# FEDERAL REGISTER

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Agencies in this issue—



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# List of CFR Parts Affected

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

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

# Presidential Documents

## Title 3—The President

PROCLAMATION 4033

## Red Cross Month, 1971

*By the President of the United States of America*

### A Proclamation

The highest ideal of mankind is love, and the great challenge is to infuse love into the decisions and actions of daily living. "Love cannot be a mere abstraction," the American religious leader Mary Baker Eddy wrote nearly a century ago; we must "make strong demands on love, call for active witnesses to prove it, and noble sacrifices and grand achievements as its results." At about the same time, her contemporary Clara Barton was founding an organization that meets this challenge superbly—the American Red Cross.

Today the hands of the Red Cross reach across the Nation and, through the League of Red Cross Societies, around the world, to bring relief wherever disaster, disease, misfortune, or war causes human suffering. The American Red Cross is chartered by Congress but its financing is purely voluntary, compelled by compassion alone. The success of its vital humanitarian mission rests upon generous gifts of time and money from millions of Americans.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, and Honorary Chairman of the American National Red Cross, do hereby designate March 1971, as Red Cross Month, a month when the organization will appeal for your active help. I urge every American to measure his contribution of dollars and skills by the same rule that governs the work of the Red Cross—the Golden Rule.

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

Richard Nixon

[FR Doc.71-3283 Filed 3-4-71;4:30 pm]

PROCLAMATION 4034

# Save Your Vision Week, 1971

*By the President of the United States of America*

## A Proclamation

The greatest tragedy of blindness is that it may be needless.

Much can be done to preserve sight by regular and thorough eye examinations, beginning early in life, and by promoting eye safety on the job, in schools, and at home.

Early detection can prevent glaucoma and prompt treatment can restore the vision lost because of cataracts. Healthy tissue can be transplanted to restore sight.

On the other hand, there are many causes of blindness or visual disability that science cannot yet prevent or treat. Only research can provide the answers to visual problems such as disorders of the retina, inherited vision defects, and blindness from long-standing diabetes.

The Federal Government conducts and supports such research in the recently established National Eye Institute of the National Institutes of Health and in laboratories across the Nation. This effort by the Government complements the many excellent activities of private and voluntary groups in supporting research and in providing services to the blind and visually handicapped.

In an effort to make Americans better aware of how sight may be preserved, the Congress by a joint resolution approved December 30, 1963 (77 Stat. 629), requested the President to proclaim the first week in March of each year as Save Your Vision Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week of March 7, 1971, as Save Your Vision Week; and I invite appropriate officials of State and local governments to issue similar proclamations.

I call upon all our citizens to join in this observance by learning how visual disabilities may be prevented and by seeking professional attention for themselves and their families for vision problems. I also encourage them, and the communications media, the health care professions, and other interested organizations, to support research aimed at conquering those diseases and conditions against which we now have no defense.

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

Richard Nixon

[FR Doc.71-3282 Filed 3-4-71;4:30 pm]

# EXECUTIVE ORDER 11585

**Creating an Emergency Board to Investigate Disputes Between Certain Carriers Represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers' Conference Committees and Certain of Their Employees Represented by the Brotherhood of Railroad Signalmen**

WHEREAS disputes exist between certain carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers' Conference Committees, designated in List A attached hereto and made a part hereof, and certain of their employees represented by the Brotherhood of Railroad Signalmen, a labor organization; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the Board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers' Conference Committees, or by their employees represented by the Brotherhood of Railroad Signalmen, in the conditions out of which the disputes arose.

Richard Nixon

THE WHITE HOUSE,
*March 4, 1971.*

LIST A

EASTERN RAILROADS

Akron, Canton & Youngstown Railroad
Ann Arbor Railroad
Baltimore and Ohio Railroad
  Baltimore and Ohio Chicago Terminal Railroad
  Staten Island Rapid Transit Railway
Bangor and Aroostook Railroad
Bessemer and Lake Erie Railroad
Boston and Maine Corporation
Boston Terminal Corporation
Central Railroad Company of New Jersey
  New York and Long Branch Railroad Company
Central Vermont Railway, Inc.
Cincinnati Union Terminal Company
Cleveland Union Terminals Company
Dayton Union Railway
Delaware and Hudson Railway
Detroit and Toledo Shore Line Railroad
Detroit Terminal Railroad
Detroit, Toledo and Ironton Railroad
Erie Lackawanna Railway
Grand Trunk Western Railroad
Indiana Harbor Belt Railroad
Indianapolis Union Railway
Lehigh and Hudson River Railway
Lehigh and New England Railway
Lehigh Valley Railroad
Maine Central Railroad Company
  Portland Terminal Company
Monongahela Railway
Monon Railroad
New York, Susquehanna and Western Railroad
Norfolk and Western Railway
  (Lines of former New York, Chicago and St. Louis Railroad)
  (Lines of former Pittsburgh and West Virginia Railway)
Penn Central Transportation Company
Pennsylvania-Reading Seashore Lines
Reading Company
Union Railroad Company (Pittsburgh)
Washington Terminal Company
Western Maryland Railway

WESTERN RAILROADS

Alton and Southern Railway
Atchison, Topeka and Santa Fe Railway
Belt Railway Company of Chicago
Burlington Northern, Inc.
  (Former Chicago, Burlington & Quincy Railroad)
  (Former Great Northern Railway)
  (Former Northern Pacific Railway)
  (Former Spokane, Portland & Seattle Railway)
Chicago and Eastern Illinois Railroad
Chicago and Illinois Midland Railway
Chicago and North Western Railway
Chicago and Western Indiana Railroad
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago, Rock Island and Pacific Railroad
Colorado and Southern Railway
Denver and Rio Grande Western Railroad
Denver Union Terminal Railway
Duluth, Winnipeg and Pacific Railway
Elgin, Joliet and Eastern Railway
Fort Worth and Denver Railway
Galveston, Houston and Henderson Railroad
Green Bay and Western Railroad
Houston Belt and Terminal Railway
Illinois Central Railroad
  (Including the Paducah and Illinois Railroad)
Joint Texas Division of CRI&P—FtW&D Railway
Kansas City Southern Railway
Kansas City Terminal Railway
Louisiana and Arkansas Railway
Missouri-Kansas-Texas Railroad

WESTERN RAILROADS—continued

Missouri Pacific Railroad
Norfolk and Western Railway
(Lines formerly operated by the Wabash Railroad)
Peoria and Pekin Union Railway
St. Louis-San Francisco Railway
St. Louis Southwestern Railway
Soo Line Railroad
Southern Pacific Transportation Company
Pacific Lines
Texas and Louisiana Lines
Former Pacific Electric Railway
Terminal Railroad Association of St. Louis
Texas and Pacific Railway
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans
Toledo, Peoria and Western Railroad
Union Pacific Railroad
Union Terminal Company (Dallas)
Western Pacific Railroad

SOUTHEASTERN RAILROADS

Atlanta and West Point Railroad Company
The Western Railway of Alabama
Central of Georgia Railway
Chesapeake and Ohio Railway
Clinchfield Railroad
Georgia Railroad
Gulf, Mobile and Ohio Railroad
Jacksonville Terminal Company
Kentucky and Indiana Terminal Railroad
Louisville and Nashville Railroad
New Orleans Public Belt Railroad
Norfolk and Western Railway
(Atlantic and Pocahontas Regions)
Richmond, Fredericksburg and Potomac Railroad
Seaboard Coast Line Railroad
Southern Railway
Alabama Great Southern Railroad
Cincinnati, New Orleans and Texas Pacific Railway
Georgia Southern and Florida Railway
Harriman and Northeastern Railroad
New Orleans Terminal Company
St. Johns River Terminal Company

[FR Doc.71-3249 Filed 3-4-71;1:41 pm]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

### Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the Assistant Secretary for Public Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3-6-71), subparagraph (20) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

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

(20) One Special Assistant to the Assistant Secretary for Public Affairs.

* * * * *

(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.71-3253 Filed 3-5-71;8:52 am]

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

### PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—White-Fringed Beetle

REGULATED AREAS

Under the authority of § 301.72–2 of the White-Fringed Beetle Quarantine regulations, 7 CFR 301.72–2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.72–2a, is hereby amended as follows:

A. In § 301.72–2a relating to the State of Alabama, the entire description for that State is changed to read as follows:

ALABAMA

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

B. In § 301.72–2a relating to the State of Arkansas, under suppressive area, the following counties are added or redescribed and should be listed in alphabetical order as follows:

ARKANSAS

* * * * *

(2) *Suppressive area.*

*Clay County.* That area included within the corporate limits of the town of Datto.

*Craighead County.* Secs. 10, 11, 12, 13, 14, 15, 23, 24, 25, and 36, T. 14 N., R. 3 E.; secs. 1, 2, 3, 11, 12, 13, 14, 24, and 25, T. 13 N., R. 4 E.; secs. 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 34, 35, and 36, T. 14 N., R. 4 E.; secs. 18, 19, and 30, T. 13 N., R. 5 E., including all of the town of Jonesboro; secs. 9, 10, 11, 14, 15, and 16, T. 13 N., R. 7 E., including all of the town of Caraway; and secs. 27, 28, 33, and 34, T. 15 N., R. 7 E., including all of the town of Monette.

*Crittenden County.* All the area included within the corporate limits of the towns of Crawfordsville, Earle, Marion, Norvell, and West Memphis; secs. 1, 2, 11, and 12, T. 5 N., R. 7 E.; secs. 35 and 36, T. 6 N., R. 7 E.; secs. 6, 7, 8, and 17, T. 5 N., R. 8 E.; sec. 31, T. 6 N., R. 8 E.; sec. 24, T. 7 N., R. 7 E.; secs. 19, 21, 22, 27, and 28, T. 7 N., R. 8 E.; secs. 9, 15, 16, 22, and 27, T. 8 N., R. 8 E.; and sec. 10, T. 6 N., R. 9 E.

* * * * *

*Lawrence County.* That area included within the corporate limits of the town of Black Rock.

* * * * *

*Mississippi County.* Secs. 7, 8, 9, and 17, T.15 N., R. 8 E., including all of the town of Leachville; sec. 19, T. 10 N., R. 9 E.; secs. 11 and 12, T. 12 N., R. 9 E.; all of the area within the corporate limits of the town of Manila; all of the area within the limits of the Blytheville Air Force Base; secs. 2, 3, 4, 8, 9, 10, 11, 13, 14, 15, 16, 17, 20, 21, 22, 23, and 28, T. 15 N., R. 11 E., including all of the town of Blytheville; secs. 27 and 34, T. 16 N., R. 11 E.; and secs. 8, 17, and 18, T. 15 N., R. 12 E.

*Monroe County.* All of the area lying within the corporate limits of the towns of Brinkley and Clarenden, and secs. 22, 23, 26, and 27, T. 1 S., R. 2 W.

* * * * *

*Poinsett County.* That area included within the corporate limits of the towns of Harrisburg, Trumann, and Tyronza; secs. 12, 13, 14, 23, 24, 25, and 26, T. 10 N., R. 3 E.; secs. 1, 2, and 3, T. 10 N., R. 6 E.; secs 34, 35, and 36, T. 11 N., R. 6 E., including all of the town of Market Tree; secs. 2, 3, 4, 9, 10, 11, 14, 15, 22, and 23, T. 11 N., R. 7 E.; and secs. 9, 26, 33, 34, and 35, T. 12 N., R. 7 E., including all of the town of Lepanto.

*Pulaski County.* That portion of T. 2 N., R. 12 W., lying west of State Highway 5 and north of Interstate 40; sec. 31, T. 3 N., R. 12 W., and that area included within a circle having a ½-mile radius with the center point located at the intersection of Markham Road and Rodney Parham Road.

* * * * *

*Union County.* Sec. 17, T. 17 S., R. 15 W.

C. In § 301.72–2a relating to the State of Florida, the following county is added in alphabetical order to the generally infested area:

FLORIDA

(1) *Generally infested area.* * * *

*Hamilton County.* Secs. 12, 13, and 24, T. 2 N., R. 11 E.; and secs. 7, 8, 17, 18, 19, and 20, T. 2 N., R. 12 E.

* * * * *

D. In § 301.72–2a relating to the State of Georgia, under generally infested area, the following counties are added or redescribed and should be listed in alphabetical order as follows:

GEORGIA

(1) *Generally infested area.*

*Appling County.* That portion of Georgia Militia District 1726 lying east of State Secondary Road S–1301.

* * * * *

*Bulloch County.* Georgia Militia Districts 45, 48, 1209, 1575, 1716, 1547, 44, and 1803.

* * * * *

*Carroll County.* That portion of the county lying within Georgia Militia Districts 649, 642, 714, and 1533.

*Chatham County.* That portion of the county lying between the Seaboard Coastline Railroad and the Pipe Maker's Canal and bounded on the east by Dean Forest Road and on the west by I–95.

* * * * *

*Colquitt County.* The entire county.

*Columbia County.* That portion of Georgia Militia District 128 lying north of Fort Gordon Reservation.

* * * * *

*Crisp County.* That portion of the county lying within Georgia Militia Districts 1451, 1004, 1040, 732, and 1697.

* * * * *

*Douglas County.* All of that part of the city of Villa Rica that lies within the county.

* * * * *

*Haralson County.* The entire county.

* * * * *

*Jenkins County.* That portion of the county lying within a radius of 2 miles with center at the intersection of U.S. Highway 25 and the Burke County line; and all of Georgia Militia District 1638.

* * * * *

*Madison County.* That portion of the county lying within a radius of 1 mile with center at U.S. Highway 29 and the Diamond Hill-Colbert Road.

* * * * *

*Mitchell County.* That portion of the county lying within Georgia Militia District 1194, and that portion of Georgia Militia District 1173 lying south of State Highway 97 and west of State Secondary Road S–1643, excluding that portion of the city of Camilla.

* * * * *

*Newton County.* That portion of the county lying within Georgia Militia Districts 420, 462, 461, 1261, and 1513.

* * * * *

*Rockdale County.* That portion of the county lying within Georgia Militia District 561.

* * * * *

*Whitfield County.* That portion of the county lying within an area having a 1-mile radius with center at the intersection of State Highway 71 and State Secondary Road 1582.

* * * * *

E. In § 301.72–2a relating to the State of Louisiana, the entire description for that State is changed to read as follows:

LOUISIANA

(1) *Generally infested area.*

*Acadia Parish.* T. 7 S., Rs. 1 E. and 1 W.; secs. 13, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, and 43, T. 9 S., R. 1 E.; that portion of sec. 14, T. 9 S., R. 1 E., lying south of Bayou Wikoff; those portions of secs. 20, 29, 30, 31, and 44, T. 9 S., R. 1 E., lying south and east of Bayou Plaquemine Brule; secs. 3, 4, 5, 6, 7, 8, and 37, T. 10 S., R. 1 E.; and secs. 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 S. R. 2 E.

*De Soto Parish.* All that area lying within the corporate limits of the city of Mansfield.

*East Baton Rouge Parish.* Sec. 48, T. 5 S., R. 1 W.; secs. 58 and 59, T. 6 S., R. 1 W.; that portion of the parish lying within T. 6 S., Rs. 1 E. and 1 W., south and west of U.S. Highway 190 (Airline Highway), and those portions of secs. 50, 51, and 64, T. 6 S., R. 1 E., lying east of said highway; and that portion of the parish lying within T. 7 S., Rs. 1 and 2 E. and 1 W.

*East Feliciana Parish.* T. 1 S., Rs. 1, 2, 3, and 4 E.; T. 2 S., Rs. 2 and 3 E.; that area bounded by lines lying 1 mile east and west of and parallel to Louisiana Highway 19 extending from the south line of the parish northward to Louisiana Highway 955; and secs. 28, 33, 42, and 47, T. 2 S., R. 1 E.

*Evangeline Parish.* That area bounded by lines lying 1 mile west and east of and parallel to Louisiana Highway 13 extending from State Highway 1160 to the south line of the parish.

*Iberia Parish.* That portion of the parish known as Avery Island including secs. 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 36, 55, 56, 57, 58, 59, and 60, T. 13 S., R. 6 E.; and secs. 1, 2, 10, 11, 12, and 13, T. 12 S., R. 6 E.

*Iberville Parish.* All the sections in T. 9 S., R. 12 E., lying west of State Highway 1, including all the area in the corporate limits of the city of Plaquemine.

*Jefferson Parish.* The entire parish.

*Lafayette Parish.* T. 9 S., Rs. 3, 4, and 5 E., including all of the corporate limits of the city of Lafayette; and T. 10 S., R. 5 E.

*Lincoln Parish.* Secs. 6, 7, 18, 19, 20, 21, 28, 29, 30, and 31, T. 18 N., R. 2 W.; T. 18 N., R. 3 W.; and that portion of the parish lying within T. 20 N., Rs. 2 and 3 W.

*Livingston Parish.* Secs. 57 and 58, T. 5 S., R. 3 E.; and that portion of the parish lying within T. 6 S.; and that portion of T. 7 S., Rs. 6 and 7 E., lying within the parish.

*Orleans Parish.* All of Orleans Parish, including the city of New Orleans.

*Ouachita Parish.* Secs. 24 and 25, T. 18 N., R. 1 E.; secs. 25, 26, 27, 28, 29, and 30, T. 18 N., R. 2 E.; secs. 4, 5, 6, 7, 8, 9, 16, and that portion of 54 lying north of State Road 3033, T. 17 N., R. 3 E.; that portion of T. 18 N., R. 3 E., lying west of the Ouachita River; and that area bounded by a line beginning at the point where the west line of sec. 39, T. 18 N., R. 4 E., intersects Bayou DeSiard and extending east and north along said bayou to the south line of sec. 11, T. 18 N., R. 4 E., thence northeast to the east line of sec. 12, thence north to the north line of sec. 31, T. 19 N., R. 5 E., thence east to the east line of sec. 31, thence south along the east lines of secs. 31 and 6 to the Stubbs-Ritchie Road, thence east to the intersection of Stubbs-Ritchie Road with State Road 594, thence south along State Road 594 to the crossing of the Illinois Central Railroad, thence west along said railroad to the west line of sec. 33, T. 18 N., R. 5 E., thence north along the west lines of secs. 33 and 39, T. 18 N., R. 4 E., to the point of beginning.

*Plaquemines Parish.* T. 18 S., R. 27 E.; and all of that portion of the parish lying north of the south line of T. 16 S.

*Pointe Coupee Parish.* Sec. 74, and that portion of secs. 75 and 76 west of Louisiana Highway 77 and north of U.S. Highway 190, T. 6 S., R. 9 E.

*Rapides Parish.* That portion of sec. 1 outside of the corporate city limits of Pineville; sec. 2, T. 4 N., R. 1 W.; and secs. 35 and 36, T. 5 N., R. 1 W.; and that portion of the city of Alexandria bounded on the west by MacArthur Drive, on the south and east by Monroe Street, and on the north by Bolton Avenue; secs. 4, 5, and 6, T. 1 S., R. 2 W.; secs. 28, 29, 30, 31, 32, and 33, T. 1 N., R. 2 W.; secs. 32, 78, 115, and that portion of 118 and 119 lying south of State Highway 121 in T. 4 N., R. 3 W.; and secs. 12, 13, 37, 38, 40, and 41 in T. 4 N., R. 4 W.

*St. Bernard Parish.* The entire parish.

*St. Charles Parish.* That area bounded by a line beginning at a point where U.S. Highway 61 and the St. Charles-St. John the Baptist Parish line intersect and extending eastward along said highway to its intersection with the St. Charles-Jefferson Parish line, thence south along said parish line to its intersection with U.S. Highway 90, thence westward along said highway to its junction with State Highway 3060, thence northeast along said highway to its junction with State Highway 18, thence northeast along a line projected from a point at the junction of State Highways 18 and 3060 to the east bank of the Mississippi River, thence northwest along said bank of the Mississippi River to its intersection with the St. Charles-St. John the Baptist Parish line, thence east and northeast along said parish line to the point of beginning.

*St. Helena Parish.* The entire parish.

*St. James Parish.* That area bounded by a line beginning at a point where U.S. Highway 61 and the Ascension-St. James Parish line intersect and extending southeast and east along said highway to its intersection with the St. James-St. John the Baptist Parish line, thence southeast along said parish line to the east bank of the Mississippi River, thence northwest along said bank of the Mississippi River to its intersection with Ascension-St. James Parish line, thence eastward along said parish line to the point of beginning.

*St. John the Baptist Parish.* All that portion of the parish lying between U.S. Highway 61 and the Mississippi River, and all of secs. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 54, 55, 56, 59, 60, 61, and 62, T. 11 S., R. 7 E.

*St. Landry Parish.* That portion of the parish lying in T. 6 S. west of the east line of R. 2 E.; secs. 33, 34, 35, 42, and 45, T. 5 S., R. 5 E.; secs, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 52, and 63, T. 6 S., R. 5 E.; that portion of sec. 47 lying east of the Missouri Pacific Railroad, and sec. 61, T. 7 S., R. 5 E.; and sec. 30, T. 7 S., R. 6 E.

*St. Martin Parish.* Secs. 13, 24, 105, and 106, T. 8 S., R. 5 E.; and secs. 48 and 67, T. 8 S., R. 6 E.

*St. Tammany Parish.* The entire parish.

*Tangipahoa Parish.* The entire parish.

*Union Parish.* Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 21 N., R. 1 E.; and secs. 21, 22, 23, 24, 25, 26, 27, 28, and 36, T. 21 N., R. 1 W.

*Washington Parish.* The entire parish.

*Webster Parish.* T. 18 N., R. 9 W., including all that area lying within the corporate limits of the city of Dubberly; T. 19 N., R. 9 W.; and all that area lying within the corporate limits of the city of Springhill.

(2) *Suppressive area.*

*Caddo Parish.* That area in the corporate limits of the city of Shreveport bounded by a line beginning at a point where Youree Drive intersects U.S. Interstate Highway 20, thence southeast along Youree Drive to its intersection with Cornwell Avenue, thence south along Cornwell Avenue to its intersection with Jordan Street, thence west along Jordan Street to its intersection with Line Avenue, thence north along Line Avenue to its intersection with U.S. Interstate Highway 20, thence northeast along U.S. Interstate Highway 20 to the point of beginning.

*Grant Parish.* Sec. 15, T. 6 N., R. 1 W.

*Morehouse Parish.* All that area within the corporate limits of the city of Bastrop; secs. 13, 14, and those portions of secs. 23 and 24 outside the corporate limits of the city of Bastrop, T. 21 N., R. 5 E.

*Terrebonne Parish.* That area bounded by a line commencing where the Intercoastal Waterway crosses Bayou Terrebonne; thence north and east along said waterway to the east line of R. 17 E.; thence south along said line to the intersection of East Houma City limits; thence south along city limit line to the intersection of Louisiana Highway 57; thence north and west along said highway to the intersection of State Highway 24; thence west on State Highway 24 to the point of beginning.

*West Feliciana Parish.* Secs. 51, 52, 67, and 68, T. 3 S., R. 3 W., excluding that area lying within the corporate limits of the city of St. Francisville.

F. In § 301.72–2a relating to the State of Mississippi, the entire description for that State is changed to read as follows:

MISSISSIPPI

(1) *Generally infested area.*

*Adams County.* The entire county.

*Alcorn County.* The entire county.

*Amite County.* The entire county.

*Attala County.* The entire county.

*Benton County.* The entire county.

*Bolivar County.* Sec. 3 and NW¼, T. 21 N., R. 5 W.; secs. 15, 16, 17, 18, 22, 27, and 34, and SW¼, T. 22 N., R. 5 W.; and secs. 8, 9, 16, 17, 20, and 21, T. 23 N., R. 5 W.

*Calhoun County.* Secs. 4, 5, 8, and 9, T. 22 N., R. 9 E.; secs. 13, 14, 15, 22, 23, 24, 32, and 33, T. 23 N., R. 9 E.; and an area 2 miles wide with State Highway No. 9 as the centerline, beginning at the south line of T. 13 S., R. 1 W., and continuing to Savannah Creek in T. 11 S., R. 1 W.

*Carroll County.* Secs. 13, 14, 15, 22, 23, and 24, T. 17 N., R. 5 E.

*Chickasaw County.* Secs. 4, 9, 31, 32, and 33, T. 13 S., R. 3 E.; secs. 4, 5, and 6, NE¼, T. 14 S., R. 3 E.; and SE¼, T. 12 S., R. 5 E.

*Choctaw County.* The entire county.

*Claiborne County.* The entire county.

*Clarke County.* The entire county.

*Clay County.* Secs. 20, 21, 28, and 29, T. 20 N., R. 13 E.; secs. 22, 23, and 24, and NE¼, T. 17 S., R. 6 E.

*Coahoma County.* Secs. 18, 19, and 30, T. 27 N., R. 3W.; and secs. 13, 14, 15, 22, 23, 24, 25, 26, and 27, T. 27 N., R. 4 W.

*Copiah County.* The entire county.

*Covington County.* The entire county.

*DeSoto County.* The entire county.

*Forrest County.* The entire county.

*Franklin County.* The entire county.

*George County.* The entire county.

*Greene County.* The entire county.

*Grenada County.* The entire county.

*Hancock County.* The entire county.

*Harrison County.* The entire county.

*Hinds County.* The entire county.

*Holmes County.* Secs. 25, 26, 27, 34, 35, and 36, T. 15 N., R. 2 E.; that portion of the NE¼, T. 12 N., R. 3 E., lying within the county; secs. 21, 22, 27, and 28, T. 13 N., R. 3 E.; secs. 17, 18, 19, and 20, T. 13 N., R. 4 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, and 23, T. 14 N., R. 4 E.; secs. 3 and 4, T. 15 N., R. 5 E.; and secs. 33 and 34, T. 16 N., R. 5 E.

*Itawamba County.* SW¼, T. 7 S., R. 8 E.; secs. 23, 24, 25, 26, 35, and 36, and NW¼, T. 9 S., R. 8 E.; secs. 25 and 36, T. 7 S., R. 9 E.; sec. 1, T. 8 S., R. 9 E.; secs. 19, 20, 29, 30, 31, and 32, T. 9 S., R. 9 E.; secs. 29, 30, 31, and 32, T. 7 S., R. 10 E.; and secs. 5 and 6, T. 8 S., R. 10 E.

*Jackson County.* The entire county.

*Jasper County.* The entire county.

*Jefferson County.* The entire county.

*Jefferson Davis County.* The entire county.

*Jones County.* The entire county.

*Kemper County.* The entire county.

*Lafayette County.* Secs. 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 8 S., R. 3 W.; secs. 3, 4, 5, and 6, T. 9 S., R. 3 W.; secs. 13, 24, 25, and 36, T. 8 S., R. 4 W.; and sec. 1, T. 9 S., R. 4 W.

*Lamar County.* The entire county.

*Lauderdale County.* The entire county.

*Lawrence County.* The entire county.

*Leake County.* The entire county.

*Lee County.* The entire county.

*Lincoln County.* The entire county.

*Lowndes County.* Secs. 16, 17, 18, 19, 20, and 21, T. 18 N., R. 16 E.; SW¼, T. 16 S., R. 18 W.; secs. 4, 5, and 6, T. 17 S., R. 18 W.; secs. 24, 25, and 36, T. 16 S., R. 19 W.; and all of the area lying within the corporate limits of the city of Columbus.

*Madison County.* The entire county.

*Marion County.* The entire county.

*Marshall County.* SW¼, T. 3 S., R. 2 W.; NW¼, T. 4 S., R. 2 W.; SE¼, T. 3 S., R. 3 W.; and NE¼, T. 4 S., R. 3 W.

*Monroe County.* Secs. 35 and 36, T. 11 S., R. 6 E.; SW¼, T. 15 S., R. 18 W.; sec. 32 and that portion of sec. 33, T. 13 S., R. 16 W., lying in Mississippi; sec. 5, T. 14 S., R. 16 W.; secs. 25, 26, 35, and 36, T. 14 S., R. 19 W.; and all of the areas lying within the corporate limits of the cities of Aberdeen and Amory.

*Montgomery County.* The entire county.

*Neshoba County.* The entire county.

*Newton County.* The entire county.

*Noxubee County.* Secs. 9, 16, and 21, T. 15 N., R. 17 E.

*Oktibbeha County.* Secs. 5 and 6, T. 19 N., R. 12 E.; secs. 31 and 32, T. 20 N., R. 12 E.; secs. 1, 2, 3, 4, 9, 10, 11, and 12, T. 18 N., R. 14 E.; and secs. 25, 26, 27, 28, 33, 34, 35, and 36, T. 19 N., R. 14 E.

*Panola County.* S½, T. 7 S., R. 7 W.; N⅓ and S⅓, T. 8 S., R. 7 W.; and N½, T. 9 S., R. 7 W.

*Pearl River County.* The entire county.

*Perry County.* The entire county.

*Pike County.* The entire county.

*Pontotoc County.* Secs. 10, 11, 14, and 15, T. 9 S., R. 1 E.; SE¼, T. 10 S., R. 1 E.; secs. 31, 32, 33, and 34 T. 9 S., R. 3 E.; and secs. 3, 4, 5, and 6, T. 10 S., R. 3 E.

*Prentiss County.* Secs. 1, 12, 35, and 36, T. 6 S., R. 6 E.; secs. 9, 10, and 35, T. 4 S., R. 7 E.; secs. 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, and 23, T. 5 S., R. 7 E.; secs. 6 and 7, T. 6 S., R. 7 E.

*Rankin County.* The entire county.

*Scott County.* The entire county.

*Simpson County.* The entire county.

*Smith County.* The entire county.

*Stone County.* The entire county.

*Tate County.* W½, T. 5 S., R. 7 W., including all of the corporate limits of the city of Coldwater.

*Tippah County.* The entire county.

*Tishomingo County.* Sec. 13, T. 4 S., R 9 E.; secs. 28, 29, 32, and 33, T. 1 S., R. 10 E.; secs. 11, 12, 13, 14, 23, and 24, T. 3 S., R. 10 E.; SE¼, T. 6 S., R. 10 E.; NE¼, T. 7 S., R. 10 E.; secs. 7, 18, and 19, T. 3 S., R. 11 E.; secs. 19, 30, and 31, T. 6 S., R. 11 E.; and secs. 6, 7, and 18, T. 7 S., R. 11 E.

*Tunica County.* Secs. 32 and 33, T. 4 S., R. 11 W.; and secs. 4 and 5, 8. 5 S., R. 11 W.

*Union County.* The entire county.

*Walthall County.* The entire county.

*Warren County.* The entire county.

*Wayne County.* The entire county.

*Webster County.* The entire county.

*Wilkinson County.* The entire county.

*Winston County.* The entire county.

*Yalobusha County.* Secs. 3, 4, and 5, T. 24 N., R. 6 E.; secs. 32, 33, and 34, T. 25 N., R. 6 E.; secs. 28, 29, 30, 31, 32, and 33, T. 10 S., R. 4 W.; and secs. 4, 5, 6, 7, 8, and 9, T. 11 S., R. 4 W.

*Yazoo County.* E½, T. 12 N., R. 2 W.; secs. 1, 2, and 3, T. 11 N., R. 2 W.; and that portion of T. 12 N., R. 3 E., lying within the county.

(2) *Suppressive area.* None.

G. In § 301.72–2a relating to the State of North Carolina, under generally infested areas, the following counties are added or redescribed and should be listed in alphabetical order as follows:

NORTH CAROLINA

(1) *General infested area.* * * *

*Cabarrus County.* The entire county.

*Lenoir County.* The entire county.

* * * * *

*Nash County.* Beginning at a point where the Tar River crosses the Franklin and Nash County line, thence south and east along Tar River to its intersection with State Secondary Road 1001; thence south and east along said road to its intersection with Toisnot Swamp; thence southeast along Toisnot Swamp to its intersection with the Wilson County line; thence southwest along Wilson and Nash County line to its junction with the Johnston County line; thence northwest along the Johnston and Nash County line to a point where Johnston, Wake, Franklin, and Nash County lines meet; thence northeast along the Franklin and Nash County line to the point of beginning.

*New Hanover County.* That area bounded by a line beginning at a point where the Northeast Cape Fear River intersects the Pender-New Hanover County line; thence extending southeast along said county line to the Intercoastal Waterway; thence southwest along said waterway to its junction with the Cape Fear River; thence north along said river to its junction with the Northeast Cape Fear River; thence north and east along said river to the point of beginning.

* * * * *

*Rowan County.* The entire county.

* * * * *

*Wake County.* The entire county.

* * * * *

H. In § 301.72–2a relating to the State of North Carolina, under suppressive area, the following county is added in alphabetical order as follows:

NORTH CAROLINA

* * * * *

(2) *Suppressive area.* * * *

*Pitt County.* That area is bounded by a line beginning at a point where State Secondary Road 1725 intersects State Highway 43; thence extending northeast along State Secondary Road 1725 to its junction with State Secondary Road 1726; thence southeast along said road to its intersection with State Secondary Road 1727; thence south along said road to its junction with State Secondary Road 1700; thence South along said road to its intersection with State Secondary Road 1774; thence east along said road to its junction with State Secondary Road 1744; thence south along said road to its junction with State Highway 43; thence northwest along said highway to its junction with State Secondary Road 1745; thence south along said road to its junction with State Secondary Road 1746; thence west and south along said road to its junction with State Secondary Road 1747; thence west along said road to its junction with State Secondary Road 1700; thence southwest along said road to its intersection with State Secondary Road 1725; thence north along said road to point of beginning.

* * * * *

I. In § 301.72–2a relating to the State of North Carolina, under suppressive area, the entire listing for Wake County is deleted.

J. In § 301.72–2a relating to the State of South Carolina, under suppressive area, Beaufort County is redescribed as follows:

SOUTH CAROLINA

* * * * *

(2) *Suppressive area.*

*Beaufort County.* All that area lying north of the Coosaw River and Whale Branch.

* * * * *

K. In § 301.72–2a relating to the State of Tennessee, under generally infested area, the following counties are added or redescribed and should be listed in alphabetical order as follows:

TENNESSEE

(1) *Generally infested area.* * * *

*Decatur County.* All of Civil District 6.

* * * * *

*Giles County.* That portion of the city of Pulaski bounded on the west by State Highway 11, north by U.S. Highway 64, east and south by city limits and Richland Creek.

* * * * *

*Hamilton County.* That portion of the county bounded on the southwest by State Highway 153, on the north by Chickamouga Lake, on the east by the Volunteer Ordnance Works, and on the southeast by Interstate 75.

* * * * *

*Lawrence County.* That portion of Civil District 9 south of Weakley Creek Road, Civil District 10 south of Little Shoal Creek, Civil District 5 north of Pond Creek and Coon Creek, and all of Civil Districts 8, 12, 13, 15, 16, and 17.

All of the incorporate city limits of Loretto, and an area northwest and adjacent to the city limits bounded by Loretto Branch and Stillhouse Branch.

*Lewis County.* That portion of the city of Hohenwald north of Smith Street and Swan Avenue.

*Lincoln County.* That portion of Civil District 2 south of Coldwater Creek and that portion of Civil District 19 south of Coldwater Creek and west of the Camargo-Kirkland-State Line road.

That portion of Civil District 17 south of State Highway 110.

* * * * *

*Maury County.* Civil District 5. That portion of Civil District 9 bounded on the north by FAS Road 7993 and unnamed county road between State Highway 7 and FAS Road 6255, on the east by FAS Road 6255, on the south by Covey Hollow Road and McCain-Bigbyville Road, and on the west by FAS Road 6201.

* * * * *

*Rhea County.* That portion of the city of Spring City west of U.S. Highway 27.

*Roane County.* That portion of the county bounded on the east by Little Emory River, on the south by Emory River, on the west by Bullard Branch, and on the north by the Morgan-Roane County line.

*Rutherford County.* Civil District 18, and that portion of Civil District 20 northeast of U.S. Highway 41.

* * * * *

*Wayne County.* The entire city of Clifton. That portion of the city of Waynesboro bounded on the north by U.S. Highway 64, on the east by Green River, on the south by Rocky Mill Branch, on the west by State Highway 13.

* * * * *

L. In § 301.72–2a relating to the State of Virginia, the entire description for that State is changed to read as follows:

VIRGINIA

(1) *Generally infested area.*

*City of Alexandria.* That portion of the city bounded by a line beginning at a point where Duke Street (State Route 236) intersects with the Alexandria-Fairfax City-County line; thence extending southeast along Duke Street (State Route 236) to its junction with the Potomac River; thence south along the west bank of said river to its junction with the Alexandria-Fairfax City-County line; thence west and north along said line to the point of beginning.

That portion of the city bounded by a line beginning at a point where Oakcrest Drive intersects with the Alexandria-Arlington City line; thence north and east along said city line to its intersection with Mount Vernon Avenue; thence southeastward along said avenue to its intersection with Russell Road; thence southward along said road to its intersection with Monticello Boulevard; thence westward along said boulevard and continuing on Summit Avenue to its intersection with Oakcrest Drive; thence along said drive to the point of beginning.

*City of Arlington.* That portion of the city bounded by a line beginning at a point where Wilson Boulevard intersects with the Arlington-Fairfax City-County line; thence east along said boulevard to its intersection with Frederick Street; thence north along said street to its intersection with Washington Boulevard; thence east and southward along said boulevard to its intersection with Interstate 95; thence south along said interstate highway to its junction with Arlington Ridge Road; thence southward along said road to its intersection with Arlington-Alexandria City line; thence west, southwest, and northwest along said line to its junction with Arlington-Fairfax City-County line; thence along said line to the point of beginning.

*Fairfax County.* That portion of the county bounded by a line beginning at a point where Braddock Road (Route 620) intersects with the Little River Turnpike (State Route 236); thence extending southeast along the Little River Turnpike (State Route 236) to its junction with the Alexandria-Fairfax City-County line; thence south and east along said line to its junction with the Potomac River; thence south and southwest along the west and north banks of said river to that body of water known as Gunston Cove; thence northwest along the north bank of said cove to that body of water known as Pohick Bay; thence west along the north bank of said bay to that body of water known as Pohick Creek; thence northwest along said creek to its intersection with Old Colchester Road (Route 611); thence southwest along Old Colchester Road to its intersection with Gunston Hall Road (State Route 242); thence north and west along said road to its junction with U.S. Highway 1 and Gunston Cove Road (Route 600); thence west and north along Gunston Cove Road to its junction with the northern entrance ramp of Interstate 95; thence north along Interstate 95 to its intersection with Accotink Creek; hence north along said creek to its intersection with Lake Accotink; thence west and north along the south and west shores of said lake and continuing north along Accotink Creek to its intersection with Braddock Road (Route 620) at a point just west of Inverchapel Road; thence east and north along Braddock Road to the point of beginning.

