecting such fares, were unjust and unreasonable, and if found to be unreasonable, to determine whether and to what extent other relief for fare-paying passengers, restoring overcharges unlawfully paid by them, or otherwise, may and should be granted. The fares are those published in Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 65, 90, 98, 99, 101, 117, 124, 125, 134, 136, 139, 142, 143, 144, 148, and 149;

2. The supplemental complaint of John E. Moss et al., dated July 24, 1970, to the extent deferred by previous Orders of the Board, be, and hereby is, consolidated in this proceeding;

3. The investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. The complainants, John E. Moss et al., and all domestic trunkline and local service carriers, are made parties to this investigation;

5. A copy of this order will be served upon the foregoing parties and upon counsel for plaintiffs in the Federal district court cases presently before the Judicial Panel on Multidistrict Litigation in its Docket No. 58—Air Fare Litigation, and upon counsel for plaintiffs in Rose et al. v. American Airlines, Inc. et al., U.S.D.C. N.D. Ill., Civil No. 70C-1844.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2819 Filed 3-1-71;8:51 am]

[16] The complainants argue that Atlantic Coast Line R. Co. v. Florida, 395 U.S. 301 (1935), which would seem to place the burden of persuasion as to unreasonableness of the fares on complainants, is inapplicable because the fares here in question were invalidated for substantive rather than merely procedural errors and were for that reason void rather than voidable as in the Atlantic case.

[17] American Airlines, Inc., Continental Air Lines, Inc., and Delta Air Lines, Inc.

[Docket No. 22214]

INTERAMERICAN AIRFREIGHT CO.

Notice of Prehearing Conference

Willy Peter Daetwyler doing business as Interamerican Airfreight Co.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 2, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., February 24, 1971.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[FR Doc.71-2817 Filed 3-1-71;8:51 am]

[Docket No. 20993; Order 71-2-105]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority February 24, 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates; Docket 20993, Agreement CAB 22096, R-12.

By Order 71-1-133, dated January 28, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71-1-133 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22096, R-12, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication: *Provided further*, That tariff filings shall not be made to implement the agreement prior to this date, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2820 Filed 3-1-71;8:51 am]

[Docket No. 19790; Order 71-2-106]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority February 24, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 68-10-165, dated October 29, 1968, 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 Texarkana and Dallas, Tex.

The Postmaster General filed a petition on February 5, 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 54.97 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 5, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 54.97 cents per great circle aircraft mile between Texarkana and Dallas, Tex.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Beechcraft Super 18 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. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate 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 Sedalia, Marshall, Boonville Stage Line, Inc.;

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 Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2821 Filed 3-1-71;8:51 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).

CIVIL SERVICE COMMISSION

AGRONOMIST, AGENCY FOR INTERNATIONAL DEVELOPMENT

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on January 27, 1971 for the position of Agronomist, GS-471-15 (requires research expertise in tropical and semitropical soil fertility and plant nutrients), Agency for International Development, Washington, D.C.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

This authorization is self-canceling when the position is filled.

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

[FR Doc.71-2801 Filed 3-1-71;8:49 am]

ASSISTANT TO COMMISSIONER FOR DATA PROCESSING, BUREAU OF CUSTOMS

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on February 10, 1971, for the single position of Assistant to the Commissioner for Data Processing, GS-330-15, Bureau of Customs, Washington, D.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

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

[FR Doc.71-2802 Filed 3-1-71;8:49 am]

PHYSICIAN ASSISTANTS

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on January 29, 1971, for two positions of Physician Assistant, GS-603-11, Muskogee, Okla. The findings are not to exceed 1 year and are self-canceling when the positions are filled.

Assuming other legal requirements are met, appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

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

[FR Doc.71-2803 Filed 3-1-71;8:49 am]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Public Affairs, Office of the Secretary.

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

[FR Doc.71-2804 Filed 3-1-71;8:49 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, National Marine Fisheries

Service, National Oceanic and Atmospheric Administration.

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

[FR Doc.71-2805 Filed 3-1-71;8:50 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary/Science and Technology Planning, Office of the Secretary.

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

[FR Doc.71-2806 Filed 3-1-71;8:50 am]

DEPARTMENT OF DEFENSE

Notice of Title Change in Noncareer Executive Assignment

By notice of April 8, 1969, F.R. Doc. 69-4144 the Civil Service Commission authorized the Department of Defense to fill by noncareer executive assignment the position of Special Assistant to the Assistant Secretary of Defense (International Security Affairs). This is notice that the title of this position is now being changed to Principal Assistant to the Assistant Secretary of Defense (International Security Affairs).

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

[FR Doc.71-2807 Filed 3-1-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Intradepartmental Educational Affairs, Office of the Secretary, Office of the Assistant Secretary/Commissioner of Education.

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

[FR Doc.71-2808 Filed 3-1-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant for New Communities, Office of the Assistant Secretary for Metropolitan Development.

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

[FR Doc.71-2809 Filed 3-1-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Housing Management, Office of the Director, Renewal and Housing Management.

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

[FR Doc.71-2810 Filed 3-1-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Housing Program Management Division, Office of Housing Management, Renewal and Housing Management.

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

[FR Doc.71-2811 Filed 3-1-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of New Communities Development, Office of the Assistant Secretary for Metropolitan Planning and Development.

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

[FR Doc.71-2812 Filed 3-1-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Research and Technology, Office of the Assistant Secretary for Research and Technology, Immediate Office.

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

[FR Doc.71-2813 Filed 3-1-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

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

[FR Doc.71-2814 Filed 3-1-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Secretary of Guam, Office of Territories, Government of Guam.

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

[FR Doc.71-2815 Filed 3-1-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16495; FCC 71-174]

DOMESTIC COMMUNICATIONS SATELLITE FACILITIES

Applications Accepted for Filing for Consideration

FEBRUARY 19, 1971.

1. On December 22, 1970, applications for domestic communications satellite facilities were submitted by Hughes Aircraft Co. (Hughes); General Telephone Company of California, General Telephone Company of Florida, General Telephone Company of Indiana, Inc., and Bethel and Mount Aetna Telephone and Telegraph Co. (General System Companies); and Hawaiian Telephone Co. (Hawaiian). Upon preliminary examination of such applications, we are of the view that the applications are substantially complete and acceptable for filing for consideration in Docket No. 16495 insofar as the Hughes-General proposal and the Hawaiian proposal are concerned, but are not complete for the purpose of the Hughes proposal to transmit television programs for delivery to cable television operators.[1] Acceptance of the applications (to the extent listed below) for filing does not, of course, constitute any determination on the merits or preclude the Commission from requesting additional information in the course of processing such applications. Nor does it constitute a finding as to whether or not the provisions of service by Hughes is or should be a common carrier activity and subject to regulation as such. That question will be addressed when the Commission considers the application on its merits.

2. Applicants and other interested persons are requested to utilize the rule making procedure in Docket No. 16495 rather than filing petitions to deny domestic satellite applications (including interconnecting terrestrial) pursuant to section 309 of the Communications Act. See Report and Order in Docket No. 16495 issued on March 24, 1970 (22 FCC 2d 86) and Memorandum Opinion and Order in Docket No. 16495 issued on December 2, 1970 (FCC 70-1238), establishing cutoff dates for applications to be considered with those of Western Union and filing dates for comments and reply comments (March 30 and April 26, 1971, respectively) on the applications and on the issues in the proposed rule making (Notice of Proposed Rule Making, 22 FCC 810; Further Notice of Proposed Rule Making, FCC 70-1015). With respect to the point-to-point microwave applications filed by the General System Companies and Hawaiian in the Domestic Public Radio Service, which were previously listed on January 11, 1971,[2] the cutoff provisions of § 21.30(b) of the Commission's rules are superseded by the dates prescribed in Docket No. 16495 except for claims of frequency interference. In accordance with the provisions of § 1.419 of the Commission's rules and the Report and Order in Docket No. 16495, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. In reaching its decision on these applications and on the proposed rule making, the Commission may take into account any other relevant information before it, in addition to the comments of the parties and the applications.

3. The applications which are hereby accepted for filing are as follows:[3]

[1] The Hughes proposal is presently incomplete for failure to show eligibility to use the microwave frequencies proposed for partial terrestrial interconnection between its operating centers and the earth stations in Califon, N.J., and San Juan Capistrano, Calif.

[2] Common Carrier Services Information, Report No. 526, Jan. 11, 1971.

[3] The overall description of a proposal is associated with the application for the lead earth station.

DOMESTIC COMMUNICATIONS SATELLITE SERVICE

SPACE STATIONS

5-DSS-P(3)-71—Hughes Aircraft Co. (New), C.P.'s for three space stations to be placed in geostationary orbit at 97°, 100°, and 103° W. longitude. Each satellite will have 12 transponders with receive frequencies in 5925-6425 MHz band and transmit frequencies in 3700-4200 MHz band. Each satellite will have a 60-inch diameter mechanically despun antenna with multiple antenna feeds providing 6.8° x 3.5° beams (33.1 dBw) to coterminus United States and pencil beams (25 dBw) to Alaska and Hawaii.

EARTH STATIONS

12-DSE-P-71—Hughes Aircraft Co. (New), C.P. for earth station near San Juan Capistrano, Calif., at 33°34'52" N., and 117°31'47" W. Station will use a 98-foot diameter antenna (with a 42-foot antenna to be installed at a later date as a backup) to receive in 3700-4200 MHz band and transmit in 5925-6425 MHz band. Power output will be 100 watts for the 98-foot antenna and 500 watts for the 42-foot antenna with maximum EIRP of 83 dBw in main beam.

13-DSE-P-71—Hughes Aircraft Co. (New), C.P. for earth station at Califon, N.J., at 40° 44'41" N. and 74°49'22" W. Station parameters same as 12-DSE-P-71.

[NOTE: Files Nos. 12-DSE-P-71 and 13-DSE-P-71 are accepted for filing in conjunction with the Hughes-General System Companies domestic satellite system proposal for tracking, telemetry and control purposes, subject to the filing of further information with respect to the proposal of Hughes Aircraft Company for use of these stations for transmission of television programs to receive-only stations.]

14-DSE-P-71—General Telephone Co. of California (New), C.P. for earth station at Triunfo Pass, Calif., at 34°04'55" N. and 118°53'45" W. Station will use two 95-100-foot-diameter antennas to receive in 3700-4200 MHz band and transmit in 5925-6425 MHz band. Power output will be 1 kilowatt with EIRP of 92 dBw in main beam and +3 dBw/4 KHz in horizontal plane.

15-DSE-P-71—General Telephone Co. of Indiana (New), C.P. for earth station at Metamora, Ind., at 39°23'57" N. and 85°13'30" W. Station parameters same as 14-DSE-P-71.

16-DSE-P-71—Bethel and Mount Aetna Telephone and Telegraph Co. (New), C.P. for earth station at Indiantown Gap, Pa., at 40°28'31" N. and 76°33'53" W. Station parameters same as 14-DSE-P-71.

17-DSE-P-71—General Telephone Co. of Florida (New), C.P. for earth station at Homosassa, Fla., at 28°51'18" N. and 82°31'58" W. Station parameters same as 14-DSE-P-71.

(INFORMATIVE: Applicants propose to use these stations in conjunction with the space segment of the Hughes Aircraft Co. proposed domestic satellite system to supplement and interconnect terrestrial facilities of the General System Companies.)

8-DSE(R)-P-71—Hawaiian Telephone Co. (New), C.P. for earth station at Pupukea, Oahu, Hawaii, at 21°39'46" N. and 158°03'03" W. Station will use a 45-foot-diameter antenna with multihorn feeds to receive in 3700-4200 MHz band and transmit in 5925-6425 MHz band. Power output will be 330 watt with EIRP of 83 dBw in main beam and +3 dBw/4 KHz in horizontal plane.

(INFORMATIVE: Applicant proposes to use this earth station in conjunction with the domestic satellite system proposed by The Western Union Telegraph Co. or any other authorized domestic satellite system which is economically viable for Hawaii. Station will be operated initially as a receive-only station for television programs, but will have capacity for two-way message and television transmission service.)

POINT-TO-POINT MICROWAVE RADIO SERVICE

The following applications were listed and described in the Common Carrier Services Information Report No. 526 of Jan. 11, 1971, and are accepted for filing for consideration in Docket No. 16495 in connection with the domestic satellite proposals of Hughes-General System Companies and Hawaiian Telephone Co.:

3369-C1-P-71, 3370-C1-P-71, 3395-C1-P-71, 3396-C1-P-71, General Telephone Co. of California.

3444-C1-P-71, 3445-C1-P-71, 3446-C1-P-71, General Telephone Co. of Indiana.

3397-C1-P-71, 3398-C1-P-71, Bethel and Mount Aetna Telephone & Telegraph Co.

3400-C1-P-71, 3401-C1-P-71, 3402-C1-P-71, General Telephone Co. of Florida.

3364-C1-P-71, 3365-C1-P-71, 3366-C1-P-71, 3367-C1-P-71, 3368-C1-P-71, Hawaiian Telephone Co.

Action by the Commission[4] February 18, 1971.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[FR Doc.71-2727 Filed 3-1-71;8:45 am]

[4] Commissioners Burch (Chairman), Robert E. Lee, Johnson, H. Rex Lee, Wells, and Houser.

[Canadian List 277]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

FEBRUARY 15, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		710 kHz							
CJRN (change of daytime site and radiation pattern—PO: 1600 kHz, 10 kw., DA-2).	Niagara Falls, Ontario, N. 42°53'52", W. 78° 57'27".	5D/2.5N	DA-2	U	II				
		1220 kHz							
CKSM (now in operation with increased power).	Shawinigan Falls, Quebec, N. 46°35'26.5", W. 72°45'46.5".	10D/2.5N	DA-2	U	II				
		1240 kHz							
CKBX (assignment of call letters).	100 Mile House, British Columbia, N. 51°40'11", W. 121°17'22".	0.25	ND-180	U	IV				

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistance Chief, Broadcast Bureau.

[FR Doc.71-2725 Filed 3-1-71;8:45 am]

[Docket No. 19154; FCC 71-159]

FORMULATION OF POLICIES RELATING TO BROADCAST RENEWAL APPLICANT, STEMMING FROM COMPARATIVE HEARING PROCESS

Notice of Inquiry

1. On January 15, 1970, the Commission issued its policy statement on comparative hearings involving regular renewal applicants (22 FCC 2d 424). The crux of this policy statement concerned the rendering of "substantial service" by the renewal applicant. If the latter has rendered such service, without substantial defects, he will be preferred over newcomers; if not, he obtains no preference against the newcomer, and, while the ultimate issue will be determined on the comparative criteria, obviously has a handicap since he is then competing as one who chose to deliver less than substantial service to the public. The Commission noted that the term "substantial", of necessity, lacks mathematical precision, but was nevertheless a perfectly appropriate standard, much used in statutes. It pointed to the dictionary definition, "strong, solid, firm, much, considerable, ample, large, of considerable worth or value; important." 22 FCC 2d at 426. Finally, the Commission stated that the hearing process would be critical in implementation of this standard (22 FCC 2d at p. 426):

> The renewal applicant would have a full opportunity to establish that his operation was a "substantial" one, solidly meeting the needs and interests of his area, and not otherwise characterized by serious deficiencies. He could, of course, call upon community leaders to corroborate his position. On the other hand, the competing party would have the same opportunity in the hearing process to demonstrate his allegation that the existing licensee's operation has been a minimal one. And he, too, can call upon community leaders to testify to this effect if this is, indeed, the case. The programing performance of the licensee in all programing categories (including the licensee's response to his ascertainment of community needs and problems) is thus vital to the judgment to be made. Further, although the matter is not a comparative one but rather whether substantial service has been rendered, the efforts of like stations in the community or elsewhere to supply substantial service is also relevant in this critical judgment area. There would, of course, be the necessity of taking into account pertinent standards which are evolved by the Commission in this field.

2. The purpose of this notice is to explore whether some pertinent standards can be evolved in the area of television broadcasting. The reason for restricting the inquiry to television is that our preliminary study of renewals has focused on this area. It clearly constitutes a most important beginning point. In view of their present problems, we exclude from our discussion within (paragraphs 3–5) the independent UHF stations.

3. Clearly, any possible guidelines must be general in nature; there is no way, we repeat, to delineate with mathematical precision what constitutes "substantial service." However, the issue in this inquiry is whether it is appropriate to focus on two critically important areas, and to give some prima facie indication of what constitutes substantial performance in these areas. The areas are local programing, and programing designed to contribute to an informed electorate. The reason for focus on these two areas is obvious. The congressional scheme of TV allocations is based on local outlets. See sections 307(b), 303(s); S. Rept. No. 1526, 87th Cong., 2d Sess.; H. Rept. No. 1559, 87th Cong., 2d Sess. If a television station does not serve in a substantial manner as a local outlet—if it is, in effect, a network spigot or mere purveyor of nonlocal film programing, it is clearly not meeting its crucial role. Similarly, we have stated that the reason we have allotted so much spectrum space to broadcasting is because of the contribution which it can make to an informed electorate. See Report on Editorializing by Broadcast Licensees, 13 FCC 1246, 1248 (1949). If a broadcaster does not make such a contribution in a substantial fashion, he is again undermining the basic allocations scheme.

4. We thus single out these two areas: (1) Local programing and (2) informed electorate programing (i.e., news and public affairs), and turn now to what figures should be proposed in these areas for the comment of interested persons. In resolving that matter, we have had, necessarily, to rely upon our judgment and experience as to what should constitute "substantial service" in order to achieve the all-important basic allocation goals delineated above. However, it would make no sense to propose goals which are unrealistic, so we have also undertaken a study of all renewal applicants in the television markets. Based on that study, we do not believe our proposals to be unrealistic because in each of these categories, substantial numbers of broadcasters are meeting the proposed guidelines. There are three caveats to be noted in this respect. We have no data in some areas; thus, the form does not now require information on public affairs programing in prime time. The figure which we have selected for comment (3 percent of prime time or about an hour a week) appears to us to be both a reasonable and realistic one, called for to achieve the above noted basic allocations goal. The second caveat is the extent to which we should take into account the different revenue posture of stations. We believe that as a general matter we should exempt the unprofitable station from these guidelines. It is for that reason that for the present (i.e., until they become profitable), we have excluded from

this inquiry the independent UHF stations. Similarly, in the unlikely event that any other station losing money were to find itself in a comparative renewal hearing, the station could show the inapplicability of these guidelines because of its financial posture; judgment of its operation would thus have to be on an ad hoc basis, directed to the particular facts. But aside from this consideration of unprofitability, there is also the issue whether, based on the study, different guideline figures are not appropriate for stations with lesser revenue figures. To take this factor into account, we propose, for the most part, a range in these categories. The high end of the range would apply to the station in the top 50 markets with revenues over $5,000,000, while the low end would apply to the station with revenues below $1,000,000; a station with revenues between these figures would fall appropriately within the range (with, we stress, no specification of a precise, decimal-point figure but rather a general or "ball-park" figure). The appropriate revenue bracket would be denoted on the renewal or annual form, by checking a box. We specifically ask for comments directed to this question of the appropriate range, and to facilitate such comments, will make public our study data.[1] The third caveat has to do with the area of programing designed to contribute to an informed electorate. In view of the clear, close relationship between news and public affairs programing, comments are requested whether these two categories should not be viewed together, with one overall figure and leeway for the licensee to make judgments within that figure. Thus, a station in a very large community might make the judgment to concentrate on public affairs programing, in light of the very intensive news efforts of several other stations in the community. Or, a station, if it judged it a more effective way of illuminating issues, might increase its news programing as against public affairs, with the insertion in such news programing of substantial segments dealing with public affairs discussions.