That portion of the county bounded by a line beginning at a point where Leesburg Pike (State Route 7) intersects the Fairfax-Falls Church County-City line; thence east along said line to its junction with Fairfax-Arlington County-City line; thence southeastward along said line to its intersection with Arlington Boulevard (U.S. Route 50); thence northwest along said boulevard to its junction with Olin Drive; thence southwest along said drive to its junction with Munson Hill Road; thence southeast along said road to its intersection with Row Place; thence southwest along said road to its junction with Leesburg Pike (State Route 7); thence northwest along said route to the point of beginning.

*City of Falls Church.* That portion of the city bounded by a line beginning at a point where West Marshall Street intersects the Falls Church-Fairfax City-County line; thence north along said street to its junction with South Oak Street; thence northeast along said street and continuing along North Oak Street to its intersection with Lincoln Avenue; thence eastward along said avenue and continuing along Fairfax Drive to its intersection with Falls Church-Arlington City line; thence southeastward along said line to its junction with Falls Church-Fairfax City-County line; thence west and northwestward along said line to the point of beginning.

*City of Hampton.* That portion of the city bounded by a line beginning at a point where Interstate 64 intersects with the Newport News-Hampton city line; thence extending southeast along Interstate 64 to its junction with the Newport News Tunnel Connector Road; thence west and south along said road to its intersection with the Hampton and Newport News City line; thence south, west, and northward along said city line to the point of beginning.

*City of Newport News.* That portion of the city bounded by a line beginning where Museum Drive intersects with the James River; thence extending north along Museum Drive and continuing on J. Clyde Morris Boulevard to its intersection with Interstate 64; thence southeast along Interstate 64 to its intersection with the Newport News-Hampton city line; thence west and southward along said line to its intersection with Hampton Roads; thence southwest along the north boundary of Hampton Roads to its junction with the James River; thence northwest along the eastern shore of the James River to the point of beginning.

*City of Norfolk.* The entire city.

*City of Virginia Beach.* That portion of the city bounded by a line beginning at a point 500 feet north of the intersection of Virginia Beach Boulevard (U.S. Route 58) and the Norfolk-Virginia Beach City limits; thence extending due east to the junction of Witch Duck Road and Lavender Lane; thence northeast along Witch Duck Road to a drainage ditch approximately 500 feet north of Holladay Road; thence east along said drainage ditch to that body of water known as Thalia Creek; thence northeast along Thalia Creek to that body of water known as Hebden Cove; thence easterly along Hebden Cove; thence due east from said cove to the Lynnhaven Methodist Church on Little Neck Road; thence southeast along said road to its junction with Little Haven Road; thence east on Little Haven Road to the Eastern Branch of Lynnhaven Bay; thence south along said branch and contiguous with London Bridge Creek to its intersection with Virginia Beach Boulevard (U.S. Route 58); thence east along Virginia Beach Boulevard (U.S. Route 58 and 58B) to its intersection with Birdneck Road; thence south on Birdneck Road to its junction with Bells Road; thence extending northwestward along a projected line from said junction to the south Lynnhaven Road exit of the Virginia Beach Expressway; thence west along the southside of said expressway to its intersection with South Plaza Trail; thence southwest along South Plaza Trail to its intersection with Old Forge Road; thence westward along a projected line to the junction of Holland Road and Edwin Drive; thence southwest along Edwin Drive to its intersection with Princess Anne Road; thence northwestward along Princes Anne Road to its intersection with the eastern branch of the Elizabeth River; thence west along the northern bank of said river branch to the Norfolk City limits; thence northward along the Norfolk City limits to the point of beginning.

That portion of the city bounded by a line beginning at a point where Virginia Beach-Norfolk city limits intersect with the Chesapeake Bay; thence east and southeast along the southern boundary of the Chesapeake Bay to its junction with Great Neck Point at the John Alesner Bridge; thence south to its junction with Shore Drive (U.S. Route 60); thence west along Shore Drive (U.S. Route 60) to its intersection with Northampton Boulevard; thence southwest along said boulevard to its junction with Shell Road; thence south and west along said road to its junction with Northampton Boulevard; thence southwest along Northampton Boulevard to its intersection with the Virginia Beach-Norfolk city limits; thence northward along said city limits to the point of beginning.

That portion of the city bounded by a line beginning at the junction of John Alesner Bridge and Great Neck Point; thence north and northeastward along the southern boundary of the Chesapeake Bay to its intersection with the Seashore State Park; thence south along the western boundary of Seashore State Park to its intersection with Long Creek; thence southwest along the north bank of said creek to the point of beginning.

That portion of the city bounded by a line beginning at a point where the Eastern Branch of the Elizabeth River intersects the Virginia Beach-Chesapeake city limits and extending eastward along the south bank of said river branch to a point ¼ mile east of South Military Highway (U.S. Route 13); thence extending along a line projected due south to Gammon Road; thence south on the east side of said road to its junction with Indian River Road; thence northwest along said road to the Virginia Beach-Chesapeake city limits; thence northward along said city limits to the point of beginning.

(2) *Suppressive area.* None.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.72–2)

These amendments to the white-fringed beetle regulated area shall become effective upon publication in the FEDERAL REGISTER (3–6–71).

The Director of the Plant Protection Division has determined that infestations of the white-fringed beetle exist or are likely to exist in the civil divisions and parts of civil divisions listed above, or that it is necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Director has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles

substantially the same as the restrictions on 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 white-fringed beetle. Therefore, such civil divisions and parts of civil divisions listed above are designated as white-fringed beetle regulated areas.

The purpose of this revision is to add to the regulated areas all or parts of the following previously nonregulated counties, parishes, or cities: Clay, Lawrence, and Union Counties in Arkansas; Hamilton County in Florida; Appling, Carroll, Chatham, Columbia, Douglas, Haralson, Jenkins, Madison, Mitchell, Rockdale, and Whitfield Counties in Georgia; Caddo, Grant, Iberville, and West Feliciana Parishes in Louisiana; Pitt and Rowan Counties in North Carolina; Decatur, Giles, Hamilton, Lewis, Maury, Rhea, Roane, Rutherford, and Wayne Counties in Tennessee; and the cities of Arlington and Falls Church in Virginia. The regulated area has been extended in some previously regulated counties, parishes, and cities, and some areas were changed from suppressive to generally infested areas. With this revision, the entire State of Alabama is now under Federal regulation.

This document imposes restrictions that are necessary in order to prevent the spread of the white-fringed beetle and 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 the foregoing regulation 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 3d day of March 1971.

JOSEPH F. SPEARS,
*Acting Director,*
*Plant Protection Division.*

[FR Doc.71-3193 Filed 3-5-71;8:50 am]

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

### SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Supp. 13]

### PART 842—BEET SUGAR AREA

### Approved Local Areas for 1969 Crop

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, § 842.15 is added to read as follows:

**§ 842.15 Approved local areas for the 1969 crop.**

For purposes of considering eligibility for abandonment and crop deficiency payments on 1969-crop sugar beets, the respective Agricultural Stabilization and Conservation county committees have determined with respect to the following counties and local producing areas that due to drought, flood, storm, freeze, disease, or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugar beets on farms in each such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugar beets planted on all farms in such county or local producing area.

(a) *Arizona.*

ENTIRE COUNTIES

| | |
|---|---|
| Cochise. | Pinal. |
| Maricopa. | Yuma. |
| Pima. | |

(b) *California.*

ENTIRE COUNTIES

| | |
|---|---|
| Alameda. | San Luis Obispo. |
| Amador. | Santa Barbara. |
| Butte. | Santa Clara. |
| Fresno. | Solano. |
| Glenn. | Stanislaus. |
| Kings. | Sutter. |
| Merced. | Tehama. |
| Monterey. | Tulare. |
| Riverside. | Ventura. |
| Sacramento. | Yolo. |
| San Joaquin. | |

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Colusa: Area 2; Area 3.
Imperial: Area 1; Area 2; Area 3; Area 4; Area 5; Area 6; Area 7; T12S, R14E.
Kern: Area 1; Area 2; Area 3; Area 8; Area 9.

(c) *Colorado.*

ENTIRE COUNTIES

| | |
|---|---|
| Adams. | Mesa. |
| Arapahoe. | Montrose. |
| Baca. | Morgan. |
| Bent. | Phillips. |
| Boulder. | Prowers. |
| Cheyenne. | Pueblo. |
| Crowley. | Sedgwick. |
| Kit Carson. | Washington. |
| Larimer. | Weld. |
| Logan. | Yuma. |

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Delta: Area 1; Area 2.
Otero: Area 1; Area 2.

(d) *Idaho.*

ENTIRE COUNTIES

| | |
|---|---|
| Ada. | Gooding. |
| Bannock. | Jefferson. |
| Bingham. | Jerome. |
| Blaine. | Lincoln. |
| Bonneville. | Madison. |
| Canyon. | Minidoka. |
| Caribou. | Oneida. |
| Cassia. | Owyhee. |
| Elmore. | Payette. |
| Franklin. | Power. |
| Fremont. | Twin Falls. |
| Gem. | Washington. |

(e) *Iowa.*

ENTIRE COUNTIES

| | |
|---|---|
| Cerro Gordo. | Mitchell. |
| Kossuth. | |

(f) *Kansas.*

ENTIRE COUNTIES

| | |
|---|---|
| Cheyenne. | Sheridan. |
| Decatur. | Sherman. |
| Finney. | Stanton. |
| Grant. | Thomas. |
| Haskell. | Wallace. |
| Kearny. | |

(g) *Maine.*

ENTIRE COUNTIES

| | |
|---|---|
| Aroostook. | Piscataquis. |
| Franklin. | Somerset. |
| Penobscot. | |

(h) *Michigan.*

ENTIRE COUNTIES

| | |
|---|---|
| Clinton. | Lenawee. |
| Genesee. | Monroe. |
| Huron. | Sanilac. |
| Lapeer. | |

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Arenac: Area 1.
Bay: Beaver; Frankenlust; Hampton.
Gratiot: Area 4.
Saginaw: Area 1; Area 4; Richland.
Tuscola: Area 1; Area 2; Wisner.

(i) *Minnesota.*

ENTIRE COUNTIES

| | |
|---|---|
| Faribault. | Redwood. |
| Freeborn. | Waseca. |
| Martin. | Watonwan. |

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Clay: Area 1; Morken; Oakport; Viding.
Norman: Halstad.
West Polk: Area 1; Area 4.

(j) *Missouri.*

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Pemiscot: Little Prairie; Virginia.

(k) *Montana.*

ENTIRE COUNTIES

| | |
|---|---|
| Blaine. | Phillips. |
| Broadwater. | Ravalli. |
| Carbon. | Stillwater. |
| Dawson. | Treasure. |

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Richland: Area 3; Area 4.
Yellowstone: Area 1; Area 3; Area 4; Area 6.

(l) *Nebraska.*

ENTIRE COUNTIES

| | |
|---|---|
| Chase. | Keith. |
| Cheyenne. | Lincoln. |
| Dawson. | Morrill. |
| Deuel. | Perkins. |
| Garden. | Sioux. |
| Kearney. | |

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Box Butte: Area 1; Area 3; Area 4; T26N, R50W.
Scotts Bluff: Area 3; T22N, R52W; T22N, R55W.

(m) *New Jersey.*

ENTIRE COUNTIES

Burlington.

(n) *New Mexico.*

ENTIRE COUNTIES

| | |
|---|---|
| Curry. | Union. |
| Hidalgo. | |

(o) *New York.*

ENTIRE COUNTIES

| | |
|---|---|
| Livingston. | Oswego. |
| Madison. | Seneca. |
| Onondaga. | Wayne. |
| Ontario. | Yates. |
| Orleans. | |

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTY AND AREAS

Cayuga: Area 1; Area 2.

(p) *North Dakota.*

ENTIRE COUNTIES

| | |
|---|---|
| Kidder. | McKenzie. |

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Cass: Area 1; Area 2; Area 4; Gunkel.
Pembina: Area 1; Area 2; Area 3; Pembina.
Richland: Area 2.
Walsh: St. Andrews.

(q) *Ohio.*

ENTIRE COUNTIES

| | |
|---|---|
| Erie. | Lucas. |
| Fulton. | Ottawa. |
| Hancock. | Sandusky. |
| Henry. | Wood. |

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Putnam: Area 1; Area 2; Area 3; Liberty; Blanchard.
Seneca: Pleasant.

(r) *Oregon.*

ENTIRE COUNTY

Malheur.

(s) *Texas.*

ENTIRE COUNTIES

| | |
|---|---|
| Bailey. | Moore. |
| Castro. | Oldham. |
| Dallam. | Parmer. |
| Deaf Smith. | Potter. |
| Floyd. | Randall. |
| Hale. | Sherman. |
| Hartley. | |

(t) *Utah.*

ENTIRE COUNTIES

| | |
|---|---|
| Box Elder. | Millard. |
| Cache. | Sanpete. |
| Davis. | Sevier. |
| Iron. | Weber. |

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Salt Lake: Area 1.
Utah: Area 3.

(u) *Washington.*

ENTIRE COUNTIES

| | |
|---|---|
| Benton. | Walla Walla. |
| Grant. | Yakima. |

(v) *Wyoming.*

ENTIRE COUNTIES

| | |
|---|---|
| Converse. | Niobrara. |
| Goshen. | Platte. |
| Laramie. | |

*Statement of Bases and Considerations.* One of the conditions of eligibility of a sugar beet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the county Agricultural Stabilization and Conservation Committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugar beet crop.

The purpose of this supplement is to give notice that specific counties and local producing areas have qualified under the requirements with respect to the 1969 crop of sugar beets and that any sugar beet producer operating a farm which is located in any one of these counties or local producing areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Secs. 303, 403, 61 Stat. 930 as amended, 932; 7 U.S.C. 1133, 1153)

Effective date: Date of publication (3–6–71).

Signed at Washington, D.C., on March 1, 1971.

CHAS M. COX,
*Acting Deputy Administrator, State and County Operations.*

[FR Doc.71–3150 Filed 3–5–71;8:47 am]

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

[Lemon Reg. 470]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 910.770 Lemon Regulation 470.**

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

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

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 7, through March 13, 1971, are hereby fixed as follows:

(i) District 1: 20,000 Cartons;
(ii) District 2: 205,000 Cartons;
(iii) District 3: Unlimited.

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

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

Dated: March 4, 1971.

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

[FR Doc.71–3239 Filed 3–5–71;8:52 am]

[Grapefruit Reg. 78]

## PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

### Limitation of Handling

**§ 912.378 Grapefruit Regulation 78.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District 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 and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the

public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period March 8, 1971, through March 14, 1971, is hereby fixed at 212,500 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 5, 1971.

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

[FR Doc.71-3308 Filed 3-5-71;11:36 am]

[Grapefruit Reg. 46]

## PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

### Limitation of Handling

§ 913.346 **Grapefruit Regulation 46.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District 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 and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 8, 1971, through March 14, 1971, is hereby fixed at 212,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: March 5, 1971.

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

[FR Doc.71-3307 Filed 3-3-71;11:35 am]

## PART 914—ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

### Expenses and Rate of Assessment

On February 19, 1971, notice of rule making was published in the FEDERAL REGISTER (36 F.R. 3199) regarding proposed expenses and the related rate of assessment for the initial fiscal period beginning November 29, 1970, and ending July 31, 1971, pursuant to the marketing agreement and Order No. 914 (7 CFR Part 914, 35 F.R. 17169), regulating the handling of oranges grown in the Interior District in Florida. No written data, views, or arguments were filed with respect to said proposals during the period specified therefor in the notice. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Interior Orange Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 914.201 **Expenses and rate of assessment.**

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Interior Orange Marketing Committee during the initial fiscal period November 29, 1970, through July 31, 1971, will amount to $28,000.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 914.31, is fixed at $0.004 per standard packed box of oranges.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of oranges are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, and (3) such period began on November 29, 1970, and said rate of assessment will automatically apply to all such oranges beginning with such date.

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

Dated: March 3, 1971.

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

[FR Doc.71-3194 Filed 3-5-71;8:50 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. 71-524]

### 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:

In § 76.2, the reference to the State of Minnesota in the introductory portion of paragraph (e) and paragraph (e) (4) relating to the State of Minnesota are deleted, and paragraph (f) is amended by adding thereto the name of the State of Minnesota.

(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 amendment shall become effective upon issuance.

The amendment excludes portions of Renville, Sibley, and Nicollet Counties in Minnesota from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Minnesota remain under the quarantine.

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

Insofar as the amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, it must be made effective immediately to be of maximum benefit to affected persons. Insofar as it imposes restrictions it should be made effective promptly in order to prevent the spread of hog cholera. 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 2d day of March 1971.

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

[FR Doc.71-3149 Filed 3-5-71;8:46 am]

# Title 12—BANKS AND BANKING

## Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

### PART 18—FORM AND CONTENT OF FINANCIAL STATEMENTS

#### Consolidated Statements

Part 18, Chapter I, Title 12 of the Code of Federal Regulations, is amended by revising paragraph (e), adding a new paragraph (f), and redesignating existing paragraph (f) as (g) in § 18.4. These amendments are issued under authority of R.S. 324 et seq., as amended, secs. 12, 13, 48 Stat. 892, 894, as amended; 12 U.S.C. 1 et seq., 15 U.S.C. 78l, 78m. Since the amendments are for clarification and codification of existing regulations only, notice and public procedure are found to be unnecessary and not in the public interest. Accordingly, the amendments will become effective upon publication (3–6–71). Changes in the text are as follows:

§ 18.4 Consolidated statements.

* * * * *

(e) Minority interests in the net assets of consolidated subsidiaries shall be shown in each consolidated balance sheet as a liability. The aggregate amount of profit and loss accruing to minority interests should be stated separately in the consolidated profit or loss statement.

(f) Income from foreign subsidiaries and foreign branches shall be reported only when remittable to the parent bank. Such income shall be reported under item 1(h), appendix B, unless the bank consolidates each item of revenue and expense.

(g) In general, intercompany items and transactions shall be eliminated. If significant items are not eliminated, a statement of the reasons and methods of treatment shall be made.

Dated: March 3, 1971.

[SEAL] WILLIAM B. CAMP,
*Comptroller of the Currency.*

[FR Doc.71-3180 Filed 3-5-71;8:49 am]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

### SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 71-SW-1, Amdt. 39-1164]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Aerostar Models 600 and 601 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modifications to the main landing gear to assure adequate strength on Aerostar Model 600 and 601 airplanes was published in 36 F.R. 931.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

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

AEROSTAR. Applies to Models 600 and 601. Serial numbers 60–0001 through 60–0056 and 61–0001 through 61–0070.

Compliance required within the next 100 hours time in service after the effective date of this AD or at the next annual inspection, unless already accomplished.

To prevent collapse of the main landing gear, replace the main landing gear sidebrace assemblies in accordance with Instructions I, II, III, and IV of Aerostar Service Bulletin No. 600–21, dated December 29, 1970, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, Forth Worth, Tex.

This amendment becomes effective April 5, 1971.

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

Issued in Forth Worth, Tex., on February 24, 1971.

R. V. REYNOLDS,
*Acting Director, Southwest Region.*

[FR Doc.71-3159 Filed 3-5-71;8:47 am]

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[Airworthiness Docket No. 71-WE-5-AD; Amdt. 39-1166]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Certain AiResearch Engines

There have been failures of the high-speed pinion assembly on AiResearch Model TPE331–1 and –25 Series engines that could result in failure of the engine. Since this condition is likely to exist or develop in other engines of the same type

design, an Airworthiness Directive is being issued to require a repetitive 50-hour oil filter inspection. In addition, a revision to the Airplane Flight Manuals is required to advise the pilot to shut down the engine if torque fluctuation or loss of torque pressure occurs.

The agency has previously adopted Amendment 39-1082 (35 F.R. 14692), AD 70-19-2, to provide for an engine oil sample analysis and oil filter inspection on -1 and -2 engines to detect impending pinion bearing failure due to premature wear of the bearings. AD 70-19-2 is not being amended at this time, as premature wear of the pinion bearings has not been noted on the -25 series engines.

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

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

AIRESEARCH. The AiResearch Manufacturing Co. of Arizona. Applies to Turbopropeller Engines Models TPE331-1, -2, -25, -29, -43, -45, -47, -49, -51, -55, -57, -61, and -71, installed in, but not limited to the Mitsubishi MU-2, Swearingen Merlin 2B, Volpar Turboliner, and Short Skyvan Aircraft.
Compliance required as indicated.

To prevent possible failure of the high-speed pinion assembly, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD, unless already accomplished, and at intervals not to exceed 50 hours' time in service thereafter, perform a visual inspection of the engine oil filter in accordance with AiResearch Service Bulletin 628, Revision 1, dated February 10, 1971, or later FAA-approved revision, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(1) If excessive oil contamination in the filter is found, the cause must be determined before further flight by AiResearch or other FAA-approved facility.

(2) The intervals between the prescribed engine oil filter inspections may be increased to 100 hours if a suitable means of checking continuity of the engine chip detector is provided in accordance with AiResearch Service Bulletin No. 647, dated February 10, 1971, or later FAA-approved revision, or by a means approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(A) A chip detector continuity check must be made after the last engine shutdown of any day of engine operation, or prior to the next flight.

(B) If a chip detector indication is noted, the cause must be determined by AiResearch or other FAA-approved facility before further flight. If the chip detector can be monitored in flight and an indication is noted, the provisions of the Airplane Flight Manual must be observed, and the cause must be determined by AiResearch or other FAA-approved facility before the next flight, and

(C) Appropriate entries of the chip detector continuity checks must be made in the engine log book.

(b) Within 50 hours' time in service after the effective date of this AD, unless already accomplished, revise the normal procedures section of the applicable FAA-approved Airplane Flight Manuals for aircraft equipped with AiResearch Model TPE331-1, -2, -25, -29, -43, -45, -47, -49, -51, -55, -57, -61, and -71 series engines to include a cautionary note to read as follows:

"If sudden loss or significant fluctuation of torque pressure indication occurs, the engine should be promptly shut down and the cause determined before further operation."

This amendment becomes effective on March 9, 1971.

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

Issued in Los Angeles, Calif., on February 24, 1971.

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

[FR Doc.71-3161 Filed 3-5-71; 8:47 am]

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[Airworthiness Docket No. 71-WE-2-AD; Amdt. 39-1165]

## PART 39—AIRWORTHINESS DIRECTIVES

### General Dynamics Model 340, 440, and C-131E Airplanes, Including Those Airplanes Converted to Turbopropeller Power

Amendment 39-1145 (36 F.R. 904), AD 71-2-3, requires inspection of the main landing gear cylinders for cracks and rework or replacement as necessary on General Dynamics 340, 440, and C-131E Airplanes including those converted to turbopropeller power. After issuing Amendment 39-1145, the agency determined that crack susceptibility is primarily age dependent and that gear cylinders, after reaching a safe-life threshold, require periodic inspections. Therefore, the AD is being amended to: (1) Establish limitations for reworked cylinders; (2) require additional inspections every 1,000 hours' time in service from the time at which the 15,000 hours' time in service inspection was accomplished; and (3) delay the requirement for additional repetitive inspections of the main landing gear cylinders for cracks until after a total of 15,000 hours' time in service has accrued.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1145 (36 F.R. 904), AD 71-2-3, is amended as follows:

1. Delete the note following paragraph (b).

2. Add new paragraphs (c), (d), and (e):

(c) If cylinders are reworked in accordance with (b) above, accomplish the following before further flight:

1. Identify and record the cylinders and areas reworked.

2. Limit the use of reworked cylinders to those aircraft operating below or at a maximum of 55,000 pounds takeoff gross weight. If any cylinder reworked per (b) above is installed in any aircraft converted to turbopropeller power in accordance with STC SA4-1100 (known as Model 580), install a placard in only those aircraft previously approved for operating weights above 55,000 pounds, and in full view of the pilot, which reads as follows: "Maximum takeoff gross weight 55,000 lbs."

3. Repeat (a) above at intervals of 1,000 hours' time in service from the last inspection.

(d) If no cracks are found as a result of the inspection required by (a) above and it is definitely determined that a cylinder has less than 14,000 hours' time in service, repeat (a) above, before 15,000 hours' time in service have been accumulated.

(e) If no cracks are found as a result of the inspection required by (a) or (d) above, and a cylinder is considered to have more than 14,000 hours' time in service, repeat (a) above at intervals of 1,000 hours' time in service from the last inspection.

This amendment becomes effective March 9, 1971.

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

Issued in Los Angeles, Calif. on February 24, 1971.

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

[FR Doc.71-3160 Filed 3-5-71;8:47 am]

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## SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 71-SO-4]

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

### Alteration of Control Zone and Transition Area

On January 28, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1358), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by Colemill Enterprises, Inc., operator of Cornelia Fort Airpark, which is located approximately 4.2 nautical miles north of the Nashville Metropolitan Airport.

Colemill Enterprises, Inc., objected to the proposal to include Cornelia Fort Airpark in the Nashville control zone, on a full-time basis, because it would adversely affect aircraft operations, particularly when visibility was below 3 miles.

A review of the proposal, in light of comments received, disclosed that Cornelia Fort Airpark is located adjacent to the final approach segment associated

with AL–282 LOC(BC) RWY 20R Instrument Approach Procedure. At this location, current criteria permit a control zone extension of 1 mile each side of the localizer course, expanding uniformly to 3 miles each side at a point 13 miles north of the localizer.

In view of the foregoing, the proposal to include Cornelia Fort Airpark in the Nashville control zone is not required and is hereby withdrawn. This withdrawal results in a reduction of controlled airspace designation.

Subsequent to publication of the notice, the instrument approach procedure to Smyrna Airport was revised by raising the holding pattern altitude from 2,500 to 3,000 feet MSL. This revision permits a reduction of 5.5 miles in width and 14 miles in length to the transition area extension predicated on Nashville VORTAC 131° radial. Since these amendments are less restrictive in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

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 § 71.171 (36 F.R. 2055), the Nashville, Tenn., control zone is amended to read:

NASHVILLE, TENN.

Within a 5-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 1 mile each side, expanding to 3 miles each side of the ILS localizer north course, extending from the 5-mile radius zone to 13 miles north of the localizer; within 3 miles each side of Nashville VOR TAC 103° radial, extending from the 5-mile radius zone to 8.5 miles east of the VORTAC; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; excluding the portion within a 1-mile radius of Cornelia Fort Airpark (lat. 36°11'45" N., long. 86°42'00" W.) Monday through Friday, except Federal legal holidays.

In § 71.181 (36 F.R. 2140), the Nashville, Tenn., transition area is amended to read:

NASHVILLE, TENN.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 9.5 miles east and 4.5 miles west of the ILS localizer north course, extending from the 14-mile radius area to 23 miles north of the localizer; within 9.5 miles north and 4.5 miles south of Nashville VORTAC 103° radial, extending from the 14-mile radius area to 18.5 miles east of the VORTAC; within an 8.5-mile radius of Smyrna Airport (lat. 36°00'33" N., long. 86°31'13" W.); within 3 miles each side of Nashville VORTAC 131° radial, extending from the 8.5-mile radius area to 21.5 miles southeast of the VORTAC; within an 8-mile radius of Gallatin Municipal Airport (lat. 36°22'45" N., long. 86°24'30" W.).

(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 East Point, Ga., on February 24, 1971.

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

[FR Doc.71–3162 Filed 3–5–71;8:48 am]

[Airspace Docket No. 71–SO–22]

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

### Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Anniston, Ala., control zone.

The Anniston control zone is described in § 71.171 (36 F.R. 2055).

A proposed ILS Runway 5 Instrument Approach Procedure to Anniston-Calhoun County Airport requires a control zone extension predicated on the ILS localizer southwest course 2 miles in width and extending from the basic 5-mile radius zone to the outer marker. This extension results in an additional 1½ square miles of controlled airspace. It is necessary to alter the control zone description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 15, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Anniston, Ala., control zone is amended as follows: "* * * Anniston VOR 085° radial, extending from the 5-mile radius zone to the VOR * * *." is deleted and "* * * Anniston VOR 085° radial, extending from the 5-mile radius zone to the VOR; within 1 mile each side of the ILS localizer SW course, extending from the 5-mile radius zone to the OM * * *." is substituted therefor.

(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 East Point, Ga., on February 24, 1971.

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

[FR Doc.71–3163 Filed 3–5–71;8:48 am]

[Airspace Docket No. 70–SW–59]

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

### Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Walnut Ridge, Ark., terminal area.

On October 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16480) stating the Federal Aviation Administration proposed to alter controlled airspace in the Walnut Ridge, Ark., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through 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.

(1) In § 71.171 (36 F.R. 2055), the Walnut Ridge, Ark., control zone is amended by substituting "3 miles" for "2 miles" in the second line and "8.5 miles" for "8 miles" in the third line.

(2) In § 71.181 (36 F.R. 2140), the Walnut Ridge, Ark., transition area is amended to read:

WALNUT RIDGE, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Walnut Ridge Municipal Airport (lat. 36°07'30" N., long. 90°55'25" W.); within 3 miles each side of the Walnut Ridge VORTAC 244° radial extending from the 6.5-mile-radius area to 8.5 miles southwest of the VORTAC; and within a 5-mile radius of the Pocahontas Municipal Airport (lat. 36°14'40" N., long. 90°56'45" W.).

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

Issued in Fort Worth, Tex., on February 25, 1971.

R. V. REYNOLDS,
*Acting Director, Southwest Region.*

[FR Doc.71–3164 Filed 3–5–71;8:48 am]

[Airspace Docket No. 70–WE–96]

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

### Alteration of Transition Area

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 an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Elko, Nev., transition area.

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

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

*Effective date.* This amendment shall be effective 0901 G.m.t., April 29, 1971.

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

Issued in Los Angeles, Calif., on February 26, 1971.

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

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

ELKO, NEV.

That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9 miles west of the Elko VORTAC 161° radial, extending from the VORTAC to 19

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

[FR Doc.71-3165 Filed 3-5-71;8:48 am]

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SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10881; Amdt. 95-204]

## PART 95—IFR ALTITUDES

### Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective April 1, 1971, as follows:

1. By amending Subpart C as follows:

Section 95.602 *Blue Federal airway 2* is deleted.

Section 95.1001 *Direct routes—United States* is amended to delete:

*From, to, and MEA*

Junction, Tex., VOR via JCT R 134°; INT, 134° M rad, Junction VOR and 281° M rad, San Antonio VOR; *3,800. *3,700—MOCA.
INT, 134° M rad, Junction VOR and 281° M rad, San Antonio VOR; *Medina INT, Tex.; **3,700. *4,000—MRA. **3,200—MOCA.
Medina INT, Tex.; San Antonio, Tex., VOR; *3,700. *3,200—MOCA.

*Panama Routes*

Section 95.1001 *Direct routes—United States* is amended to read:

*V-7:*

Taboga, Republic of Panama VOR; Ponce INT, Republic of Panama; 2,100.
Ponce INT, Republic of Panama; Bravo Point INT, Republic of Panama; 5,400.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Green Bay, Wis., VOR; Spruce INT, Wis.; *2,500. *2,200—MOCA.
Spruce INT, Wis.; Iron Mountain, Mich., VOR; *3,000. *2,800—MOCA.
Menominee, Mich., VOR via E alter.; Hemlock INT, Mich., via E alter.; *2,600. *2,100—MOCA.
Hemlock INT, Mich., via E alter.; Iron Mountain, Mich., VOR via E alter.; *3,000. *2,800—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Bradford, Ill.; VOR; Triumph INT, Ill.; *2,700. *2,100—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Blue Springs, Mo., VOR; Oak Grove INT, Mo.; *2,600. *2,000—MOCA.
Oak Grove INT, Mo.; *Odessa INT, Mo.; *2,600. *2,200—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Ankeny INT, Iowa; Nevada INT, Iowa; 4,000.
Nashville INT, Mo.; *Deerfield INT, Mo.; **2,700. *3,000—MRA. **2,000—MOCA.
Deerfield INT, Mo.; Butler, Mo., VOR; *2,600. *1,900—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Memphis, Tenn., VOR; Fisherville INT, Tenn.; *2,000. *1,800—MOCA.
Upolu Point, Hawaii, VOR; Hamakua INT, Hawaii; 7,000.
Hamakua INT, Hawaii; *Arbor INT, Hawaii; **8,000. *8,000—MRA. **5,500—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Duncan, Okla., VOR; Alex INT, Okla.; *3,000. *2,700—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Houston, Tex., VOR via S alter.; La Porte, INT, Tex., via S alter.; 1,500.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

*McKenna INT, Wash.; Seattle, Wash., VOR; 3,000. *4,100—MCA McKenna INT, southbound.

Section 95.6036 *VOR Federal airway 36* is amended to read in part:

Lake Henry, Pa., VOR; Pecks Pond INT, Pa.; 4,000.
Pecks Pond INT, Pa.; Sparta, N.J., VOR; 3,800.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

Flint, Mich., VOR; Plains INT, Mich; *3,000. *2,500—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Memphis, Tenn., VOR via S alter.; Holly Springs, Miss., VOR via S alter.; 2,000.
Holly Springs, Miss., VOR via S alter.; Allsboro INT, Ala., via S alter. *3,500. *2,000—MOCA.
Allsboro INT, Ala., via S alter.; Muscle Shoal, Ala., VOR via S alter.; 2,500.
Pike INT, Ark., via N alter.; Alpine INT, Ark., via N alter.; *5,500. *1,900—MOCA.
Alpine INT, Ark., via N alter.; Marcus INT, Ark., via N alter.; *3,500. *1,900—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended by adding:

Junction, Tex., VOR via S alter.; INT 134° M rad, Junction VOR and 281° M rad, San Antonio VOR via S alter.; *3,800. *3,700—MOCA.
INT 134° M rad, Junction VOR and 281° M rad, San Antonio VOR via S alter.; *Medina INT, Tex., via S alter.; **3,700. *4,000—MRA. **3,200—MOCA.
Medina INT, Tex., via S alter.; San Antonio, Tex., VOR via S alter.; *3,700. *3,200—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Walnut Ridge, Ark., VOR; Leeper INT, Mo.; 2,900. *5,000—MRA.
Leeper INT, Mo.; Farmingham, Mo., VOR; 2,900.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Sparkman INT, Ark.; Caney INT, Ark.; *4,000. *1,400—MOCA.
Caney INT, Ark.; Hot Springs, Ark., VOR; 2,500.
New Market INT, Mo.; Rushville INT, Mo.; *2,700. *2,200—MOCA.
Rushville INT, Mo.; Huron INT, Kans.; *2,600. *2,100—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

*Magazine INT, Ark.; Maumelle INT, Ark.; **4,500. *3,600—MCA Magazine INT, eastbound. **4,000—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Llano, Tex., VOR via S alter.; Wirtz INT, Tex., via S alter.; **3,300. *2,800—MOCA.
Wirtz INT, Tex., via S alter.; Capitol INT, Tex., via S alter.; *3,000. *2,700—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Duncan, Okla., VOR via E alter.; Alex INT, Okla., via E alter.; *3,000. *2,700—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Colorado Springs, Colo., VOR; Franktown INT, Colo.; 9,700.
Franktown INT, Colo.; Denver, Colo., VOR; 9,000.

Section 95.6133 *VOR Federal airway 133* is amended to delete:

Hickory, N.C., VOR; Jefferson INT, N.C.; 5,000.
Jefferson INT, N.C.; Sugar Grove INT, Va.; 7,000.
Hickory, N.C., VOR; West Jefferson INT, N.C.; 5,000.
West Jefferson INT, N.C.; Sugar Grove INT, Va.; 7,000.

Section 95.6133 *VOR Federal airway 133* is amended by adding:

Hickory, N.C., VOR; Mulberry INT, N.C.; 5,000.
Mulberry INT, N.C.; Sugar Grove INT, Va.; 7,000.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Houghton, Mich., VOR; Thunder Bay, Ont., VOR; *#3,100, *2,500—MOCA. #For that airspace over U.S. territory.

Section 95.6138 *VOR Federal airway 138* is amended by adding:

Fort Dodge, Iowa, VOR; Bancroft INT, Iowa; *2,900. *2,600—MOCA.
Bancroft INT, Iowa; Blue Earth INT, Minn.; *2,900. *2,500—MOCA.
Blue Earth INT, Minn; Mankato, Minn. VOR; *2,900. *2,400—MOCA.

Section 95.6146 *VOR Federal airway 146* is amended to read in part:

Pawling, N.Y., VOR; Torrington INT, Conn.; *3,400. *2,900—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Birmingham, Ala., VOR; Jasper INT, Ala.; *2,200. *2,000—MOCA.
Hamilton, Ala., VOR; Guntown INT, Miss.; *2,300. *2,000—MOCA.
Guntown INT, Miss.; Holly Springs, Miss., VOR; 2,000.
Birmingham, Ala., VOR via E alter.; Empire INT, Ala., via E alter.; *2,200. *1,900—MOCA.
Empire INT, Ala., via E alter.; Double Springs INT., Ala., via E alter.; *2,600. *2,100—MOCA.
Double Springs INT, Ala., via E alter; Allsboro INT, Ala., via E alter.; *4,000, *2,300—MOCA.
Allsboro INT, Ala., via E alter.; Holly Springs, Miss., VOR via E alter.; *3,500. *2,000—MOCA.
Holly Springs, Miss., VOR; Memphis, Tenn., VOR; 2,000.
Hamilton, Ala., VOR via W alter.; Wyatte INT, Miss., via W alter.; *2,400. *2,000—MOCA.
Wyatte INT, Miss., via W alter.; Memphis, Tenn., VOR via W alter.; *2,000. *1,800—MOCA.
*Bolivar INT, Mo.; Holden INT, Mo.; **3,000. *6,000—MRA. **2,500—MOCA.
Holden INT, Mo.; Blue Springs, Mo., VOR; *2,600. *2,100—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Grimes INT, Iowa; Ankeny INT, Iowa; 3,300.

Section 95.6172 *VOR Federal airway 175* is amended to read in part:

Malden, Mo., VOR; *Leeper INT, Mo.; **4,000. *5,000—MRA. **2,500—MOCA.
Leeper INT, Mo.; Bunker INT, Mo.; *4,000. *2,500—MOCA.
Sioux City, Iowa, VOR; Oyens INT, Iowa; 4,400.
Oyens INT, Iowa.; Worthington, Minn., VOR; *3,400. *3,300—MOCA.
Linden INT, Iowa; *Manning INT, Iowa; **4,000. *3,900—MRA. **2,600—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Houston, Tex., VOR; La Porte INT, Tex.; 1,500.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

Pawling, N.Y., VOR; Meadow INT, Conn.; *3,800. *2,900—MOCA.