5. With this as necessary background, we now set out the following proposed figures as representing substantial service:

(i) With respect to local programing, a range of 10–15 percent of the broadcast effort (including 10–15 percent in the prime time period, 6–11 p.m., when the largest audience is available to watch).

(ii) The proposed figure for news is 8–10 percent for the network affiliate, 5 percent for the independent VHF station (including a figure of 8–10 percent and 5 percent, respectively in the prime time period).

(iii) In the public affairs area, the tentative figure is 3–5 percent, with, as stated, a 3 percent figure for the 6–11 p.m. time period.

[1] See tables 1–4, filed as part of the original document.

These figures are, of course, tentative ones set forth for comment by the interested parties.

6. There are a number of obvious considerations as to the above inquiry. First, as stated, it does not constitute the complete picture as to whether a station is rendering substantial service. Thus, it does not deal with every programing category. We believe that not every category is susceptible to the drawing of general guidelines. For example, there may be substantial agricultural interest in one area, and virtually none in another. As to such variables, only individual inspection, perhaps in the hearing process, could definitively delineate whether substantial service was being rendered in every respect. This point merits emphasis; we have no intention, now or at any future time, to try to delineate that X percent of time need be devoted to a particular programing area such as agriculture, religious, etc. Second, even as to the two general areas where we think we can usefully set forth overall guidelines for the reasons set forth in paragraph 3, supra, we point out that the guidelines, if adopted, would not be a requirement that would automatically be definitive, either for or against the renewal applicant. Thus, if the applicant did not meet these guidelines, he could still argue in a comparative hearing that his service was substantial, using means such as described in paragraph 1, supra; he might point to an exceptional qualitative effort, e.g., an exceptional dedication of funds, staff and other resources to compensate for the lesser quantitative showing. On the other hand, the fact that a renewal applicant did meet these general guidelines would not preclude the contention at renewal or at a comparative hearing that his service was not substantial in these two areas. An applicant could devote a most substantial percentage of his time to public affairs, for example, but with coverage solely of issues like canoe safety, rather than the issues that are truly of "great public concern" in the area. See Red Lion Bctg. Co. FCC, 395 U.S. 367, 394 (1969). In local programing the licensee again could have a substantial percentage figure and yet not serve "equitably and in good faith" the needs of significant groups within his service area. See Report and Statement of Policy re: Commission's En Banc Programing Inquiry, 20 Pike & Fischer, R.R. 1901 (1960); Capitol Bctg. Co., 38 FCC 1135, 1139–40 (1965). Here again, this would be a matter for particularized assessment, with the testimony of community leaders of particular significance. See paragraph 1, supra. There could of course also be substantial issues as to compliance with bedrock policies such as the fairness doctrine, the antidiscrimination rules, or over-commercialization. In short, the general guidelines are just that—general or prima facie indications of substantial service, not definitive mathematical models. Even so, these general guidelines would appear useful and helpful, both to the industrial and to the interested public. For they would give a general indication of what is called for, at least quantitatively, to meet substantial public interest requirements in these two critically important areas. Finally, we stress that assuming guidelines were to be adopted on the basis of this notice, such guidelines would not then become fixed or immutable. Clearly, in a field as "dynamic" as this (see FCC v. Pottsville Bctg. Co., 309 U.S. 134, 138), it would be necessary to review them in the light of experience and changing conditions and thus to determine at appropriate intervals whether they should be revised, upwards or downwards.

7. The above proposal focuses on the renewal applicant in relation to the criterion of substantial service where there are competitors. That concept clearly has great relevance to the renewal process generally since it constitutes the critically important competitive spur. See Policy Statement, supra. There are other revisions or proposals generally applicable in this renewal television field which should be briefly noted and which, we believe, complement the foregoing proposal:

(i) A renewal applicant would be required to list the most important problems or concerns facing his area during the twelve months preceding filing of his application which, in his opinion, were most serious or important. He would then be required to list all the programs he has presented during that same period which dealt with these issues, giving the name of each program, the date, time and duration of its broadcast, and a brief description of the program. At yearly intervals (specifically on September 1), the broadcast licensee would again prepare the information set out in the first two sentences of this subsection (i). This information would be an attachment to a shortened form which he would prepare at this annual interval, setting out, inter alia, his performance in the above-described categories (local; news; public affairs).

(ii) As proposed in Docket No. 19153, 36 F.R. 3902, the licensee would also make announcements at specified intervals, concerning his obligation to serve the needs and interests of his area and, if appropriate, his renewal application.

8. In view of the policy considerations discussed, we would propose not to require the extensive survey now incumbent upon the new broadcast applicant (including a transferee or assignee). The basis of this proposal to simplify our procedures is that there is no need at renewal for a new, detailed survey; the licensee should have been digging in each year of his operation to ascertain and meet needs, and would have maintained a continuing stream of contacts with interested individuals, leaders, and groups. In short, when it comes to renewal—to a question of performance consistent with the public interest standard—it is substance, not form, which is of critical importance. See paragraph 9, infra.

9. We stress this point of community involvement. The above proposals in paragraph 7 are geared to a continuing

dialogue between station and community—not a triennial spurt; to actual performance in crucial areas rather than elaborate surveys; and, finally, to reliance upon community leaders and groups, both to point up the need for any further inquiry by the Commission at renewal time or to spur substantial performance by the possibility of filing of a competing application. See Policy Statement, supra. By facilitating both awareness of the station's performance in critical areas throughout the license term and a continuing participation by the public, we believe that we are acting in a manner fairer to the licensee and fairer to the interested public. None of these proposals, we emphasize, is designed in any way to dictate a particular program or format. They do indicate areas where the licensee must focus in view of sound and basic allocations policy. But the programing to be chosen to implement these policies is a matter for the licensee's judgment, after giving appropriate and good faith attention to the area's needs and interests. Since that is so, the Commission intends to place great reliance on community interest and participation in the renewal process. If the approach is successful in the area here under consideration, a simplified approach to renewal, with emphasis on community feed-back, will be considered for other broadcast areas. However, we intend to complete our study of this television area, and to gain experience therefrom, before turning to its consideration elsewhere.

10. If adopted, there is the question of the applicability of the new policy criteria as to substantial service. It would be clearly unfair to make such policies immediately applicable to the renewal applicants and judge their performance in hearings on policies which were not yet formulated or known to them; rather, if adoption of these general criteria is found to be warranted, there should be an appropriate time interval (e.g., 12 months) afforded licensees to meet these guidelines. We ask for comment on that time period. Any comparative hearings involving renewal applicants before that period would be governed by the present, more amorphous standards, with showings along the lines of the policy set out in paragraph 1, supra. In short, there would be a moratorium not on the filing of competing applications but on the applicability of these general criteria.

11. The foregoing proposal thus constitutes the basis of an inquiry to explore whether it is feasible or appropriate to give greater guidance with respect to the critically important concept in our 1970 Policy Statement of "substantial service." If it is not feasible or appropriate, one obvious alternative is simply to develop our policies in this area through a series of ad hoc decisions, with any overall policy awaiting the accumulation of greater experience. We have of course reached no final or tentative conclusion, but rather would stress our openness to all alternatives or suggestions as to what action would best serve our objective and, in the final analysis, the "public interest in the larger and more effective use of radio" (section 303(g) of the Communications Act of 1934, as amended).

12. Authority for this inquiry is contained in sections 4(i), 303, 307(d), 309, and 311(a) of the Communications Act of 1934, as amended.

13. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before May 3, 1971, and reply comments on or before June 3, 1971. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, briefs, and other documents shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

Adopted: February 17, 1971.

Released: February 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2721 Filed 3-1-71;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-16]

JOHNSON LINES ET AL.

Order of Investigation and Hearing

Johnson Lines, French Line, Hapag-Lloyd Line; violations of section 18(b)(3), Shipping Act, 1916.

Certain lines of the Outward Continental North Pacific Freight Conference have transported new ex factory automobiles from Europe to U.S. Pacific Coast ports (see Appendix A[2]) at rates not provided for in the Conference Tariff in possible violation of section 18(b)(3) of the Shipping Act, 1916. The Conference has stated that the automobiles were carried pursuant to separately negotiated contracts with the automobile manufacturers, and that the Conference members were acting as contract carriers in regard to these movements.

The automobiles carried took up only a fraction of the total cargo space aboard the vessels with the rest of the space devoted to common carriage. The Conference members used the contracts as a device to grant specific automobile shippers a rate lower than the Conference tariff rate in violation of section 18(b)(3) of the Shipping Act of 1916.

Therefore it is ordered, Pursuant to section 22 of the Shipping Act, 1916, that a proceeding is hereby instituted to determine whether, in view of the activities of the Respondents pertaining to section 1 of the Shipping Act of 1916, there has been a violation of section 18(b)(3) of the Act with respect to the carriage of new ex factory automobiles pursuant to individually negotiated contracts.

It is further ordered, That there appearing to be no material issues of fact in dispute that the proceeding shall be limited to the submission of affidavits of fact, memoranda of law, replies and oral argument. Should the respondents feel that an evidentiary hearing is required, they must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavits. Request for evidentiary hearing shall be made on or before March 19, 1971. Affidavits of fact and memoranda of law shall be filed by respondent and served upon all parties no later than the close of business March 19, 1971.