Section 95.6230 *VOR Federal airway 230* is amended to read in part:

*Salinas, Calif., VOR; San Benito INT, Calif.; **6,500. *6,500—MCA Salinas VOR, eastbound. **5,500—MOCA.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Prescott, Ariz., VOR; *Bishops Lake INT, Ariz.; **10,000. *11,000—MRA. **9,000—MOCA.
Bishops Lake INT, Ariz.; Grand Canyon, Ariz., VOR; 10,000.

Section 95.6262 *VOR Federa lairway 262* is amended to read in part:

Peoria, Ill., VOR; *Dunlop INT, Ill.; **2,300. *3,000—MRA. **2,000—MOCA.

Section 95.6325 *VOR Federal airway 325* is amended to read in part:

Gadsden, Ala., VOR via E alter.; Hobbs INT, Ala., via E alter.; 3,000. Hobbs INT, Ala., via E alter.; Decatur, Ala., VOR via E alter.; *3,000. *2,600—MOCA.
Decatur, Ala., VOR via E alter.; Muscle Shoals, Ala., VOR via E alter.; *2,400. *2,200—MOCA.

Section 95.6347 *VOR Federal airway 347* is amended to read in part:

Tatalina INT, Alaska; Chandalar Lake, Alaska, LF/RBN; * # 11,000. *6,900–MOCA. # MEA is established with a gap in navigation signal coverage.

Section 95.6416 *Hawaii VOR Federal airway 16* is amended to read in part:

Upolu Point, Hawaii, VOR; Hamakua INT, Hawaii; 7,000.
Hamaku INT, Hawaii; *Arbor INT, Hawaii, **8,000. *8,000—MRA. **5,500—MOCA.

Section 95.6422 *Hawaii VOR Federal airway 22* is amended to read in part:

Barracuda INT, Hawaii; Sardine INT, Hawaii; *11,000. *1,000—MOCA.
Sardine INT, Hawaii; Bonita INT, Hawaii; *8,000. *1,000—MOCA.
Bonita INT, Hawaii; *Hilo, Hawaii, VOR; 6,000. *3,200—MCA Hilo VOR, northwestbound.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Kodiak, Alaska, VOR via W alter.; INT 185° M rad, Homer VOR and 335° M rad, Kodiak VOR via W alter.; *10,000. *5,300—MOCA.
INT 185° M rad, Homer VOR and 335° M rad, Kodiak VOR via W alter.; Homer, Alaska, VOR via W alter.; *10,000. *5,300—MOCA.

Section 95.7513 *Jet Route No. 513* is amended to read in part:

*From, to, MEA, and MAA*

Thunder Bay, Ontario, Canada, VORTAC; Sudbury, Ontario, Canada, VORTAC; 18,000; 45,000. For that airspace over U.S. territory.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

*From; to—Changeover point: Distance; from*

*V–139* is amended by adding:
Snow Hill, Md., VOR; Sea Isle, N.J., VOR; 25; Snow Hill.

*V–71* is amended by adding:
El Dorado, Ark., VOR; Hot Springs, Ark., VOR; 49; El Dorado.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

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

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

[FR Doc.71-3075 Filed 3-5-71;8:45 am]

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[Docket No. 10880; Amdt. 745]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

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

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

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

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

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

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF–ADF(NDB)–VOR SIAPs, effective April 1, 1971:

Utica, N.Y.—Oneida County Airport; VOR 1, Amdt. 1; Canceled.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective March 11, 1971:

Carlsbad, N. Mex.—Cavern City Air Terminal; VOR Rwy 32L, Original; Established.

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

Atlanta, Ga.—Fulton County Airport; VOR Runway 8R, Amdt. 1; Canceled.
Atlanta, Ga.—Fulton County Airport; VOR-A, Original; Established.
Beatrice, Nebr.—Beatrice Municipal Airport; VOR Runway 13, Amdt. 5; Revised.
Elgin, Ill.—Elgin Airport; VOR–A, Amdt. 2; Revised.
Franklin, Va.—Franklin Municipal/John Beverly Rose Airport; VOR Runway 9, Amdt. 8; Revised.
Kenne, N.H.—Dillant-Hopkins Airport; VOR Runway 2, Amdt. 3; Revised.
Kenosha, Wis.—Kenosha Municipal Airport; VOR Runway 14, Amdt. 1; Revised.
Lebanon, N.H.—Lebanon Regional Airport; VOR–A, Amdt. 9; Revised.
Lebanon, N.H.—Lebanon Regional Airport; VOR–B, Amdt. 1; Revised.
Lumberton, N.J.—Flying "W" Ranch Airport; VOR–1, Amdt. 1; Canceled.

South Haven, Mich.—South Haven Municipal Airport; VOR Runway 22, Amdt. 1; Revised.
State College, Pa.—State College Air Depot; VOR-A, Amdt. 2; Revised.
Stevens Point, Wis.—Stevens Point Municipal Airport; VOR Runway 3, Amdt. 3; Revised.
Stevens Point, Wis.—Stevens Point Municipal Airport; VOR Runway 21, Amdt. 8; Revised.
Stevens Point, Wis.—Stevens Point Municipal Airport; VOR Runway 30, Amdt. 7; Revised.
Westland, Mich.—National Airport; VOR-A, Amdt. 1; Revised.
Willmar, Minn.—Willmar Municipal Airport; VOR Runway 11, Amdt. 3; Revised.
Franklin, Va.—Franklin Municipal/John Beverly Rose Airport; VOR/DME Runway 27, Amdt. 4; Revised.
Galax-Hillsville, Va.—Twin County Airport; VOR/DME Runway 17, Original; Established.
Utica, N.Y.—Oneida County Airport; VOR/DME Runway 33, Original; Established.
Yazoo City, Miss.—Barrier Field; VOR/DME-A, Amdt. 3; Revised.
Yazoo City, Miss.—Barrier Field; VOR/DME Runway 17, Original; Established.

4. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective April 1, 1971:

Chicago, Ill.—Chicago O'Hare International Airport; LOC Runway 4, Amdt. 5; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; LOC Runway 27L, Amdt. 4; Revised.
Utica, N.Y.—Oneida County Airport; LOC (BC) Runway 15, Amdt. 1; Revised.

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

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

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective March 11, 1971:

Carlsbad, N. Mex.—Cavern City Air Terminal; NDB Runway 321, Original; Canceled.

7. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective April 1, 1971:

Atlanta, Ga.—Fulton County Airport; NDB Runway 8R, Amdt. 1; Canceled.
Atlanta, Ga.—Fulton County Airport; NDB-A, Original; Established.
Benson, Minn.—Benson Municipal Airport; NDB Runway 14, Original; Established.
Cambridge, Md.—Cambridge Municipal Airport; NDB Runway 34, Amdt. 3; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 4, Amdt. 3; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 14L, Amdt. 11; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 14R, Amdt. 10; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 27R, Amdt. 10; Revised.
Cumberland, Md.—Cumberland Municipal Airport; NDB-A, Amdt. 2; Revised.
Cushing, Okla.—Cushing Municipal Airport; NDB Runway 35, Original; Established.
Galax-Hillsville, Va.—Twin County Airport; NDB-A, Amdt. 2; Revised.
Keene, N.H.—Dillant-Hopkins Airport; NDB-A, Amdt. 1; Revised.
Oneida, Tenn.—Scott Municipal Airport; NDB Runway 5, Original; Established.
Port Huron, Mich.—St. Clair County Airport; NDB-A, Amdt. 1; Revised.
Port Huron, Mich.—St. Clair County Airport; NDB Runway 4, Amdt. 1; Revised.
Trenton, Mo.—Trenton Municipal Airport; NDB Runway 35, Amdt. 1; Revised.
Utica, N.Y.—Oneida County Airport; NDB Runway 15, Amdt. 4; Revised.
Utica, N.Y.—Oneida County Airport; NDB Runway 33, Amdt. 7; Revised.

8. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective April 1, 1971:

Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 14L, Amdt. 16; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 14R, Amdt. 17; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 27R, Amdt. 12; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; Parallel ILS Runway 27R, Amdt. 2; Revised.
Keene, N.H.—Dillant-Hopkins Airport; ILS Runway 2, Amdt. 2; Revised.
Utica, N.Y.—Oneida County Airport; ILS Runway 33, Amdt. 9; Revised.

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

Issued in Washington, D.C., on February 24, 1971.

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

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

[FR Doc.71-3076 Filed 3-5-71;8:45 am]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5133, 34-9083]

## PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

## PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

### Interpretations Regarding Registration and Reporting

The Securities and Exchange Commission announced today certain interpretations with regard to its requirements for registration statements and reports filed with the Commission under the Securities Act of 1933 and the Securities Exchange Act of 1934. These interpretations, and related explanatory material, concern the information required in regard to the description of business, the summary of operations and financial statements.

(a) *Form 10 (17 CFR 249.210).* (1) Item 1. Business:

Information falling within the scope of paragraph (d) with regard to business dependent upon a single customer or a very few customers, or within paragraph (e) with regard to operations outside the United States, is required to be included in response to paragraph (c)(1), "Information as to lines of business," or (c)(2), "Information as to classes of similar products or services," or both paragraphs (c)(1) and (c)(2) as may be appropriate, if (1) such disclosure is specifically required by paragraph (c)(1) with respect to a line of business, (2) such disclosure is specifically required by paragraph (c)(2) with respect to a class of similar products or services, or (3) the omission of such information would render the response to the item misleading.

(2) Item 2. Summary of Operations:

Where per share earnings are disclosed, pursuant to instruction 3, the information with respect to the computation of per share earnings on both primary and fully diluted bases, presented by exhibit or otherwise must be furnished even though the amounts of per share earnings on the fully diluted basis are not required to be stated under the provisions of Accounting Principles Board Opinion No. 15. That Opinion provides that any reduction of less than three percent need not be considered as dilution (see footnote 2 to paragraph 14 of the Opinion) and that a computation on the fully diluted basis which results in improvement of earnings per share not be taken into account (see paragraph 40 of the Opinion).

(b) *Form 10-K (17 CFR 249.310).* (1) Item 1. Business:

(2) Item 2. Summary of Operations:

The comments above with respect to Items 1 and 2 of Form 10 are applicable to Items 1 and 2 of Form 10-K.

(3) Financial Statements:

(i) Notes to financial statements:

Notes to financial statements must be furnished for both of the two years for which such statements are required to be furnished. Preferably such notes should be integrated.

Where pursuant to Rule 12b-23 (17 CFR 240.12b-23) financial statements contained in a prospectus, proxy statement or report to security holders are incorporated by reference in a report on Form 10-K (and copies of the statements filed with the report as required by that rule) any so-called compliance or supplemental notes required by Regulation S-X (17 CFR Part 210) which are not included in the prospectus, proxy statement or report to security holders, as the case may be, must be filed with the report on Form 10-K within 90 days after the end of the fiscal year covered by the report. The provision of General Instruction A to Form 10-K with respect to the filing of schedules within 120 days after the end of the fiscal year does not apply to such notes.

(ii) Schedules to financial statements:

The requirements with respect to the furnishing of schedules to financial statements appear in Rule 5-04 of Regulation S-X, entitled "What Schedules Are To Be Filed." Paragraph (a)(1) of that rule provides that certain schedules shall be filed as of the date of the most recent balance sheet filed and

paragraph (a) (2) provides that certain other schedules shall be filed for each period for which a profit and loss statement is filed. As applied to Form 10–K, which requires financial statements for 2 fiscal years, this means that the schedules called for by paragraph (a) (1) need be furnished only as of the end of the latest fiscal year, but that those called for by paragraph (a) (2) are to be furnished for both fiscal years.

(iii) Manually signed opinions of accountants covering the financial statements and schedules are required by the provisions of Article 2 of Regulation S–X.

(iv) Incorporation by reference:

In order that the microfiche system for the public dissemination of reports and documents filed with the Commission may work, Rule 12b–23, "Incorporation by Reference," was amended, effective February 4, 1971, to provide that copies of information or financial statements incorporated by reference, or copies of the pertinent pages of any document containing such information or statement, be filed with the registration statement or report in which it is so incorporated.

(c) *Form S–1 (17 CFR 239.11)* (1) Item 6. Summary of Earnings:

The comments above with respect to Item 2 of Form 10 are applicable to Instruction 2 to this item.

Where earnings per share are shown, in response to the requirements of Accounting Principles Board Opinion No. 15 or otherwise, the information or exhibit with respect to the computation of earnings per share, mentioned above in connection with Item 2 of Form 10 should be furnished.

(2) Item 9. Description of Business:

The comments above with respect to Item 1 of Form 10 are applicable to the similar provisions of this item.

(d) *Form S–7 (17 CFR 239.26)*. Item 5. Business:

The comments above with respect to Item 1 of Form 10 are applicable to the similar provisions of this item.

(e) *Form S–8 (17 CFR 239.16b)*. Item 11. Summary of Earnings:

Where earnings per share are shown, in response to the requirements of Accounting Principles Board Opinion No. 15 or otherwise, the information, or exhibit, with respect to the computation of earnings per share, mentioned above in connection with Item 2 of Form 10 should be furnished.

(f) *Form S–11 (17 CFR 239.18)*. Item 6. Summary Financial Data:

The comments above with respect to Item 2 of Form 10 are applicable to Instruction 4 to this item.

By the Commission, February 18, 1971.

[SEAL] ROSALIE F. SCHNEIDER,
*Recording Secretary.*

[FR Doc.71–3175 Filed 3–5–71;8:49 am]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71–70]

## IMPLEMENTATION OF TIR CONVENTION AND SIMPLIFIED IN-BOND PROCEDURE

On March 17, 1970, notice of proposed rule making regarding regulations to implement the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention) (TIAS 6633), to incorporate procedural changes relating to the transportation of merchandise in bond instituted provisionally on September 9, 1968, and to delete obsolete paragraphs of Part 18 of the regulations was published in the FEDERAL REGISTER (35 F.R. 4632). Interested persons were given until April 16, 1970, to submit written comments, suggestions, or objections regarding the proposed regulations. Representations submitted pursuant to the notice have been carefully considered. The amendments as proposed are hereby adopted subject to the following changes:

1. Section 10.39 (e) and (f) are amended to conform to the changes made by T.D. 69–146 (34 F.R. 9798) in other sections of Part 10 which relate to circumstances in which a bond is required to be given in an amount equal to 110 percent of estimated duties instead of double estimated duties.

2. Section 10.41c, including paragraphs (b) and (c) which were not referred to in the notice of proposed rule making, is deleted and replaced by a new § 18.4a. Paragraphs (b) and (c) of former § 10.41c are omitted from § 18.4a as properly the subject of the regulations of the U.S. Coast Guard relating to the certification of cargo containers for transport under customs seal published in the FEDERAL REGISTER of July 31, 1970 (35 F.R. 12776). Paragraph (b) in new § 18.4a relates to the acceptance for transport under customs seal of road vehicles carrying merchandise under cover of a TIR carnet.

3. In § 18.2, present paragraph (b), as amended by T.D. 71–22 (36 F.R. 1058), is retained; proposed paragraphs (b) and (c) are redesignated, respectively, as paragraphs (c) and (d); and present paragraph (d), which was not referred to in the notice of proposed rule making, is redesignated as paragraph (e).

4. Proposed § 18.5(d) is amended to provide that in the event of diversion of merchandise transported under cover of a TIR carnet, splitting up of a shipment shall not be permitted.

5. In § 18.6, proposed paragraph (b) (1) and (2) are deleted as superseded by the amendment of present paragraph (b) by T.D. 71–22 (36 F.R. 1058). The substance of proposed § 18.6(b) (2), modified to require that the district director of customs make demand on the initial bonded carrier for pecuniary penalties, liquidated damages, duties, and taxes which may accrue, in respect of merchandise carried under a TIR carnet, only in the case of any excess for which the guaranteeing association is not responsible, appears as a separate paragraph (d). Present paragraphs (d) and (e), which were not referred to in the notice of proposed rule making, are redesignated, respectively, as paragraphs (e) and (f).

6. Proposed § 18.8(e) (2) is amended to state the time limits in which the guaranteeing association must be notified in the event a TIR carnet has not been discharged or has been discharged subject to a reservation.

7. Former §§ 18.29, 18.30, and 18.31, which the notice proposed to delete, have previously been deleted from the regulations by T.D. 70–121 (35 F.R. 8214).

8. Proposed § 33.22(c) (1), now § 114.22 (c) (1), is amended to provide that a TIR carnet may be accepted at any port of entry and that road vehicles transporting merchandise under cover of a TIR carnet must comply with all applicable requirements of Federal and State agencies concerned with the regulation of such vehicles and their personnel.

9. Proposed § 33.22(c) (3), now § 114.22(c) (3), is amended to make clear that in the event the total of duties and taxes on any shipment covered by a TIR carnet exceeds the amount for which the guaranteeing association is liable, the excess constitutes a charge against the Carrier's Bond.

10. Section 114.31 is amended to provide that merchandise not entitled to temporary importation under bond shall not be imported under cover of an A.T.A. or E.C.S. carnet and that except in respect to merchandise for indirect exportation, merchandise not entitled to transportation in bond shall not be transported under cover of a TIR carnet.

11. Sections 123.42 (a) and (b) and 123.64(b), which were not referred to in the notice of proposed rule making, are amended to conform to the procedures established for the transportation of merchandise in bond by requiring the presentation of "the related customs Form 7512–C (duplicate)" in certain circumstances.

Minor editorial changes, and conforming changes to reflect revisions in cross references and the redesignation of Part 33 of the regulations as Part 114 by T.D. 70–134 (35 F.R. 9251), are also made.

The text of the amendments to Parts 10, 18, 21, 25, 114, and 123 of Chapter I, Title 19, Code of Federal Regulations, as adopted is set forth below.

*Effective date.* These amendments shall be effective on April 1, 1971.

[SEAL] MYLES J. AMBROSE,
*Commissioner of Customs.*

Approved: February 26, 1971.

EUGENE T. ROSSIDES,
*Assistant Secretary of the Treasury.*

## PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

The first sentence of paragraph (a) of § 10.31 is amended to read:

**§ 10.31 Entry; bond.**

(a) Entry of articles brought into the United States temporarily and claimed to be exempt from duty under Schedule 8, Part 5C, Tariff Schedules of the United States,[34] shall, unless covered by an A.T.A. or E.C.S. carnet provided for in Part 114 of this chapter, be made on customs Form 7501, except that, when § 10.36 or § 10.36a is applicable, or the aggregate value of the article is not over $250, the form prescribed for the informal entry of importations by mail, in baggage, or other, as the case may be, may be used. * * *

* * * * *

Section 10.39 is amended as follows: Paragraphs (e)(4) and (f) are amended to read:

§ 10.39 Cancellation of bonds.

* * * * *

(e) * * *

(4) Upon the payment of an amount equal to double the duty which would have accrued on the articles had they been entered under an ordinary consumption entry, or equal to 110 percent of such duties where that percentage is prescribed in § 10.31(f), if such amount is determined to be less than the full amount of the bond.

(f) If there has been compliance with the terms of the bond with respect to part of but not all the articles covered thereby and a written application for relief is filed as provided in Part 172 of this chapter, and if that part of the liability for liquidated damages which represents double the duty or 110 percent of the duty, as required under § 10.31(f), on the articles in respect of which there has been a default does not exceed $20,000, the district director may cancel the total liability for payment of liquidated damages in any amount upon the payment of an amount equal to double the duty or 110 percent of the duty, as appropriate, on the articles in respect of which the default occurred, or, under the circumstances enumerated in subparagraph (1), (2), or (3) of paragraph (e) of this section, upon payment of such lesser amount as the district director may deem appropriate, provided the district director is satisfied that the importation was properly entered under schedule 8, part 5C, and that there was no intent to defraud the revenue or delay the payment of duty.

* * * * *

§ 10.41a [Amended]

Paragraph (c) of § 10.41a is amended by substituting the following for the second sentence: "The required application may be filed at the port of arrival or at a subsequent port to which an instrument shall have been transported in bond or to which a container shall have been moved under cover of a TIR carnet (see Part 114 of this chapter) showing the characteristics and value of the container on the Goods Manifest of the carnet. If the container is listed on the Goods Manifest of the carnet, the application may be filed at the port of arrival or at the subsequent port. If the container is not listed on the Goods Manifest, the application shall be filed at the port of arrival. The fact of approval and discontinuance of bonds on customs Form 7587 will be published in the weekly Customs Bulletin, as provided for in § 25.4(a)(34) of this chapter."

Paragraph (g) of § 10.41b is amended to read:

§ 10.41b Clearance of serially numbered substantial holders or outer containers.

* * * * *

(g) If the holder or container and its contents are to move in bond or under cover of a TIR carnet (see Part 114 of this chapter) from the port of arrival intact, the holder or container shall appear on the inward foreign manifest so as to be related to the cargo contained therein and will be released under this procedure at a subsequent port. If the holder or container is to move in bond or under cover of a TIR carnet from the port of arrival not intact with its contents, the holder or container may appear on the inward foreign manifest separate from and not related to the cargo contained therein and will be released under this procedure at the port of arrival before it moves forward and will not appear on the in-bond document.

* * * * *

§ 10.41c [Deleted]

Part 10 is amended by deleting § 10.41c.

## PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Section 18.1(a) is amended to read:

§ 18.1 Carriers; application to bond.

(a) (1) Merchandise to be transported from one port to another in the United States in bond, except as provided for in paragraph (b) of this section, shall be delivered to a common carrier, contract carrier, freight forwarder, or private carrier bonded for that purpose, but such merchandise delivered to a common carrier, contract carrier, or freight forwarder may be transported with the use of facilities of other bonded or nonbonded carriers.[1] For the purposes of this section, the term "common carrier" means a common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route. Only vessels entitled to engage in the coastwise trade (see § 4.80 of this chapter) shall be entitled to transport merchandise under this section.

(2) Merchandise to be transported from one port to another in the United States under cover of a TIR carnet (see Part 114 of this chapter) shall be transported in accordance with the provisions of subparagraph (1) of this paragraph, except that it may be transported only with the use of facilities of bonded common or contract carriers. The TIR carnet shall be responsible for liability incurred in the carriage of merchandise under such carnet, and the Carrier's Bond shall be responsible only as provided in § 114.22(c)(3) of this chapter.

* * * * *

Section 18.2 is amended to read:

§ 18.2 Receipt by carrier; manifest.

(a) When merchandise is delivered to a bonded carrier for transportation in bond, the merchandise shall be laden on the conveyance under the supervision of a customs officer unless the transporting conveyance is not to be sealed with customs seals or the lading inspector accepts the check of the carrier as to the merchandise laden thereon. The carrier's receipt shall be given immediately to the lading inspector on the customs in-bond document (the appropriate customs Forms 7512 or 7520, or the TIR carnet) covering the merchandise. In the case of a TIR carnet, the receipt shall be given on the appropriate vouchers in the following form:

Received the cargo listed herein for delivery to Customs at the indicated port of destination or exportation, or for direct exportation.

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Name of Carrier (or Exporter)

---

Attorney or Agent of Carrier (or Exporter)

---

(Date)

(b) A customs in-bond document containing a description of the merchandise shall be prepared by the carrier or shipper and signed by the agent of the carrier whenever merchandise is being transported in bond. All copies of the in-bond document shall be signed by the importing carrier or his agent and the in-bond carrier or his agent to indicate the quantity delivered for transportation in bond. When there is no discrepancy between the quantity manifested by the importing carrier and the quantity delivered to the in-bond carrier, the district director of customs may authorize waiving the signature of the parties in interest as to delivered quantities. Except as prescribed in Subpart D of Part 123 of this chapter, relating to merchandise in transit through the United States between ports in contiguous foreign territory, a separate set shall be prepared for each entry and, if the consignment is contained in more than one conveyance, a separate set shall be prepared for each conveyance.

(c) After the merchandise has been laden and the in-bond carrier or his agent has receipted the in-bond document, either customs Form 7512 or customs Form 7520, in duplicate, or the TIR carnet, together with the related customs Form 7512–C (duplicate), shall be delivered as a manifest to the conductor, master, or person in charge to accompany the merchandise to destination. If more than one conveyance is used to transport merchandise, the customs Form 7512–C (duplicate) shall accompany the first conveyance, and two copies of customs Form 7512 shall accompany each conveyance as a manifest of the merchandise transported by that conveyance. A TIR carnet (see § 18.3 (b)) shall not be used if more than one conveyance is required.

(d) Upon arrival of the merchandise at the port of destination, the delivering carrier shall promptly surrender the in-bond manifest and related customs Form 7512–C (duplicate) to the district director as a notice of arrival of the merchandise. If the in-bond manifest is lost in transit, the in-bond carrier will be responsible for obtaining copies of the original.

(e) In addition to the foregoing, any entry for immediate transportation presented at the port of arrival for merchandise to be transported in bond by a private carrier shall be accompanied by a commercial invoice setting forth the particulars of the merchandise and a statement in the following form verified

by the district director of the district in which is located the warehouse to which the merchandise is to be carried:

The undersigned hereby requests permission to transport under the provisions of his carrier's bond, dated _____ on file at the port of _____, the merchandise described in the attached invoice from the port of _____ to his warehouse located at _____.

_____
(Warehouse proprietor and carrier)

_____
(Date)

Invoice and statement verified:

_____
(Date)

_____
(District Director)

(Sec. 551, 46 Stat. 742, as amended; 19 U.S.C. 1551)

Section 18.3 is amended to read:

**§ 18.3 Transshipment;[3] transfer by bonded cartmen.**

(a) When bonded merchandise in one conveyance is to be transshipped under customs supervision to another single conveyance while en route to the port of destination or exportation, the in-bond document which accompanied the merchandise shall be presented to the district director of customs at the place of transshipment for execution of a certificate of transfer thereon. The in-bond document shall be returned to the carrier to accompany the merchandise to the port of destination or exportation. Except as provided in paragraph (c) of this section, merchandise covered by a TIR carnet shall not be transshipped if the transshipment involves the unlading of the merchandise from a container or road vehicle.

(b) When bonded merchandise, other than merchandise covered by a TIR carnet, is to be transshipped into more than one conveyance, the carrier, agent of the shipper, or forwarder shall prepare, for each such conveyance, two additional copies of the customs Form 7512 which accompanied the merchandise to the place of transshipment. The Form 7512 and customs Form 7512–C (duplicate) which accompanied the shipment to the place of transshipment shall be presented to the district director there. The customs officer supervising the transshipment shall execute a certificate of transfer on all copies of the Form 7512. The original copies of the Form 7512 and related Form 7512–C (duplicate) shall be delivered to the conductor, master, or person in charge of the first conveyance. Two additional copies of the Form 7512 shall be similarly delivered to the person in charge of each additional conveyance in which the merchandise is forwarded for delivery to the district director at the port of destination or exportation.

(c) Merchandise covered by a TIR carnet may be transshipped in a case involving the unlading of the merchandise from a container or road vehicle only if the transshipment is necessitated by casualty en route. In the event of transshipment, a TIR approved container or road vehicle shall be used if available. If the transshipment takes place under customs supervision, the customs officer shall excute a certificate of transfer on the appropriate TIR carnet voucher.

(d) If it becomes necessary at any point in transit to remove the customs seals from a conveyance or container containing bonded merchandise for the purpose of transferring its contents to another conveyance or container, or to gain access to the shipment because of casualty or for other good reason, and it cannot be done under customs supervision because of the element of time involved or because there is no customs officer stationed at such point, a responsible agent of the carrier may remove the seals, supervise the transfer or handling of the merchandise, seal the conveyance or container in which the shipment goes forward, and make appropriate notation of his action on the conductor's or master's copy of the manifest, or the outside back cover of the TIR carnet, including the date, serial numbers of the new seals applied, and the reason therefor. This authorization shall not apply in any case not involving a real emergency.

(e) All transfers to or from the conveyance or warehouse of merchandise undergoing transportation in bond shall be made under the provisions of Part 21 of this chapter and at the expense of the parties in interest, unless the Carrier's Bond or a TIR carnet is liable for the safekeeping and delivery of the merchandise while it is being transferred.

(Secs. 551, 565, 46 Stat. 742, as amended, 747; 19 U.S.C. 1551, 1565)

Section 18.4 is amended as follows: Paragraph (a) is amended by designating the present text as subparagraph (1) and adding a new subparagraph (2) and paragraph (c) is amended to read as follows:

**§ 18.4 Sealing conveyances and compartments; labeling packages; warning cards.**

(a) * * *

(2) The district director of customs shall cause a customs seal to be affixed to a container or road vehicle which is being used to transport merchandise under cover of a TIR carnet unless the container or road vehicle bears a valid customs seal (domestic or foreign). The district director shall likewise cause a customs seal or label to be affixed to heavy or bulky goods being so transported. If, however, he has reason to believe that there is a discrepancy between the merchandise listed on the Goods Manifest of the carnet and the merchandise which is to be transported, he shall cause a customs seal or label to be affixed only when the listing of the mercahndise in the carnet and a physical inventory agree.

* * * * *

(c) (1) Merchandise not under bond may be transported in sealed conveyances or compartments containing bonded goods when destined for the same place or places beyond, but not when intended for intermediate places.

(2) Merchandise moving under cover of a TIR carnet may not be consolidated with other merchandise.

* * * * *

Part 18 is amended by adding a new § 18.4a as follows:

**§ 18.4a Containers or road vehicles accepted for transport under customs seal; requirements.**

(a) (1) Containers covered by the Customs Convention on Containers[3a] shall be accepted for transport under customs seal (see § 18.4) if (i) durably marked with the name and address of the owner, particulars of tare, and identification marks and numbers, and (ii) constructed and equipped as outlined in Annex 1 to the Customs Convention on Containers, as evidenced by an accompanying unexpired certificate of approval in the form prescribed by Annex 2 to that Convention or by a metal plate showing design type approval by a competent authority.

(2) Containers[3b] carrying merchandise covered by a TIR carnet shall be accepted for transport under customs seal (see § 18.4) if (i) durably marked with the name and address of the owner, particulars of tare, and identification marks and numbers, (ii) constructed and equipped as outlined in Annex 6 to the TIR Convention, as evidenced by an accompanying unexpired certificate of approval in the form prescribed by Annex 8 to that Convention, or by a metal plate showing design type approval by a competent authority, and (iii) if the container or road vehicle hauling the container has affixed to it a rectangular plate bearing the letters "TIR" in accordance with Article 31 of the TIR Convention.

(b) Road vehicles[3c] carrying merchandise covered by a TIR carnet shall be accepted for transport under customs seal if (1) durably marked with the name and address of the owner, particulars of tare, and identification marks and numbers, (2) constructed and equipped as outlined in Annex 3 to the TIR Convention, as evidenced by an accompanying unexpired certificate of approval in the form prescribed by Annex

[3a] See footnote 38a to Part 10 of this chapter.

[3b] "* * * the term 'container' shall mean an article of transport equipment (lift-van, movable tank or other similar structure);

"(i) Of a permanent character and accordingly strong enough to be suitable for repeated use;

"(ii) Specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;

"(iii) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;

"(iv) So designed as to be easy to fill and empty; and

"(v) Having an internal volume of one cubic metre or more; the term 'container' includes neither vehicles nor conventional packing; * * *" (Article 1, TIR Convention.)

[3c] "* * * the term 'road vehicle' shall mean not only any road motor vehicle but also any trailer or semitrailer designed to be drawn by such a vehicle; * * *" (Article 1, TIR Convention.)

5 to that Convention, or by a metal plate showing design type approval by a competent authority, and (3) if the road vehicle has affixed to it a rectangular plate bearing the letters "TIR" in accordance with Article 31 of the TIR Convention.

(c) The district director of customs may refuse to accept for transport under customs seal a container or road vehicle bearing evidence of approval if, in his opinion, the container or road vehicle no longer meets the requirements of the applicable Convention.

(d) Containers or road vehicles which are not approved under the provisions of a Customs Convention may be accepted for transport under customs seal only if the district director at the port of origin is satisfied that (1) the container or road vehicle can be effectively sealed and (2) no goods can be removed from or introduced into the container or road vehicle without obvious damage to it or without breaking the seal. A container or road vehicle so accepted shall not carry merchandise covered by a TIR carnet.

(77A Stat. 14, sec. 14, 67 Stat. 516, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 1202 (Gen. Hdnote. 11), 1322, 1623, 1624)

Section 18.5 is amended to read:

§ 18.5 Diversion.

(a) Merchandise forwarded under any class of transportation entry may be diverted to any port other than the port named in the entry at the option of the consignee or agent. Except as provided for in paragraphs (c), (d), and (e), of this section, prior application or approval of such diversion is not required.

(b) The district director of customs at the port to which merchandise is diverted may permit merchandise in transit under bond under any class of transportation entry to be entered at his port for consumption, warehouse, exportation, further transportation in bond, or under any provisions of the tariff laws.

(c) When merchandise which has been delivered to the district director at the port of original destination or port of diversion under any class of transportation entry is to be forwarded to another port or returned to the port of origin, a new transportation entry shall be required. If the merchandise is moving under cover of a TIR carnet, the carnet may be accepted as a transportation entry.

(d) If it is desired to split a shipment at a port of destination and to enter a portion for consumption or warehouse and forward the balance in bond, or to divert the entire shipment or a part thereof to more than one port, the district director at the port where diversion takes place shall complete the original transaction and shall require the filing of a new transportation entry or entries for the portion or portions forwarded. In the case, however, of merchandise being transported under cover of a TIR carnet, splitting up of a shipment shall not be permitted.

(e) The diversion of shipments in bond which are subject on importation to restriction or prohibition under quarantines and regulations of the Agricultural Research Service of the Department of Agriculture shall be allowed only upon written permission or under regulations issued by the agency concerned.

(Secs. 551–553, 46 Stat. 742, as amended, 19 U.S.C. 1551–1553)

Section 18.6 is amended to read:

§ 18.6 Short shipments; shortages; entry and allowance.

(a) When there has been a short shipment and the short-shipped packages are subsequently received, they may be forwarded only under a new transportation entry referenced to the original entry.

(b) When there is a shortage of one or more packages or nondelivery of an entire shipment, and inquiry by the carrier discloses that the merchandise has been delivered directly to the consignee, entry therefor may be accepted if the merchandise can be recovered intact without any of the packages having been opened. In such cases, any shortage from the invoice quantity shall be presumed to have occurred while the merchandise was in the possession of the bonded carrier.

(c) If the merchandise cannot be recovered intact, as above specified, entry shall not be accepted and, except as provided in paragraph (d) of this section, there shall be sent to the initial bonded carrier a demand for liquidated damages on customs Form 5955–A, in the case of nondelivery of an entire shipment or on customs Form 5931, in the case of a partial shortage.

(d) If merchandise covered by a TIR carnet cannot be recovered intact, as specified in paragraph (b) of this section, entry shall not be accepted; there shall be sent to the guaranteeing association a demand for pecuniary penalties, liquidated damages, duties, and taxes as prescribed in § 18.8(e); and, if appropriate, there shall also be sent to the initial bonded carrier a demand for any excess, as provided in § 114.22(c)(3) of this chapter. Demands shall be made on the forms specified in paragraph (c) of this section.

(e) An allowance in duty on merchandise reported short at destination, including merchandise found by the appraising officer to be damaged and worthless, and animals and birds found by the discharging officer to be dead on arrival at destination, shall be made in the liquidation of the entry.

(f) In the case of shipments arriving in the United States by rail or seatrain which are forwarded under customs in-bond seals under the provisions of Subpart D of Part 123 of this chapter, and § 18.11, or § 18.20, a notation shall be made by the carrier or shipper on the in-bond manifest, customs Form 7512, to show whether the shipment was transferred to the car designated in the manifest or whether it was laden in the car in the foreign country, which shall be named.

(Secs. 551, 552, 553, 46 Stat. 742, as amended; 19 U.S.C. 1551, 1552, 1553)

Section 18.7(a) is amended to read:

§ 18.7 Lading for exportation, verification of.

(a) When merchandise covered by an in-bond entry is delivered to the exporting carrier at the port of exportation, the in-bond document and the related customs Form 7512–C (duplicate) shall be promptly delivered to the district director of customs.

* * * * *

Section 18.8 is amended as follows: The heading is amended and a new paragraph (e) is added as follows:

§ 18.8 Liability for shortage, irregular delivery, or nondelivery, penalties.

* * * * *

(e) (1) The domestic guaranteeing association shall be jointly and severally liable with the initial bonded carrier for pecuniary penalties, liquidated damages, duties, and taxes accruing to the United States, and any other charges imposed as the result of any shortage, irregular delivery, or nondelivery at the port of destination or port of exit of merchandise covered by a TIR carnet. Penalties imposed as liquidated damages for any shortage, irregular delivery, or nondelivery shall be computed in accordance with subparagraphs (1), (2), and (3) of paragraph (b) of this section. If a TIR carnet has not been discharged, or has been discharged subject to a reservation, the guaranteeing association shall be notified within 1 year of the date upon which the carnet is taken on charge, except that if the discharge shall have been obtained improperly or fraudulently the period shall be 2 years. No claim for payment under a TIR carnet shall be made against a guaranteeing association more than 3 years after the date when the association was informed that the carnet had not been discharged, or had been dicharged subject to a reservation, or that the certificate of discharge had been obtained improperly or fraudulently. However, in cases which become the subject of legal proceedings during the above-mentioned 3-year period, no claim for payment shall be made more than 1 year after the date when the decision of the court becomes enforceable.

(2) Within 3 months from the date demand for payment is made by the district director as provided by § 18.6(b)(2), the guaranteeing association shall pay the amount claimed, except that if the amount claimed exceeds the liability of the guaranteeing association under the carnet (see § 114.22(c)(3) of this chapter), the carrier shall pay the excess. The amount paid shall be refunded if, within a period of 1 year from the date on which the claim for payment was made, it is established to the satisfaction of the Commissioner of Customs that no irregularity occurred. The district director may canel liquidated damages assessed against the guaranteeing association to the extent authorized by paragraph (d) of this section.

Section 18.11 is amended as follows: Paragraphs (a), (b), (c), (f), (g), and (h) are amended and a new paragraph (i) is added to read as follows:

**§ 18.11 Entry; classes of goods for which entry is authorized; form used.**

(a) Entry for immediate transportation without appraisement may be made under section 552, Tariff Act of 1930,[5] (1) for any merchandise, except explosives and prohibited merchandise, upon its arrival at a port of entry, or (2) for merchandise in general-order warehouse at any time within 1 year from the date of importation.

(b) Entry for immediate transportation without appraisement may be made by (1) the carrier bringing the merchandise to the port of arrival, (2) the carrier who is to accept the merchandise under its bond or a TIR carnet for transportation to the port of destination, or (3) any person shown by the bill of lading or manifest, a certificate of the importing carrier, or by any other document satisfactory to the district director of customs, to have a sufficient interest in the merchandise for that purpose.

(c) Before a shipment covered by an entry for immediate transportation, including a TIR carnet, or a manifest of baggage shipped in bond (other than baggage to be forwarded in bond to a customs station—see § 18.13(a)), shall be allowed to be transported directly to a place of deposit outside a port of entry for examination and release as contemplated by section 484(f), Tariff Act of 1930, as amended,[6] the consent of the district director of customs for the port of entry designated in the transportation entry or baggage manifest (or in the event of diversion under § 18.5, for the port of destination of the merchandise or baggage) must first be secured. Before consent may be given, the importer must furnish such district director with a stipulation that, promptly upon the arrival of any part of the merchandise or baggage at the place of deposit, he will file an entry for the shipment at the port of entry designated in the transportation entry or baggage manifest (or in the event of diversion under § 18.5, at the port of destination of the merchandise or baggage) and will comply with the provisions of § 14.2(f) of this chapter.

* * * * *

(f) One or more entire packages of merchandise covered by an invoice from one consignor to one consignee may be entered for consumption or warehouse at the port of first arrival, and the remainder entered for immediate transportation without appraisement, provided all the merchandise covered by the invoice is entered simultaneously and any TIR carnet which may cover such merchandise is discharged as to that merchandise.

(g) Several importations may be consolidated in one immediate transportation without appraisement entry when bills of lading or carrier's certificates name only one consignee at the port of first arrival. However, merchandise moving under cover of a TIR carnet may not be consolidated with other merchandise.

(h) Either customs Form 7512 or a TIR carnet shall be used as a combined transportation entry, invoice, and manifest. If customs Form 7512 is used, a minimum of three copies shall be required at the port of origin. The district director, however, may require additional copies of customs Form 7512 or the Goods Manifest of the carnet for use in connection with the delivery of the merchandise to the bonded carrier. In lieu of additional copies of the Goods Manifest, the district director may accept copies of a bill of lading covering the merchandise. The merchandise shall be described in such detail as to enable the district director to estimate the duties and taxes, if any, due. The district director may require evidence to satisfy him of the approximate correctness of the value or quantity stated in the entry. If a TIR carnet is used, and the duties and taxes estimated to be due exceed the maximum liability of the guaranteeing association under the carnet, the provisions of § 114.22(c)(3) of this chapter shall apply.

(i) The value stated on the entry at the port of first arrival is not binding on the ultimate consignee making entry at the port of destination and does not relieve the importer of the obligation to show the correct value on entry.

Section 18.12 is amended as follows: Paragraphs (d) and (e) are amended to read:

**§ 18.12 Entry at port of destination.**

* * * * *

(d) All importations forwarded under immediate transportation without appraisement entries (including TIR carnets) shall be held by the bonded carrier at the port of destination until released by the district director of customs.

(e) All merchandise included in an immediate transportation without appraisement entry (including a TIR carnet) not entered within 5 days, exclusive of Sundays and holidays, after delivery of the manifest to the district director at the port of destination shall be treated as unclaimed unless the district director, with the concurrence of the carrier, authorizes in writing a longer time.

(Secs. 484, 552, 46 Stat. 722, as amended, 742; 19 U.S.C. 1484, 1552)

Paragraph (b) of § 18.13 is amended to read:

**§ 18.13 Procedure; manifest.**

* * * * *

(b) A customs manifest for baggage shipped in bond, customs Form 7520, shall be prepared in triplicate for each shipment. Two copies of Form 7520 and the related customs Form 7512–C (duplicate) shall be delivered to the carrier to accompany the baggage and shall be delivered by the carrier to the district director of customs at the port of destination as a notice of arrival.

* * * * *

Section 18.16(a) is amended to read:

**§ 18.16 Form of withdrawal; time.**

(a) Merchandise may be withdrawn from warehouse for transportation to another port of entry if withdrawal for consumption or exportation can be accomplished at the port of destination before the expiration of the warehousing period, including any lawful extension thereof. The withdrawal document shall be customs Form 7512, five copies of which shall be required at the port of origin. However, the district director at the port of origin may require an extra copy or copies to be furnished for use in connection with the delivery of the merchandise to the bonded carrier named in the withdrawal document. In the case of alcoholic beverages, two extra copies shall be required for use in furnishing the duty statement to the district director at destination. A person in whom the right to withdraw the merchandise to be so transported has not previously been vested in accordance with § 8.39 of this chapter may make such withdrawal by (1) depositing a withdrawal for transportation on which is endorsed an assent to the withdrawal by the person in whom the right of withdrawal is then vested and (2) filing with such endorsed withdrawal the bond provided for in § 8.39(a) of this chapter.

* * * * *

Section 18.19 is amended to read:

**§ 18.19 Procedure.**

(a) *Direct exportation.* When merchandise is withdrawn from warehouse for exportation without transportation in bond to another port, five copies of customs Form 7512, or three copies of customs Form 7506 as to merchandise being exported under cover of a TIR carnet, shall be filed. However, the district director of customs may require an extra copy or copies of Form 7512 or 7506 to be furnished for use in connection with the delivery of the merchandise to the exporting carrier named in the withdrawal document.

(b) *Indirect exportation.* (1) When merchandise is withdrawn from warehouse for transportation and exportation, five copies of customs Form 7512, or three copies of customs Form 7506 as to merchandise to be exported under cover of a TIR carnet, shall be required at the port of withdrawal. However, the district director may require an extra copy or copies to be furnished for use in connection with the delivery of the merchandise to be bonded carrier named in the withdrawal document.

(2) The merchandise shall be forwarded in accordance with the general provisions for transportation in bond, §§ 18.1–18.8.

(3) If any part of a shipment is not exported, or if a shipment is divided at the port of exportation, extracts in duplicate from the manifest on file in the customhouse shall be made on customs Form 7512 for each part, one copy to be sent to the discharging inspector and the other to the lading inspector to be used as a report of exportation. The splitting up for exportation of shipments arriving under warehouse withdrawals for transportation and exportation shall be permitted only when various portions of a shipment are destined to different destinations, when the export vessel cannot

properly accommodate the entire quantity, or in other similar circumstances. In the case of merchandise moving under cover of a TIR carnet, if the merchandise is not to be exported or if the shipment is to be divided, appropriate entry shall be required and the carnet discharged. The provisions of §§ 18.23 and 18.24 shall also be followed in applicable cases.

(c) *Withdrawal statement required.* Each withdrawal for exportation or withdrawal for transportation and exportation shall contain the summary statement prescribed for withdrawals in § 8.37(b) of this chapter.

(Sec. 557, 46 Stat. 744, as amended; 19 U.S.C. 1557)

Section 18.20 is amended as follows: Paragraphs (a) and (b) are amended to read:

**§ 18.20 Entry procedure; forwarding.**

(a) When an importation is entered for transportation and exportation,[8] except as provided for in subparts D, E, F, and G of Part 123 of this chapter relating to merchandise in transit through the United States between two points in contiguous foreign territory), a TIR carnet or four copies of customs Form 7512 shall be required. The district director of customs, however, may require additional copies of customs Form 7512 or the Goods Manifest of the carnet for use in connection with the delivery of the merchandise to the bonded carrier. In lieu of additional copies of a Goods Manifest, the district director may accept copies of a bill of lading covering the merchandise. Acceptance of transportation and exportation entries shall be subject to the requirements prescribed in § 18.11(b) for entry of merchandise for immediate transportation without appraisement.

(b) Except in respect to merchandise covered by a TIR carnet (see § 18.1(a)(2)), in places where no bonded common carrier facilities are reasonably available and merchandise is permitted to be transported otherwise than by a bonded common carrier, the district director may permit entry in accordance with the procedure outlined in paragraph (a) of this section if he is satisfied that the revenue will not be endangered. A bond on customs Form 7557 in an amount equal to double the estimated duties shall be required when the district director deems such action necessary. (See § 25.15 of this chapter for cancellation of export bonds.)

* * * * *

Section 18.24 is amended to read:

**§ 18.24 Retention of goods on dock; splitting of shipments.**

(a) Upon written application of a party in interest and the written consent of the owner of the dock, the district director of customs, in his discretion, may allow in-transit merchandise, including merchandise covered by a TIR carnet, to remain on the dock under the supervision of a customs officer without extra expense to the Government for a period not exceeding 90 days. Upon further application, additional extensions of 90 days or less, but not to exceed 1 year from the date of importation, may likewise be granted by the district director.[9] The district director may take possession of the merchandise at any time.

(b) The splitting up of a shipment for exportation shall be permitted when exportation in its entirety is not possible by reason of the different destinations to which portions of the shipment are destined, when the exporting vessel cannot properly accommodate the entire quantity, or in similar circumstances. In the case, however, of merchandise being transported under cover of a TIR carnet, splitting up of a shipment shall not be permitted.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

Section 18.25 is amended as follows: Paragraphs (a) and (d) are amended to read:

**§ 18.25 Direct exportation.**

(a) Except as otherwise provided for in § 9.11(a) of this chapter, relating to exportations by mail, when no entry has been made or completed for merchandise in customs custody, or when the merchandise is covered by an unliquidated consumption entry, or when merchandise which has been entered in good faith is found to be prohibited under any law of the United States, and such merchandise is to be exported directly without transportation to another port, four copies of customs Form 7512 shall be filed. If a TIR carnet covers the merchandise which is to be exported directly without transportation, the carnet shall be discharged or canceled, as appropriate (see Part 114 of this chapter), and four copies of Form 7512 shall be filed. The district director may require an extra copy or copies of Form 7512 to be furnished for use in connection with delivery of the merchandise to the carrier named in the entry.

* * * * *

(d) If the merchandise is exported in the importing vessel without landing, a representative of the exporting carrier who has knowledge of the facts shall certify that the merchandise entered for exportation was not discharged during the vessel's stay in port. A charge shall be made against the vessel term bond, customs Form 7569, if on file, or a vessel bond on customs Form 7567 shall be given as in the case of residue cargo for foreign ports. If the merchandise is covered by a TIR carnet, the carnet shall not be taken on charge (see § 114.22(c)(2) of this chapter).

* * * * *

Paragraph (a) of § 18.26 is amended to read:

**§ 18.26 Indirect exportation.**

(a) When merchandise of the character enumerated in § 18.25(a) is to be transported in bond to another port for exportation, it may be entered for transportation and exportation in accordance with the procedure in § 18.20. No bond on customs Form 7557 or 7559 shall be required as the bond of the importing carrier is sufficient to insure the safekeeping of the merchandise pending its exportation. In the case of merchandise prohibited entry by any Government agency, that fact shall be prominently noted on customs Form 7512 for the information of the district director of customs at the port of exportation. If the merchandise was imported under cover of a TIR carnet, the carnet shall be discharged or canceled at the port of importation and the merchandise transported under an entry on customs Form 7512 (see § 18.25).

* * * * *

Part 18 is amended by adding a new center head and §§ 18.41 through 18.45 reading as follows:

MERCHANDISE NOT OTHERWISE SUBJECT TO CUSTOMS CONTROL EXPORTED UNDER COVER OF A TIR CARNET

**§ 18.41 Applicability.**

The provisions of §§ 18.41 through 18.45 apply only to merchandise exported under cover of a TIR carnet for the convenience of the U.S. exporter or other party in interest and do not apply to any merchandise otherwise required to be transported in bond under the provisions of this chapter.

**§ 18.42 Direct exportation.**

At the port of exportation, the container or road vehicle, the merchandise, and the TIR carnet shall be made available to the district director of customs. Any required export declarations shall be filed in accordance with the applicable regulations of the Bureau of the Census (15 CFR Part 30) and the Office of Export Control (15 CFR Part 386). The district director shall examine the merchandise to the extent he believes necessary to determine that the carnet has been properly completed and shall verify that the container or road vehicle has the necessary certificate of approval or approval plate intact and is in satisfactory condition. After completion of any required examination and supervision of loading, the district director shall cause the container or road vehicle to be sealed with customs seals and ascertain that the TIR plates are properly affixed and sealed. (See § 18.4a.) In the case of heavy or bulky goods moving under cover of a TIR carnet, the district director shall cause a customs seal or label, as appropriate, to be affixed. He shall also remove two vouchers from the carnet, execute the appropriate counterfoils, and return the carnet to the carrier or agent to accompany the merchandise.

**§ 18.43 Indirect exportation.**

(a) When merchandise is to move from one U.S. port to another for actual exportation at the second port, any export declarations required to be validated shall be filed in accordance with the port of origin procedure described in the applicable regulations of the Bureau of the Census and of the Office of Export Control.

(b) The district director shall follow the procedure provided in § 18.42 in respect to examination of the merchandise, supervision of loading, sealing or labeling, and affixing of TIR plates. He shall remove one voucher from the carnet, execute the appropriate counterfoil, and return the carnet to the carrier or agent to accompany the container or road vehicle to the port of actual exportation.

(c) At the port of actual exportation, the carnet and the container (or heavy or bulky goods) or road vehicle shall be presented to the district director who shall verify that seals or labels are intact and that there is no evidence of tampering. After verification, the district director shall remove the appropriate voucher from the carnet, execute the counterfoil, and return the carnet to the carrier or agent.

**§ 18.44 Abandonment of exportation.**

In the event that exportation is abandoned at any time after merchandise has been placed under cover of a TIR carnet, the carrier or agent shall deliver the carnet to the nearest customs office or to the customs office at the port of origin for cancellation (see § 114.26(c) of this chapter). When the carnet has been canceled, the carrier or agent may remove customs seals or labels and unload the container (or heavy or bulky goods) or road vehicle without customs supervision.

**§ 18.45 Supervision of exportation.**

The provisions of §§ 18.41 through 18.44 do not require the district director of customs at the port of actual exportation to verify that merchandise moving under cover of a TIR carnet is loaded on board the exporting carrier.

## PART 21—CARTAGE AND LIGHTERAGE

Section 21.8(a) is amended to read:

**§ 21.8 Liability; reports of loss or damage.**

(a) The cartman or lighterman conveying the merchandise, including merchandise covered by a TIR carnet which has not been "taken on charge" (see § 114.22(c)(2) of this chapter), shall be liable under his bond for its prompt delivery in sound condition, or in no worse than the damaged condition noted on the delivery ticket, customs Form 6043, Elliott Fisher ticket, or customs Form 7502–A, 7506, or 7512, if damage is so noted. Any negligence, dishonest or deceptive practice, or carelessness shall be cause for revocation of the license.

* * * * *

## PART 25—CUSTOMS BONDS

Section 25.19 is amended to read:

**§ 25.19 Cancellation of erroneous charges.**

(a) When it is determined that liquidated damages assessed or paid under a bond did not in fact accrue, the charge against the bond shall be canceled by the district director of customs without regard to the amount thereof, the liquidated damages, if paid, shall be refunded by the regional commissioner of customs, and an appropriate notation shall be made on customs Form 5955 or 5955–A, if the transaction has already been recorded thereon.

(b) When it is determined that liquidated damages assessed or paid for any shortage, irregular delivery, or nondelivery of merchandise covered by a TIR carnet did not in fact accrue, the liquidated damages shall be canceled and, if paid, refunded, as provided by § 18.8 of this chapter.

(c) When it is determined that liquidated damages assessed or paid for failure to properly reexport or destroy merchandise temporarily imported under cover of an A.T.A. or E.C.S. carnet did not in fact accrue, the liquidated damages shall be canceled and, if paid, refunded, as provided by § 10.39 of this chapter.

(d) When the determination of whether or not the charge was erroneously made depends upon a construction of law, the charge shall not be canceled without Bureau approval, unless there is in force a Bureau ruling decisive of the issue. Bureau instructions shall be requested in all doubtful cases.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

## PART 114—CARNETS

Section 114.1 is amended as follows: Paragraphs (d) and (e) are amended and a new paragraph (f) is added to read:

**§ 114.1 Definitions.**

* * * * *

(d) *A.T.A. carnet.* "A.T.A. carnet" (Admission Temporaire—Temporary Admission) means the document reproduced as the Annex to the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods (TIAS 6631).

(e) *E.C.S. carnet.* "E.C.S. carnet" (Echantillons Commerciaux—Commercial Samples) means the document reproduced as the Annex to the Customs Convention on the E.C.S. Carnets for Commercial Samples (TIAS 6632).

(f) *TIR carnet.* "TIR carnet" (Transport International Routier) means the document reproduced as Annex 1 to the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIAS 6633).

Section 114.2 is amended by adding paragraph (c) reading:

**§ 114.2 Customs conventions.**

* * * * *

(c) Customs Convention on the International Transport of Goods under Cover of TIR Carnets (hereinafter referred to as TIR Convention).

Section 114.3 is amended as follows:

**§ 114.3 Carnets.**

(a) *Use.* A carnet issued in conformity with the provisions of a Convention identified in § 114.2 and with the regulations in this part shall serve as an entry document within the scope contemplated by the applicable Convention and as a bond for the performance of acts in compliance with the provisions of such Convention and the Customs statutes and regulations which are involved. Such carnet shall:

(1) Show the period for which it is valid,

(2) Be fully completed in accordance with the provisions of the Convention which provides for its issuance, and

(3) Include an English translation whenever the goods covered by a carnet are described in another language.

(b) *Area of validity.* Carnets are valid in the customs territory of the United States which includes only the States, the District of Columbia, and Puerto Rico.

**§ 114.11 [Amended]**

Paragraph (a) of § 114.11 is amended by changing the caption to read "*Documents to be furnished.*" and by adding the following sentence at the end thereof: "Evidence of affiliation with an appropriate international organization shall also be required if affiliation with such an organization is required by the Convention under which carnets are to be issued or guaranteed."

Section 114.12 is amended as follows: Paragraphs (a) and (c) are amended to read:

**§ 114.12 Termination of approval.**

(a) *For cause.* The Commissioner may suspend or revoke the approval previously given to any issuing association or guaranteeing association for failure or refusal to comply with the duties, obligations, or requirements set forth in its written undertaking on which the approval was based; in the applicable Customs Convention; or in the customs regulations; or upon termination of the affiliation with an appropriate international organization required by § 114.11(a). Before such suspension or revocation, the Commissioner shall give the association a reasonable opportunity to refute the alleged failure of compliance.

* * * * *

(c) *Notice.* Notice of the suspension or revocation of the approval of an issuing association or a guaranteeing association, or of the withdrawal of an approved guaranteeing association, with respect to a Customs Convention to which the United States has acceded will be published in the FEDERAL REGISTER by the Commissioner.

Section 114.22 is amended by adding paragraph (c) reading:

**§ 114.22 Coverage of carnets.**

* * * * *

(c) *TIR carnet.*—(1) *Use.* The TIR carnet may be accepted at any port of entry for the transport of merchandise in road vehicles or in containers, even if the containers, without being loaded on road vehicles, are carried by other means of transport for part of the journey between the customs offices of departure

and destination. The TIR carnet may also be accepted for the transport of "heavy or bulky goods" as defined in Article 1 of the TIR Convention. The TIR carnet covers the transportation of merchandise for customs purposes only. Road vehicles transporting merchandise under cover of a TIR carnet must also comply with all other applicable requirements of Federal and State agencies concerned with the regulations of such vehicles and their personnel.

(2) *Taken on charge.* A TIR carnet is "taken on charge" by Customs when it is accepted as a transportation entry and when the shipment covered thereby is receipted for by the bonded carrier (see §§ 18.1, 18.2, and 18.10(a) of this chapter). Until the carnet is "taken on charge," the guaranteeing association shall have no liability to the United States under the carnet.

(3) *Excess liability.* When the total of duties and taxes on any shipment covered by a TIR carnet exceeds the amount for which the guaranteeing association is liable, the excess constitutes a charge against the Carrier's Bond of the carrier which receipts for the merchandise in accordance with § 18.2(a) of this chapter.

Section 114.23 is amended to read:

**§ 114.23 Maximum period.**

(a) *A.T.A. and E.C.S. carnet.* No A.T.A. or E.C.S. carnet with a period of validity exceeding 1 year from date of issue shall be accepted.

(b) *TIR carnet.* A TIR carnet may be accepted without limitation as to time provided it is initially "taken on charge by a customs administration (United States or foreign) within the period of validity shown on its front cover.

Section 114.26 is amended to read:

**§ 114.26 Discharge, nonacceptance, or cancellation of carnets.**

(a) *Unconditional discharge.* An A.T.A. or E.C.S. carnet shall be discharged unconditionally by the district director of customs when he is satisfied that all merchandise covered thereby is reexported or destroyed. A TIR carnet shall be discharged unconditionally when all merchandise covered thereby has been properly entered, placed in general order, or exported under customs supervision. In all other cases, any discrepancy shall be noted on the appropriate counterfoil, and action shall be taken in accordance with § 10.39 or § 18.6 of this chapter.

(b) *Effect of discharge.* When a district director has discharged a carnet unconditionally by completion of the appropriate counterfoil, no claim may be brought against the guaranteeing association for payment under the carnet unless it can be established that the discharge was obtained improperly or fraudulently or, in the case of an A.T.A. or E.C.S. carnet, that there has been a breach of the conditions of temporary importation.

(c) *Nonacceptance or cancellation of TIR carnets.* If a TIR carnet presented to customs is not accepted, it shall be stamped "Not Taken on Charge" (see § 114.22(c)(2)). If merchandise not required to be transported inbond moving under cover of a TIR carnet is not exported, the carnet shall be stamped "Cancelled."

Section 114.31 is amended to read:

**§ 114.31 Restrictions.**

(a) *Mail importations.* Carnets shall not be accepted for importations by mail.

(b) *Temporary importations.* Merchandise not entitled to temporary importation under bond shall not be imported under cover of an A.T.A. or E.C.S. carnet.

(c) *Transportation in bond.* Except as provided in § 18.43 of this chapter, merchandise not entitled to transportation in bond shall not be transported under cover of a TIR carnet.

## PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

Section 123.42 is amended as follows:

Subparagraph (1) of paragraph (a) and that portion of paragraph (b) which precedes subparagraphs (1), (2), and (3) are amended to read:

**§ 123.42 Truck shipments transiting the United States.**

(a) *Procedure at U.S. port of arrival—*(1) *Combined inward foreign and in-transit manifest.* Trucks with merchandise transiting the United States from point to point in Canada shall present a combined inward foreign and in-transit manifest on customs Form 7512–B, Canada 8–1/2, to the customs officer at the port of arrival. The customs officer shall note on the form over his initials the seal numbers or the waiver of sealing, retain the original, and return three copies with the related customs Form 7512–C (duplicate) to the person in charge of the carrier to accompany the shipment for presentation and certification at the port of exit.

* * * * *

(b) *Procedure at U.S. port of exit.* The driver shall present the returned copies of the manifest and the related customs Form 7512–C (duplicate) to the customs officer at the U.S. port of exit. The customs officer shall check the numbers and condition of the seals and record and certify his findings on all copies of the manifest, returning two copies to the person in charge of the carrier. The check shall be made as follows:

* * * * *

Section 123.64(b) is amended to read:

**§ 123.64 Baggage in transit through the United States between ports in Canada or in Mexico.**

* * * * *

(b) *In-transit manifest.* Three copies of the manifest on customs Form 7520 shall be required. One copy of the Form 7520 and related customs Form 7512–C (duplicate) shall be delivered to the person in charge of the carrier to accompany the baggage and shall be delivered by the carrier to the customs officer at the port of departure from the United States.

* * * * *

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

[FR Doc.71-3179 Filed 3-5-71;8:49 am]

# Title 21—FOOD AND DRUGS

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

### SUBCHAPTER C—DRUGS

## PART 148t—VIOMYCIN

Effective on publication in the FEDERAL REGISTER (3–6–71), Part 148t is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

**§ 148t.1 Sterile viomycin sulfate.**

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Viomycin sulfate is the sulfate salt of viomycin. It is so purified and dried that:

(i) Its potency is not less than 700 micrograms of viomycin per milligrams, on an anhydrous basis. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of viomycin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine nor histamine-like substances.

(vi) Its loss on drying is not more than 5 percent.

(vii) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 4.5 and not more than 7.0.

(viii) Its absorption maximum at approximately 268 nanometers does not vary more than ±3 nanometers from that of the viomycin working standard, similarly treated.

(ix) It is crystalline.

(2) *Packaging.* In addition to the requirements of § 148.2 of this chapter, if it is packaged for dispensing the viomycin content shall be 1 gram or 5 grams of viomycin per immediate container.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, loss on drying, pH, identity, and crystallinity.

(ii) Samples required:

*(a)* If the batch is packaged for repacking or for use in the manufacture of another drug:

*(1)* For all tests except sterility: A minimum of 10 packages, each containing 300 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(1) For all tests except sterility: A minimum of 12 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration; and also if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute the stock solution with sterile distilled water to the reference concentration of 100 micrograms of viomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 10 milligrams of viomycin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

(6) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(7) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 100 milligrams of viomycin per milliliter.

(8) *Identity*—(i) *Phosphate buffer solution.* Mix 296.3 milliliters of 0.1*N* sodium hydroxide with 500 milliliters of 0.05*M* potassium phosphate (6.805 grams of $KH_2PO_4$ per 1,000 milliliters of water) and dilute with sufficient water to make 1 liter.

(ii) *Procedure.* Dissolve the working standard and the sample to be tested in sufficient potassium phosphate buffer solution to give solutions containing 10 micrograms per milliliter. Measure the ultraviolet absorption of each solution in a suitable spectrophotometer. Compare the spectrum of the sample qualitatively with that of the standard.

(9) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 20, 1971.

H. E. SIMMONS,
*Director, Bureau of Drugs.*

[FR Doc.71-3152 Filed 3-5-71;8:47 am]

# Title 24—HOUSING AND HOUSING CREDIT

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

### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### List of Designated Areas

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

**§ 1914.4 List of designated areas.**

* * * * * * *

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of authorization of sale of flood insurance for area |
|---|---|---|---|---|---|---|
| * * * | * * * | * * * | * * * | * * * | * * * | * * * |
| Alaska | Fairbanks North Star Borough. | Remainder | E 02 039 0000 01<br>E 02 039 0000 02 | Local Affairs Agency, Office of the Governor, Juneau, Alaska 99801.<br>Alaska Insurance Department, Room 416, Goldstein Bldg., Pouch D, Juneau, AK 99801. | Office of the Fairbanks North Star Borough Planning Department, 510-512 2d Ave., Fairbanks, AK 99701. | Mar. 5, 1971. |
| California | Contra Costa | El Cerrito | E 06 013 1100 01<br>E 06 013 1100 02 | Department of Water Resources, Post Office Box 388, Sacramento, CA 95802.<br>California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103. | City Hall, 10890 San Pablo Ave., El Cerrito, CA 94530. | Do. |
| Do | San Diego | Unincorporated areas. | E 06 073 0000 01 | do | Office of the Director, Department of Sanitation and Flood Control, San Diego County Project Works Agency, County Operations Center, 5555 Overland Ave., San Diego, CA 92123. | Do. |
| Do | San Mateo | Portola Valley | E 06 081 2898 01 through E 06 081 2898 04 | do | Portola Valley Town Hall, 4141 Alpine Rd., Portola Valley, CA 94025. | Do. |
| Hawaii | Hawaii | Remainder | E 15 001 0000 01 through E 15 001 0000 04 | Department of Land and Natural Resources, Box 621, Honolulu, HI 96809.<br>Hawaii Insurance Department, Box 3614, Honolulu, HI 96811. | Office of the County of Hawaii Planning Department, 25 Aupuni St, Hilo, HI 96720. | Do. |
| New Jersey | Cape May | North Wildwood | I 34 009 2280 02 | New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625.<br>Department of Banking and Insurance, State House Annex, Trenton, NJ. 08625. | Office of the Tax Collector, City of North Wildwood, 901 Atlantic Ave., North Wildwood, NJ 08260. | Do. |
| New York | Nassau | Long Beach | E 36 059 3360 01 | New York State Department of Conservation, State Campus, Albany, N.Y. 12226.<br>New York State Insurance Department, 123 William St., New York, N Y 10038, and 324 State St., Albany, N Y 12210. | City Hall, 1 West Chester St., Long Beach, N Y 11561. | Do. |

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of authorization of sale of flood insurance for area |
|---|---|---|---|---|---|---|
| Oklahoma | Stephens | Comanche | E 40 137 1070 01 | Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Office Bldg., Oklahoma City, OK 73105. | City Hall, City of Comanche, Comanche, OK 73529. | Do. |
| Texas | Comal | Unincorporated areas. | E 48 091 0000 01 | Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701. | Office of the Road Administrator for Comal County, Room 309 County Courthouse, New Braunfels, TX 78140. | Do. |
| West Virginia | Logan | West Logan | E 54 045 2770 01 | Department of Insurance, State of West Virginia. State Capitol, Charleston, WV 25305. Department of Insurance, State of West Virginia, State Capitol, Charleston, WV 25305. | Office of the Recorder, City Hall, West Logan, WV 25601. | Do. |
| Wisconsin | Wood | Unincoporated areas. | E 55 141 0000 01 | Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081. | Office of City-County Planning, Room 319, Wood County Courthouse, Wisconsin Rapids, WI 54494. | Do. |

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

Issued: March 5, 1971.

GEORGE K. BERNSTEIN,
*Federal Insurance Administrator.*

[FR Doc.71–2991 Filed 3–5–71;8:45 am]

## PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

### List of Flood Hazard Areas

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

**§ 1915.3 List of flood hazard areas.**

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazards |
|---|---|---|---|---|---|---|
| * * * | * * * | * * * | * * * | * * * | * * * | * * * |
| Alaska | Fairbanks North Star Borough. | Remainder | T 02 039 0000 01 T 02 039 0000 02 | Local Affairs Agency, Office of the Governor, Juneau, Alaska 99801. Alaska Insurance Department, Room 416, Goldstein Bldg., Pouch D, Juneau, AK 99801. | Office of the Fairbanks North Star Borough Planning Department, 510–512 2d Ave., Fairbanks, AK 99701. | Mar. 5, 1971. |
| California | Contra Costa | El Cerrito | T 06 013 1100 01 T 06 013 1100 02 | Department of Water Resources Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103. | City Hall, 10890 San Pablo Ave., El Cerrito, CA 94530. | Do. |
| Do | San Diego | Unincorporated areas. | T 06 073 0000 01 | do | Office of the Director, Department of Sanitation and Flood Control, San Diego County Project Works Agency, County Operations Center, 5555 Overland Ave., San Diego, CA 92123. | Do. |
| Do | San Mateo | Portola Valley | T 06 081 2898 01 through T 06 081 2898 04 | do | Portola Valley Town Hall, 4141 Alpine Rd., Portola Valley, CA 94025. | Do |
| Hawaii | Hawaii | Remainder | T 15 001 0000 01 through T 15 001 0000 04 | Department of Land and Natural Resources, Box 621, Honolulu, HI 96809. Hawaii Insurance Department, Box 3614, Honolulu, HI 96811. | Office of the County of Hawaii Planning Department, 25 Aupuni St., Hilo, HI 96720. | Do. |
| New Jersey | Cape May | North Wildwood | H 34 009 2280 02 | New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625. | Office of the Tax Collector, City of North Wildwood, 901 Atlantic Ave., North Wildwood, NJ 08260. | Aug. 6, 1970. |
| New York | Nassau | Long Beach | T 36 059 3360 01 | New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210. | City Hall, 1 West Chester St., Long Beach, N Y 11561. | Mar. 5, 1971. |

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazards |
|---|---|---|---|---|---|---|
| Oklahoma | Stephens | Comanche | T 40 137 1070 01 | Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Office Bldg., Oklahoma City, OK 73105. | City Hall, City of Comanche, Comanche, Okla. 73529. | Do. |
| Texas | Comal | Unincorporated areas. | T 48 091 0000 01 | Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701. | Office of the Road Administrator for Comal County, Room 309, County Courthouse, New Braunfels, TX 78140. | Do. |
| West Virginia | Logan | West Logan | T 54 045 2770 01 | Department of Insurance, State of West Virginia, State Capitol, Charleston, WV 25305. Department of Insurance, State of West Virginia, State Capitol, Charleston, WV 25305. | Office of the Recorder, City Hall, West Logan, WV 25601. | Do. |
| Wisconsin | Wood | Unincorporated areas. | T 55 141 0000 01 | Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081. | Office of City-County Planning, Room 319, Wood County Courthouse, Wisconsin Rapids, WI 54494. | Do. |

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

Issued: March 5, 1971.

GEORGE K. BERNSTEIN,
*Federal Insurance Administrator.*

[FR Doc.71-2992 Filed 3-5-71;8:45 am]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter III—Corps of Engineers, Department of the Army

## PART 311—PUBLIC USE OF CERTAIN LAKE AND RESERVOIR AREAS

Part 311, Chapter III, of Title 36 of the Code of Federal Regulations is revised to read as follows:

Sec.
311.0 Determination of the Secretary.
311.1 Areas covered.
311.2 Boats, commercial.
311.3 Boats and other vessels, private.
311.4 Mooring, care and sanitation of boats and floating facilities.
311.5 Swimming and bathing.
311.6 Hunting and fishing.
311.7 Camping.
311.8 Picnicking.
311.9 Access to water areas.
311.10 Destruction of public property.
311.11 Firearms, explosives, fireworks and other weapons of all kinds.
311.12 Gasoline and oil storage.
311.13 Sanitation.
311.14 Advertisements.
311.15 Unauthorized solicitations and business activities.
311.16 Commercial operations.
311.17 Recreational activity programs.
311.18 Abandonment of personal property.
311.19 Discriminatory practices prohibited.
311.20 Control of horses, dogs, cats and pets.
311.21 Visiting hours.
311.22 Noise levels.
311.23 Vehicles.

AUTHORITY: The provisions of this Part 311 issued under sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d.

### § 311.0 Determination of the Secretary.

The Secretary of the Army having determined that the use of certain lake and reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the lake or reservoir for their primary purposes, hereby prescribes the following rules and regulations pursuant to the provision of section 4 of the Act of Congress approved December 22, 1944, as amended (16 U.S.C. 460d.), for the public use of certain lake and reservoir areas. Such public use is also subject to applicable State, local, and other Federal laws and regulations.

### § 311.1 Areas covered.

(a) The regulations contained in this part shall be applicable to:

ARKANSAS

Beaver Lake Area, White River.
Blakely Mountain Dam (Lake Ouachita) Area, Ouachita River.
Blue Mountain Lake Area, Petit Jean River.
Bull Shoals Lake Area, White River.
De Gray Lake Area, Caddo River.
De Queen Lake Area, Rolling Fork River.
Greers Ferry Lake Area, Little Red River.
Millwood Lake Area, Little River.
Narrows Dam (Lake Greeson) Area, Little Missouri River.
Nimrod Lake Area, Fourche La Fave River.
Norfolk Lake Area, North Fork River.
Table Rock Lake Area, White River.

CALIFORNIA

Black Butte Lake Area, Stony Creek.
Coyote Valley Dam (Lake Mendocino) Area, Eastern Fork of Russian River.
Harry L. Englebright Lake Area, Yuba River.
Isabella Lake Area, Kern River.
New Hogan Lake Area, Calaveras River.
North Fork Lake Area, North Fork American River.
Pine Flat Lake Area, Kings River.
Success Lake Area, Tule River.
Terminus Dam (Lake Kaweah) Area, Kaweah River.

COLORADO

Cherry Creek Dam and Reservoir Area, Cherry Creek.
John Martin Lake Area, including Lake Hasty, Arkansas River.

CONNECTICUT

Colebrook River Lake Area, West Branch Farmington River.
Hop Brook Lake Area, Hop Brook.
Hancock Brook Dam Area, Hancock Brook.
Mansfield Hollow Lake Area, Natchaug River.
Northfield Brook Lake Area, Northfield River.
Thomaston Dam Area, Naugatuck River.
West Thompson Lake Area, Quinebaug River.

GEORGIA

Allatoona Lake Area, Etowah River.
Buford Dam (Lake Sidney Lanier) Area, Chattahoochee River.
Clark Hill Lake Area, Savannah River.
Hartwell Lake Area, Savannah River.

IDAHO

Albeni Falls Dam Area, Pend Oreille River.
Lucky Peak Lake Area, Boise River.

ILLINOIS

Carlyle Lake Area, Kaskaskia River.

INDIANA

Huntington Lake Area, Wabash River.
Mansfield Lake Area, Raccoon Creek.
Mississinewa Lake Area, Mississinewa River.
Monroe Lake Area, Salt Creek.
Salamonie Lake Area, Salamonie River.

IOWA

Coralville Lake Area, Iowa River.
Rathbun Lake Area, Chariton River.
Red Rock Dam, Lake Red Rock Area, Des Moines River.

KANSAS

Council Grove Lake Area, Grand (Neosho) River.
Elk City Lake Area, Elk River.
Fall River Lake Area, Fall River.
Hulah Lake Area, Caney River.
John Redmond Dam and Reservoir Area,

Grand (Neosho) River.
Kanopolis Lake Area, Smoky Hill River.
Melvern Lake Area, Marais Des Cygens River.
Milford Lake Area, Republican River.
Perry Lake Area, Delaware River.
Pomona Lake Area, One Hundred Ten Mile Creek.
Toronto Lake Area, Verdigris River.
Tuttle Creek Lake Area, Big Blue River.
Wilson Lake Area, Saline River.

KENTUCKY

Barren River Lake Area, Barren River.
Buckhorn Lake Area, Middle Fork of Kentucky River.
Dale Hollow Lake Area, Obey River.
Dewey Lake Area, Johns Creek.
Fishtrap Lake Area, Levisa Fork.
Grayson Lake Area, Little Sandy River.
Green River Lake Area, Green River.
Nolin Lake Area, Nolin River.
Rough River Lake Area, Rough River.
Wolf Creek Dam and Lake Cumberland Area, Cumberland River.

MARYLAND

Youghiogheny River Lake Area, Youghiogheny River.

MASSACHUSETTS

Barre Falls Dam Area, Ware River.
Birch Hill Dam Area, Millers River.
Buffumville Lake Area, Little River.
Conant Brook Dam Area, Conant Brook.
East Brimfield Lake Area, Quinebaug River.
Hodges Village Dam Area, French River.
Knightville Dam Area, Westfield River.
Littleville Lake Area, Middle Branch of Westfield River.
Tully Dam Area, East Branch of Tully River.
West Hill Dam Area, West River.
Westville Lake Area, Quinebaug River.