Replies thereto shall be filed by Hearing Counsel and intervenors, if any, no later than the close of business April 5, 1971. Respondents shall be given a further opportunity to answer the reply of Hearing Counsel and intervenors, if any, not later than the close of business April 15, 1971. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Time and date of oral argument if requested and/or deemed necessary by the Commission will be announced at a later date.

It is further ordered, That the Hapag-Lloyd Line, French Line, and Johnson Line be made respondents in this proceeding.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof be served upon the respondents.

It is further ordered, That any person other than those named as respondents herein who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2785 Filed 3-1-71;8:48 am]

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[1] Concurring statements of Commissioners Burch, Chairman; Johnson, and H. Rex Lee; and dissenting statement of Commissioner Wells filed as part of original document; Commissioner Bartley dissenting.

[2] Appendix A filed as part of the original document.

[Docket No. 71–18]

MATSON NAVIGATION CO.

Order of Investigation and Suspension

Matson Navigation Co. has filed with the Federal Maritime Commission Westbound Container Freight Tariff FMC–F No. 146 and Second Revised Page 9 to Tariff FMC–F No. 143 to become effective March 1, 1971, which generally increases rates and charges from U.S. Pacific Coast ports to ports in the Hawaiian Islands.

Upon consideration of the said tariff and protests filed thereto there is reason to believe that the increased rates and charges, and the governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

One of the cost factors which Matson has submitted to the Commission as justification for its proposed increase in rates is the substantial increase in the price of fuel oil which has occured during the past year. The Commission is well aware that fuel oil prices have sharply risen in such period and that a number of carriers in other trades have published surcharges to compensate for abnormal fuel expense which the Commission has allowed without investigation or suspension.

Furthermore, the Commission is aware of additional expenses which Matson has incurred arising out of a substantial investment in new equipment to be employed in the trade. Based upon the Commission's best knowledge and belief, indications are that the investment in new vessels will impose upon Matson an interest liability in excess of its net income. In the Commission's opinion, therefore, there are financial obligations imposed upon Matson by these additional expenses which must be considered. Although it cannot be determined at this time that the full 12½ percent increase proposed by Matson nor the elimination of the Less Than Containerload rates is justified, especially in view of the many protests received, the Commission is of the opinion that the full exercise of suspension authority would not be warranted. In consideration of the various equities involved, therefore, the Commission believes that as an interim measure an increase in rates in the amount of 9 percent would not be unreasonable. This approach would furthermore keep in effect the Less Than Containerload rates which would have been eliminated by the proposed tariff changes.

Under the circumstances, and pursuant to our authority under section 2 of the Intercoastal Shipping Act, 1933, the Commission hereby waives the 30-day notice requirements. The Commission, therefore, grants authority to Matson to publish and file consecutively numbered supplements to its Tariffs FMC–F Nos. 137 and 143, on not less than 1 day's notice to become effective not earlier than March 1, 1971, publishing a script clause notation to provide for a percentage increase not to exceed 9 percent limited to items increased in Tariffs FMC–F Nos. 146 and 143.

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to make such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Tariff FMC–F No. 146 and Second Revised Page 9 to Tariff FMC–F No. 143 are suspended and the use thereof be deferred to and including June 19, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Matson Navigation Co. a consecutively numbered supplement to the aforesaid tariffs which supplement shall bear no effective date, shall reproduce the portion of this order wherein the aforesaid matter is suspended and may not be used until June 20, 1971, except as otherwise authorized herein by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, except as authorized herein or unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Martime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provisions of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Matson Navigation Co. be named as respondent in this proceeding;

It is furthered ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and all protestants herein and published in the FEDERAL REGISTER; and (II) the said respondent and protestants be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

Honorable Bertram T. Kanbara, Attorney General, State of Hawaii, State Capitol Building, Honolulu, HI 96813.

H. A. Tatum, Manager, Hawaiian Islands Freight Association., Inc., 540 Cook Street, Honolulu, HI 96814.

Vincent J. Ferrigno, Vice President, The Industrial Traffic Association of Hawaii, Post Office Box 10684, Honolulu, HI 96816.

Paul Bimmerman, Jr., President, Paul Bimmerman Co., 2540 Huntington Drive, San Marino, CA 91108.

H. C. Lea, Vice President, Golden Gate Bakery, 264 South Spruce Avenue, South San Francisco, CA 94118.

R. H. Wiedenman, Manager, Dolly Madison Cakes Division, Interstate Brands Corp., 2330 Ripple Street, Los Angeles, CA 90039.

Vincent W. Jones, Esq., General Counsel & Assistant Corporate Secretary, Sears Roebuck and Co., 2650 East Olympic Boulevard, Los Angeles, CA 90054.

Dan Carmichael, Honolulu Correspondent, Kona Times, 2445 Kaala Street, Honolulu, HI 96822.

William W. Schwarzer, Esq., McCutchen, Doyle, Brown & Enersen, 601 California Street, San Francisco, CA 94108.

Gilbert Yamashiro, Volcano, HI 96785.

Robert F. Alderman, President, Alderman Enterprises, Inc., Suite 1013 Ala Moana Building, Honolulu, HI 96814.

A. P. Davis, Jr., Assistant Vice President, Carnation Co., 5045 Wilshire Boulevard, Los Angeles, CA 90036.

Stanton P. Sender, Esq., Sears Roebuck & Co., 1211 Connecticut Avenue, Washington, DC 20036.

John W. Gilius, Manager of Transportation Pricing, General Foods Corp., 250 North Street, White Plains, NY 10603.

Sam H. Flint, Vice President, The Quaker Oats Co., 345 Merchandise Mart, Chicago, IL 60654.

Jack I. Tokunaga, President, Hawaii Macadamia Producer Associates, Post Office Box 86, Kealakekua, HI 96750.

R. V. Haugen, Assistant Transportation Manager, CPC International, Inc., 1080 Bryant Street, San Francisco, CA 94103.

Peter P. Wilson, Esq., David F. Anderson, Esq., Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105.

[FR Doc.71–2786 Filed 3–1–71;8:48 am]

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington DC 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. M. L. Duffy, Secretary General, Atlantic Passenger Steamship Conference, 139 Sandgate Road, Folkestone, Kent, England.

Agreement No. 7840–79 of the Atlantic Passenger Steamship Conference provides for the modification of Agreement No. 7840, as amended, to permit a group of Member Lines to quote fares higher than the fares agreed upon by all Member Lines.

Dated: February 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2787 Filed 3-1-71;8:48 am]

FAR EAST CONFERENCE AND PACIFIC WESTBOUND CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and and the statement should indicate that this has been done.

Notice of joint petition filed by:

Mr. Raymond J. Flynn, Chairman, Far East Conference, 11 Broadway, New York, NY 10004,
and
Mr. W. C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, CA 94111.

The Far East Conference and the Pacific Westbound Conference have petitioned the Commission jointly for the continued approval of Agreements Nos. 8200, 8200–1, and 8200–2 without any limitation as to term. Agreements Nos. 8200, 8200–1, and 8200–2 were approved by the Commission pursuant to section 15 of the Shipping Act, 1916, until April 16, 1971, by its order of January 13, 1970.

Dated: February 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2788 Filed 3-1-71;8:48 am]

NEW YORK PASSENGER TERMINAL USERS' ASSOCIATION

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Paul M. Tschirhart, Esquire, Coles & Goertner, 1000 Connecticut Avenue NW., Washington, DC 20036.
James T. O'Hara, Esquire, Casey, Tyre, Wallace & Bannerman, Suite 212, The Woodward Building, 15th and H Streets NW., Washington, DC 20005.
Burton White, Esquire, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9851, between the parties identified hereafter, will establish a cooperative working arrangement whereby the parties organize themselves to arrive at a common position and conduct orderly negotiations with the city of New York and the Port of New York Authority regarding the construction of a Consolidated Passenger Terminal; the supplanting of existing lease, license and user arrangements; the determination of cost of use of such terminal and its allocation among the parties; interim terminal arrangements; the construction, financing, lease, use and tariff of a Consolidated Passenger Terminal; the modification, renewal, extension, termination or rescission of any agreements pertaining thereto; the establishing and changing of assignments of berths at any interim or Consolidated Passenger Terminal at the Port of New York for passenger carrying vessels owned or operated by the parties; also the parties may propose, discuss and enter arrangements among themselves establishing uniform positions for negotiations with Labor concerning customs and practices at any interim or Consolidated Passenger Terminal.

The parties may, through the NYPTUA (hereafter referred to as the Association) exchange information as to vessel dimensions, capacity and operating characteristics, passengers, mail, cargo, and baggage and comparative costs at ports other than the Port of New York. The provisions of the Agreement also cover the selection of a Chairman and other officers, holding regular meetings, calling special meetings, quorum requirements, allocation of expenses, establishing of committees, keeping of minutes and their filing with the Federal Maritime Commission.

Amendments may be adopted by affirmative vote of ¾ (three-fourths) of the members, but shall not become effec-

tive until approved by the Commission. Except for amendments to this Agreement, all action by the Association shall require an affirmative vote of not less than two-thirds (⅔) of the members.

Membership in the Association is open to any common carrier by water engaged in, or furnishing evidence of intention and ability to engage in, the transportation of passengers between the Port of New York and other ports. Procedure for admission, withdrawal and expulsion from the Association shall conform to the requirements of the Commission's General Order 9, which has been incorporated as part of the Agreement.

The parties to this Agreement No. 9851 are:

Canadian Pacific Ships.
Cunard Line, Ltd.
French Line.
Holland America Line.
Italian Line.
North German Lloyd Passenger.
Swedish America Line.
Chandris America Lines, Inc.
Flagship Cruises Ltd.
Greek Line, Inc.
Homes Lines Agency, Inc.
Incres Line.
Norwegian America Line.