MISSISSIPPI

Arkabutla Lake Area, Coldwater River.
Enid Lake Area, Yocona River.
Grenada Lake Area, Yalobusha and Skuna Rivers.
Okatibee Lake Area, Okatibee Creek.
Sardis Lake Area, Little Tallahatchie River.

MISSOURI

Bull Shoals Lake Area, White River.
Clearwater Lake Area, Black River.
Harry S. Truman Dam and Reservoir Area, Osage River.
Norfolk Lake Area, North Fork River.
Pomme de Terre Lake Area, Pomme de Terre River.
Stockton Lake Area, Sac River.
Table Rock Lake Area, White River.
Wappapello Lake Area, St. Francis River.

MONTANA

Fort Peck Lake Area, Missouri River.

NEBRASKA

Gavins Point Dam (Lewis and Clark Lake) Area, Missouri River.
Harlan County Lake Area, Republican River.

NEW HAMPSHIRE

Blackwater Dam Area, Blackwater River.
Edward MacDowell Dam Area, Nubanusit Brook.
Everett Lake Area, Piscataquog River.
Franklin Falls Dam Area, Pemigewasset River.
Hopkinton Lake Area, Contoocook River.
Otter Brook Lake Area, Otter Brook.
Surry Mountain Lake Area, Ashuelot River.

NEW MEXICO

Abiquiu Dam Area, Rio Chama.
Conchas Lake Area, Canadian River.
Jemez Canyon Dam Area, Jemez River.
Two Rivers Dam Area, Rio Hondo.

NEW YORK

Almond Lake Area, Canacadea Creek.
East Sidney Lake Area, Ouleout Creek.
Whitney Point Lake Area, Otselic River.

NORTH CAROLINA

John H. Kerr Dam and Reservoir Area, Roanoke River.
W. Kerr Scott Dam and Reservoir Area, Yadkin River.

NORTH DAKOTA

Baldhill Dam and Lake Ashtabula Area, Sheyenne River.
Bowman—Haley Lake Area, North Fork of Grand River.
Garrison Dam (Lake Sakakawea) Area, Missouri River.
Homme Lake Area, Park River.
Oahe Dam and Lake Oahe Area, Missouri River.

OHIO

Alum Creek Lake Area, Alum Creek.
Berlin Lake Area, Mahoning River.
Deer Creek Lake Area, Deer Creek.
Delaware Lake Area, Olentangy River.
Dillon Lake Area, Licking River.
North Branch of Kokosing Lake Area, Kokosing River.
Paint Creek Lake Area, Paint Creek.
Shenango River Lake Area, Shenango River.

OKLAHOMA

Broken Bow Reservoir Area, Mountain Fork River.
Canton Lake Area, North Canadian River.
Eufaula Lake Area, Canadian River.
Fort Gibson Lake Area, Wolf Creek.
Fort Supply Lake Area, Wolf Creek.
Keystone Lake Area, Arkansas River.
Heyburn Lake Area, Polecat Creek.
Hulah Lake Area, Caney River.
Denison Dam (Lake Texoma) Area, Red River.
Oologah Lake Area, Verdigris River.
Pine Creek Lake Area, Little River.
Tenkiller Ferry Reservoir and Tenkiller Ferry Lake Area, Illinois River.
Wister Lake Area, Poteau River.

OREGON

Cottage Grove Lake Area, Coast Fork of Willamette River.
Dexter Lake Area, Middle Fork Willamette River.
Dorena Lake Area, Row River.
Fall Creek Lake Area, Fall Creek.
Fern Ridge Dam and Lake Area, Long Tom River.
Foster Lake Area, South Santiam River.
Green Peter Lake Area, Middle Santiam River.
Lookout Point Lake Area, Middle Fork Willamette River.

PENNSYLVANIA

Alvin R. Bush Lake Area, Kettle Creek.
Bear Creek Lake Area, Lehigh River.
Conemaugh River Lake Area, Conemaugh River.
Crooked Creek Lake Area, Crooked Creek.
Curwensville Lake Area, West Branch Susquehanna River.
Foster Joseph Sayers Dam Area, Bald Eagle Creek.
Loyalhanna Lake Area, Loyalhanna Creek.
Mahoning Creek Lake Area, Mahoning Creek.
Prompton Lake Area, Lackawaxen River.
Shenango River Lake Area, Shenango River.
Tionesta Lake Area, Tionesta Creek.
Youghiogheny River Lake Area, Youghiogheny River.

SOUTH CAROLINA

Clark Hill Lake Area, Savannah River.
Hartwell Lake Area, Savannah River.

SOUTH DAKOTA

Big Bend Dam (Lake Sharpe) Area, Missouri River.
Cold Brook Lake Area, Cold Brook.
Fort Randall Dam (Lake Francis Cace) Area, Missouri River.
Gavins Point Dam (Lewis and Clark Lake) Area, Missouri River.
Oahe Dam—Lake Oahe Area, Missouri River.

TENNESSEE

Center Hill Lake Area, Caney Fork River.
Dale Holow Lake Area, Obey River.
J. Percy Priest Dam and Reservoir Area, Stones River.

TEXAS

Bardwell Lake Area, Waxahachie Creek.
Belton Lake Area, Leon River.
Benbrook Lake Area, Clear Fork of the Trinity River.
Canyon Lake Area, Gualalupe River.
Denison Dam (Lake Texoma) Area, Red River.
Ferrells Bridge Dam (Lake O' the Pines) Area, Cypress Creek.
Garza—Little Elm Reservoir (Lewisville Dam) Area, Elm Fork, Trinity River.
Grapevine Lake Area, Denton Creek.
Hords Creek Lake Area, Hords Creek.
Lavon Lake Area, East Fork Trinity River.
Navarro Mills Lake Area, Richland Creek.
Pat Mayse Lake Area, Sanders Creek.
Proctor Lake Area, Leon River.
San Angelo Lake Area, North Concho River.
Sommerville Lake Area, Yegua Creek.
Stillhouse Hollow Dam Area, Lampasas River.
Texarkana Lake Area, Sulphur River.
Town Bluff Dam and B. A. Steinhagen Lake Area, Neches River.
Waco Lake Area, Bosque River.
Whitney Lake Area, Brazos River.

VERMONT

Ball Mountain Dam Area, West River.
North Hartland Lake Area, Ottauqueshee River.
North Springfield Lake Area, Black River.
Townshend Lake Area, West River.
Union Village Dam Area, Ompompanoosuc River.

VIRGINIA

Bluestone Lake Area, New River.
John H. Kerr Dam and Reservoir Area, Roanoke River.
John W. Flannagan Dam and Reservoir Area, Pound River.
North Fork of Pound River Lake Area, North Fork of Pound River.
Philpott Lake Area, Smith River.

WASHINGTON

Chief Joseph Dam Area, Columbia River.
Mill Creek Lake Area, Mill Creek.

WEST VIRGINIA

Bluestone Lake Area, New River.
Beech Fork Lake Area, Beech Fork Creek.
Burnsville Lake Area, Little Kanawha River.
East Lynn Lake Area, Twelve Pole Creek.
R. D. Bailey Lake Area, Guyandotte River.
Summersville Lake Area, Gauley River.
Sutton Lake Area, Elk River.

(b) In those portions of the lake or reservoir area which are now or which hereafter are managed by other governmental agencies (including State, county, and municipal) pursuant to leases or licenses granted by the Department of the Army, such agencies may make and enforce such rules and regulations as are necessary, and within their legal authority.

**§ 311.2 Boats, commercial.**

(a) No boat, barge or other vessel shall be placed upon or operated upon any water of the lake or reservoir for a fee or profit, either as a direct charge to a second party, or as an incident to other services provided to a second party, except as specifically authorized by lease, license, or concession contract with the Department of the Army, or except for commercial navigation on a lake or reservoir which is navigable by law.

(b) All such watercraft authorized for commercial service, including rental units, shall have the maximum passenger carrying capacity (number of persons authorized by State and local law and/or in the absence thereof by ratings figured on Outboard Boating Club manufacturers rating) plainly posted in a conspicuous place inside the watercraft.

**§ 311.3 Boats and other vessels, private.**

(a) The operation of boats, houseboats, cabin cruisers and other vessels on the lake or reservoir for fishing and recreational use is permitted except in prohibited areas as contained in regulations in this part and as designated by the District Engineer in charge of the project.

(b) Except for the lakes and reservoirs listed in this paragraph, a permit is required from the District Engineer or his authorized representative for placing and operating a vessel on the lake or reservoir for a period longer than 3 days, unless the boat or other vessel is registered and displays a valid State or U.S. Coast Guard number. No charge will be made for this permit. The permit shall be kept aboard the vessel at all times that the vessel is in operation on the lake or reservoir. The District Engineer in charge of the area or his authorized representative shall have authority to revoke the permit and to require removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations of this part.

IDAHO

Albeni Falls Dam Area, Pend Oreille River.

WASHINGTON

Chief Joseph Dam Area, Columbia River.

(c) Unsafe boats or other vessels will not be permitted on the lake or reservoir. The District Engineer may require the applicant for a permit to furnish the construction plans and other information pertaining to the construction and equipment of the boat or other vessel prior to issuing a permit for its operation on the lake or reservoir. All boats permitted on the lake or reservoir shall be equipped for safe operation and operated in a safe manner in accordance with instructions issued by the District Engineer. These instructions may provide that the operation of speed boats and water skiing activities shall be confined to areas of water designated by the District Engineer for such activities.

(d) Houseboats, cabin cruisers, and other vessels may be placed and operated on the lakes and reservoirs, except that such a facility shall not be utilized for human habitation at a fixed or permanent mooring point and if equipped with toilets and galley shall not be placed on lakes and reservoirs with small permanent pools, or where prohibited by State and/or local laws and regulations. Such vessels may be barred from other lakes and reservoirs by the District Engineer with the concurrence of the Chief of Engineers in those lakes and reservoirs in which the waters thereof are used for domestic water supply when the District Engineer determines that such use is contrary to the public health and safety.

**§ 311.4 Mooring, care and sanitation of boats and floating facilities.**

(a) All boats or other vessels when not in actual use must be either removed from the lake or reservoir, securely moored at authorized docks or boathouses where supervision by the owner or his representative is provided on a 24-hour-day basis or placed in the care of a marina concessionaire, State or local managing agency or other party authorized to care for floating equipment on a 24-hour-day basis.

(b) All boats, barges, and other vessels or floating facilities will be moored only in locations designated by the District Engineer or his designated representative. All floating or stationary mooring facilities will be constructed in accordance with approved plans and specifications and will require a permit, lease or license approved by the District Engineer or his designated representative. He shall have authority to revoke such permits, leases, or licenses and require removal of the facility for failure of the permittee, lessee or licensee to comply with the terms and conditions of the permit, lease, or license or with the regulations in this part.

(c) The discharge of sewage, garbage, or other pollutants in the waters of the lake or reservoir from any boat, barge, or other vessel on the reservoir is prohibited except in accordance with regulations of the Environmental Protection Agency, State and local health agencies permitting such discharge when underway in deep waters other than embayments. All such pollutants shall be deposited ashore at places designated for such deposit and disposal.

**§ 311.5 Swimming and bathing.**

Swimming and bathing are permitted except in prohibited areas designated by the District Engineer or State and local health authorities.

**§ 311.6 Hunting and fishing.**

(a) Hunting, fishing, and trapping are permitted in accordance with all applicable Federal, State and local laws for the protection of fish and game except in prohibited areas including the following:

(1) Public access, park and recreation areas in which all hunting is prohibited;

(2) Prohibited areas designated by the District Engineer in which hunting or fishing or both are prohibited;

(3) Prohibited areas designated by Federal or State managing agencies under applicable laws administered by such agencies.

(b) Hunting is restricted to the use of hunting devices authorized under Federal, State, and local laws and regulations.

(c) A permit shall be obtained from the District Engineer or his authorized representative to construct a duck blind on the land and/or water in any lake or reservoir area listed in § 311.1 except for the Wappapello Lake Area, St. Francis River, Mo., on which duck blinds may be permitted or prohibited in accordance with regulations of the Missouri Conservation Commission relative to duck hunting.

**§ 311.7 Camping.**

(a) Camping is permitted only at areas dsignated by the District Engineer in charge of the lake or reservoir area or his authorized representative or the managing agency referred to in § 311.1(b).

(b) The length of stay is limited to 14 consecutive days except where the District Engineer or his authorized representative or the managing agency referred to in § 311.1(b) determines a lesser stay is warranted. However, where ample facilities exist to serve the public at the time, the length of stay may be extended to no more than 30 consecutive days by special permission of the District Engineer or his authorized representative or the managing agency referred to in § 311.1(b). No trailer, tent or other camping unit is permitted to remain more than 30 consecutive days.

(c) Camping fees, where applicable, will be as posted.

(d) Camping equipment shall not be abandoned or left unattended for 24 hours or more, and such equipment may not be placed on a camp site prior to actual occupancy.

(e) The installation by campers of any permanent facility at any camp ground is prohibited.

(f) Campers shall keep their campgrounds clean and dispose of combustibles and refuse in accordance with instructions posted at each campground by the District Engineer or his authorized representative or the managing agency referred to in § 311.1(b).

(g) Due to diligence shall be exercised in building and putting out camp fires to prevent damages to trees and vegetation and to prevent forest fires and grass fires.

(h) Camping equipment shall be completely removed and the sites cleaned before the departure of the campers.

(i) Quiet shall be maintained in all camping areas between the hours of 10 p.m. and 6 a.m.

**§ 311.8 Picnicking.**

(a) Picnicking is permitted except in prohibited areas designated by the District Engineer or his authorized representative, or the managing agency referred to in § 311.1(b).

(b) Picnickers shall keep their picnic area clean and dispose of garbage and refuse in accordance with instructions posted by the District Engineer or his authorized representative or the managing agency referred to in § 311.1(b).

(c) Due diligence shall be exercised in building and putting out fires to prevent damages to trees and vegetation and to prevent forest and grass fires.

**§ 311.9 Access to water areas.**

(a) Pedestrian access is permitted along the shores of the lake or reservoir except in areas designated by the District Engineer or his authorized representative.

(b) Vehicular access is permitted only over open public lake and reservoir roads. The operator of any vehicle shall obey all posted vehicular traffic control signs and devices.

(c) Access for the general public to launch boats is permitted only at the public launching sites designated by the District Engineer.

**§ 311.10 Destruction of public property.**

The destruction, injury, defacement, or removal of public property or of vegetation, rock, or minerals, except as authorized is prohibited.

**§ 311.11 Firearms, explosives, fireworks and other weapons of all kinds.**

Loaded firearms, any projectile firing devices, bows and arrows, crossbows, and explosives of any kind are prohibited in the area, except when in the possession of a law enforcement officer or Government employee on official duty, when any hunting devices are being used for hunting during the hunting season as permitted under § 311.6 or when specifically authorized by the District Engineer. The use of fireworks is prohibited in the area, except when authorized by the District Engineer or his authorized representative for special purposes.

**§ 311.12 Gasoline and oil storage.**

Gasoline and other flammable or combustible liquids shall not be stored in, upon, or about the lake or reservoir or shores thereof without the written permission of the District Engineer or his authorized representative.

**§ 311.13 Sanitation.**

Dumping and unauthorized disposal in any manner of refuse, garbage, rubbish, trash, or litter of any kind at such waters resources development projects, either into the waters of such projects or onto any land federally owned and administered by the Chief of Engineers is prohibited, except at designated points or places designed for the sanitary disposal thereof.

**§ 311.14 Advertisements.**

Private notices and advertisements shall not be posted, distributed or displayed in the lake or reservoir area except such as the District Engineer or his authorized representative may deem necessary for the convenience and guidance of the public using the area for recreational purposes.

**§ 311.15 Unauthorized solicitations and business activities.**

No person, firm, or corporation, or their representatives shall engage in or solicit any business on the lake or reservoir area without permission in writing from the District Engineer or in accordance with terms of a lease, license, or concession contract with the Department of the Army.

**§ 311.16 Commercial operations.**

All commercial operations or activities on the waters or on the lands under the control of the Department of the Army around the lake or reservoir shall be in accordance with lease, license, or other agreements with the Department of the Army.

**§ 311.17 Recreational activity programs.**

(a) Special events such as water carnivals, boat regattas, music festivals, dramatic presentations, or other special recreational programs of interest to the general public are permitted in areas designated by the District Engineer or his authorized representative.

(b) A permit shall be obtained from the District Engineer or his authorized representative by the governmental or legally responsible private agency proposing to hold a special event as indicated in this section. No charge will be made for this permit.

(c) The District Engineer in charge of the area shall have authority to revoke any permit granted under this section and to require the removal of any equipment upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

**§ 311.18 Abandonment of personal property.**

Abandonment of personal property on the land or waters of the lake or reservoir area is prohibited. Personal property shall not be left unattended upon the lands and waters of the lake or reservoir area except in accordance with the regulations prescribed in this part or under permits issued therefor. The Government assumes no responsibility for personal property and if such property is abandoned or left unattended in other than places designated in a permit issued therefor or under a regulation for a period in excess of 24 hours it will be impounded, and if not reclaimed by the owners it will be treated as abandoned private personal property. The District Engineer may assess a reasonable impoundment fee, which shall be paid before the impounded property may be returned to its owners.

**§ 311.19 Discriminatory practices prohibited.**

All project land and water areas which are open to the public shall be available for use and enjoyment by the public without regard to race, creed, color, or national origin. No lessee or licensee of a project area under lease or license providing for a public or quasi-public use, including group camp activities, and no concessionaire of a lessee or license providing a service to the public, including facilities and accommodations, shall discriminate against a person or persons because of race, creed, color, or national origin in the conduct of its operations under the lease, license or concession agreements.

**§ 311.20 Control of horses, dogs, cats and pets.**

(a) Horseback riding is prohibited in developed camping, picnicking, and swimming beach areas and areas as may be designated by the District Engineer or his authorized representative or the managing agency referred to in § 311.1(b).

(b) Dogs, cats, and pets are prohibited unless they are caged, penned, on a leash no longer than 6 feet, or otherwise under physical restrictive control at all times.

(c) Horses, dogs, cats, and pets are prohibited in designated beach areas.

**§ 311.21 Visiting hours.**

The District Engineer or his authorized representative or the managing agency referred to in § 311.1(b) may establish a reasonable schedule of visiting hours for all or portions of the area and close or restrict the public use of all or any portion of the area, when necessary for the protection of the area or the safety and welfare of persons or property by posting of appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours.

**§ 311.22 Noise levels.**

The operation or use of any audio or noise producing device including communication media and motorized equipment or vehicles in such a manner as to unreasonably annoy or endanger persons in any public place on the project is prohibited.

**§ 311.23 Vehicles.**

The following are prohibited at developed recreation sites:

(a) Driving motor vehicles in excess of posted speeds.

(b) Driving or parking any vehicle or trailer except in places developed for this purpose.

(c) Driving any vehicle carelessly and heedlessly disregarding the rights or safety of others or without due caution and at a speed, or in a manner, so as to endanger, or be likely to endanger, any person or property.

(d) Driving bicycles, motorbikes, motorcycles, snowmobiles, or other recreational vehicles within developed recreation sites, except where otherwise designated by appropriate signs.

(e) Driving motorbikes, motorcycles, snowmobiles, or other motor vehicles on roads in developed recreation sites for any purpose other than access into, or egress out of, the site.

(f) Operating a motor vehicle at any time without a muffler in good working order, or operating a motor vehicle in such a manner as to create excessive or unusual noise or annoying smoke, or using a muffler cutoff, bypass, or similar device.

(g) Excessively accelerating the engine of a motor vehicle or motorcycle when

such vehicle is not moving or is approaching or leaving a stopping place.

For the Adjutant General.

R. B. BELNAP,
*Special Advisor to TAG.*

[FR Doc.71-3143 Filed 3-5-71;8:46 am]

# Title 43—PUBLIC LANDS: INTERIOR

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

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5028]

[Colorado 1513]

### COLORADO

### Opening of Lands Subject to Section 24 of the Federal Power Act

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. sec. 818 (1964), it is ordered as follows:

In DA-490-Colorado, the Federal Power Commission determined that the power value of the following described national forest land, withdrawn in Powersite Classification No. 431 of May 5, 1954, will not be injured or destroyed by restoration to location, entry, or selection under the appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act, supra:

WHITE RIVER NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 88 W., sec. 36, lot 4.

The area described aggregates 40.07 acres in Gunnison County.

At 10 a.m. on April 6, 1971, the land shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals, and subject to the provisions of section 24 of the Federal Power Act, supra.

The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location and entry under the U.S. mining laws.

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

HARRISON LOESCH,
*Assistant Secretary of the Interior.*

MARCH 1, 1971.

[FR Doc.71-3153 Filed 3-5-71;8:47 am]

# Title 45—PUBLIC WELFARE

## Subtitle A—Department of Health, Education, and Welfare, General Administration

## PART 70—STANDARDS FOR A MERIT SYSTEM OF PERSONNEL ADMINISTRATION

The regulations set forth below, approved by the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Secretary of Defense, amend Subtitle A, Title 45 of the Code of Federal Regulations by revising Part 70 pertaining to personnel standards on a merit basis in the administration of various grant-in-aid programs. The revision of the regulations is designed to strengthen equal employment opportunity provisions, to facilitate employment of the disadvantaged, to emphasize the options available to State and local governments, to promote flexibility and experimentation in approaches to personnel administration, and to clarify the intent of the Standards.

These amendments shall be effective upon their publication in the FEDERAL REGISTER. Notice of proposed rule making has been dispensed with for good cause since notice and public procedure thereon are unnecessary and impracticable for the following reasons.

The revision is designed to promote flexibility and encourage innovation in personnel administration by State and local agencies administering federally aided programs, and delay would be contrary to the interest of such agencies, their employees, persons seeking employment with them, and the public.

There was substantial consultation with State, local, and Federal officials in developing the amendments, and they were submitted formally for comments to groups represented by the Advisory Commission on Intergovernmental Relations in accordance with Bureau of the Budget Circular A-85, and favorable response was received.

On January 5, 1971, the President approved the Intergovernmental Personnel Act of 1970, 84 Stat. 1909, Public Law 91-648. Section 208 of this Act provides for transfer to the U.S. Civil Service Commission on March 6, 1971, of all the functions, powers, and duties of the Secretary of Labor and the Secretary of Health, Education, and Welfare relating to the prescription of personnel standards on a merit basis under various laws, including those which are implemented by these regulations. Even if the proposed rule making procedure were initiated at this time, a decision to adopt the proposed rules and their publication as final regulations could not be accomplished prior to the transfer of authority. In this situation, the urgently needed revision could be further delayed pending de novo consideration of the matter by the Civil Service Commission.

The Intergovernmental Personnel Act provides that the Standards in effect at the time of transfer of functions to the Civil Service Commission continue in effect until modified or superseded by the Commission. It is desirable that these revised Standards be effective rather than those issued in 1963. The Civil Service Commission concurs in this approach.

Part 70 is revised to read as set forth below:

Sec.


AUTHORITY: The provisions of this Part 70 issued under: 29 U.S.C. 49d(b); 40 U.S.C. 484(j); 42 U.S.C. 246(a)(2)(F), 246(d)(2)(F), 291d(a)(8), 302(a)(5)(A), 503(a)(1), 602(a)(5)(A), 639, 705(a)(3)(A), 1202(a)(5)(A), 1302, 1352(a)(5)(A), 1382(a)(5)(A), 1395hh, 1396a(a)(4)(A), 2674(b)(7), 2684(a)(6), 3023(a)(6), 4573(a)(5); 50 U.S.C. App. 2286(a)(4).

### § 70.1 Purpose.

(a) These standards are promulgated by the Departments of Health, Education, and Welfare, Labor, and Defense to implement statutory and regulatory provisions requiring the establishment and maintenance of personnel standards on a merit basis in the administration of various grant-in-aid programs.

(b) The development of proper and efficient administration of the grant-in-aid programs is a mutual concern of the Federal, State, and local agencies cooperating in the programs. Proper and efficient administration requires clear definition of functions, employment of the most competent available personnel, and development of staff morale and individual efficiency. The cooperative efforts of merit system and program agency personnel offices in providing comprehensive personnel programs are essential. Such programs provide for analyzing and classifying jobs;' establishing adequate and equitable salary, fringe benefit, and retirement plans; projecting manpower needs and planning to meet them; developing effective recruitment, selection, placement, training, employee evaluation, and promotion programs; assuring equal opportunity and providing affirmative action programs to achieve that end; protecting employees from discrimination, arbitrary removal, and political pressures; conducting positive employee-management relations and communications; and providing research to improve personnel methods. Personnel programs must be planned and administered in a timely, expeditious manner to meet effectively program and merit system objectives.

(c) An integral part of the grant-in-aid programs is the maintenance by the State and local governments of a merit system of personnel administration for the grant-aided agencies. The Federal agencies are interested in the development and continued improvement of State and local merit systems but exercise no authority over the selection, tenure of office, or compensation of any individual employed in conformity with the provisions of such systems.

(d) Laws, rules, regulations, and policy statements to effectuate a merit system in accordance with these standards are a necessary part of the approved State plans required as a condition of

Federal grants. Such laws, rules, regulations, policy statements, and amendments thereto, will be reviewed for substantial conformity to these standards. The administration of the merit system will likewise be subject to review for compliance in operation. .

(e) Continuing application of these standards will give reasonable assurance of a proper basis for personnel administration, promote a career service, and result in increased operating efficiency and program effectiveness. Within these standards means are provided for the effectuation of national policies for structuring jobs and the training and employment of the disadvantaged.

(f) In order to assist State and local jurisdictions in maintaining their merit systems under these standards, technical consultative service will be made available.

**§ 70.2 Jurisdiction.**

These standards are applicable to all personnel, both State and local, except those exempted in this section, engaged in the administration of grant-in-aid programs under Federal laws and regulations requiring the establishment and maintenance of personnel standards on a merit basis. The standards apply to personnel engaged in the administration of the federally aided programs, irrespective of the source of funds for their individual salaries. The following positions may be exempted from application of these standards: Members of policy, advisory, review, and appeals boards or similar bodies who do not perform administrative duties as individuals; officials serving ex officio and performing incidental administrative duties; the executive head and a deputy or deputies to the executive head of each State agency as warranted by the size and complexity of the organization, scope of programs, and nature of the positions; one confidential assistant or secretary to any of the foregoing exempted officials; attorneys serving as legal counsel; the executive head of an independent local public health or civil defense agency; part-time professional health and related personnel; time-limited positions established for the purpose of conducting a special study or investigation; and unskilled labor.

**§ 70.3 Merit system organization.**

(a) Any one of a variety of types of merit system organizations covering substantially all employees in a State or local government would meet the requirements of this section if it adequately provides for impartial administration and the system and its administration are in substantial conformity with these standards. The system will be administered by a qualified merit system executive who may be responsible to the chief executive, a top level official, or a board or commission.

(b) In the absence of such a system, a State may establish a cooperative interagency merit system for the grant-aided agencies covered by the standards. In the interest of economy, efficiency, and effectiveness, a single cooperative merit system will be established for all of these grant-aided agencies. The cooperative merit system will be administered by a qualified executive and adequate staff appointed on the basis of merit and serving in accordance with the provisions of the merit system. An impartial citizens' merit system council will be established to assure that in accordance with merit principles public employment is based on the public interest, including management effectiveness and sound employee relations. The members of this council or board will be appointed by the chief executive or by the administrative agencies, as determined by the State, and will serve overlapping terms. No member will be employed in any other capacity in any of the agencies covered by the merit system.

(c) A local government may elect, at the option of the State, to cover grant-aided programs under a merit system serving other grant-aided agencies covered by the standards, such as a system serving State agencies, another city or county, or a group of local jurisdictions.

**§ 70.4 Equal employment opportunity.**

Equal employment opportunity will be assured in the State system and affirmative action provided in its administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin, or other nonmerit factors will be prohibited. Discrimination on the basis of age or sex or physical disability will be prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration. The regulations will include provisions for appeals in cases of alleged discrimination to an impartial body whose determination shall be binding upon a finding of discrimination.

**§ 70.5 Employee-management relations.**

The rights of public employees to organize and join or refrain from joining an organization for purposes of representation and the matters on which they may negotiate or on which management agrees to meet and confer should be delineated, along with other employee rights and obligations and management rights and obligations. Means should be established for resolution of impasses. The maintenance of a system of personnel administration based on merit principles must be assured.

**§ 70.6 Political activity.**

Every employee will have the right freely to express his views as a citizen and to cast his vote. Coercion for political purposes of and by employees of federally aided programs and use of their positions for political purposes will be prohibited. Participation in partisan political activity by an employee subject to these standards will be prohibited with respect to activity prohibited in federally grant-aided programs under the Federal Hatch Political Activities Act, as amended, 5 U.S.C. 1501–1508. (Individuals whose principal employment is in a federally grant-aided program are subject to the prohibitions in the Hatch Act, administered by the U.S. Civil Service Commission, regardless of whether their employment is covered by these standards.)

**§ 70.7 Classification.**

A position classification plan based upon analysis of the duties and responsibilities of each position will be established and maintained on a current basis. The classification plan will include an appropriate title for each class of position, a description of the duties and responsibilities of positions in the class, and minimum requirements of training, experience, skills, knowledges, abilities, and other qualifications necessary for entry into the class.

**§ 70.8 Compensation.**

(a) A plan of compensation for all classes of positions will be established and maintained on a current basis. The plan will include salary rates adjusted to the responsibility and difficulty of the work and will take into account the prevaling compensation for comparable positions in the recruiting areas and in other agencies of the Government and other relevant factors. It will provide for salary advancement for full-time permanent employees based upon quality and length of service and for other salary adjustments.

(b) Compensation in a local agency will be governed by a compensation plan which, at the option of the State, is established by: a local government and covers other local agencies; the State and covers local grant-aided agencies; or the State and covers the agency responsible for State administration of Federal grants.

**§ 70.9 Recruitment.**

An active recruiting program will be conducted, based upon a plan to meet current and projected manpower needs. The recruiting efforts of the merit system and program agencies will be coordinated and carried out in a timely manner. Recruitment will be tailored to the various classes of positions to be filled and will be directed to all appropriate sources of applicants in order to attract an adequate number of candidates for consideration and to permit successful competition with other employers. Recruiting publicity will be carried out through all appropriate media for a sufficient period to assure open opportunity for the public to apply and be considered for public employment on the basis of abilities and potential. Such publicity will indicate that the agency is an equal opportunity employer.

**§ 70.10 Selection.**

(a) Selection for entrance to the career service will be through open competition. The selection process will maximize reliability, objectivity, and validity

through a practical and normally multipart assessment of applicant attributes necessary for successful job performance and career development. Applicants will meet the minimum requirements of the job class. The parts of the total examination will consist, in various combinations as appropriate to the class and to available manpower resources, of such devices as work-sample and performance tests, practical written tests, individual and group oral examinations, ratings of training and experience, physical examinations, and background and reference inquiries. In determining ranking of candidates, the examination parts will be appropriately weighted.

(b) To facilitate employment of disadvantaged persons in aide or similar positions, competition may be limited to such individuals.

**§ 70.11 Appointment.**

(a) Appointments to positions not herein exempted will be made on the basis of merit by selection from among the highest available eligibles on appropriate registers established in accordance with the above provisions on recruitment and selection. Permanent appointment will be based upon satisfactory performance of employees during a fixed probationary period.

(b) In the absence of an appropriate register, individuals appointed to temporary or other nonstatus positions or given provisional appointments to permanent positions pending establishment of a register will be certified by the merit system executive as meeting at least the minimum qualifications established for the class of position. Such appointments will be time-limited. Provisional appointments will not be continued beyond the established time limit unless compelling extenuating circumstances exist and are a matter of record. Provisional appointments will be terminated within a specified reasonable period following establishment of an appropriate list of eligibles.

(c) Emergency appointments may be made for a specified limited period to provide for maintenance of essential services in an emergency situation where normal employment procedures are impracticable.

**§ 70.12 Career advancement.**

(a) Employee performance and potential should be evaluated systematically in order to improve individual effectiveness to assess training needs and plan training opportunities, and to provide a basis for decisions on placements, promotions, separations, salary advancements and other personnel actions.

(b) When in the best interest of the service it is determined to fill a position by promotion, consideration will be given to the eligible permanent employees in the agency or in the career service and the selection will be based upon demonstrated capacity, and quality and length of service. Promotions will require certification of eligibility by the merit system executive.

**§ 70.13 Layoffs and separations.**

Employees who have acquired permanent status will not be subject to separation or suspension except for cause or reasons of curtailment of work or lack of funds. Retention of employees in classes affected by reduction in force will be based upon systematic consideration of type of appointment, length of service, and relative efficiency. In the event of separation permanent employees will have the right to appeal to an impartial body through an established procedure.

**§ 70.14 Cooperation between merit systems.**

To facilitate public service mobility and maximum utilization of manpower provision should be made for: Cooperative interjurisdictional recruiting, examining, certifying, training and other personnel functions; adding to registers of eligibles applicants with eligibility on comparable examinations in other jurisdictions; appointing employees on the basis of their permanent merit system status in another jurisdiction, with maximum protection of their retirement and other benefits.

**§ 70.15 Extension of merit system.**

(a) As determined by the State, upon the initial extension of the merit system to a program, an incumbent may obtain permanent status through an open competitive examination; or if he has a specified period of service in the agency, at its discretion he may attain permanent status if he passes a noncompetitive qualifying examination. If he does not pass, such an employee may be retained in the position in which he has incumbency preference without acquiring the rights of merit system status.

(b) An employee with status under a merit system meeting these standards will retain comparable status if the employing agency is placed under the jurisdiction of another merit system.

**§ 70.16 Personnel records and reports.**

Such personnel records as are necessary for the proper administration of a merit system and related agency personnel programs will be maintained. Periodic reports will be prepared as necessary to indicate compliance with applicable State and local requirements and these standards.

*Effective date.* This revision shall be effective on the date of its publication in the FEDERAL REGISTER (3-6-71).

Dated: February 19, 1971.

ELLIOT L. RICHARDSON,
*Secretary, Department of Health, Education, and Welfare.*

Dated: March 2, 1971.

J. D. HODGSON,
*Secretary, Department of Labor.*

Dated: March 3, 1971.

MELVIN R. LAIRD,
*Secretary, Department of Defense.*

[FR Doc.71-3259 Filed 3-5-71;8:52 am]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

## PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

### Treaties and Other International Agreements Relating to Radio

*Order.* 1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its rules and regulations.

2. Authority for the amendments is contained in sections 4(i), (5)(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered,* Effective March 12, 1971, that Part 2 of the rules and regulations is amended as set forth below.

Adopted: March 1, 1971.

Released: March 1, 1971.