Dated: February 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2789 Filed 3-1-71;8:48 am]

UNITED STATES GREAT LAKES-BORDEAUX/HAMBURG RANGE WESTBOUND CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

L. S. Bissell, Executive Officer, U.S. Great Lakes-Bordeaux/Hamburg Range Westbound Conference, 1 Como Street, Romford, RM7 7DL, Essex, England.

Agreement No. 7830-11 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7, as revised on October 27, 1970, deletes reference to Rotterdam in Article 16, and restates the Agreement in its entirety.

Dated: February 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2790 Filed 3-1-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. CI71-118, etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Consolidating Proceedings for Hearing, Permitting Interventions, Prescribing Procedures, and Fixing Date of Hearing

FEBRUARY 22, 1971.

On June 17, 1970, the Commission issued in paragraph 12 of Docket No. R-389 a Statement on New Applications for Certificates for Sale of Permian Basin Area Natural Gas. Therein the Commission stated that it would subsequently accept for consideration applications by independent producers requesting issuance of a certificate of public convenience and necessity for sales of natural gas from the Permian Basin Area notwithstanding that the stated rate may be in excess of the applicable Permian Basin Area ceiling rates established in Opinions Nos. 468 and 468-A (34 FPC 159 and 1068). Thereafter, on July 17, 1970, in Docket No. R-389A the Commission stated it would accept for consideration similar applications from all other areas notwithstanding that the stated rate may be in excess of the ceiling or guideline rates.

The initial application for a certificate which is still pending under paragraph 12 of R-389 was filed on August 10, 1970, by Pan American Petroleum Corp. in Docket No. CI71-118. Thereafter, numerous applications for certificates have been filed pursuant to paragraphs 12 of both R-389 and R-389A. These applications represent sizeable volumes of natural gas potentially available to interstate pipelines. In view of the data which indicated to the Commission the inability of interstate pipelines to procure contracts for new supplies of gas at the same relative rate as heretofore, we believe it to be advisable to act expeditiously by considering all applications in one hearing rather than in individual hearings. We therefore consolidate for purposes of hearing all of the matters in issue in the applications listed in Appendix A below. A public hearing will be held to allow the presentation, cross-examination and rebuttal of evidence by any participant in any of the proceedings included therein involving that participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a permanent certificate on the terms proposed in that application. Although evidence on all applications will be admitted in one consolidated hearing, each individual application will be considered on its own merits.

Following the filing of certain applications, petitions to intervene and notices of intervention were filed pursuant to § 1.8 of the Commission's rules of practice and procedure. Those petitioners which are permitted to become interveners in each proceeding are listed according to docket number in Appendix B below. The participation of each intervener shall be limited to those applications in which intervention is permitted.

The Commission finds:

(1) The applications for certificates listed in Appendix A are related matters which should be heard on a consolidated record as hereinafter provided.

(2) It is desirable to allow the persons listed in Appendix B that have filed petitions to intervene in certain proceedings to become interveners in the designated dockets.

The Commission orders:

(A) The applications for certificates for sales of natural gas filed in Docket No. CI71-118 et al., as fully set forth in Appendix A below, are hereby consolidated for purposes of hearing. The decision as to each application shall be determined on the basis of its individual merits.

(B) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing April 6, 1971 at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning whether the present or future public convenience and necessity requires the issuance of a certificate for the sale of natural gas on the terms proposed in each application and whether the issuance of any certificate should be conditioned in any way. The Chief Examiner or an examiner designated by him shall preside at the hearing.

(C) The persons named in Appendix B who have filed petitions to intervene in certain proceedings consolidated herein for hearing are hereby permitted to become interveners, but only in the proceeding designated for each, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners

shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) All applicants seeking certificates in this consolidated proceeding shall on or before March 5, 1971, file with the Commission and serve on all interveners admitted to that particular application proceeding all exhibits and testimony of all witnesses to be sponsored by them in support of their application.

(E) All interveners and the Commission's staff shall on or before March 19, 1971, file with the Commission and serve on all participants in each respective proceeding all exhibits and testimony of all witnesses to be sponsored by them.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Applicant	Purchaser	Date application filed
PERMIAN BASIN AREA			
CI71-118	Pan American Petroleum Corp.	El Paso	8-10-70
CI71-138	Gulf Oil Corp.	do	8-17-70
CI71-170	Humble Oil & Refining Co.	do	8-26-70
CI71-256	Skelly Oil Co.	do	9-17-70
CI71-268	George Mitchell & Associates, Inc., Agent for Mitchell & Mitchell Gas & Oil Corp. et al.	Transwestern El Paso	9-22-70 9-28-70
CI71-285	Cities Service Oil Co.	do	11-12-70
CI71-405	Getty Oil Co.	do	11-20-70
CI71-435	Cities Service Oil Co.	Natural Gas Pipe Line Co. of America.	11-23-70
CI71-440	Atlantic Richfield Co.		
CI71-451	do	do	12- 3-70
CI71-460	Union Texas Petroleum, a division of Allied Chemical Corp.	do	12- 8-70
CI71-466	Humble Oil & Refining Co.	do	12-11-70
SOUTHERN LOUISIANA			
CI71-77	Suburban Propane Gas Corp.	United Gas	7-31-70
CI71-117	Edwin L. Cox (Operator) et al	Texas Gas	8- 7-70
CI71-131	Tribal Oil Co. (Operator) et al	Trunkline	8-13-70
CI71-177	Birthright Oil Co.	Tennessee	8-24-70
CI71-220	Mobil Oil Corp.	Texas Eastern	9- 8-70
CI71-223	Texaco, Inc.	United Fuel	9- 8-70
CI71-237	Cities Service Oil Co.	Texas Eastern	9-11-70
CI71-262	Texas Pacific Oil Co., Inc.	Tennessee	9-21-70
CI71-263	Humble Oil & Refining Co.	Southern Natural	9-21-70
CI71-267	Emerald Oil Co. (Operator) et al	Tennessee	9-22-70
CI71-317	Kerr-McGee Corp.	Michigan-Wisconsin	10- 9-70
CI71-331	Roy Huffington, Inc.	Southern Natural	10- 9-70
CI71-346	Cabot Corp.	Michigan-Wisconsin	10-19-70
CI71-355	Felmont Oil Corp.	do	10-21-70
CI71-358	Sun Oil Co.	do	10-22-70
CI71-399	Placid Oil Co.	Southern Natural	11- 9-70
CI71-411	Texaco, Inc.	Tennessee	11-16-70
CI71-421	Pan American Petroleum Corp.	Gas Gathering Corp.	11-19-70
CI71-424	Kenmore Oil Co., Inc. (Operator) et al	Florida Gas	11-19-70
CI71-439	Getty Oil Co.	Tennessee	11-23-70
CI71-444	Continental Oil Co.	do	11-27-70
CI71-445	Oil & Gas Futures, Inc., of Texas	Transco	11-30-70
CI71-448	The Fundamental Oil Corp. (Operator) et al	United Gas	12- 2-70
CI71-459	Inexco Oil Co.	Natural Gas Pipe Line Co. of America.	12- 7-70
CI71-461	Jones O'Brien, Inc. (Operator) et al	Tennessee	12- 9-70
CI71-463	The California Co., a division of Chevron Oil Co.	do	12-10-70
CI71-464	William G. Darsey, III	do	12-10-70
CI71-474	The California Co., a division of Chevron Oil Co.	Texas Eastern	12-11-70
CI71-475	Texaco, Inc.	United Fuel	12-16-70
TEXAS GULF COAST			
CI71-69	American Pipeline Inc.	Natural Gas Pipe Line Co. of America.	7-23-70
CI71-110	Steeple Oil and Gas Corp.	United Gas	8- 6-70
CI71-120	Getty Oil Co.	Transco	8-17-70
CI71-180	Schimmel Oil Co. (Operator) et al	Texas Eastern	8-27-70
CI71-200	Skelly Oil Co.	Transco	9- 2-70
CI71-203	Solon Haze Burleson (Operator) et al	Tennessee	9- 3-70
CI71-207	Cities Service Co.	Transco	9- 4-70
CI71-209	Sun Oil Co.	do	9- 3-70
CI71-300	Lyons Petroleum (Operator) et al	Natural Gas Pipe Line Co. of America.	11- 6-70
CI71-484	Prudhoe Production, Inc. (Operator) et al	do	12-21-70
CI71-520	Varn Petroleum Co. (Operator) et al	United Gas	1-15-71
CI71-533	Jetgas Co.	do	1-21-71
CI71-544	The California Co., a division of Chevron Oil Co.	Texas Eastern	1-27-71
HUGOTON-ANADARKO			
CI71-332	Helmly & Prather Oil Corp. (Operator) et al	Transwestern	10-14-70

APPENDIX B

PERMIAN BASIN AREA

Docket No. in which Intervention Granted	*Interveners*
CI71-118	El Paso Natural Gas Co. San Diego Gas & Electric Co. Pacific Gas & Electric Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
CI71-138	El Paso Natural Gas Co. San Diego Gas & Electric Co. Pacific Gas & Electric Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
CI71-170	El Paso Natural Gas Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
CI71-256	El Paso Natural Gas Co. The People of the State of California and the Public Utilities Commission of the State of California. Southern California Gas Co.
CI71-268	Transwestern Pipeline Co. Pacific Lighting Service Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
CI71-285	The People of the State of California and the Public Utilities Commission of the State of California.
CI71-405	El Paso Natural Gas Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
CI71-435	El Paso Natural Gas Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
SOUTHERN LOUISIANA	
CI71-77	Long Island Lighting Co.
CI71-117	Long Island Lighting Co. The Philadelphia Gas Works Division of UGI Corp.
CI71-131	Long Island Lighting Co. The Philadelphia Gas Works Division of UGI Corp.
CI71-177	Long Island Lighting Co. The Philadelphia Gas Works Division of UGI Corp.
CI71-220	Long Island Lighting Co. The Philadelphia Gas Works Division of UGI Corp.
CI71-223	The Philadelphia Gas Works Division of UGI Corp.
CI71-237	Long Island Lighting Co. The Philadelphia Gas Works Division of UGI Corp.
CI71-262	The Philadelphia Gas Works Division of UGI Corp.
CI71-263	The Philadelphia Gas Works Division of UGI Corp.
CI71-267	The Philadelphia Gas Works Division of UGI Corp.
CI71-317	Long Island Lighting Co. Consolidated Edison Co. of New York, Inc.