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

1. Section 2.601 is amended to read as follows:

**§ 2.601 General.**

This subpart is corrected to March 1, 1971. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

2. In § 2.603 paragraphs (a) and (b) are amended to read as follows:

**§ 2.603 Treaties and other international agreements relating to radio.**

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party (other than reciprocal operating agreements for radio amateurs) are listed below:

| Date | Citations | Subject |
|---|---|---|
| 1925 | IV Trenwith 4248, 4250 and 4251. TS 724-A. | US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct. 1925. Entered into force Oct. 1, 1925. |
| 1928 and 1929 | 102 LNTS 143. TS 767-A. | US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. Continued by the arrangement contained in EAS 62. |
| 1929 | IV Trenwith 4787. TS 777-A. | US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.) |
| 1934 | 49 Stat. 3555. EAS 66. | US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16, and May 23, 1934. Entered into force May 23, 1934. |
| 1934 | 48 Stat. 1876. EAS 62. | US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934. |
| 1934 | 49 Stat. 3667. EAS 72. | US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934. |
| 1937 | 53 Stat. 1576. TS 938. | Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938, for Parts I, III and IV; Apr. 17, 1939, for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079). |
| 1938 | 54 Stat. 1675. TS 949. | Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939. |
| 1939 | 53 Stat. 2157. EAS 143. | US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939. |
| 1946 | 60 Stat. 1696. TIAS 1527. | US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946. |
| 1947 | 61 Stat. (4) 3800. TIAS 1726. | US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947. |
| 1947 | 61 Stat. (4) 3416. TIAS 1676. | US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreements contained in TIAS 5961 and TIAS 6750 signed Feb. 9, 1966, and Aug. 28, 1969, respectively. |
| 1947 | 61 Stat. (3) 3131. TIAS 1652. | US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947. |
| 1948 | 9 UST 621. TIAS 4044. | Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958. Modified by the amendments contained in TIAS 6285 and in TIAS 6490 adopted by the IMCO Assembly Sept. 15, 1964, and Sept. 28, 1965, respectively. |
| 1949 | 3 UST (3) 3064. TIAS 2489. | Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13. |
| 1949 | 3 UST (2) 2686. TIAS 2435. | London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. Amended by the agreement contained in TIAS 2705 which was signed Oct. 1, 1952. |
| 1950 | 3 UST (2) 2672. TIAS 2433. | US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950. |
| 1950 and 1951 | 2 UST (1) 683. TIAS 2223. | US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951. Entered into force Jan. 11, 1951. |
| 1950 | 11 UST 413. TIAS 4460. | North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending. |
| 1951 | 3 UST (3) 3787. TIAS 2508. | US-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952. |
| 1951 and 1952 | 3 UST (3) 3892. TIAS 2520. | US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952. |
| 1951 | 3 UST (2) 2860. TIAS 2459. | US-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951. |
| 1952 | 3 UST (4) 4926. TIAS 2666. | US-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio. The agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1954. |
| 1952 | 3 UST (3) 4443. TIAS 2594. | US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952. |
| 1952 | 3 UST (4) 5140. TIAS 2705. | London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed Aug. 12, 1949. |
| 1953 | 5 UST (3) 2840. TIAS 3138. | US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953. |
| 1956 | 7 UST 2179. TIAS 3617. | US-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956. |
| 1956 | 7 UST 2839. TIAS 3665. | US-Costa Rica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956. |
| 1956 | 7 UST 3159. TIAS 3694. | US-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956. |
| 1957 | 9 UST 1037. TIAS 4079. | Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS-938), Signed at Washington Dec. 20, 1957. Entered into force Dec. 20, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958. |
| 1958 | 9 UST 1091. TIAS 4089. | US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 16, 1958. Entered into force July 16, 1958. |
| 1958 | 10 UST 2423. TIAS 4390. | Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960. |
| 1959 | 10 UST 1449. TIAS 4295. | US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 31, 1959. Entered into force Aug. 30, 1959. |
| 1959 and 1960 | 11 UST 257. TIAS 4442. | US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960. |
| 1959 | 10 UST 3019. TIAS 4394. | US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959. |
| 1959 | 12 UST 2377. TIAS 4893. | International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Partial Revisions of the Radio Regulations, Geneva, 1959, contained in TIAS 5603, TIAS 6332, and TIAS 6590 signed Nov. 8, 1963, Apr. 29, 1966, and Nov. 3, 1967, respectively. |

| Date | Citations | Subject |
|---|---|---|
| 1960 | 11 UST 1<br>TIAS 4399. | US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960. |
| 1960 | 16 UST 185<br>TIAS 5780. | International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6284 signed Feb. 15, 1966. |
| 1960 | 11 UST 2229<br>TIAS 4596. | US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31, and Oct. 6, 1960. Entered into force Nov. 5, 1960. |
| 1961 | 17 UST 1574<br>TIAS 6115. | US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 26, 1966. |
| 1961 | 12 UST 1695<br>TIAS 4888. | US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961. |
| 1962 | 13 UST 411<br>TIAS 5001. | US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962. |
| 1962 | 13 UST 997<br>TIAS 5034. | US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962. |
| 1962 | 13 UST 2418<br>TIAS 5205. | US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was revised by the agreement contained in TIAS 5833 signed June 16 and 24, 1965. |
| 1963 | 14 UST 817<br>TIAS 5360. | US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963. |
| 1963 | 15 UST 887<br>TIAS 5603. | Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC to Allocate Frequency Bands for Space Radiocommunication Purposes. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965. |
| 1963 | 14 UST 1754<br>TIAS 5483. | US-Columbia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963. |
| 1964 | 15 UST 1705<br>TIAS 5646. | US-Other Governments Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System and Special Agreement. Done at Washington Aug. 20, 1964. Entered into force Aug. 20, 1964. Additionally, a Supplementary Agreement on Arbitration was done at Washington June 4, 1965. Entered into force Nov. 21, 1966. |
| 1964 | 18 UST 1299<br>TIAS 6285. | Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force Oct. 6, 1967. |
| 1965 | 16 UST 821<br>TIAS 5816. | US-Brazil Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965. |
| 1965 | 16 UST 923<br>TIAS 5833. | US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5205). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965. |
| 1965 | 16 UST 883<br>TIAS 5827. | US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965. |
| 1965 | 19 UST 4855<br>TIAS 6490. | Amendment to Article 28 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at Paris Sept. 28, 1965. Entered into force Nov. 3, 1968. |
| 1965 | 18 UST 575<br>TIAS 6267. | International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967. |
| 1966 | 17 UST 74<br>TIAS 5961. | US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947 (TIAS 1676). Signed at New York Feb. 9, 1966. Entered into force Feb. 9, 1966. Amended by the agreement contained in TIAS 6176 signed Dec. 8, 1966. |
| 1966 | 18 UST 1289<br>TIAS 6284. | Process-Verbal of Rectification to Certain Annexes to the International Convention for the Safety of Life at Sea of June 17, 1960 (TIAS 5780). Done at London Feb. 15, 1966. |
| 1966 | 18 UST 2091<br>TIAS 6332. | Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC for the Preparation of a Revised Allotment Plan for the Aeronautical Mobile (R) Service. Signed at Geneva Apr. 29, 1966. Entered into force for the United States Aug. 23, 1967, except for the frequency allotment plan contained in Appendix 27 which entered into force Apr. 10, 1970. |
| 1966 | 17 UST 2319<br>TIAS 6176. | US-UN Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1966 (TIAS 5961). Effected by exchange of notes at New York Dec. 8, 1966. Entered into force Dec. 8, 1966. |
| 1967 | 18 UST 365<br>TIAS 6244. | US-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967. |
| 1967 | 18 UST 1201<br>TIAS 6268. | US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effected by exchange of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967. Amended by the agreement contained in TIAS 6626 signed Apr. 18, 1969, and Jan. 31, 1969. |
| 1967 | 19 UST 6717<br>TIAS 6590. | Partial Revision of the Radio Regulations, 1959, Final Acts of the WARC to Deal with Matters relating to the Maritime Mobile Service. Signed at Geneva Nov. 3, 1967. Entered into force Apr. 1, 1969. |
| 1968 and 1969 | 20 UST 7<br>TIAS 6626. | US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations Amending the Agreement of Mar. 31 and June 12, 1967 (TIAS 6268). Effected by exchange of notes at Ottawa Apr. 18, 1968, and Jan. 31, 1969. Entered into force Jan. 31, 1969. |
| 1969 | 20 UST 2810<br>TIAS 6750. | US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947, as Supplemented (TIAS 1676, 5961, 6176). Signed at New York Aug. 28, 1969. Entered into force Aug. 28, 1969. |
| 1969 | TIAS 6931. | US-Canada Agreement relating to the Operation of Radiotelephone Stations. Signed at Ottawa Nov. 19, 1969. Entered into force July 24, 1970. |
| 1970 | TIAS 7021. | US-Mexico Agreement concerning radio broadcasting in the standard band (535–1605 kHz), with annexes. Signed at Mexico Dec. 11, 1968. Entered into force Nov. 18, 1970. |
| 1970 | TIAS 7021. | US-Mexico Agreement concerning the operation of broadcasting stations in the standard broadcast band (535–1605 kHz) during a limited period prior to sunrise ("Pre-Sunrise") and after sunset ("Post-Sunset"), with annexes. Signed at Mexico Dec. 11, 1968. Entered into force Nov. 18, 1970. |

(b) The applicable agreements in force between the United States and another country relating to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country are as follows:

| Date | Citations | Subject |
|---|---|---|
| 1964 | 15 UST 1787<br>TIAS 5649. | US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964. |
| 1965 | 16 UST 93<br>TIAS 5766. | US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb. 2, 1965. Entered into force Feb. 2, 1965. |
| 1965 | 16 UST 165<br>TIAS 5777. | US-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 16, 1965. Entered into force Apr. 15, 1965. |
| 1965 | 16 UST 181<br>TIAS 5779. | US-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26, 1965. |
| 1965 | 16 UST 817<br>TIAS 5815. | US-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965. |
| 1965 | 16 UST 869<br>TIAS 5824. | US-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 18, 1965. Entered into force June 18, 1965. |
| 1965 | 16 UST 973<br>TIAS 5836. | US-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 25, 1965. Entered into force June 25, 1965. |

| Date | Citations | Subject |
|---|---|---|
| 1965 | 16 UST 1160<br>TIAS 5860. | US-Peru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lima June 28 and Aug. 11, 1965. Entered into force Aug. 11, 1965. |
| 1965 | 16 UST 1746<br>TIAS 5900. | US-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 29, 1965. Entered into force July 29, 1965. |
| 1965 | 16 UST 1131<br>TIAS 5856. | US-Sierra Leone Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 16, 1965. Entered into force Aug. 16, 1965. |
| 1965 | 16 UST 1742<br>TIAS 5899. | US-Colombia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Nov. 28, 1965. |
| 1965 | 16 UST 2047<br>TIAS 5941. | US-UK Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965. Supplemented by the amendment contained in TIAS 6800 which was signed Dec. 11, 1969. |
| 1966 | 17 UST 328<br>TIAS 5978. | US-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Asuncion Mar. 18, 1966. Entered into force Mar. 18, 1966. |
| 1966 | 17 UST 719<br>TIAS 6022. | US-France Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 5, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966. Modified by the amendment contained in TIAS 6711 which was signed Oct. 3, 1969. |
| 1966 | 17 UST 813<br>TIAS 6038. | US-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 16 and 25, 1966. Entered into force May 25, 1966. |
| 1966 | 17 UST 760<br>TIAS 6028. | US-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966. |
| 1966 | 17 UST 2426<br>TIAS 6189. | US-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 22, 1966. Entered into force Dec. 21, 1966. |
| 1966 | 17 UST 1120<br>TIAS 6068. | US-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 23 and 30, 1966. Entered into force June 30, 1966. |
| 1966 | 17 UST 1039<br>TIAS 6061. | US-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into force July 19, 1966. |
| 1966 | 17 UST 1560<br>TIAS 6112. | US-Nicaragua Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Managua Sept. 3 and 20, 1966. Entered into force Sept. 20, 1966. |
| 1966 | 17 UST 2215<br>TIAS 6159. | US-Panama Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Panama Nov. 16, 1966. Entered into force Nov. 16, 1966. |
| 1966 and 1967 | 18 UST 525<br>TIAS 6259. | US-Honduras Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Tegucigalpa Dec. 29, 1966, Jan. 24 and Apr. 17, 1967. Entered into force Apr. 17, 1967. |
| 1967 | 18 UST 554<br>TIAS 6264. | US-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 16, 1967. Entered into force May 16, 1967. |
| 1967 | 18 UST 543<br>TIAS 6261. | US-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at St. Ann's and Port of Spain Jan. 14 and Mar. 16, 1967. Entered into force Mar. 16, 1967. |
| 1967 | 18 UST 361<br>TIAS 6243. | US-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967. |
| 1967 | 18 UST 1661<br>TIAS 6309. | US-El Salvador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Salvador May 24 and June 5, 1967. Entered into force June 5, 1967. |
| 1967 | 18 UST 1241<br>TIAS 6273. | US-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967. |
| 1967 | 18 UST 1272<br>TIAS 6281. | US-New Zealand Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Wellington June 21, 1967 Entered into force June 21, 1967. |
| 1967 | 18 UST 2499<br>TIAS 6348. | US-Venezuela Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Caracas Sept. 18, 1967. Entered into force Oct. 3, 1967. |
| 1967 | 18 UST 2878<br>TIAS 6378. | US-Austria Agreement regarding Alien Amateur Radio Operators. Done at Vienna Nov. 21, 1967. Entered into force Dec. 21, 1967. |
| 1967 | 18 UST 2882<br>TIAS 6380. | US-Chile Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington Nov. 30, 1967. Entered into force Dec. 30, 1967. |
| 1967 | 20 UST 2883<br>TIAS 6766. | US-Guatemala Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Guatemala Nov. 30 and Dec. 11, 1967. Entered into force Oct. 2, 1969. |
| 1967 | 18 UST 3153<br>TIAS 6406. | US-Finland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Helsinki Dec. 15 and 27, 1967. Entered into force Dec. 27, 1967. |
| 1968 | 19 UST 7852<br>TIAS 6622. | US-Monaco Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Nice and Paris Mar. 29, and Oct. 16, 1968. Entered into force Dec. 1, 1968. |
| 1968 | 19 UST 4892<br>TIAS 6494. | US-Guyana Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Georgetown May 6 and 13, 1968. Entered into force May 13, 1968. |
| 1968 | 19 UST 5994<br>TIAS 6553. | US-Barbados Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bridgetown Sept. 10 and 12, 1968. Entered into force Sept. 12, 1968. |
| 1968 | 19 UST 6057<br>TIAS 6566. | US-Ireland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Dublin Oct. 10, 1968. Entered into force Oct. 10, 1968. |
| 1968 | 20 UST 490<br>TIAS 6654. | US-Indonesia Agreement regarding Alien Amateur Radio Operator Effected by exchange of notes at Djakarta Dec. 10, 1968. Entered into force Dec. 10, 1968. |
| 1969 | 20 UST 773<br>TIAS 6690. | US-Sweden Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Stockholm May 27 and June 2, 1969. Entered into force June 2, 1969. |
| 1969 | 20 UST 2398<br>TIAS 6711. | US-France Agreement regarding Alien Amateur Radio Operators Amending the Agreement of May 5, 1966 (TIAS 6022). Effected by exchange of notes at Paris Oct. 3, 1969. Entered into force Oct. 3, 1969. |
| 1969 | 20 UST 4089<br>TIAS 6800. | US-UK Agreement regarding Alien Amateur Radio Operators Supplementing the Agreement of Nov. 26, 1965 (TIAS 5941). Effected by exchange of notes at London Dec. 11, 1969. Entered into force Dec. 11, 1969. |
| 1970 | TIAS 6936. | US-Brazil Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Rio de Janeiro and Brasilia Jan. 26, June 19 and July 30, 1970. Entered into force June 19, 1970. |

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[FR Doc.71-2979 Filed 3-5-71;8:45 am]

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[Docket No. 18110]

## PART 73—RADIO BROADCAST SERVICES

### Multiple Ownership of Standard, FM, and Television Broadcast Stations; Correction

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission rules relating to multiple ownership of standard, FM and television broadcast stations.

A Memorandum Opinion and Order (FCC 71-211) in the above-entitled matter, adopted February 26, 1971, and released March 2, 1971 (36 F.R. 4284), is corrected by changing paragraph 51 thereof to read as follows:

51. Inasmuch as the amendments of the rules adopted herein relieve a restriction, they are, consistent with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. section 553 (Supp. V, 1970)), being made effective sooner than 30 days after publication in the FEDERAL REGISTER. *Accordingly, it is further ordered,* That Part 73 of the Commission's rules and regulations, is amended, effective March 9, 1971, as set forth below.

Released: March 4, 1971.

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

[FR Doc.71-3281 Filed 3-5-71;8:52 am]

# Title 49—TRANSPORTATION

## Chapter X—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1061]

### PART 1033—CAR SERVICE

### Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2d day of March 1971.

It appearing, that an acute shortage of hopper cars exists on the railroads named in paragraph (a)(1) herein; that shippers located on the lines of this carrier are being deprived of hopper cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owner; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are 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:

**§ 1033.1061 Service Order No. 1061.**

(a) Regulations for return of hopper cars: Each common carrier by railroad subject to the Interstate Commerce Act, with the exception of those carriers named in Service Order No. 1043 (Service Order No. 1043 remains in effect, and carriers named therein must continue to comply with its provisions), shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, except as otherwise authorized in subparagraphs (2) and (3) of this paragraph, all hopper cars owned by the following railroads:

Missouri-Kansas-Texas Railroad Co. Reporting marks: MKT, BKTY.
St. Louis-San Francisco Railway Co. Reporting marks: SLSF.

(2) Hopper cars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, provided such loading is available at unloading point. Backhauling of empties is prohibited.

(3) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transporation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car for movements contrary to the provisions of subparagraphs (2) and (3) of this paragraph.

(b) The term "hopper cars" as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT", in the Official Railway Equipment Register, I.C.C. R.E.R. No. 378, issued by E. J. McFarland, or reissues thereof.

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

(d) Effective date: This order shall become effective at 12:01 a.m., March 5, 1971.

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., April 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 copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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 shall 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.71-3183 Filed 3-5-71;8:49 am]

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[Rev. S.O. 1066]

### PART 1033—CAR SERVICE

### Distribution of Gondola Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2d day of March 1971.

It appearing, that an acute shortage of plain unequipped general service gondola cars 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 an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that certain gondola cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of certain gondola cars owned by these railroads are ineffective; and that efforts by the Association of American Railroads to promote more equitable distribution of gondola cars 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:

**§ 1033.1066 Service Order No. 1066.**

(a) Distribution of gondola cars. 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 (2) and (4) of this paragraph, all plain unequipped general service gondola cars which are listed in the Official Railway Equipment Register I.C.C. R.E.R. 378 issued by E. J. McFarland, or reissues thereof, as having mechanical designations "GB" or "GT" owned by the following railroads:

The Baltimore and Ohio Railroad Co. Reporting marks: B&O.
Bessemer and Lake Erie Railroad Co. Reporting marks: B&LE.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee. Reporting marks: CNJ.
The Chesapeake and Ohio Railway Co. Reporting marks: C&O.
Erie Lackawanna Railway Co. Reporting marks: EL, DL&W, Erie.
Lehigh Valley Railroad Co., John F. Nash and R. C. Haldeman, Trustees. Reporting marks: LV.
Missouri-Kansas-Texas Railroad Co. Reporting marks: MKT, BKTY.
Norfolk and Western Railway Co. Reporting marks: N&W, NKP, P&WV, WAB.
Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees. Reporting marks: PC, NYC, PRR.
The Pittsburgh and Lake Erie Railroad Co. Reporting marks: P&LE.
Reading Co. Reporting marks: RDG.
Union Railroad Co. (Pittsburgh, Pa.). Reporting marks: Union, URR.
Western Maryland Railway Co. Reporting marks: WM.

(2) Except as authorized in subparagraph (4) of this paragraph, gondola cars described in subparagraph (1) of this paragraph may be loaded only to destinations on or via the owning road or to a junction with the owner. Cars

must not be back-hauled to obtain loading as authorized in this paragraph.

(3) Except as authorized in subparagraph (4) of this paragraph, gondola cars, empty at a junction with the owner, must be delivered empty to the owner at that junction.

(4) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(5) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded gondola car, described in this order, contrary to the provisions of this order.

(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 4, 1971.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 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 copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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 shall 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.71-3184 Filed 3-5-71;8:49 am]

## PART 1048—COMMERCIAL ZONES

### Nashville and Davidson County, Tenn.; Correction

In the FEDERAL REGISTER publication of February 26, 1971 (36 F.R. 3515), the CFR citation in the above-entitled matter was incorrectly noted as § 1048.39. This designation should have been § 1048.40.

The Report and Order in this proceeding, which will appear in the Commission's bound volume, will be corrected accordingly.

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

[FR Doc.71-3232 Filed 3-5-71;8:52 am]

# Title 50—WILDLIFE AND FISHERIES

## Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

### SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

## PART 280—YELLOWFIN TUNA

### Restrictions Applicable to Fishing Vessels

The member Governments have approved a further relaxation of the portion of the Resolution of the Inter-American Tropical Tuna Commission requiring that vessels depart port within 10 days after the date of closure of the yellowfin tuna fishing season in order to qualify to continue to take and retain yellowfin tuna without restriction on that trip (35 F.R. 4964). Therefore § 280.6(b) is amended so that for 1971 only in order to avoid congestion of unloading and processing facilities around the date of the season closure and the danger that vessels may put to sea without adequate preparations any United States tuna vessel which has completed a fishing voyage in the regulatory area during the current open season and is in port at the time of the closure shall be allowed to depart such port within 30 days after said closure for an unrestricted fishing voyage. Since the closure of the yellowfin tuna fishing season could occur in the near future, and since this amendment relieves a restriction, it has been determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest.

Paragraph (b) of § 280.6 is amended to read as follows:

**§ 280.6 Restrictions applicable to fishing vessels.**

* * * * *

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in tuna fishing prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of tuna taken during such voyage. Furthermore for 1971 only any vessel which has completed a tuna fishing voyage in the regulatory area during the then current open season and is in port at the time of the date of closure of such season shall be allowed to depart such port within 30 days after said date of closure for an unrestricted fishing voyage. For the purposes of this subsection, the date of departure from port refers to the date on which the fishing vessel departs from a port to proceed directly to the fishing grounds outfitted, supplied, fueled, provisioned, and manned by officers and crew in the manner and to the extent usually required to carry out fishing operations, by means of such vessel: *Provided,* That a stopover at a single intermediate port, not exceeding 48 hours, is permitted for the specific purpose of meeting any deficiencies in such outfitting, supplying, fueling, provisioning, or manning needs of the vessel for a fishing voyage. A stay in an intermediate port in excess of 48 hours shall constitute a new date of departure from port coinciding with the date of the delayed departure from the intermediate port.

This amendment is adopted under the authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950 as amended (16 U.S.C. 955(e)) as modified by Reorganization Plan Number 4, effective October 3, 1970 (35 F.R. 15627). This amendment shall be effective upon publication in the FEDERAL REGISTER (3–6–71).

Issued at Washington, D.C., and dated March 3, 1971.

PHILIP M. ROEDEL,
*Director,*
*Natonal Marine Fisheries Service.*

[FR Doc.71-3142 Filed 3-5-71;8:46 am]

# Proposed Rule Making

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### [ 50 CFR Part 253 ]

### COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

### Supplemental Notice of Proposed Rule Making

The proposed regulations of December 15, 1970 (35 F.R. 18975) set forth procedures to be used by the Secretary in providing financial assistance to State agencies for research and development of the commercial fisheries resources of the Nation under the authority of the Commercial Fisheries Research and Development Act as amended (82 Stat. 957; 16 U.S.C. 778 et seq.), and Reorganization Plan No. 4 of 1970. This supplement to the notice of proposed rule making of December 15, 1970, is intended to remove § 253.2(f) and to revise § 253.3(b) in consideration of comments received and to provide an additional 30-day period for public comments on this notice and on the original notice.

1. The notice of proposed rule making of December 15, 1970, is revised by deleting paragraph (f) of § 253.2.

2. The notice of proposed rule making of December 15, 1970, is revised by amending paragraph (b) of § 253.3 to read as follows:

**§ 253.3 General provisions.**

* * * * *

(b) *Project proposal.* (1) A project proposal shall be submitted for each proposed project for approval by the Secretary. An approved project proposal shall not be binding on the parties until incorporated in a cooperative agreement.

(2) Project proposals utilizing an allocation of State funds additional to amount previously allocated by the State for commercial fishery research and development activities shall be preferred over project proposals utilizing an allocation of State funds which do not involve an increase of State funds dedicated to commercial fishery research and development programs. No project proposal which involves a reduction of State funds previously dedicated to commercial fishery research and development activities will be approved.

* * * * *

Interested persons may submit written comments, suggestions, or objections with respect to this proposed supplement or regarding the notice of proposed rule making of December 15 to the Director, National Marine Fisheries Service, Department of Commerce, Interior Building, Washington, D.C. 20235, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

PHILIP M. ROEDEL,
*Director,*
*National Marine Fisheries Service.*

MARCH 3, 1971.

[FR Doc.71-3155 Filed 3-5-71;8:47 am]

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### [ 50 CFR Part 254 ]

### CONTROL OR ELIMINATION OF JELLYFISH

### Supplemental Notice of Proposed Rule Making

The proposed regulations of December 15, 1970 (35 F.R. 18977) set forth procedures to be used by the Secretary in providing financial assistance to State agencies for the control or elimination of jellyfish and other such pests in coastal waters and for research on control of floating seaweed in such waters under the authority of the Jellyfish Act as amended (84 Stat. 922; 16 U.S.C. 1201 et seq.), and Reorganization Plan Number 4 of 1970. This supplement to the notice of proposed rule making of December 15, 1970, is intended to revise § 254.3(b) and to add a new section based on comments received and to provide an additional 30-day period for public comment on this notice and on the original notice. The proposed revision and new section follow:

1. The notice of proposed rule making of December 15, 1970, is revised by amending paragraph (b) of § 254.3 to read as follows:

**§ 254.3 General provisions.**

* * * * *

(b) *Project proposal.* (1) A project proposal shall be submitted for each proposed project for approval by the Secretary. An approved project proposal shall not be binding on the parties until incorporated in a cooperative agreement.

(2) Project proposals utilizing an allocation of State funds additional to amounts previously allocated by the State for the control or elimination of jellyfish and other such pests in coastal waters and for research on control of floating seaweed in such waters shall be preferred over project proposals utilizing an allocation of State funds which do not involve an increase of State funds dedicated to such programs. No project proposal which involves a reduction of State funds previously dedicated to such programs will be approved.

2. The notice of proposed rule making of December 15, 1970, is revised by adding a new § 254.8 to read as follows:

**§ 254.8 New work requirement.**

Project proposals shall set forth undertakings which constitute activities in addition to current programs. It is desirable that projects represent entirely new undertakings. However, expansion of existing programs for control or elimination of jellyfish and other such pests in coastal waters and research on control of floating seaweed in such waters is satisfactory provided such existing programs are not reduced insofar as the cooperator's financial participation is concerned.

Interested persons may submit written comments, suggestions, or objections with respect to this proposed supplement or regarding the notice of proposed rule making of December 15 to the Director, National Marine Fisheries Service, Department of Commerce, Interior Building, Washington, D.C. 20235, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

PHILIP M. ROEDEL,
*Director,*
*National Marine Fisheries Service.*

MARCH 3, 1971.

[FR Doc.71-3156 Filed 3-5-71;8:47 am]

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### [ 50 CFR Part 401 ]

### ANADROMOUS FISHERIES CONSERVATION, DEVELOPMENT AND ENHANCEMENT

### Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce under provisions of the Anadromous Fish Act, as amended (84 Stat. 214; 16 U.S.C. 757 et seq.), and Reorganization Plan Number 4 of 1970, effective October 3, 1970 (35 F.R. 15627), it is proposed to amend Part 401 of Title 50, Code of Federal Regulations, as set forth below. The purpose of this amendment is to establish procedures to be used by the Secretary in providing financial assistance to State agencies and other non-Federal interests for conservation, development and enhancement of the anadromous fisheries resources of the Nation and fishes of the Great Lakes which ascend streams to spawn. This amendment clarifies certain definitions, establishes uniform terminology, and adds coverage responsive to recent legislation. In view of the numerous changes, this amendment is set forth as a complete revision of the regulations. The proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 553(a)(2)). However, it is

the policy of the Department of Commerce that, whenever practicable, the rule making requirements be observed voluntarily.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sec.
401.1 Administration.
401.2 Definitions.
401.3 General provisions.
401.4 Availability of funds.
401.5 Cost sharing.
401.6 New work requirement.
401.7 Environment.
401.8 Water pollution control.

AUTHORITY: The provisions of this Part 401 issued under Public Law 89-304, 79 Stat. 1125; as amended by Public Law 91-249, 84 Stat. 214 (16 U.S.C. 757a et seq.) and as modified by Reorganization Plan No. 4 of 1970, effective Oct. 3, 1970 (35 F.R. 15627).

### § 401.1 Administration.

The National Marine Fisheries Service and the Bureau of Sport Fisheries and Wildlife shall jointly administer the Anadromous Fish Conservation Act for the Secretary of Commerce and the Secretary of the Interior, respectively.

### § 401.2 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Secretary.* The Secretary of Commerce or his authorized representatives or the Secretary of the Interior or his authoized representatives.

(b) *Act.* The Anadromous Fish Conservation Act, Public Law 89-304, 79 Stat. 1125, as amended by Public Law 91-249, 84 Stat. 214 (16 U.S.C. 757a et seq.)

(c) *State.* Any State of the United States which has had or now contains anadromous fish and the States bordering the Great Lakes.

(d) *State fishery agency.* Any agency or official(s) of a State empowered under its laws to administer the commercial or sport fishery.

(e) *Other non-Federal interest.* Any organization, association, institution, business, school, individual or group of individuals, municipality, and others outside the Federal Government other than State fishery agencies who desire to cooperate within the terms of the Act.

(f) *Cooperator.* A State fishery agency or other non-Federal interest participating in a cooperative agreement with the Secretary.

(g) *Anadromous fish.* All aquatic, gill breathing, vertebrate animals bearing paired fins which migrate to and spawn in fresh water, but which spend part of their life in salt water; also, fish which spend part of their life in the Great Lakes and spawn in streams tributary to the Great Lakes.

(h) *Project proposal.* A description of work to be accomplished, including objectives, procedures, cost, location, and time required for completion, and such other information as may be required by the Secretary.

(i) *Cooperative agreement.* The contract for anadromous fish conservation, development, and enhancement activities to be carried on as provided by the Act and these regulations. Such agreement shall set forth the terms and conditions binding upon the cooperator and the Secretary, including the objectives, procedures, costs and terms of the agreement, and such other provisions as may be appropriate.

(j) *Project.* Any undertaking which is established upon execution of a cooperative agreement involving the conservation, development, and enhancement of anadromous fish.

(k) *Basin.* Rivers and their tributaries, lakes, estuaries, bays, sounds, and other bodies of water or portions thereof.

### § 401.3 General provisions.

(a) *Submission of applications.* Project proposals and proposed cooperative agreements shall be submitted to the concerned Regional Office of the National Marine Fisheries Service or the Bureau of Sport Fisheries and Wildlife.

(b) *Project proposal.* (1) A project proposal shall be submitted for each proposed project for approval by the Secretary. An approved project proposal shall not be binding on the parties until incorporated in a cooperative agreement.

(2) Project proposals utilizing an allocation of State funds additional to amounts previously allocated by the State for anadromous fish conservation, development, and enhancement activities shall be preferred over project proposals utilizing an allocation of State funds which do not involve an increase of State funds dedicated to such programs. No project proposal which involves a reduction of State funds previously dedicated to such programs will be approved.

(c) *Cooperative agreement.* (1) After the Secretary has approved a project proposal, activities to be undertaken by the cooperator and the obligation of Federal funds shall be evidenced by a cooperative agreement executed by the cooperator and the Secretary. Such agreement may be amended by mutual consent of the parties.

(2) The Secretary shall not enter into a cooperative agreement with a non-Federal interest other than a State unless the project agreed upon has approval of the State fishery agency responsible for the fishery resources which will be affected.

(3) The cooperative agreement shall contain applicable provisions as required by Federal law and regulations. These provisions are identified in the Federal Aid for Fisheries Handbook, the most recent version of which may be obtained from the Director, National Marine Fisheries Service.

(d) *Subcontracts.* In the performance of work under a cooperative agreement, subcontracts shall be solicited and awarded according to the laws and regulations of the State provided the Secretary is satisfied that adequate steps have been taken to insure economical and efficient services and impartial selection of subcontractors.

(e) *Prosecution of work.* (1) The prosecution of work by the cooperator shall be performed in a manner acceptable to the Secretary. Unsatisfactory performance shall be cause for the Secretary to withhold payments. Cooperative agreements may be terminated or suspended upon determination by the Secretary that satisfactory progress has not been maintained.

(2) All work shall be performed in accordance with applicable State laws except when such laws are in conflict with Federal laws or regulations, in which case such Federal law or regulations shall prevail.

(f) *Economy and efficiency of operations.* No cooperative agreement shall be executed until the cooperator has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to achieve economy and efficiency, including the avoidance of undesirable duplication, in the completion of a project.

### § 401.4 Availability of funds.

(a) *Allocation.* On July 1 of each year, or as soon thereafter as practicable, the Secretary shall notify respective States and other non-Federal interests of the amount of funds tentatively allocated to each under section 4 of the Act.

(b) *Obligation.* Federal funds tentatively allocated to a cooperator for obligation in any fiscal year, beginning with fiscal year 1972, remain available to the cooperator for obligation until the end of the succeeding fiscal year. If the total amount allocated or any portion thereof is unobligated at the end of this 2-year allocation period, such funds are withdrawn and reallocated for obligation.

(c) *Project savings.* Unspent obligated funds or project savings remain available to the cooperator for reobligation up to 1 year following termination of the cooperative agreement.

### § 401.5 Cost sharing.

(a) *Level of cost sharing.* The Federal share of the cost of approved projects shall not exceed 50 percent except that the Federal share may be increased to a maximum of 60 percent when two or more States having a common interest in a basin jointly enter into a cooperative agreement. Under 60 percent Federal funding, the financial participation of each State entering into a joint cooperative agreement should be consistent with the magnitude of its interest, the extent of available funds and priorities. Each State cooperating in such jointly funded project must participate financially to the extent of at least 10 percent of the total estimated cost of the project.

(b) *Property as matching funds.* (1) The non-Federal share of the cost of projects may be in the form of real or personal property. Such property must be directly related to the work involved and must be an appropriate cost item of the project. To establish the value of

such property, the cooperator shall furnish such current market value appraisal information as the Secretary may require.

(2) Eligible property would include, among other things, the ground on which a structure is placed including a reasonable amount of adjoining area required for parking, access, loading, and the like; and the heating, plumbing, and electrical, and other facilities of an existing structure or complex provided there is unused capability. Any portion of an existing facility used in connection with a new facility shall, unless otherwse apparent, be presumed to be excess to the existing facility and available for the new facility. The proportionate cost of the "new facility" or portion of any existing facility used as matching property may be considered as a part of the contribution of a cooperator.

(3) The value of property used as matching funds may be distributed to more than one cooperative agreement when such distribution of value is justified by direct relationship to the projects concerned. Property may be used as matching funds until the appraised value of the eligible property is fully utilized.

(4) Property which has been used as matching funds may, to that extent, be operated and maintained as a project activity.

§ 401.6 New work requirement.

Project proposals shall set forth undertakings which constitute activities in addition to current programs. It is desirable that projects represent entirely new undertakings. However, expansion of existing anadromous fish conservation, development, and enhancement programs is satisfactory provided these programs are not reduced insofar as the cooperator's financial participation is concerned.

§ 401.7 Environment.

Projects contracted for shall be performed consistent with the policies set forth in the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.).

§ 401.8 Water pollution control.

In the performance of work under a cooperative agreement the cooperator shall take such action as is necessary to avoid pollution of water as a direct or indirect result of a contract activity. Water quality must be maintained at a level consistent with applicable water quality standards.

PHILIP M. ROEDEL,
*Director,*
*National Marine Fisheries Service.*

MARCH 3, 1971.

[FR Doc.71-3157 Filed 3-5-71;8:47 am]

# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## [ 14 CFR Part 71 ]

[Airspace Docket No. 71-CE-8]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Morris, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Morris, Minn., a new public use instrument approach procedure has been developed for Morris Municipal Airport. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Morris transition area to adequately protect aircraft executing the new approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

MORRIS, MINN.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Morris Municipal Airport (latitude 45°34'05" N., longitude 95°58'10" W.); and within 3 miles each side of the 138° bearing from the Morris Municipal Airport extending from the airport to 7 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° bearing from the Morris Municipal Airport extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 318° bearing from the Morris Municipal Airport extending from the airport to 12 miles northwest of the airport.

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

Issued in Kansas City, Mo., on February 3, 1971.

JOHN A. HARGRAVE,
*Acting Director, Central Region.*

[FR Doc.71-3166 Filed 3-5-71;8:48 am]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 71-CE-9]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Eagle River, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the

Eagle River, Wis., Municipal Airport utilizing a city-owned nondirectional radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Eagle River, Wis. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at this location will be controlled by the Minneapolis Air Route Traffic Control Center.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

EAGLE RIVER, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eagle River Municipal Airport (latitude 45°55'45" N., longitude 89°16'00" W.); and within 3 miles each side of the 037° bearing from Eagle River Municipal Airport extending from the 5-mile-radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 037° and 217° bearings from Eagle River Municipal Airport, extending from 6 miles southwest to 18½ miles northeast of the airport, excluding the portions which overlap the Rhinelander and Land O'Lakes, Wis., transition areas.

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

Issued in Kansas City, Mo., on February 14, 1971.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[FR Doc.71-3167 Filed 3-5-71;8:48 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 71-CE-10]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at West Bend, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at West Bend, Wis., a new instrument approach procedure has been developed for the West Bend Municipal Airport. In addition the criteria for designation of transition areas have changed. Accordingly, it is necessary to alter the West Bend transition area to adequately protect aircraft executing the new approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

WEST BEND, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of West Bend Municipal Airport (latitude 43°25'20" N., longitude 88°07'45" W.); and within 3 miles each side of the 133° bearing from the West Bend Municipal Airport, extending from the 7-mile-radius area to 7½ miles southeast of the airport.

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

Issued in Kansas City, Mo., on February 12, 1971.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[FR Doc.71-3168 Filed 3-5-71;8:48 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 71-CE-11]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Brainerd, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace, a new public use instrument approach procedure has been developed for the Brainerd-Crow Wing County Airport, Brainerd, Minn. Accordingly, it is necessary to alter the Brainerd, Minn., transition area to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

BRAINERD, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Brainerd-Crow Wing County Airport (latitude 46°23'55" N., longitude 94°08'15" W.); within 3 miles each side of the 120° radial of the Brainerd VORTAC extending from the 7-mile-radius area to 7½ miles southeast of the VORTAC; within 5 miles each side of the Brainerd VORTAC 302° radial extending from the 7-mile-radius area to 21 miles northwest of the VORTAC; within 3 miles each side of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 7-mile-radius area to 11½ miles south of the airport; and within 3 miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport, extending from the 7-mile-radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Brainerd VORTAC; within 9½ miles southwest and 4½ miles northeast of the Brainerd VORTAC 302° radial, extending from the 13-mile-radius area to 31½ miles northwest of the VORTAC; within 9½ miles east and 4½ miles west of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius to 23 miles south of the airport; within 9½ miles northeast and 4½ miles southwest of the Brainerd VORTAC 120° radial extending from the 13-mile-radius area to 18½ miles southeast of the VORTAC; and within a 25-mile radius of the Brainerd VOR TAC from a line 5 miles southwest of and parallel to the VORTAC 302° radial clockwise to a line 5 miles southeast of and parallel to the VORTAC 024° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C.

1348), and of section 6(c) of the Department of Transportation; Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 12, 1971.

DANIEL E. BARROW,
*Director, Central Region.*

[FR Doc.71-3169 Filed 3-5-71;8:48 am]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 71-SO-11]

## TRANSITION AREAS

### Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate, alter and revoke controlled airspace in the State of Kentucky by designating the Kentucky transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

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

There are 12 small portions of uncontrolled airspace and two segments of controlled airspace having floors above 1,200 feet above the surface throughout the State of Kentucky. These areas are either surrounded by Federal airways or 1,200-foot transition areas. Because of the increasing traffic volume and demand for air traffic control services, there is a need to include these areas within the proposed Kentucky transition area. Inclusion of these areas within the proposed transition area, along with the adjustment of the floors of existing transition areas designated above 1,200 feet above the surface, would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and improve chart legibility, the following airspace actions are proposed:

1. The Kentucky transition area would be designated as:

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Kentucky.

2. The portions of the following transition areas described in § 71.181 (36 F.R. 2140), with floors of 1,200 feet above the surface, would be revoked:

| | |
|---|---|
| Bowling Green, Ky. | Paducah, Ky. |
| Hopkinsville, Ky. | Somerset, Ky. |
| Lexington, Ky. | Evansville, Ind. |
| London, Ky. | Paris, Tenn. |
| Louisville, Ky. | Union City, Tenn. |

3. The Logansport and Marion, Ky., transition areas described in § 71.181 (36 F.R. 2140) would be revoked.

4. The Hopkinsville, Ky., transition area described in § 71.181 (36 F.R. 2140), with a floor of 2,500 feet MSL, would be revoked.

5. The West Virginia transition area described in § 71.181 (36 F.R. 2140) would be amended as follows: "* * * lat. 37°23'00" N., long. 82°11'39" W.; thence to lat. 38°02'00" N., long. 82°15'-00" W.; to lat. 38°00'00" N., long. 82°-55'00" W.; to lat. 38°45'00" N., long. 83°30'00" W.; * * *" would be deleted and "* * * to the intersection of the Kentucky State line; thence counterclockwise along the Kentucky State line, to and north along long. 83°30'00" W., to lat. 38°45'00" N.; * * *" would be substituted therefor.

6. The Cincinnati, Ohio 1,200-foot transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

CINCINNATI, OHIO

That airspace extending upward from 1,200 feet above the surface beginning at lat. 39°-40'00" N., long. 84°25'00" W., to lat. 39°19'-00" N., long. 84°00'00" W.; thence south along long. 84°00'00" W., to and counterclockwise along the Kentucky State line, to and north along the Indiana State line, to and northeast along a line extending from lat. 39°12'00" N., long. 85°30'00" W., to lat. 39°40'00" N., long. 84°25'00" W., to point of beginning.

7. The Blytheville, Ark. transition area described in § 71.181 (36 F.R. 2140) with a floor of 5,000 feet MSL, would be amended as follows: "* * * excluding the portion within the Paducah, Ky. transition area * * *." would be deleted and "* * * excluding the portion within the State of Kentucky * * *." would be substituted therefor.

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

Issued in East Point, Ga., on February 24, 1971.

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

[FR Doc.71-3171 Filed 3-5-71;8:48 am]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 71-WE-15]

## CONTROL ZONE

### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Everett, Wash., 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 be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendent. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new VOR RWY 16 instrument approach procedure is proposed for Snohomish County Airport, Everett, Washington, utilizing the 356° T(334° M) radial of the Paine VOR as the final approach radial. The procedure was developed in accordance with criteria contained in U.S. Standard for Terminal Instrument Procedures and it has been determined that additional control zone is required. The additional control zone is required to provide controlled airspace protection for aircraft executing the proposed instrument procedure while operating below 1,000 feet above the surface.

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

In § 71.171 (36 F.R. 2055) the description of the Everett, Washington, control zone is amended as follows:

In line two of the text, delete "* * * 2 miles * * *" and substitute "* * * 3 miles * * *" therefor.

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

Issued in Los Angeles, Calif., on February 26, 1971.

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

[FR Doc.71-3172 Filed 3-5-71;8:48 am]

## [ 14 CFR Part 75 ]

[Airspace Docket No. 70-EA-86]

## AREA HIGH ROUTES

### Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to

Part 75 of the Federal Aviation Regulations that would designate three area navigation (RNAV) high routes to be used to transition aircraft from Kennedy International Airport, N.Y., to overseas routes.

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 60 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.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10653), which established regulatory basis for the designation of specific area high and area low routes.

If this action is taken, Part 75 of the Federal Aviation Regulations would be amended by designating the following area high routes:

| Waypoint name | VOR/DME description | Geographical coordinates |
|---|---|---|
| J-807R (Belle Terre, Conn., to United States/ Canadian Border): | | |
| Belle Terre, Conn. | HTO 294.0M/38.4 NM | Lat. 41°02'17" N., long. 73°08'51" W. |
| Cherry Plain, N.Y. | HTO 350.6M/114.6 NM | Lat. 42°40'52" N., long. 73°18'11" W. |
| Holland, Vt. | PLB 094.0M/61.4 NM | Lat. 44°59'29" N., long. 71°59'58" W. |
| J-808R (Squid, N.Y., to Whaler, Mass.): | | |
| Squid, N.Y. | JFK 109.0M/45.0 NM | Lat. 40°31'19" N., long. 72°47'56" W. |
| Mary Ann, Mass. | ACK 351.0M/13.8 NM | Lat. 41°29'31" N., long. 70°09'06" W. |
| Whaler, Mass. | ACK 082.0M/146.3 NM | Lat. 42°11'49" N., long. 67°00'28" W |
| J-809R (Squid, N.Y., to Davey, Maine): | | |
| Squid, N.Y. | JFK 109.0M/45.0 NM | Lat. 40°31'19" N., long. 72°47'56" W. |
| Mary Ann, Mass. | ACK 351.0M/13.8 NM | Lat. 41°29'31" N., long. 70°09'06" W. |
| Davey, Maine | ACK 063.0M/150.0 NM | Lat. 42°55'46" N., long. 67°29'55" W. |

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 March 1, 1971.

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

[FR Doc.71-3170 Filed 3-5-71;8:48 am]

# FEDERAL COMMUNICATIONS COMMISSION

## [47 CFR Part 73]

[Docket No. 19116]

## FM BROADCAST STATIONS

### Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

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

1. This proceeding was begun by a notice of proposed rule making (FCC 71-23), adopted January 6, 1971, and published in the FEDERAL REGISTER on January 14, 1971 (36 F.R. 557). The time for filing comments and reply comments was specified as February 26, 1971, and March 8, 1971, respectively.

2. On February 25, 1971, Oxford Hills Radio Communications, Inc. (Oxford Hills), filed a request for extension of time to March 8, 1971 for filing of comments. Oxford Hills states that there has been a delay in securing data from its consultant due to illness, therefore necessitating the additional time to prepare its comments.

3. We are of the view that the additional time requested is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments is extended to and including March 8, 1971, and for reply comments to and including March 19, 1971.

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

Adopted: February 26, 1971.

Released: March 1, 1971.

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

[FR Doc.71-3158 Filed 3-5-71;8:47 am]

## [47 CFR PART 97]

[Docket No. 19162; FCC 71-195]

## EXPANSION OF TELEPHONY SEGMENTS OF HIGH FREQUENCY AMATEUR BANDS

### Notice of Proposed Rule Making

In the matter of amendment of part 97 of the Commission's rules to provide for expansion of the telephony segments of the high frequency amateur bands, RM-1306, RM-1349, RM-1477, RM-1479, RM-1544, RM-1550, RM-1593, RM-1603, RM-1614, RM-1616, RM-1644, RM-1665, RM-1695, RM-1723, RM-1729.

1. On September 24, 1969, the Commission adopted an Order (FCC 69-1020), which affirmed the implementation on November 22, 1969, of high frequency band "incentive" telephony allocations for Amateur Extra and Advanced Class licensees previously adopted in Docket 15928. Expansion of the total space available in the high frequency bands for telephony was not considered in that proceeding. Fourteen petitions and a number of letters have been received which request expansion of one or more of the amateur high frequency telephony sub-bands. One petition proposes reduction of telephony space.

2. Petition RM-1349 proposes expanded phone bands for U.S. licensees in Puerto Rico, Guantanamo Bay, and the Virgin Islands without regard to license class. RM-1603 urges phone band expansions and early action on RM's 1306, 1477, 1479, 1544, and 1550. RM-1616 proposes phone band expansion and abolishment of exclusive bands for Advanced and Extra Class operators. RM-1695 proposes 50 kHz additions to the present phone bands for only net operation without change to the current segments reserved for Advanced and Extra Class operators. Reduction of the present 14 MHz telephony sub-band to 14.225-14.350 MHz is proposed in RM-1723. Of the remaining 10 petitions, all propose additional exclusive space for Extra Class; seven propose additional reserved space for Advanced and Extra Class, and; seven propose expansion of the telephony space available to Conditional and General Class operators. In addition to RM-1616, RM's 1550, 1593, and 1614 would make the space available to General and Conditional Class equal to that which was available prior to the implementation of Docket 15928. A tabulation of the total kHz now allocated and requested follows:

A=Advanced class C=Conditional class E=Extra class G=General class

| Band: | 3500–4000 kHz | | | 7000–7300 kHz | | | 14,000–14,350 kHz | | | 21,000–21,450 kHz | | | 28,000–29,700 kHz | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Class: | G, C | E, A | E | G, C | E, A | E | G, C | E, A | E | G, C | E, A | E | G, C | E, A | E |
| Current kHz: | 100 | 175 | 200 | 50 | 100 | 100 | 75 | 150 | 150 | 100 | 175 | 200 | 1200 | 1200 | 1200 |
| RM–1306 | | | | | | | 75 | 150 | 200 | 100 | 175 | 250 | | | 1500 |
| 1349 | 250 | 250 | 250 | 125 | 125 | 125 | 250 | 250 | 250 | 350 | 350 | 350 | 1600 | 1600 | 1600 |
| 1477 | 100 | 200 | 225 | 50 | 150 | 150 | 75 | 200 | 200 | 100 | 250 | 250 | 1200 | 1300 | 1300 |
| 1479 | 100 | 175 | 225 | 50 | 100 | 125 | 75 | 150 | 175 | 100 | 175 | 250 | | | |
| 1544 | | | | 50 | 75 | 100 | 75 | 150 | 200 | 200 | 225 | 250 | | | |
| 1550 | 200 | 225 | 250 | 100 | 125 | 150 | 150 | 175 | 200 | 200 | 225 | 250 | | | |
| 1593 | 200 | 275 | 300 | 100 | 150 | 150 | 150 | 225 | 225 | 200 | 200 | 225 | | | |
| 1614 | 200 | 200 | 275 | 100 | 100 | 125 | 150 | 200 | 200 | 200 | 250 | 250 | | | |
| 1616 | 300 | 300 | 300 | 200 | 200 | 200 | 250 | 250 | 250 | 200 | 200 | 200 | | | |
| 1644 | 175 | 225 | 250 | 100 | 150 | 150 | 75 | 150 | 200 | 150 | 200 | 250 | 1200 | 1500 | 1500 |
| 1665 | 200 | 225 | 250 | 100 | 100 | 125 | 150 | 200 | 250 | | | | | | |
| 1695 | 150 | 225 | 250 | 100 | 150 | 150 | 125 | 200 | 200 | 150 | 225 | 250 | | | |
| 1723 | | | | | | | 100 | 125 | 125 | | | | | | |
| 1729 | 200 | 275 | 300 | 100 | 150 | 150 | 150 | 200 | 200 | 150 | 225 | 250 | | | |

3. In most cases, the proposed General-Conditional Class operator segments extend downward from the top edge of each amateur band with an adjacent Advanced-Extra reserved band next below and the Extra-only band at the low end of a contiguous group of telephony sub-bands, in the same pattern as the current telephony bands. However, a 7075–7100 kHz telephony band was proposed for Extra only (RM–1644), for Extra and Advanced (RM–1655); 7100–7150 kHz for telephony nets (RM–1695); 7075–7150 kHz for Puerto Rican telephony (RM–1349), and; 3525–3600, 7025–7050 kHz for telephony by Extra Class operators only (RM–1614).

4. Some petitioners proposed conditions on the use of the added telephony segments such as: (1) Limitation of contacts to "DX" stations (other countries) only (RM–1306, 1477); (2) limitation to use of single sideband emission only (RM–1477, 1644, 1695); (3) maximum of 150 watts input power (RM–1306); (4) maximum of 1 kilowatt (kw) output power for Advanced Class and 1.5 kw output for Extra Class (RM–1665). RM–1593 would allow Advanced Class to use telegraphy in the exclusive Extra Class telephony bands. Most petitioners would move the Novice telegraphy bands downward without change in bandwidth to make way for the telephony expansion proposed. However, in exception to just shifting the Novice space, 28.1–28.2 MHz is proposed in lieu of 21.1–21.25 MHz (RM–1306, 1644) and/or reduction of the 21 MHz band to 21.1–21.2 MHz is proposed (RM–1479, 1644). A 50 kHz overlap of the Novice and the net allocation would be permitted by RM–1695. The effect of RM–1616 would be to eliminate the current exclusive Extra Class telegraphy segments while RM–1665 proposes reductions to 3500–3510, 7000–7005 and 14000–14005 kHz. In RM–1665, 3510–3525, 7005–7010, and 14005–14010 kHz is proposed for exclusive Advanced and Extra Class telegraphy operation. In RM–1614, 21000–21025 kHz is proposed for Advanced as well as Extra Class telegraphy operation. The 50 kHz telegraphy Extra Class segments, proposed in RM–1479, were rejected in the Commission's Order (FCC 69–1020) adopted September 24, 1969. The matter of credit for certain amateur examination elements proposed in RM–1477 for holders of Commercial operator licenses will be considered in a separate proceeding.

5. Except as noted, these petitions are based on the purpose of providing more operating room in the high frequency telephony sub-bands for all operator classes and/or providing further incentive to obtain the Advanced Class and the Extra Class operator licenses. One of the petitioners said daily listening indicates "* * * that the division of frequency spectrum between radiotelephone and CW (telegraphy) is very inequitable, based on the number of stations using each mode and the bandwidths required." He also stated "The emphasis of the Extra Class license privileges should not be heavily weighted towards CW as is now, but should provide more opportunity and incentive for the amateur who is interested in other modes of transmission."

6. In evaluating the effect of the first phase of the incentive licensing (Docket 15928) program and of the second phase,[1] the Commission considered correspondence, license statistics, petitions, and occupancy surveys of the reserved sub-bands. In addition to observation of the relative occupancy of portions of the bands adjacent to the Extra and the Extra-Advanced reserved sub-bands, the overall relative occupancy throughout each of the amateur high frequency bands was studied. These observations were made during periods of moderate and heavy occupancy of the band being studied. During such periods, the telephony sub-bands were invariably much more heavily occupied than were the segments remaining for telegraphy. This was determined with a receiver of good selectivity for each mode of operation. Beginning with the 7 MHz band and becoming progressively more pronounced up through the 28 MHz band, it was evident that, in each band there was a territory of significantly reduced activity between the more popularly used lower 100 kHz of the telegraphy segment and the telephony sub-band. With the exception of the 7 MHz and 21 MHz Novice segments, there was very little telegraphy operation therein by U.S. amateurs, the occupancy being almost wholly by foreign amateurs using telephony. Even during periods of greatest activity, the foreign telephony station occupancy of these segments appears to be relatively light. The observations also revealed that occupancy of the 25 kHz Extra Class reserved telegraphy segments was low even during times of high telegraphy activity on adjacent frequencies.

7. Heretofore, there has been opposition to such telephony sub-band expansion by telegraphy proponents on the basis that the foreign amateurs using telephony would shift downward and cause severe interference in the informally, but internationally recognized exclusive telegraphy segments.[2] Since the use of single sideband suppressed carrier techniques by foreign amateur telephony stations has become predominant, destructive interference to telegraphy from telephony carriers is no longer a significant factor. In fact, it appears that foreign amateurs using suppressed carrier telephony now avoid the popular telegraphy segments apparently because of the interference suffered from telegraphy in receivers being operated for reception of suppressed carrier telephony.

8. The Commission believes that some expansion of the amateur high frequency telephony sub-bands is desirable. The encouraging result of the present license class—frequency allocation incentive system indicates that its continuation in approximately the same pattern is warranted. This is predicated upon provision of an attractive advantage of operating space to number of licensees ratio for the Advanced and Extra Class operators. Therefore, appropriate amendment of the Amateur Radio Service Rules is proposed as set forth below. Generally, an exclusive 25 kHz segment for Amateur Extra Class operator is provided at the low end of each telephony sub-band. The modest number of United States licensees of this class should not significantly affect foreign telephony operation therein and the greater possibility of establishing foreign contacts should be an incentive to qualify for the Extra Class license. With the exception of the 7 MHz band, expansion of each of the current Extra-Advanced Class reserved sub-bands is proposed. Expansion of current General-Conditional Class sub-bands is proposed in four bands. Expansion of the 28 MHz telephony sub-band to provide a similar pattern of Extra and Extra-Advanced telephony sub-bands is proposed. Appropriate modification of the 7 and 21 MHz Novice sub-bands is included. A 2f MHz Novice band is proposed as compensation for the proposed reduction in the 21 MHz Novice band. Because of the light occupancy in the current 25 kHz Extra Class telegraphy segments, reduction of each to 10 kHz is proposed.

9. The requested limitation of Extra or Advanced Class operation to low

[1] Order, FCC 69–1020, adopted Sept. 24, 1969.

[2] The regulations of most countries permit the use of telephony throughout each high frequency amateur band. The International Amateur Radio Union has adopted a set of voluntary suballocations (QST, Nov., 1969, page 81).

power, "SSB" emission and to only international contacts is not proposed herein. The petitioners gave no reasons for proposing such limitations and it is the Commission's view that some of the limitations would serve to reduce the attractiveness of the subbands to would-be Extra Class and Advanced Class licensees. Since there is so little double sideband telephony operation left in these bands, the imposition of a limitation to the use of only single sideband suppressed carrier appears to be unnecessary. The limitation to only international contacts would be difficult to comply with and enforce in many situations such as, for example, a multilateral exchange of communications among a foreign station and two or more United States stations.

10. The request for additional telephony space for use by the amateurs of the Commonwealth of Puerto Rico appears to be designed primarily to allow them to operate with telephony on frequencies where many Spanish speaking amateurs of other countries are most likely to be operating. It would also obviously permit freedom from the heavier interference from amateur telephony stations in the 50 States. However convenient this might be, it is believed that Puerto Rican licensees should also be encouraged to up-grade their license class and the allocations proposed herein will provide some of the benefits desired by the petitioner, to those who are willing to exert the effort to obtain the higher class licenses. It is also believed desirable to encourage more communication between the citizens residing in the Commonwealth and in the 50 States.

11. The requested use of 1875–1900 kHz in Puerto Rico (RM–1349) is not possible because of United States Coast Guard requirements for protection of the LORAN system of navigation with which amateur sharing of the band must be on a noninterfering basis. 1800 to 1850 and 1975 to 2000 kHz is available for telephony and telegraphy in Puerto Rico.

12. In Regions 1 and 3 (as defined by the International Radio Regulations, Geneva, 1959) 7100–7300 kHz is not allocated to the Amateur Radio Service. Appropriate amendment of the operator privileges, making provision for a substitute Novice subband and a telephony subband for U.S. licensees located in the far Pacific Island possessions in Region 3, is included. Recognizing that off-frequency telephony contacts with stations in Region 1 or 3 operating below 7100 kHz may be more difficult for U.S. stations operating above 7150 kHz, provision for the exchange of telephony communications with stations outside Region 2 is proposed at 7075 to 7100 kHz for Advanced and Extra Class operators as an incentive to encourage qualification for these classes.

13. The specific rule changes proposed herein are set forth below. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 1, 1971, and reply comments on or before June 18, 1971. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, and comments shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before it, in addition to specific comments invited by this Notice.

Adopted: February 24, 1971.

Released: March 1, 1971.

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

APPENDIX I

*Petitioners*

RM–1306 Richard Ebeling, K2UTC, White Plains, N.Y.

RM–1349 Radio Club de Puerto Rico, Jose E. Saldana, President, San Juan, P.R.

RM–1477 Lowell E. White, W2CNQ, Closter, N.J.

RM–1479 Paul H. Lee, W3JM, Kensington, Md.

RM–1544 Bernard Ostrofsky, W9HTF, Gary, Ind.

RM–1550 Andrew G. Bourassa, WA1LJJ, Laconia, N.H.

RM–1593 Joseph Santangelo, W1NXY, Waltham, Mass.

RM–1603 Paul H. Lee, W3JM, Kensington, Md.

RM–1614 R. L. Cope, W8MOK, Marion, Ohio

RM–1616 Kenneth H. Dearborn, K6EVO et al.

RM–1644 J. S. Brown, W9IPK; Wallace H. Raymond, K4EKJ; C. Everett Coon, W2KNU/4; Gary O. Poorman, W4UPJ; W. I. Bull, W4TRI, and; L. M. Rundlett, W3ZA.

RM–1665 David W. Clements, WA6FHB, FPO, N.Y.

RM–1695 Charles R. Clark, WB40BZ, Moncks Corner, S.C.

RM–1723 George E. Cushing, W4QVJ, Hollywood, Fla.

RM–1729 Gary A. Stillwell, W6NJU, Canoga Park, Calif.

APPENDIX II

Amendment of Part 97 of the Commission's rules is proposed as follows:

1. Section 97.7(a) and table, paragraph (b), and paragraph (d)(2) are amended to read as follows:

**§ 97.7 Privileges of operator licenses.**

(a) *Amateur Extra Class and Advanced Class.* All authorized amateur privileges including exclusive frequency operating authority in accordance with the following table:

*Frequencies and class of license authorized*

Amateur extra only:

| | |
|---|---|
| 3500–3510 kc/s | 14,150–14,175 kc/s |
| 3750–3775 kc/s | 21,000–21,010 kc/s |
| 7000–7010 kc/s | 21,200–21,225 kc/s |
| 7150–7175 kc/s | 28,350–28,375 kc/s |
| 14,000–14,010 kc/s | |

Amateur extra and advanced:

| | |
|---|---|
| 3775–3875 kc/s | 21,225–21,325 kc/s |
| 7075–7100 kc/s | 28,375–28,500 kc/s |
| 7175–7225 kc/s | 50.0–50.1 Mc/s |
| 14,175–14,250 kc/s | |

(b) *General and Conditional Class.* All authorized amateur privileges except those exclusive frequency operating privileges which are reserved to the Advanced and/or the Amateur Extra Class but including operating privileges in the band 7075–7100 kc/s with telegraphy, and with telephony when located outside Region 2 (Refer to § 97.95(b)(2) for a description of Region 2).

* * * * *

(d) *Novice Class.* Those amateur privileges designated and limited as follows:

* * * * *

(2) Radiotelegraphy is authorized in the frequency bands 3700–3750 kc/s, 7100–7150 kc/s (7050–7075 kc/s when located outside Region 2), 21100–21200 kc/s, and 28150–28250 kc/s, using only type A–1 emission and 145–147 Mc/s, using radiotelegraphy emissions as set forth in § 97.61. Refer to § 97.95(b)(2) for a description of Region 2.

* * * * *

2. In § 97.61, the table in paragraph (a) is amended and, in paragraph (b), subparagraph (10) is added to read as follows:

**§ 97.61 Authorized frequencies and emissions.**

(a) * * *

| Frequency band | Emissions | Limitations (see paragraph (b)) |
|---|---|---|
| *kc/s* | | |
| 1800–2000 | A1, A3 | 1, 2 |
| 3500–4000 | A1 | |
| 3500–3750 | F1 | |
| 3750–3875 | A5, F5 | |
| 3750–4000 | A3, F3 | 4 |
| 7000–7300 | A1 | 3, 4 |
| 7000–7075 | F1 | |
| 7075–7100 | A3, F3, A5, F5 | 10 |
| 7100–7150 | F1 | 3, 4 |
| 7150–7225 | A5, F5 | 3, 4 |
| 7150–7300 | A3, F3 | 3, 4 |
| 14000–14350 | A1 | |
| 14000–14150 | F1 | |
| 14150–14250 | A5, F5 | |
| 14150–14350 | A3, F3 | |
| *Mc/s* | | |
| 21.00–21.45 | A1 | |
| 21.00–21.20 | F1 | |
| 21.200–21.325 | A5, F5 | |
| 21.20–21.45 | A3, F3 | |
| 28.00–29.70 | A1 | |
| 28.00–28.35 | F1 | |
| 28.35–29.70 | A3, F3, A5, F5 | |
| * * * | * * * | * * * |

(b) * * *

(10) The use of telephony in this band is limited to the calling of, and the exchange of communications with, amateur stations located outside Region 2. Refer to § 97.95(b)(2) for a description of Region 2.

[FR Doc.71–2981 Filed 3–5–71;8:45 am]

# Notices

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### YELLOWFIN TUNA

### 1971 Commission Final Resolution

The resolution adopted by the Inter-American Tropical Tuna Commission at the second part of the 23d annual meeting held in Mexico City, Mexico, February 16–20, 1971, reads as follows:

RESOLUTION

THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Taking note that at its 21st Annual Meeting at San Diego, Calif., on March 18, 19, and 22 of 1969, the Commission recommended the initiation of a 3-year program of experimental fishing designed to test then current assessments of the yellowfin stocks,

Taking note that the apparent changes in the stock during 1969 and 1970 resulting from the experimental fishing program have been within the limits set for continuation of the experiment,

Taking note that certain provisions of the resolutions from the 21st, 22d, and 23d Annual Meetings of the Commission relating to the catch of yellowfin tuna after the season closure are limited to the years 1969 and 1970, and only through February 16 of 1971,

Recognizing that the recommendations for establishing a conservation regime during 1971, approved at its 23d Annual Meeting, were of an interim nature, lasting only through February 16, 1971,

Concludes that it is desirable to continue the experimental fishing during 1971,

Considering the resolution from the second part 10th Intergovernmental Meeting on the conservation of yellowfin tuna held in Mexico City from February 16 through February 20, which recommends certain management measures to the Commission,

Therefore recommends to the High Contracting Parties that they take joint action to:

1. Establish the annual catch limit (quota) on the total catch of yellowfin tuna for the calendar year 1971 at 140,000 short tons from the regulatory area defined in the resolution adopted by the Commission on May 17, 1962; provided: (a) That if the annual catch rate is projected to fall below 3 short tons per standard day's fishing, measured in purse seine units adjusted to limits of gear efficiency previous to 1962, as estimated by the Director of Investigation, the unrestricted fishing for yellowfin tuna in the regulatory area shall be curtailed so as not to exceed the then current estimate of equilibrium yield and shall be closed on a date to be fixed by the Director of Investigation; (b) that the Director of Investigation may increase this limit by no more than two successive increments of 10,000 short tons each, if he concludes from reexamination of available data that such increase will offer no substantial danger to the stock.

2. Reserve a portion of the annual yellowfin tuna quota for an allowance for incidental catches of tuna fishing vessels when fishing in the regulatory area for species normally taken mingled with yellowfin tuna, after the closure of the unrestricted fishing for yellowfin tuna. The amount of this portion should be determined by the scientific staff of the Commission at such time as the catch of yellowfin tuna approaches the recommended quota for the year.

3. Allow vessels to enter the regulatory area during the open-season, which began January 1, 1971, with permission to fish for yellowfin tuna without restriction on the quantity until the return of the vessel to port.

4. Close the fishery for yellowfin tuna in 1971 at such date as the quantity already caught plus the expected catch of yellowfin tuna by vessels which are at sea with permission to fish without restriction reaches 140,000 short tons or 150,000 or 160,000, if the Director of Investigations so determines such amounts should be taken, less the portion reserved for incidental catches in Item 2 above and for the special proportion allowed for in Items 6 and 7 below, such dates to be determined by the Director of Investigations.

In order to not curtail their fisheries, those countries whose Governments accept the Commission's recommendations but whose fisheries of yellowfin tuna are not of significance will be exempted of their obligations of compliance with the restrictive measures.

Under present conditions, and according to the information available, an annual capture of 1,000 tons of yellowfin tuna is the upper limit to enjoy said exemption.

After the closure of the yellowfin tuna fishery, the Governments of the Contracting parties and cooperating countries may permit their flag vessels to land yellowfin tuna without restriction in any country described in the preceding section which has tuna canning facilities until such time as the total amount of yellowfin tuna landed in such country during the current year reaches 1,000 short tons.

For 1971 only in order to avoid congestion of unloading and processing facilities around the date of the season closure and the danger that vessels may put to sea without adequate preparations, any vessel which completes its trip before the closure may sail to fish freely for yellowfin tuna within the regulatory area on any trip which is commenced within 30 days after the closure.

5. Permit each vessel, not provided with a special allowance under Items 6 and 7 below fishing tuna in the regulatory area after the closure date for the yellowfin tuna fishery to land an incidental catch of yellowfin tuna taken in catches of other species in the regulatory area on each trip commenced during such closed season. The amount each vessel is permitted to land as an incidental catch of yellowfin tuna shall be determined by the Government which regulates the fishing activities of such vessels: *Provided, however,* That the aggregate of the incidental catches of yellowfin tuna taken by all such vessels of a country so permitted shall not exceed 15 percent of the combined total catch taken by such vessels during the period these vessels are permitted to land incidental catches of yellowfin tuna.

6. Permit the flag vessels of each country of 400 short tons capacity and less fishing tuna in the regulatory area after the closure date for the yellowfin tuna fishing to fish freely until 6,000 short tons of yellowfin tuna are taken by such vessels or to fish for yellowfin tuna under such restrictions as may be necessary to limit the catch of yellowfin tuna by such vessels to 6,000 short tons; and thereafter to permit such vessels to land an incidental catch of yellowfin tuna taken in the catch of other species in the regulatory area on each trip commenced after 6,000 tons have been caught. The amount each vessel is permitted to land as an incidental catch shall be determined by the Government which regulates the fishing activities of such vessels: *Provided, however,* That the aggregate of the incidental catches of yellowfin tuna taken by such vessels of each country so permitted shall not exceed 15 percent of the total catch taken by such vessels during trips commenced after 6,000 short tons of yellowfin tuna have been caught.

In the event that the Director of Investigations increases the quota to 150,000 or 160,000 short tons as provided for in Item 1 above, this special allowance of 6,000 short tons shall be increased in proportion to the increase in the total catch beyond 140,000 short tons.

7. Permit, during 1971, the newly constructed flag vessels of those members of the Commission which are developing countries and whose fisheries are in early stage of development (that is, whose tuna catch in the convention area in 1970 did not exceed 12,000 short tons, and whose total fish catch in 1969 did not exceed 400,000 metric tons) and which enter the fishery for yellowfin tuna in the convention area for the first time during the closed season in 1971 and which, because of characteristics such as size, gear or fishing techniques, present special problems, to fish unrestricted for yellowfin tuna until such vessels have taken in the aggregate 2,000 short tons of yellowfin, or to fish for yellowfin tuna under such restrictions as may be necessary to limit the aggregate catch of such vessels to 2,000 short tons of yellowfin tuna.

8. The species referred to in Items 2, 5 and 6 are: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, billfishes, and sharks.

9. Obtain by appropriate measures the cooperation of those Governments whose vessels operate in the fishery, but which are not parties to the Convention for the establishment of an Inter-American Tropical Tuna Commission, to put into effect these conservation measures.

This resolution amends the previous interim resolutions adopted at the first part of the 23d Annual Meeting held in San Jose, Costa Rica, January 4–21, 1971, published in the FEDERAL REGISTER February 17, 1971 (36 F.R. 3076).

This notice constitutes the announcement of the annual limitation on the quantity of yellowfin tuna permitted to be taken in the regulatory area, pursuant to the procedure established in 50 CFR 280.3. Closure of the season for yellowfin tuna will be announced in accordance with the procedure established in 50 CFR 280.5.

Issued at Washington, D.C., and dated March 3, 1971.

PHILIP M. ROEDEL,
*Director,*
*National Marine Fisheries Service.*

[FR Doc.71-3141 Filed 3-5-71;8:46 am]

## Office of the Secretary

## COLLEGE OF WILLIAM AND MARY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00052-58-46040. Applicant: College of William and Mary, Williamsburg, VA 23185. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used for research on the ultrastructure in marine red algae with the basic purpose of using ultrastructure as a criterion for the establishment of phylogenetic relationships among this group of plants. A graduate level course in cell biology of cytology will be offered to students to provide them with experience in the use of an electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 10, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
*Deputy Assistant Secretary for Resources.*

[FR Doc.71-3134 Filed 3-5-71;8:45 am]

## CORNELL UNIVERSITY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00287-00-46040. Applicant: Cornell University, Ithaca, NY 14850. Article: Large angle goniometer hot stage, Model AHLG. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article is an accessory for an existing JEM-200 electron microscope used for materials science research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
*Deputy Assistant Secretary for Resources.*

[FR Doc.71-3135 Filed 3-5-71;8:45 am]

## EAST TENNESSEE STATE UNIVERSITY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00049-33-46040. Applicant: East Tennessee State University, Johnson City, TN 37601. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used primarily for the training of undergraduate, residency and graduate students in the techniques and applications of electron microscopy. The simplicity of operations is important as a teaching instrument.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 10, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
*Deputy Assistant Secretary for Resources.*

[FR Doc. 71-3136 Filed 3-5-71;8:45 am]

## INSTITUTE FOR CANCER RESEARCH

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00176–33–46040. Applicant: The Institute for Cancer Research, 7701 Burholme Avenue, Philadelphia, Pa. 19111. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A. G., West Germany.

Intended use of article: The article will be used for research purposes of the structure-function relationship between macromolecular components of cells and viruses, and more specifically, the study of the structure of discrete sites on cell surfaces which (a) function as virus receptors, (b) are responsible for the release of infecting nucleic acid and (c) facilitate nucleic acid uptake by the cell.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 19, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

We therefore find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
*Deputy Assistant Secretary for Resources.*

[FR Doc.71–3137 Filed 3–5–71;8:45 am]

## SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00172–33–46040. Applicant: Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York, NY 10021. Article: Electron Microscope, Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used for biological studies on crystalline and semicrystalline structures: Lipoprotein macromolecules; and enzyme localizations.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 19, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

We therefore find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
*Deputy Assistant Secretary for Resources.*

[FR Doc.71–3138 Filed 3–5–71;8:46 am]

## UNIVERSITY OF CALIFORNIA

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00295–00–46040. Applicant: University of California, San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, CA 94804. Article: Image intensifier. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory for a previously imported Elmiskop 101 electron microscope used for a study of macromolecules of biological origin.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
*Deputy Assistant Secretary for Resources.*

[FR Doc.71–3139 Filed 3–5–71;8:46 am]

## WISTAR INSTITUTE OF ANATOMY AND BIOLOGY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00089–33–46040. Applicant: The Wistar Institute of Anatomy and Biology, 36th Street at Spruce, Philadelphia, PA 19104. Article: Electron microscope, Model HS 8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for the training of postdoctoral

fellows, graduate students and staff members in techniques of electron microscopy, and, to examine preparations made during the research of various staff scientists.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C elctron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 10, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
*Deputy Assistant Secretary for Resources.*

[FR Doc.71-3140 Filed 3-5-71;8:46 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education

### SPECIAL SERVICES FOR DISADVANTAGED STUDENTS PROGRAM

### Notice of Establishment of Closing Date for Receipt of Application for Funds

The Higher Education Act of 1965, title IV, part A, section 408, as amended, authorizes the Commissioner of Education to conduct programs of special services for disadvantaged and physically handicapped students already enrolled or accepted for enrollment at Institutions of Higher Education through grants to such institutions. Such programs may include, among other things, (A) counseling, tutorial, or other educational services, including special summer programs, to remedy such students' academic deficiencies, (2) career guidance, placement, or other student personnel services to encourage or facilitate such students' continuance or reentrance in higher education programs, or (C) identification, encouragement, and counseling of any such students with a view to their undertaking a program of graduate or professional education.

Notice is hereby given that application for grants under this program, which are to be funded from appropriations for fiscal year 1971, must be received at the address indicated below no later than March 31, 1971.

Every effort will be made to mail the application forms by February 12, 1971, to the Presidents of all Institutions of Higher Education on the Office of Education mailing list, as well as to faculty and administrators of Institutions of Higher Education who have already indicated an intent to apply for assistance under the program. Such forms as well as further information may be obtained from the Talent Search/Special Services Branch, Division of Student Special Services, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

Dated: February 11, 1971.

PRESTON VALIEN,
*Acting Associate Commissioner for Higher Education.*

Approved: February 27, 1971.

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

[FR Doc.71-3144 Filed 3-5-71;8:46 am]

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION I

### Redelegation of Authority With Respect to Fair Housing

SECTION A. *Authority with respect to fair housing.* The Assistant Regional Administrator for Equal Opportunity, Region I (Boston), is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under title VIII (Fair Housing) of the Civil Rights Act of 1968 (42 U.S.C. 3601-3619), except the authority to:

1. Issue a subpena or an interrogatory under section 811 of the Act (42 U.S.C. 3611).

2. Make studies and publish reports under section 808(e) of the Act (42 U.S.C. 3608(d)).

3. Issue rules and regulations.

SEC. B. *Authority to redelegate.* The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to employees of the Department the authority of the Secretary to administer oaths under section 811(a) of the Act (42 U.S.C. 3611(a)).

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Apr. 30, 1970, 35 F.R. 6877, Apr. 30, 1970)

*Effective date.* This redelegation of authority is effective as of October 1, 1970.

JAMES J. BARRY,
*Regional Administrator, Region I (Boston).*

[FR Doc.71-3191 Filed 3-5-71;8:50 am]

### CERTAIN HUD EMPLOYEES IN REGION I

### Redelegation of Authority to Administer Oaths

Redelegation of authority to administer oaths under title VIII (Fair Housing) of Civil Rights Act of 1968.

Each of the following named employees in the Department of Housing and Urban Development, Region I (Boston), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3611(a):

1. Lionel J. Jenkins.
2. Thomas L. Sanders.
3. Lawrence P. Troiano.
4. Frank H. Buntin.

(Redelegation by Regional Administrator effective Oct. 1, 1970 (36 F.R. 4517, Mar. 6, 1971))

*Effective date.* This redelegation of authority is effective upon publication in the FEDERAL REGISTER (3-6-71).

JOSEPH S. VERA,
*Assistant Regional Administrator for Equal Opportunity, Region I (Boston).*

[FR Doc.71-3192 Filed 3-5-71;8:50 am]

# DEPARTMENT OF TRANSPORTATION

## Federal Highway Administration

### CHESTER BRIDGE TOLLS

### Notice of Public Hearing

The Federal Highway Administrator has received complaints that the tolls now charged for transit over the Chester Bridge across the Mississippi River at Chester, Ill., are not just and reasonable. The complainants have asked the Administrator to prescribe reasonable rates of toll for transit over the bridge in accordance with section 4 of the Bridge Act of 1906, as amended, 33 U.S.C. 494, and section 105 of the River and Harbor Act of 1966, 80 Stat. 1405, 1406.

The Administrator has decided to conduct a hearing under the Administrative Procedure Act (5 U.S.C. 554-558) and the regulations in 49 CFR Part 310 for the purpose of determining whether the present toll rates are reasonable and just and, if they are found to be invalid, what reasonable rates of toll should be prescribed for transit over the bridge.

The Honorable Malcolm P. Littlefield, a hearing examiner duly appointed under

Administrative Procedure Act, is hereby appointed to conduct the hearing on the complaint and answer heretofore filed and to proceed in accordance with applicable laws and regulations. By subsequent order, the hearing examiner shall fix the time and place for all further proceedings.

Issued on March 3, 1971.

F. C. TURNER,
*Federal Highway Administrator.*

[FR Doc.71-3207 Filed 3-5-71;8:52 am]

## Federal Railroad Administration

[FRA-Petition-No. 26]

### SEABOARD COAST LINE RAILROAD CO.

### Petition for Relief From Requirement of Initial Terminal Road Train Air Brake Tests

Petition of Seaboard Coast Line Railroad Company for relief from the requirement of initial terminal road train air brake tests, 49 CFR 232.12.

The hearing in this proceeding now set in Richmond, Va., on March 11, 1971, is postponed to a date and place to be hereinafter fixed.

A further notice will be issued as soon as the hearing has been rescheduled.

Dated this 1st day of March 1971 in Washington, D.C.