APPENDIX B—Continued

PERMIAN BASIN AREA—Continued

CI71-346	Long Island Lighting Co.
CI71-355	Long Island Lighting Co.
CI71-461	The Public Service Commission of the State of New York.
CI71-463	The Public Service Commission of the State of New York.
CI71-464	The Public Service Commission of the State of New York.
CI71-474	The Public Service Commission of the State of New York.
CI71-475	The Public Service Commission of the State of New York.

TEXAS GULF COAST

CI71-139	Long Island Lighting Co. Consolidated Edison Co. of New York, Inc.
CI71-180	Long Island Lighting Co.
CI71-207	Consolidated Edison Co. of New York, Inc.
CI71-209	Consolidated Edison Co. of New York, Inc.

HUGOTON-ANADARKO

CI71-332	The People of the State of California and the Public Utilities Commission of the State of California. Pacific Lighting Service Co.

[FR Doc.71-2703 Filed 3-1-71;8:45 am]

[Docket No. RP71-94]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 24, 1971.

Take notice that Algonquin Gas Transmission Company (Algonquin) on February 17, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2[1] to become effective on March 17, 1971. The proposed rate changes would increase Algonquin's commodity rates by 0.02 cent per Mcf and would increase jurisdictional revenues by $27,913 annually, based on volumes, for the 12-month period ended December 31, 1969, as adjusted.

Algonquin in its filing states that the proposed changes in its rates are designed to recoup only the effect of an increase in the cost of gas purchased from Texas Eastern Transmission Corp. (Texas Eastern) resulting from the latter's rate filing in Docket No. RP71-93, on February 16, 1971. Algonquin requests that the proposed rate changes become effective, without suspension, on March 17, 1971, the same day as Texas Eastern has requested that its rate increase go into effect.

Copies of this filing were served on Algonquin's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 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 protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2772 Filed 3-1-71;8:48 am]

[1] Volume No. 1: 10th Revised Sheet No. 15-J; 13th Revised Sheets Nos. 5, 10, 14; 14th Revised Sheets Nos. 11-A and 12. Volume No. 2: 14th Revised Sheet No. 4; 11th Revised Sheet No. 57.

[Docket No. CP71-199]

CAPROCK PIPELINE CO.

Notice of Application

FEBRUARY 24, 1971.

Take notice that on February 12, 1971, Caprock Pipeline Co. (applicant), Post Office Box 511, Amarillo, TX 79105, filed in Docket No. CP71-199 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of certain natural gas gathering and dehydration facilities from Pioneer Natural Gas Co. (Pioneer), the construction of 7.5 miles of connecting pipeline and the operation of these facilities for the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to gather, dehydrate and transport volumes of natural gas for and on behalf of Pioneer from the wellhead in West Wellman Field, Terry County, Tex., for delivery to El Paso Natural Gas Co. at its Plains Compressor Station in Yoakum County, Tex., for redelivery to Pioneer. Applicant proposes the purchase of the existing gathering and dehydration facilities in the West Wellman Field from Pioneer, and the construction and operation of 7.5 miles of 4½-inch pipeline to connect these facilities with applicant's existing Gaines County facilities.

Applicant states that the cost for the purchase of the existing gathering and dehydration facilities will be $63,273 and the cost of the proposed new facilities will be approximately $109,389.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2773 Filed 3-1-71;8:48 am]

[Docket No. RP71-95]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 24, 1971.

Take notice that Lawrenceburg Gas Transmission Corp. (Lawrenceburg) on February 18, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on March 17, 1971. The proposed rate changes would increase charges for jurisdictional sales by approximately $8,289 annually based on volumes for the 12-month period ended June 30, 1969. The proposed increase would be applicable to Lawrenceburg's two jurisdictional rate schedules, CDS-1 and EX-1.

Lawrenceburg states that the reason for the proposed increase is occasioned solely by, and will compensate Lawrenceburg only for, an increase in its cost of purchased gas resulting from the rate filing of its sole supplier, Texas Gas Transmission Corp. on February 16, 1971, in Docket No. RP69-41. In case of suspension of the proposed rate increase, Lawrenceburg requests that the increased rates be suspended to a date no later than the date on which the proposed rates of Texas Gas become effective.

Copies of the filing were served on Lawrenceburg's customers and interested State Commissions.

Any person desiring to be heard or to make protest with reference to said application should on or before March 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accord-

ance 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 protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc. 71-2774 Filed 3-1-71;8:48 am]

[Docket No. RP71-16]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Proposed Increase in Rates and Charges

FEBRUARY 24, 1971.

Notice is hereby given that Midwestern Gas Transmission Co. (Midwestern) on February 12, 1971, filed proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, applicable to its Southern System, to be effective as of March 17, 1971. The rate increase is intended to track the rate increase of its supplier, Tennessee Gas Pipeline Company, whose increased rates become effective as of that date.

Midwestern on September 30, 1970, filed a general rate increase of approximately $19,185,000 with respect to its Southern System, to reflect among other things, increased purchased gas costs from Tennessee. By order issued in this proceeding on November 13, 1970, Midwestern's filing of September 30, 1970, was suspended until April 15, 1971. In that order the Commission stated that Midwestern would not be precluded from requesting permission to track supplier rate increases which increase the purchased gas cost reflected in the suspended filing. The impact of the instant filing is to make $15,052,553 of the $19,185,000 effective subject to refund as of March 17, 1971, rather than April 15, 1971, without change in the total amount of the general increase under review in this proceeding.

Midwestern requests waiver of §§ 154.63 and 154.66 and 2.52 of the Commission's general rules so as to permit the filing to become effective as of March 17, 1971.

Any person desiring to be heard or to make any protest with reference to this filing should on or before March 10, 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 participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2775 Filed 3-1-71;8:48 am]

[Docket No. CP71-200]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 24, 1971.

Take notice that on February 16, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-200 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the transportation and exchange of natural gas with United Gas Pipe Line Co. (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a 5 year gas exchange agreement with United providing for the exchange of up to 20,000 Mcf of gas per day. United will deliver exchange quantities of gas to Applicant at an existing delivery point from the Chevron Oil Co.'s Sabine Pass Plant, West Cameron, Block 19 Field, Cameron Parish, La. Applicant in turn will deliver equivalent volumes of gas to Transcontinental Gas Pipe Line Corp. (Transco) for the account of United at an existing delivery point to Transco's pipeline facilities from Mobil Oil Corp.'s Cameron Plant, Mud Lake, Cameron Parish, La. There are no new facilities proposed herein and applicant states that there will be no monetary compensation for the exchanged volumes.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2776 Filed 3-1-71;8:48 am]

[Docket No. CP71-203]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 24, 1971.

Take notice that on February 16, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-203 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to operate its pipeline facilities at authorized levels of delivery capacity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the winter season deliverability of its existing gas supply is inadequate to support the expanding operation of its pipeline at authorized levels of capacity. To assure continued deliveries to existing customers, applicant proposes to increase the peak day withdrawal capacity of its Sayre Storage Field in Oklahoma, to increase the peak day and seasonal capacity of its storage fields in Iowa and Illinois by 45,000 Mcf and 4,500,000 Mcf, respectively, and to utilize additional storage service in the amounts of 45,000 Mcf peak day and 4,500,000 Mcf seasonally which applicant has contracted for with Michigan Wisconsin Pipe Line Co.

To effect the proposal herein, applicant proposes the construction and operation of:

(1) 2,800 additional compressor horsepower, approximately 0.85 mile of 10-inch gathering pipeline, purification and other miscellaneous facilities at the Sayre Storage Field;

(2) 3,000 additional compressor horsepower at each of Compressor Stations Nos. 111 and 154 in Texas and approximately 20.64 miles of 26-inch pipeline partially looping its existing pipeline between the Sayre Field and Compressor Station No. 111;

(3) Eleven injection-withdrawal wells, recompletion of an existing St. Peter reservoir well as a Mount Simon reservoir well, approximately 2.90 miles of 16-inch, 8-inch, and 6-inch gathering pipelines, modification of one existing compressor

unit, additonal cushion gas, purification and other miscellaneous facilities at Applicant's Cairo Mount Simon Storage Field in Louisa County, Iowa;

(4) Two injection-withdrawal wells, approximately 7.96 miles of 16-inch, 12-inch, and 8-inch gathering pipelines, modification of one existing compressor unit at Compressor Station No. 201, additional cushion gas, purification and other miscellaneous facilities at Applicant's Herscher Northwest Storage Field in Kankakee County, Ill.; and

(5) Approximately 1.07 miles of 8-inch and 6-inch gathering pipelines, additional cushion gas and miscellaneous facilities at Applicant's Loudon Storage Field in Fayette County, Ill.

Applicant further states that the estimated cost of the facilities proposed herein, including the additional cushion gas is $10,591,000 which cost is to be financed through lines of credit and the issuance of commercial paper.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2777 Filed 3-1-71;8:48 am]

[Docket No. CP71-204]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 24, 1971.

Take notice that on February 16, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-204 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the testing and development of an underground natural gas storage reservoir in the Mount Simon formation in the Columbus City Storage Field, Louisa County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to recomplete three St. Peter reservoir wells as Mount Simon reservoir wells, to construct eight injection-withdrawal wells, approximately 11.2 miles of 12-, 8-, and 6-inch gathering lines and miscellaneous auxiliary and appurtenant facilities.

Applicant states that the estimated cost of the proposed development and testing program including approximately 2,000,000 Mcf of cushion gas, and options on storage rights is $2,537,000 which cost is to be financed with funds on hand or short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2778 Filed 3-1-71;8:48 am]

[Docket No. RP71-88]

NORTH PENN GAS CO.

Notice of Proposed Increase in Rates and Charges

FEBRUARY 24, 1971.

On February 12, 1971, North Penn Gas Co. (North Penn) filed a proposed change to its FPC Gas Tariff, First Revised Volume No. 1[1] to be effective as of March 17, 1971. The filing proposes to increase the price in its Rate Schedules G-1 and P-1 by 6.259 cents per Mcf (from 49.590 cents to 55.849 cents), and would increase jurisdictional revenues by approximately $1,690,000 per annum based on sales for the 12-month period ended December 31, 1970.

North Penn states that increased rates are filed to track the rate increases of its suppliers, Tennessee Gas Pipeline Co. and Consolidated Gas Supply Corp. Copies thereof were served upon North Penn's customers and interested State Commissions.

Any person desiring to be heard or to make protest with respect to said filing should on or before March 10, 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 protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2779 Filed 3-1-71;8:48 am]

[1] 7th Revised Sheets Nos. 4 and 5.

[Docket No. CP71-202]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

FEBRUARY 24, 1971.

Take notice that on February 16, 1971, South Georgia Natural Gas Co. (applicant), Post Office Box 1279, Thomasville, GA 31792, filed in Docket No. CP71-202 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale and delivery of natural gas on an off-peak, interruptible basis to Oil-Dri Corp. (Oil-Dri), all as more fully set forth in the application in this proceeding which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct 1.5 miles of 3-inch pipeline and related regulating and metering facilities for the direct sale of natural gas to Oil-Dri at its new plant near Ochlochnee, Thomas County, GA. Applicant states that this sale to Oil-Dri will replace existing sales of interruptible gas to the City of Cairo, Ga., for resale to an existing Oil-Dri plant which will cease operations upon completion of the new facilities near Ochlochnee.

Applicant further states that the estimated annual sales to Oil-Dri for the operation proposed herein will be 290,000 Mcf, and the estimated cost of the subject facilities is $56,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2780 Filed 3-1-71;8:48 am]

[Docket No. RP71-93]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 24, 1971.

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) on February 16, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1,[1] to become effective on March 17, 1971. The proposed rate changes would increase Texas Eastern's commodity rates by 0.02 cent per Mcf and would increase jurisdictional revenues by $182,672 annually, based on volumes, for the twelve month period ended December 31, 1969, as adjusted.

Texas Eastern in its filing states that the proposed changes in its rates are designed to recoup only the effect of an increase in the cost of gas purchased from Texas Gas Transmission Corp. (Texas Gas) resulting from the latter's rate filing in Docket No. RP69-41 et al. on February 16, 1971. Texas Eastern requests that the proposed rate changes become effective, without suspension, on March 17, 1971, the same day as Texas Gas has requested that its rate increase go into effect.

Copies of this filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 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 protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2781 Filed 3-1-71;8:48 am]

[1] 4th Revised Sheet No. 10B; 7th Revised Sheet No. 25, 57; 11th Revised Sheets Nos. 12A, 65L; 14th Revised Sheets Nos. 28A, 44B; 17th Revised Sheets Nos. 65G, 65H; 18th Revised Sheets Nos. 14, 16, 17, 19, 23, 30, 32, 33, 35, 39, 41, 44, 46, 48, 49, 51, 55, 65B, 65F; 19th Revised Sheets Nos. 27, 56, 59; 20th Revised Sheet No. 24; 21st Revised Sheet No. 61.

[Docket No. G-2311]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

FEBRUARY 24, 1971.

Take notice that on February 16, 1971, Texas Gas Transmission Corp. (petitioner), Post Office Box 1160, Owensboro, KY 42301, filed in Docket No. G-2311 a petition to amend the Commission's order issued on October 1, 1954, in said docket (13 FPC 380), by authorizing the sale and delivery of natural gas to Michigan Wisconsin Pipe Line Co. (Michigan) at a contract demand rate of 50,000 Mcf per day with an estimated annual volume of 18,250,000 Mcf at 15.025 p.s.i.a., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The aforementioned order issued in the subject docket authorized, inter alia, the sale, to American Louisiana Pipe Line Co. (American) on a firm basis of 18,615,000 Mcf of natural gas per year at 14.73 p.s.i.a. Petitioner states that under the authorization requested herein Michigan, as the successor to American, will be able to receive daily uniform deliveries of natural gas throughout the year. Petitioner further states that there is no construction proposed herein and that the change in service proposed herein will not affect its ability to meet existing customer requirements.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2782 Filed 3-1-71;8:48 am]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Regs., Temporary Reg. 20]

PROCUREMENT

Research and Development; Training and Other Educational Services

To: Heads of Federal agencies.

Subject: Office of Management and Budget Circular No. A-21, revised September 2, 1970.

1. *Purpose.* This regulation amends the provisions of the Federal Procurement Regulations with respect to principles for determining costs applicable to research and development and adds principles for application to training and other educational services under grants and contracts with educational institutions.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (3-2-71).

3. *Expiration date.* This regulation will remain in effect until canceled.

4. *Background.* Office of Management and Budget Circular No. A-21, revised September 2, 1970, rescinded and superseded Circular No. A-21 dated March 3, 1965, and its amendments. In general, the changes are intended to clarify and refine the methods used in identifying, classifying, and distributing indirect costs and to provide more definitive standards concerning the allowability of costs, both direct and indirect, applicable to Government grants and contracts with educational institutions.

5. *Explanation of changes.* a. Pending a permanent amendment of the FPR, this regulation implements Office of Management and Budget Circular No. A-21, revised September 2, 1970. To the extent that the provisions of the revised circular differ from Subpart 1-15.3, the provisions of the circular shall govern. Attachment A of Circular No. A-21 contains principles for determining costs applicable to research and development under grants and contracts with educational institutions. The major changes to Attachment A in this revision are as follows:

(1) Educational institutions will be allowed to claim costs incurred or paid by State and local governments in behalf of and in direct benefit to the institutions (page 5, C6);

(2) The educational institutions may use special studies to support different overhead cost distribution methods when they result in a more accurate and equitable distribution of costs than the currently specified methods (page 9, E2d(2));

(3) When a fixed overhead rate for a fiscal year is negotiated in advance, the institutions may elect to use a procedure which will provide adjustments for the amount of over- or under-recovery of overhead costs for that year at the time of the next rate negotiation (page 16, G5); and

(4) The institutions will be allowed to establish a schedule of rates which will permit them to recover the aggregate cost of certain specialized facilities, such as computers and wind tunnels, over a long period of time as agreed upon in advance by the cognizant Federal agency (page 36, J37b).

b. Attachment B of Circular No. A-21, revised September 2, 1970, contains principles for determining costs applicable to training and other educational services under grants and contracts with educational institutions. This revision makes no major changes in the Attachment B which was originally issued by the then Bureau of the Budget on January 2, 1969, as an addition to Circular No. A-21.

Dated: February 19, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-2744 Filed 3-1-71;8:45 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

FEBRUARY 24, 1971.

On May 5, 1970, there was published in the FEDERAL REGISTER (35 F.R. 7094) a letter dated April 27, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Mexico and exported to the United States during the 12-month period beginning May 1, 1970. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, which provides that within the aggregate limit, the group limits for Groups I and II may be exceeded by not more than ten (10) percent and the group limit on Group III may be exceeded by not more than five (5) percent; within the aggregate and group limits, specific limits on categories may be exceeded by not more than five (5) percent; and for the limited carryover of shortfalls in certain categories to the next agreement year. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of Mexico and pursuant to the bilateral agreement referred to above, there is published below a letter of February 24, 1971, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the levels of restraint applicable to cotton textile products in Groups I, II, and III and the specific levels of restraint on categories in Group II for the 12-month period which began on May 1, 1970.

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

ASSISTANT SECRETARY OF COMMERCE
INTERAGENRY TEXTILE ADMINISTRATIVE COMMITTEE

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

FEBRUARY 24, 1971.

DEAR MR. COMMISSIONER: On April 27, 1970, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Mexico, and exported to the United States on or after May 1, 1970, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of April 27, 1970, the following levels of restraint provided in that directive for cotton textiles and cotton textile products produced or manufactured in Mexico and exported from Mexico to the United States for the period beginning May 1, 1970, and extending through April 30, 1971, are hereby amended, effective as soon as possible, as follows:

The amended combined level of restraint for Categories 1, 2, 3, and 4 shall be 13,656,622 pounds.

The amended overall level of restraint for Categories 5 through 27 shall be 27,898,763.

Within the amended overall level of restraint for Categories 5 through 27, the following amended specific levels of restraint shall apply:

Category		12-month level of restraint
9	square yards	5,093,550
10	do	2,657,025
22	do	5,314,050
23	do	3,985,528
26	do[2]	7,971,075
27	do[2]	2,657,025

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico which provide in part that within the aggregate the group limits for Group I and II may be exceeded by not more than ten (10) percent and the group limit on Group III may be exceeded by not more than five (5) percent; within the aggregate and group limits, specific limits on categories may be exceeded by not more than five (5) percent; and for the limited carryover of short falls in certain categories to the next agreement year.

[2] Of the total amount for Categories 26 and 27, not more than 5,730,244 square yards shall be in duck fabric, T.S.U.S.A. Nos.:

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

The amended overall level of restraint for Categories 28 through 64, shall be 2,668,050. No entries or withdrawals from warehouse of cotton textile products in Category 51 shall be permitted under this amended overall level of restraint. Entries and withdrawals from warehouse of cotton textile products in Categories 53 and 64 permitted pursuant to the terms of the directive of February 5, 1971, sent to you by the Chairman of the Interagency Textile Administrative Committee shall be charged against the amounts permitted to be entered under that directive and shall not be charged against the amended overall level of restraint for Categories 28 through 64 established by this directive. Cotton textile products in Categories 53 and 64 in excess of the amounts permitted to be entered under the terms of the directive of February 5, 1971, shall be charged against the amended overall level of restraint for Categories 28 through 64 established by this directive.

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

Sincerely yours,

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

[FR Doc.71–2791 Filed 3–1–71;8:48 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

SLAB FORK COAL CO. AND KAISER STEEL CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10136, Slab Fork Coal Co., Slab Fork No. 8 Mine, USBM ID No. 46 01504 0, Slab Fork, Raleigh County, W. Va., Section ID No. 803 (10 Right Off No. 4 South Mains).

(2) ICP Docket No. 11231, Kaiser Steel Corp., York Canyon No. 1 Mine, USBM ID No. 29 00095 0, Raton, Colfax County, N.M., Section ID No. 003 (4th Right), Section ID No. 004 (1st Left), Section ID No. 009 (1st East), Section ID No. 006 (1st North), and Section ID No. 007 (2nd North).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

FEBRUARY 25, 1971.

[FR Doc.71–2760 Filed 3–1–71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70–4878]

DELMARVA POWER & LIGHT CO.

Notice of Posteffective Amendment Regarding Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exception From Competitive Bidding

FEBRUARY 23, 1971.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 600 Market Street, Wilmington, DE 19899, a registered holding company, has filed with this Commission a posteffective amendment to its application in this proceeding pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated June 8, 1970 (Holding Company Act Release No. 16752), the Commission permitted Delmarva to issue and sell short-term notes (including commercial paper) in an aggregate face amount not to exceed $25 million to be outstanding at any one time.

Delmarva now requests that for the period ending December 31, 1971, the exemption under section 6(b) be increased from 5 percent to approximately 13 percent of the principal amount and par value of its other securities outstanding, to permit it to issue and sell short-term notes (includling commercial paper) in an aggregate face amount not to exceed $40 million outstanding at any one time. The proceeds will be used to finance a part of Delmarva's 1971 construction program which is estimated at $114,229,000. In all other respects the transactions remain unchanged.

It is stated that no 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 16, 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 posteffective amendment to the application 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 applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted 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] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–2750 Filed 3–1–71;8:46 am]

[70–4974]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Underwritten Common Stock Offering to Stockholders and Offering of Unsubscribed Shares to Employees, and Issue and Sale of Preferred Stock at Competitive Bidding

FEBRUARY 23, 1971.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 600 Market Street, Wilmington, DE 19899, a registered holding company and also a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 12(c) of the Act and Rules 42 and 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.

Delmarva proposes to issue and sell 1,015,958 shares of its authorized but unissued common stock, par value $3.375 per share, at an offering price which will not exceed, nor be less than 85 percent of, the last reported sale price on the New York Stock Exchange prior to the

determination of the offering price. The offering price will be determined by Delmarva's board of directors no later than 12 noon on March 23, 1971.

In accordance with the requirements of Delmarva's Certificate of Incorporation, its stockholders of record on March 25, 1971, will have the right (evidenced by transferable warrants) to subscribe to the new stock on the basis of one share of new stock for each ten shares of common stock held of record on such date. Subject to the rights of stockholders, the stock will also be offered at the same offering price to employees of Delmarva and its subsidiary companies in an amount not exceeding 300 shares per employee. The unsubscribed balance, if any, of the common stock will be sold at the offering price to underwriters subject to the competitive bidding requirements of Rule 50.

Delmarva also proposes, for the purpose of stabilizing the price of its common stock to purchase up to 50,798 shares of the presently outstanding shares. Such stabilization, if commenced, will be terminated not later than the time fixed for the opening of bids for the purchase of the unsubscribed stock. Shares acquired by Delmarva as a result of such stabilization will be included as a part of the unsubscribed stock which will be sold to the underwriters.

Delmarva also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, 150,000 shares of its cumulative preferred stock, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued dividends, to be paid to Delmarva (which will be not less than $100 nor more than $102.75 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 received from the issue and sale of the common and preferred stock will be used by Delmarva and its subsidiary companies to finance, in part, the cost of their 1971 construction program, estimated at $117,343,000, and to pay all or a portion of unsecured short-term loans incurred prior to the sale of the common and preferred stock.

A statement of the fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is represented that the Public Service Commission of Delaware has jurisdiction over the proposed issue of common stock and preferred stock by Delmarva and 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 12, 1971, request in writing that a hearing be held on such matter, stating the nature for 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 certificate) 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 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] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2751 Filed 3-1-71;8:46 am]

[70-4983]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Amendment of Certificate of Incorporation To Increase Authorized Preferred Stock and Common Stock and Solicitation of Proxies

FEBRUARY 22, 1971.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 600 Market Street, Wilmington, DE 19899, 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), 7, and 12(e) of the Act and Rule 62 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.

Delmarva, by vote of its preferred and common stockholders at the annual meeting of stockholders to be held on April 20, 1971, proposes to amend its certificate of incorporation (1) to increase the authorized number of shares of preferred stock, par value $100 per share, from 750,000 to 1,300,000 and (2) to increase the authorized number of shares of common stock, par value $3.37½ per share, from 12 million to 17 million. Delmarva states that at the present time it has outstanding 550,000 shares of preferred stock and 10,159,579 shares of common stock. After consummation of a present proposal to issue preferred and common stock, there will be only 50,000 additional shares of preferred stock and 819,595 shares of common stock available for future issuance.

A majority vote is necessary by both preferred and common stockholders, voting separately as classes, to increase the authorized number of shares of preferred stock while only a majority vote of common stockholders is necessary to increase the authorized common stock. Delmarva proposes to solicit proxies from such security holders.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that no fees or commissions are to be paid in connection therewith.

Notice is further given that any interested person may, not later than March 11, 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 certificate) 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] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2752 Filed 3-1-71;8:46 am]

[70-4978]

GEORGIA POWER CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes

FEBRUARY 23, 1971.

Notice is hereby given that Georgia Power Co. (Georgia), 270 Peachtree Street NW., Atlanta, GA 30303, a public-utility subsidiary company of the Southern Co., 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 thereof

as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes, on or prior to June 1, 1971, to issue $7,804,000 principal amount of its first mortgage bonds, 2⅞ percent series due 1980, under the provisions of its indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as trustee, as amended and supplemented, and to surrender such bonds to the Trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on August 18, 1965 (Holding Company Act Release No. 15294) and are to be issued on the basis of unfunded net property additions, thus making available for construction and other purposes cash which would otherwise be required to satisfy the sinking fund requirement or to purchase bonds for such purpose.

The fees and expenses to be paid by Georgia in connection with the issuance of the bonds are estimated at $2,500, including $1,500 for charges of the Trustee and counsel fee of $500. It is stated that the issuance of the sinking fund bonds has been authorized by the Georgia Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 12, 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 certificate) 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] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2753 Filed 3-1-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 653]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 24, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72453. By order of February 19, 1971, the Motor Carrier Board approved the transfer to Reinhart Mayer, doing business as Mayer Truck Line, Jamestown, N. Dak., of the operating rights in certificate No. MC-125003 issued February 13, 1964, to Donald M. Brown, doing business as Brown Truck Line, Drayton, N. Dak., authorizing the transportation of fertilizer, in bags, from Pine Bend and Minneapolis, Minn., and points within 10 miles thereof, except Cargill, Minn., to points in North Dakota. Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND attorney for applicants.

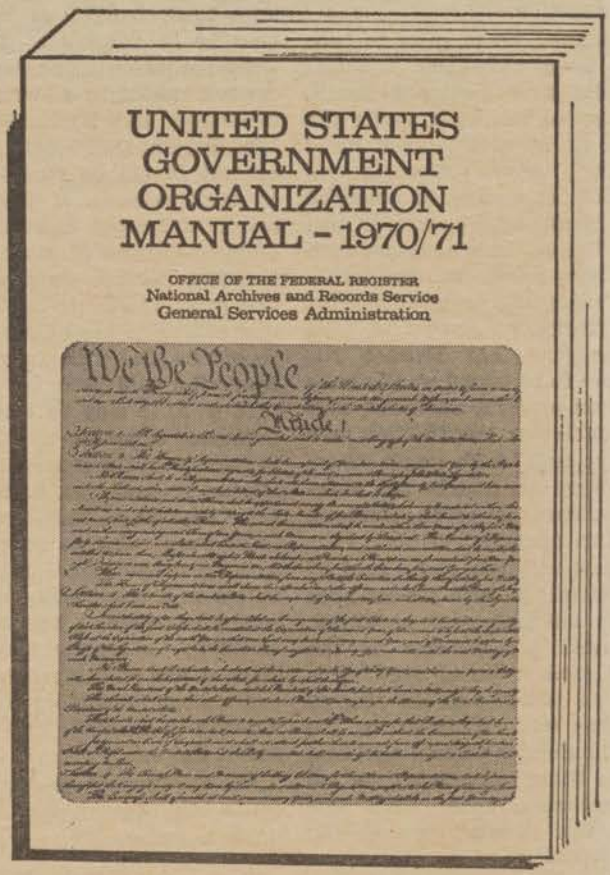
[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2792 Filed 3-1-71;8:48 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
3875–3953	March 2

know your government



UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71

presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.

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