ROBERT R. BOYD,
*Director, Office of Hearings and Proceedings, and Hearing Examiner.*

[FR Doc.71-3154 Filed 3-5-71;8:47 am]

# ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-348, 50-364]

### ALABAMA POWER CO.

### Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Alabama Power Co., 600 North 18th Street, Birmingham, AL 35203, pursuant to the Atomic Energy Act of 1954, as amended, filed an application dated October 10, 1969, and an application Amendment No. 1 dated June 26, 1970 for authorization to construct first one then a second, pressurized water nuclear reactor, designated as the Joseph M. Farley Nuclear Plant, Unit No. 1 and No. 2, respectively, on the applicant's site in Houston County, Ala.

The site is located on the west side of the Chattahoochee River located about 16½ miles east of Dothan, Ala.

The proposed nuclear plant will be comprised of two pressurized water nuclear reactors, which are each to have a net electrical capacity of about 829 megawatts electrical.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 20, 1971.

A copy of the application and Amendment No. 1 is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the Honorable A. A. Middleton, Chairman, Houston County Commission, City of Dothan, Houston County, Ala.

Dated at Bethesda, Md., this 11th day of February 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-2262 Filed 2-19-71;8:45 am]

[Dockets Nos. 50-382, 50-383]

### LOUISIANA POWER & LIGHT CO.

### Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, LA 70114, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated December 28, 1970, for two construction permits and facility licenses to authorize construction and operation of two pressurized water reactors on the applicant's approximately 100-acre part of the 3,600-acre site on the west bank of the Mississippi River near the town of Taft, La. The site is located in St. Charles Parish, about 20 miles west of New Orleans, La.

The proposed reactors are designated by the applicant as the Waterford Steam Electric Station, Units 3 and 4. Unit No. 3 is designed for a maximum expected output of 3,580 megawatts (thermal) with a net output of about 1,165 megawatts (electrical). The final decision to construct Unit No. 4 has not been made with any supplier or engineering consultant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 13, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the President of St. Charles Parish Police Jury, Hahnsville, La.

Dated at Bethesda, Md., this 10th day of February 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-2084 Filed 2-12-71;8:50 am]

[Dockets Nos. 50-361, 50-362]

### SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

### Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Southern California Edison Co., 601 West Fifth Street, Los Angeles, CA 90053, and the San Diego Gas and Electric Co., 101 Ash Street, San Diego, CA 92112, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application, dated May 28, 1970, for authorization to construct two pressurized water nuclear reactors, designated as the San Onofre Nuclear Generating Station Units 2 and 3, on the applicants' site located at Camp Pendleton, San Diego County, Calif.

The site is located on the west coast of Southern California, approximately 62 miles southeast of Los Angeles, approximately 51 miles northwest of San Diego, and is within the U.S. Marine Corps Base, Camp Pendleton.

Southern California Edison Co. (SCE) and San Diego Gas and Electric Co. (San Diego) are joint applicants for the construction permit for the San Onofre Nuclear Generating Station Units 2 and 3. The ownership for the two units will be shared in the proportion of 80 percent by SCE and 20 percent by San Diego. SCE, as project manager for the utilities, will have responsibility for the technical adequacy of the design and construction of the San Onofre plant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 20, 1971.

The proposed nuclear power plants which will be located adjacent to San Onofre Nuclear Generating Station, Unit 1, will consist of two pressurized water nuclear reactors, each of which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,140 megawatts.

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

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

For the Atomic Energy Commission.

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

[FR Doc.71-2263 Filed 2-19-71;8:45 am]

[Docket No. 50-301]

### WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

### Notice of Proposed Issuance of Facility Operating License

The Atomic Energy Commission (the Commission) is considering the issuance

of a facility operating license to Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. (the applicants) which would authorize the applicants to possess, use, and operate the Point Beach Nuclear Plant Unit No. 2 (Unit No. 2), a pressurized water nuclear reactor, on the applicants' site in the Town of Two Creeks, Manitowoc County, Wis., at steady state power levels not to exceed 1,518 megawatts (thermal), in accordance with the provisions of the license and the Technical Specifications appended thereto. Construction of Unit No. 2 was authorized by Provisional Construction Permit No. CPPR–47 issued by the Commission on July 25, 1968.

The Commission has found that the application for the facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I.

Prior to the issuance of the facility operating license, the facility will be inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR–47. The license will be issued after the Commission makes the findings, reflecting its review of the application, which are set forth in the proposed license, and concludes that the issuance of this license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicants will be required to execute an amended indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In the event that construction has not been sufficiently completed to permit full power operation, the Commission may issue an operating license consistent with the level of construction completed to permit initial fuel loading and low power testing prior to the issuance of the full power license.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicants may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of a hearing or appropriate order.

Prior to issuance of the facility operating license, the Commission will issue a detailed environmental statement for the Point Beach facility. The availability of the statement will be published in the FEDERAL REGISTER. The statement will be prepared consistent with Appendix D of 10 CFR Part 50 of the Commission's regulations.

For further details with respect to this proposed facility operating license, see (1) the applicants' application for a facility license dated March 12, 1969, as amended (Amendments Nos. 1 through 11), (2) the report of the Advisory Committee on Reactor Safeguards on the application for Unit Nos. 1 and 2, dated April 16, 1970, (3) the proposed facility operating license, (4) the Technical Specifications which will be attached as Appendix A to the proposed facility operating license, and (5) a related safety evaluation prepared by the Division of Reactor Licensing for Unit Nos. 1 and 2, dated July 15, 1970, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of items (2), (3), and (5) above may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of March 1971.

For the Atomic Energy Commission.

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

[FR Doc.71–3173 Filed 3–5–71;8:49 am]

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[Docket No. 50–166]

## UNIVERSITY OF MARYLAND

### Notice of Proposed Issuance of Amendment to Facility License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility License No. R–70 dated October 31, 1961, which authorizes the University of Maryland to possess, use, and operate the nuclear reactor located on its campus in College Park, Md., at steady-state levels up to 10 kilowatts (thermal). The amendment authorizes the operation of the modified reactor and restates the license in its entirety to incorporate previously issued amendments and additional reporting requirements. The modifications were authorized by Construction Permit No. CPRR–108.

The Commission has found that the application for amendment and supplements comply with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. Prior to issuance of the amendment, the facility will be inspected by the Commission to determine whether it has been constructed and modified in accordance with the application, as amended, and the provisions of Construction Permit No. CPRR–108. The amendment will be issued after the Commission makes the findings required by the Act and the Commission's regulations which are set forth in the proposed amendment, and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment dated June 30, 1969, and supplements dated November 25, 1969, January 14, 1971 (which supersedes previous submittals), February 4, 1971, and February 10, 1971, and (2) the proposed amendment, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of item 3 may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of March 1971.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
*Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.*

[FR Doc.71–3260 Filed 3–5–71;8:52 am]

# CIVIL AERONAUTICS BOARD

[Docket No. 22214, etc.]

## INTERAMERICAN AIRFREIGHT CO.

### Notice of Hearing

Willy Peter Daetwyler doing business as Interamerican Airfreight Co.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on March 10, 1971, at 10 a.m., e.st., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For further information regarding the issues herein interested persons are directed to Board order 71–2–24 of February 4, 1971, consolidating applications for hearing and decision herein and to the documents on file in the dockets referred to in said order.

Dated at Washington, D.C., March 2, 1971.

[SEAL] WILLIAM J. MADDEN,
*Hearing Examiner.*

[FR Doc.71–3188 Filed 3–5–71;8:50 am]

[Docket No. 22628; Order 71-3-19]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Fare Matters

Issued under delegated authority March 2, 1971.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA) and adopted by mail vote. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements, which encompass amendments to IATA resolutions recently approved by the Board [1] as agreed upon at the 1970 Worldwide Passenger Fare Conference held in Honolulu, would (1) permit contract bulk inclusive tour (CBIT) fares, available for North/Central Pacific travel by Japan-originating passengers, to be combined with IATA-agreed fares within the Western Hemisphere, and (2) clarify that the minimum tour price for use in connection with South Pacific 35-day individual inclusive tour fares shall be $140 for the minimum-stay period plus $10 per day thereafter where tour features are required.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

| *Agreement CAB:* | *IATA resolutions* |
|---|---|
| 22133 | JT31(Mail 190)080m. |
| 22221 | JT31(Mail 195)079d. |

*Accordingly, it is ordered,* That:

Action on Agreements CAB 22133 and 22221 be and hereby is deferred with a view toward eventual approval.

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

This order will be published in the FEDERAL REGISTER.

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

[FR Doc.71-3189 Filed 3-5-71;8:50 am]

[Docket No. 22871]

## LATIN AMERICAN ROUTES STOPOVER AUTHORITY INVESTIGATION

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 20, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 23, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 3, 1971.

[SEAL] HARRY H. SCHNEIDER,
*Hearing Examiner.*

[FR Doc.71-3187 Filed 3-5-71;8:50 am]

[Docket No. 21740; Order 71-3-24]

## NORTH CENTRAL AIRLINES, INC.

### Order Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1971.

North Central has filed a motion for an order to show cause on its application, Docket 21740, to amend its certificate of public convenience and necessity for route 86 so as to delete part of Condition (10),[1] and thus, permit turnaround service between Cleveland, Ohio, and Detroit, Mich.

Northwest Airlines, Inc. (Northwest), filed an answer requesting denial of North Central's motion for an order to show cause. Northwest also suggests that if the Board considers an award to North Central to be necessary, the Board should award an exemption permitting the carrier to operate one daily turnaround flight between Cleveland and Detroit.

Upon consideration of the foregoing, and all the relevant facts, the Board has decided to issue an order to show cause, proposing to amend North Central's certificate as requested. In addition, we will grant North Central an exemption on a pendente lite basis to permit one daily turnaround flight between Cleveland and Detroit. The latter authority will permit North Central to operate the service proposed in the operating plan submitted in support of its motion for a show cause order.

We tentatively find and conclude that the public convenience and necessity require amendment of North Central's certificate for route 86 so as to delete the restriction in Condition (10) which prohibits turnaround operations between Cleveland and Detroit. The new authority will be ineligible for subsidy.

In support of our ultimate finding, we tentatively find that the restriction presently serves no useful purpose, and that its deletion from North Central's certificate will enable that carrier to achieve greater operating flexibility.[2] Moreover, the proposed authorization is permissive. Thus, if the carrier finds it desirable to do so, it will be able to adjust its operations as circumstances require. We also find that no other air carrier will be significantly affected by grant of this award.[3]

Interested persons will be given 20 days from the service date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be supported by legal precedent and detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail, why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

We also find that grant of exemption authority pendente lite to permit the operation of one daily turnaround flight between Cleveland and Detroit is warranted. The relief granted is quite limited, temporary, and involves no new stations or equipment for North Central. North Central is authorized at the market in question, and the effect of our award is to afford North Central increased operating and scheduling flexibility, without causing any significant adverse impact on any other carrier.[4] We find that it would be an undue burden, under the circumstances here presented, to deprive the carrier of the operational efficiencies that will inure to it under the authority authorized herein during the pendency of its application for an amendment to its certificate.

Accordingly, we find that enforcement of section 401 with respect to the service described above would be an undue burden on the carrier by reason of the limited extent of, and the unusual circumstances affecting its operations, and is not in the public interest.

*Accordingly, it is ordered,* That:

1. All interested persons are directed to show cause why the Board should not

[1] Order 71-2-58, dated Feb. 11, 1971.

[1] Condition (10) of route 86 states as follows:

"(10) Flights serving Cleveland, Ohio, shall originate or terminate at a point north or west of Detroit, Mich., and nonstop flights between Minneapolis-St. Paul, Minn., and Chicago, Ill., shall orginate or terminate at a point west of Minneapolis-St. Paul."

[2] The restriction was imposed over a decade ago in the Great Lakes Local Service Investigation, 31 C.A.B. 442 (1960), in a competitive situation different from that which obtains today. It does not appear that continued limitation of the carrier's operational flexibility will provide any benefits to the public.

[3] We note that Northwest does not allege that any diversion of passengers or revenues will result from grant of North Central's certificate amendment request.

[4] Grant of the exemption will make possible late evening service from Traverse City to Cleveland (thereby conveniencing passengers returning to Cleveland through Traverse City) which the carrier asserts would be otherwise economically infeasible.

issue an order making final the tentative findings and conclusions stated herein and amending North Central's certificate of public convenience and necessity for route 86 so as to delete the restriction on Cleveland service contained in Condition (10);[5]

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. North Central Airlines, Inc., be and it hereby is temporarily exempted from the provisions of section 401 of the Act, and the terms, conditions, and limitations of its certificate of public convenience and necessity for route 86, to the extent that they would otherwise prevent North Central from operating one daily turnaround flight between Detroit, Mich., and Cleveland, Ohio;

6. The exemption authority granted herein shall be effective until 60 days following final Board decision in Docket 21740;

7. The exemption authority granted herein may be amended or revoked at any time in the discretion of the Board without hearing; and

8. A copy of this order shall be served upon the following, who are hereby made parties to this proceeding: Airlift International, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Lines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Tag Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and the cities of Detroit, Mich., and Cleveland, Ohio.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[FR Doc.71-3190 Filed 3-5-71;8:50 am]

[5] The authority will be ineligible for subsidy.

# FEDERAL MARITIME COMMISSION

## A. F. KLAVENESS & CO., A/S, ET AL.

### 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:

Francis L. Tetreault, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 9852 is a cooperative working arrangement among A. F. Klaveness & Co., A/S, Det Bergenske Dampskibsselskab and Det Nordenfjeldske Dampskidsselskab as parties to operate passenger vessels now being built in a joint cruise service to and between various ports in the world.

The objective of the parties is the cooperative management and operation of passenger cruise services either directly or through a jointly owned Norwegian corporation, Royal Viking Line A/S, or through a jointly owned American corporation, Royal Viking Line, Inc., or through other corporations and business structures and/or through bareboat charter or otherwise.

The agreement specifically provides for the arranging of scheduling; fares, accounting and other things necessary for the management and operation of the vessels; acquisition of equipment and other property in connection with the operation of the vessels; filing of tariffs and obtaining necessary certifications from interested governmental agencies; appointment of agents, including arrangements for advertising and booking services; and entering into arrangements for terminals and terminal services.

Any specific pooling arrangements and/or other subsequent agreements requiring Section 15 approval will be filed with the Federal Maritime Commission.

Dated: March 2, 1971.

By order of the Federal Martime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-3195 Filed 3-5-71;8:51 am]

## ATLANTIC AND GULF-INDONESIA CONFERENCE

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. R. T. Curran, Secretary, Atlantic and Gulf-Indonesia Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8080–10 is a modification of the Atlantic and Gulf-Indonesia Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-3196 Filed 3-5-71;8:51 am]

## ATLANTIC AND GULF-SINGAPORE, MALAYA, AND THAILAND CONFERENCE

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. R. T. Curran, Secretary, Atlantic and Gulf-Singapore, Malaya, and Thailand Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8240–8 is a modification of the Atlantic and Gulf-Singapore, Malaya, and Thailand Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-3197 Filed 3-5-71;8:51 am]

## FARRELL LINES, INC., ET AL.

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Seymour H. Kligler, Esquire, Levitt Brauner Baron Rosenzweig & Kligler, Attorneys at Law, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9931, between Farrell Lines, Inc., and Moore-McCormack Lines, Inc., as one party, and South African Marine Corp., Ltd., Springbok Lines, Ltd., and Springbok Shipping Co., Ltd., as one party, provides for the establishment of a sailing arrangement by the parties in the trade from U.S. Atlantic Coast ports to ports in southwest, south, southeast and East Africa, and to ports on the islands of Madagascar, Reunion, Mauritius, the Comores and Seychelles and on the islands of Ascension and St. Helena. The parties will furnish equivalent tonnage as regards the type and capacity of the vessels to be used, and each will maintain a minimum of 40 sailings annually in the trade. Either party may operate one or more sailings in excess of the specified 40 sailings annually in the trade after giving notice, as provided in the agreement, of such intention to the other party and to the Federal Maritime Commission.

Dated: March 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-3198 Filed 3-5-71;8:51 am]

## MALAYSIA-PACIFIC RATE AGREEMENT

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Galloway, Secreary, Malaysia-Pacific Rate Agreement, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 9836–1 is a modification of the Malaysia-Pacific Rate Agreement's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-3199 Filed 3-5-71;8:51 am]

## PACIFIC COAST EUROPEAN CONFERENCE AND MATSON NAVIGATION CO.

### 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 Fransicso, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

G. E. Hay, Chairman, Pacific Coast European Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement No. 8299–1 amends the basic agreement to permit the member lines of the Pacific Coast European Conference to issue through bills of lading for through movements originating in Hawaii and restates the agreement in its entirety.

Dated: March 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71–3200 Filed 3–5–71;8:51 am]

## PRUDENTIAL-GRACE LINES, INC., AND COMPANIA PERUANA DE VAPORES

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Martin F. Richman, Esq., Barrett, Knapp, Smith & Schapiro, 26 Broadway, New York, NY 10004.

Agreement No. 9932, between Prudential-Grace Lines, Inc., and Compania Peruana De Vapores, covers an equal access arrangement with respect to the movement of government-controlled cargo in the trade between ports on the west coast of the United States and Peruvian ports. The agreement provides that (1) each carrier will support requests to its government by the other carrier for the movement of 50 percent of the cargoes controlled by such government; (2) each carrier shall have free access to all commercial export and import cargoes in the trade; (3) each carrier will be an associated carrier of the other, and shall maintain a minimum of 12 voyages per year adequately spaced in the service; and (4) the arrangement shall have an interim duration of 120 days during which period the parties thereto intend to negotiate a pooling agreement for the movement of government-controlled cargo in this same trade on a similar 50–50 basis.

Dated: March 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71–3201 Filed 3–5–71;8:51 am]

## U.S. GREAT LAKES AND ST. LAWRENCE RIVER PORTS/WEST AFRICA AGREEMENT

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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 by:

John K. Cunningham, Secretary, U.S. Great Lakes and St. Lawrence River Ports/West Africa Agreement, 67 Broad Street, New York, NY 10004.

Agreement No. 9420–3, among the member lines of the United States Great Lakes and St. Lawrence River Ports/West Africa Agreement, will modify the basic agreement of the parties by amending (1) Article 5 of the agreement to eliminate the payment of an admission fee as a condition for becoming a party to the agreement, and (2) Article 3 of the agreement to eliminate the requirement of a unanimous vote for action and to substitute therefor a two-thirds majority vote for action on rate matters and a three-fourths majority vote for action on all other matters.

Dated: March 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71–3202 Filed 3–5–71;8:51 am]

# FEDERAL POWER COMMISSION

[Docket No. R171–744]

## AZTEC OIL AND GAS CO.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 25, 1971.

The Respondents named herein have filed proposed increased rates and

[1] Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 an d1.37(f)) on or before April 16, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Acting Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf* | | Rate in effect subject to refund in dockets Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI71-744.. | Aztec Oil & Gas Co..... | 3 | [1] 28 | El Paso Natural Gas Co. (Mesa Verde Formation in San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin). | $226,429 | 12-21-70 | 3-1-71 | 8-1-71 | [3] 15.0593<br>14.0593 | [3] [4] 29.23<br>[3] [4] 29.23 | RI69-379.<br>RI69-379. |

*The pressure base is 15.025 p.s.i.a.
[1] Does not include acreage added by agreements dated Oct. 3, 1969 and Dec. 15, 1969. (Supplement Nos. 25 and 26).
[2] Includes 1-cent minimum guarantee for liquids.
[3] Unilateral increase after expiration of 20-year contract.
[4] 28.11-cent base rate plus 0.12-cent tax reimbursement and 1-cent minimum guarantee for liquids.

Aztec Oil & Gas Co. proposes a unilateral rate increase from 14.0593¢ and 15.0593¢ to 29.23¢ per Mcf for a sale of gas to El Paso Natural Gas Co. from the Mesa Verde formation in the San Juan Basin of N. Mex.

The Commission recently issued an order in Docket No. R-407 providing for a 1-day suspension period for certain independent producer rate filings. Another order issued concurrently with the order in Docket No. R-407 shortened the suspension period for proposed increased rates then under suspension. Nothwithstanding these orders, in view of the potential triggering impact of this increased rate, Aztec's rate shall be suspended for 5 months.

Aztec's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-2999 Filed 3-5-71;8:45 am]

[Docket No. CS71-192, etc.]

## CLIFFORD H. SHERROD, JR., ET AL.

### Notice of Applications for "Small Producer" Certificates [1]

MARCH 1, 1971.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene it filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Acting Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

| Docket No. | Date filed | Name of applicant |
|---|---|---|
| CS71-192... | 1-22-71 | Clifford H. Sherrod, Jr., Post Office Box 742, Midland, TX 79701. |
| CS71-193... | 1-25-71 | North Star Petroleum Corp., 705 Alamo National Bldg., San Antonio, TX 78205. |
| CS71-194... | 1-25-71 | Delta Corp., 801 First National Bldg., Oklahoma City, OK 73102. |
| CS71-195... | 1-25-71 | Southwest Oil Industries, Inc., 801 First National Bldg., Oklahoma City, OK 73102. |
| CS71-196... | 1-25-71 | Sabine Oil Industries, Inc., 801 First National Bldg., Oklahoma City, OK 73102. |
| CS71-197... | 1-26-71 | Rex Fuller, Post Office Box 2454, Lubbock, TX 79408. |
| CS71-198... | 1-26-71 | Do. |
| CS71-199... | 1-25-71 | Mitchell Oil Co., c/o Mr. Phillip V. Mitchell, 5709 Cromwell Dr., Washington, DC 20016. |
| CS71-200... | 2- 1-71 | Sage Petroleum Co., c/o Bobby G. Dawson, Agent, Box 191, Borger, TX 79007. |
| CS71-201... | 2- 1-71 | Childers Oil Co., c/o Bobby G. Dawson, Agent, Box 191, Borger, TX 79007. |
| CS71-202... | 2- 1-71 | Jay Childers Oil Account, c/o Bobby G. Dawson, Agent, Box 191, Borger, TX 79007. |
| CS71-203... | 2- 1-71 | A. S. Ritchie et al., 352 North Broadway, Wichita, KS 67202. |
| CS71-204... | 2- 4-71 | Acme Oil Corp. (Operator) et al., 435 North Main, Wichita, KS 67202. |
| CS71-205... | 2- 5-71 | W. Frank Dameron, 2205 Wilco Bldg., Midland, TX 79701. |
| CS71-206... | 2- 5-71 | Davon Drilling Co., Post Office Box 12509, Oklahoma City, OK 73112. |
| CS71-207... | 2- 8-71 | Ronald L. Werner, Holcomb, Kans. 67851. |
| CS71-208... | 2- 8-71 | Chanslor-Western Oil and Development Co., 80 East Jackson Blvd., Room 1426, Chicago, IL 60604. |
| CS71-209... | 2-10-71 | Paul W. Kenworthy, Post Office Box 2253, Odessa, TX 79760. |
| CS71-210... | 2-16-71 | Barnett Oil Co., 411 First National Bank Bldg., Wichita, KS 67202. |
| CS71-211... | 2-17-71 | Trumart Oil Co., c/o Donald L. Martin, Partner, Box 12, Ellis, KS 67637. |
| CS71-212... | 10-30-70 | James B. Dunigan Estate, c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006. |
| CS71-213... | 10-30-70 | Lefors Petroleum Co., Inc., c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006. |
| CS71-214... | 10-30-70 | E. L. Green, Jr., c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006. |
| CS71-215... | 10-30-70 | R. G. Allen, c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006. |
| CS71-216... | 10-30-70 | Hugh Burdette, c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006. |
| CS71-217... | 10-30-70 | Hugh Burdette and H. L. Green, Trustees, c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006. |

[FR Doc.71-3050 Filed 3-5-71;8:45 am]

# FEDERAL RESERVE SYSTEM

## FIRST AT ORLANDO CORP.

### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of St. Johns River Bank, Jacksonville, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, March 1, 1971.

[SEAL] KENNETH A. KENYON,
*Deputy Secretary.*

[FR Doc.71-3174 Filed 3-5-71;8:49 am]

# INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

## WESTMORELAND COAL CO. AND LITTLE ROCK COAL CO.

### 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. 10647, Westmoreland Coal Co., Wentz No. 1 Mine, USBM ID No. 44 00302 0, Stonega, Wise County, Va., Section ID No. 005 (No. 3 Main East), Section ID No. 007 (No. 3 Main East, No. 13 Right).

(2) ICP Docket No. 10652, Westmoreland Coal Co., Pine Branch No. 1 Mine, USBM ID No. 44 00298 0, Dunbar, Wise County, Va., Section ID No. 004 (No. 2 Left).

(3) ICP Docket No. 11075, Little Rock Coal Co., No. 11 Mine, USBM ID No. 44 01580 0, Grundy, Buchanan County, Va., Section ID No. 001 (No. 1).

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.*

MARCH 2, 1971.

[FR Doc.71-3145 Filed 3-5-71;8:46 am]

# SECURITIES AND EXCHANGE COMMISSION

[812-2889]

## CHAMBERLAIN MANUFACTURING CORP.

### Notice of Filing of Application for Order Exempting Transaction

MARCH 2, 1971.

Notice is hereby given that Chamberlain Manufacturing Corp. (Chamberlain), 845 Larch Avenue, Elmhurst, IL 60126, has field an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by Chamberlain of 116,300 shares of its outstanding common stock, at a price of $8.50 per share, from Enterprise Fund, Inc. (Enterprise), an open-end investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Enterprise owns 116,300 shares (7.2 percent) of the outstanding common stock of Chamberlain and Chamberlain is accordingly an affiliated person of Enterprise under section 2(a)(3) of the Act.

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

any over-reaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, and that the proposed transaction is consistent with the general purposes of the Act.

Chamberlain, an Iowa corporation with approximately 1,100 stockholders, is engaged in the manufacturing business. Its common stock is traded over-the-counter and is not listed on any stock exchange. The proposed transaction was agreed upon by Chamberlain and Enterprise on December 24, 1970. The bid price of Chamberlain's common stock in the over-the-counter market at that time was $8.50 per share. The agreement was put in writing on January 18, 1971, and provides that such agreement will terminate if an order of the Commission granting the requested exemption is not issued by March 24, 1971.

Chamberlain states that it and Enterprise were on equal footing in negotiating the proposed transaction in an arms-length relationship. None of the directors, officers, or persons owning beneficially 10 percent or more of the outstanding voting securities of Chamberlain is a director, officer or shareholder of Enterprise. None of the directors or officers of Enterprise is a director or officer or, to the knowledge of Chamberlain, a shareholder of Chamberlain.

Notice is further given that any interested person may, not later than March 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Chamberlain at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] ROSALIE F. SCHNEIDER,
*Recording Secretary.*

[FR Doc.71-3176 Filed 3-5-71;8:49 am]

[70-4549]

## PENNSYLVANIA ELECTRIC CO.

### Notice of Posteffective Amendment Regarding Increase in Authorized Amount of Notes To Be Acquired From Nonaffiliated Company

MARCH 2, 1971.

Notice is hereby given that Pennsylvania Electric Co. (Penelec), 1001 Broad Street, Johnstown, PA 15907, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed with this Commission a posteffective amendment to the application in this proceeding pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 (Act), proposing to further assist one of two nonaffiliated coal companies to complete development of mines to supply the coal requirements of a generating station owned in part by Penelec. All interested persons are referred to the posteffective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated November 17, 1967 (Holding Company Act Release No. 15899), the Commission, among other things, authorized Penelec to acquire $5,500,000 up to December 31, 1970, of promissory notes to be issued by The Helen Mining Co. (Helen), one of the two nonaffiliated mining companies engaged in developing coal mines for the Homer City Generating Station, in which station Penelec owns a 50 percent interest. By order dated July 11, 1970 (Holding Company Act Release No. 16773), Penelec was authorized to increase the amount of notes to be acquired to $6,500,000, due to increases in Helen's estimated costs of developing such mines. Penelec now proposes to further increase such authorized amount to not more than $7,750,000 to be acquired not later than June 30, 1972, due to additional increases in Helen's costs of developing such mines. As of the date of filing, Penelec has acquired $5,500,000 of such notes. The remaining transactions heretofore authorized and described in the above-mentioned Commission orders remain unchanged. No 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 23, 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. 25049. 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.71-3177 Filed 3-5-71;8:49 am]

# TARIFF COMMISSION

[TEA-W-80]

## ADVANCE ROSS ELECTRONICS PLANT

### Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers at the Advance Ross Electronics Plant, Washington, Iowa, the U.S. Tariff Commission, on March 1, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the deflection yokes and horizontal output transformers produced at the plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such plant.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: March 3, 1971.

By order of the Commission.

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

[FR Doc.71-3206 Filed 3-5-71;8:52 am]

[TEA-W-79]

## AMERICAN BEMBERG PLANT

### Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers at the American Bemberg Plant, Beaunit Fibers, Division of Beaunit Corp., Elizabethton, Tenn., the U.S. Tariff Commission, on March 1, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the cuprammonium rayon continuous yarn produced at the plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such plant.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: March 3, 1971.

By order of the Commission.

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

[FR Doc.71-3205 Filed 3-5-71;8:51 am]

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[TEA-F-19]

## BEL-TRONICS CORP.

### Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

*Investigation instituted.* Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Bel-Tronics Corp., Addison, Ill., the U.S. Tariff Commission, on March 1, 1971, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with coils and antennae of the type produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

*Inspection of petition.* The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 3, 1971.

By order of the Commission.

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

[FR Doc.71-3203 Filed 3-5-71;8:51 am]

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[TEA-W-78]

## CARPENTER TECHNOLOGY CORP.

### Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the production, maintenance, and salaried workers at the Carpenter Technology Corp. plant, steel division, in North Brunswick, N.J., the U.S. Tariff Commission, on March 1, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements articles like or directly competitive with the stainless steel wire produced at the plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of its workers.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: March 3, 1971.

By order of the Commission.

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

[FR Doc.71-3204 Filed 3-5-71;8:51 am]

# INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; ICC Order 54]

## GRAND TRUNK WESTERN RAILROAD CO.

### Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Grand Trunk Western Railroad Co. is unable to transport traffic over its car ferry between Milwaukee, Wis., and Muskegon, Mich., because of ice conditions in Lake Michigan.

*It is ordered,* That:

(a) The Grand Trunk Western Railroad Co., being unable to transport traffic over its car ferry between Milwaukee, Wis., and Muskegon, Mich., because of ice conditions in Lake Michigan, that line and its connections are hereby authorized to reroute and divert such traffic, via any available route, to expedite the movement.

(b) Concurrence of receiving road to be obtained: The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3 p.m., March 1, 1971.

(g) Expiration date: This order shall expire at 11:59 p.m., March 15, 1971, unless otherwise modified, changed, or suspended.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 1, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
*Agent.*

[FR Doc.71-3182 Filed 3-5-71;8:49 am]

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[Rev. S.O. 994; ICC Order 53]

## ST. LOUIS-SAN FRANCISCO RAILWAY CO.

### Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The St. Louis-San Francisco Railway

Co. is unable to transport traffic over its line between East Aberdeen, Miss., and Aberdeen, Miss., because of high water.

*It is ordered*, That:

(a) The St. Louis-San Francisco Railway Co., being unable to transport traffic over its line between East Aberdeen, Miss., and Aberdeen, Miss., because of high water, that line is hereby authorized to reroute and divert such traffic via any available route, to expedite the movement.

(b) Concurrence of receiving road to be obtained: The railroad diverting the traffic shall receive the concurrence of the lines over which the the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4 p.m., February 26, 1971.

(g) Expiration date: This order shall expire at 11:59 p.m., March 15, 1971, unless otherwise modified, changed, or suspended.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 26, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
*Agent.*

[FR Doc.71-3181 Filed 3-5-71;8:49 am]

[Notice 255]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 2, 1971.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 30374 (Sub-No. 18 TA), filed February 24, 1971. Applicant: TRI-STATE TRANSPORTATION CO., INC., 44 North West Avenue (Rear), Post Office Box L, Vineland, NJ 08360. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing*, in containers and on hangers; (2) *materials and supplies* (other than in bulk) used in the manufacture of clothing; and (3) *department store merchandise* when moving in the same vehicle with clothing on hangers, between New York, N.Y., Secaucus, N.J., and Philadelphia, Pa., on the one hand, and, on the other, Baltimore, Laurel, and Frederick, Md.; Washington, D.C.; Manassas, Va.; and points within 10 miles of Baltimore, Md., and Washington, D.C. NOTE: Applicant seeks authority to tack this authority with its authorized operations in MC 30374 and to join, interline and interchange with Cargo Distribution Corp. (MC 59868), Bradley's Express, Inc. (MC 85130), and R. B. Colby Co., Inc. (MC 99121, Sub 2) in through operations, for 180 days. Supporting shippers: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 114284 (Sub-No. 47 TA), filed February 24, 1971. Applicant: FOX-SMYTHE TRANSPORTATION CO. (Oklahoma Corporation), Post Office Box 82307, Stockyard Station, 1700 South Portland Avenue, Oklahoma City, OK 73108. Applicant's representative: Carl Smythe (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate and chocolate candies, candies and confectionery products*, when moving with chocolate candies; from the plantsite and warehouse facilities of Bunte Candies, Inc., Oklahoma City, Okla., to points in New Mexico and Arizona, and points in El Paso and Hudspeth Counties, Tex., and to points in that part of Texas on and north of a line beginning at the junction of U.S. Highway 80 and the east boundary of Hudspeth County, and extending along U.S. Highway 80 to junction U.S. Highway 83, and thence on and west of U.S. Highway 83 to its junction with the Red River, approximately 8 miles north of Childress, Tex., and thence along the north bank of the Red River of the Texas-Oklahoma State line with no transportation for compensation on return, except as otherwise authorized, for 180 days. Supporting shipper: Bunte Candies, Inc., Oscar Widmer, Special Representative, 129 East California, Oklahoma City, OK 73104. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 116073 (Sub-No. 157 TA), filed February 24, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, Post Office Box 919, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building sections, building panels, parts and materials*, from the plantsite and warehouse facilities of Frank Paxton Lumber Co., in Des Moines, Iowa, to points in Minnesota, Wisconsin, Illinois, Missouri, Kansas, Nebraska, and South Dakota, for 180 days. Supporting shipper: Frank Paxton Lumber Co., 205 Southwest 11th Street, Des Moines, IA. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 11647 (Sub-No. 8 TA), filed February 24, 1971. Applicant: LAS VEGAS TANK LINES, INC., doing business as LAS VEGAS TRUCK LINE, 1901

South Industrial Avenue, Post Office Box 15295 (89114), Las Vegas, NV 89102. Applicant's representative: Ron Davis, 841 Folger Avenue, Berkeley, CA 94710. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, used household goods as described in *17 M.C.C. 467*, and classes A and B explosives, to, from and between Las Vegas, Nev., on the one hand, and, on the other hand, points in Arizona on the routes described below as follows: From Las Vegas, Nev., over U.S. Highway 93 to Henderson, thence over U.S. Highway 95 to its junction with Nevada Highway 77, thence over Nevada State Highway 77 (Arizona Highway 68), to its junction with unnumbered county road approximately 4 miles north of Bullhead City, Ariz., then over unnumbered county road to Bullhead City, Ariz., thence southerly over unnumbered county road by way of Riviera and Mohave Indian Reservation to its junction with U.S. Highway 66 at a point approximately 3 miles north of Needles, Calif.; and service to, from and between all off-route points in Mohave County, Ariz., situated south of unnumbered county road between Bullhead City and Oatman, and west of unnumbered county road approximately 4 miles north of Topock, Ariz., any and all highways and roads between the area described above may be used for operating convenience only. NOTE: Applicant intends to tack the authority here applied for with its authority in MC–116427 and subs thereunder and will interline with Associated Freight Lines, MC–57254, at Los Angeles, Calif., for 180 days. Supporting shippers: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Daniel Augustine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 203 Federal Building, 705 North Plaza Street, Carson City, NV 89701.

No. MC 126537 (Sub-No. 25 TA), filed February 23, 1971. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, KY 40221. Applicant's representative: George Catlett, Suite 703, 706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greeting cards, and related items*, (1) between the plantsite of American Greetings Corp. near Danville, Ky., on the one hand, and, on the other, Cleveland, Ohio, and (2) from the plantsite of American Greetings Corp. near Danville, Ky., to Philadelphia, Pa., and New York, N.Y., for 180 days. NOTE: Applicant proposes to interline shipments of involved traffic with other carriers at Philadelphia, Pa., and New York, N.Y., it does not intend any tacking. Supporting shipper: James H. Edler, Distribution Research Manager, American Greetings Corp., 10500 American Road, Cleveland, OH 44144. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 127304 (Sub-No. 9 TA), filed February 24, 1971. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 Northwest Street, Valley Center, KS 67147. Applicant's representative: G. L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except acids and chemicals, and oils in bulk), from Wichita, Kans., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, under continuing contract with Kansas Beef Industries, Inc., for 180 days. Supporting shipper: Kansas Beef Industries, Inc., 900 East 21st Street, Wichita, KS 67214. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 128007 (Sub-No. 31 TA), filed February 24, 1971. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, KS. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnesite calcined*, from Freeport, Tex., to Eagle Grove, Iowa; Muncie, Kans., Fremont, Nebr., and Enid, Okla., for 180 days. Supporting shipper: Farmland Industries, Inc., Post Office Box 7305, Kansas City, MO 64116. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 128575 (Sub-No. 3 TA), filed February 23, 1971. Applicant: GOLDEN WEST TRUCKING CO., 12780 Southwest Prince Albert Street, Tigard, OR 97223. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Cowlitz, Clark, Skamania, Klickitat Counties, Wash., to Portland, Oreg., for 180 days. Supporting shipper: Timber Structures, Inc., 3400 Northwest Yeon Avenue, Post Office Box 3782, Portland, OR 97208. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 129442 (Sub-No. 2 TA), filed February 24, 1971. Applican: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency, coins, bullion, and negotiable instruments), as are used in the business of banks and banking institutions; (1) between Dallas, Fort Worth, and Wichita Falls, Tex., on the one hand, and, on the other, points in Oklahoma; and (2) between Dallas and Fort Worth, Tex., on the one hand, and, on the other, points in Oklahoma. Restricted to shipments having prior or subsequent movement by air, for 180 days. Supporting shippers: First National Bank of Fort Worth, Fort Worth, Tex., 76101; Southwestern States Bankcard Association (E. E. Churchill, Vice President), Post Office Box 31366, Dallas, TX 75231. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 133737 (Sub-No. 6 TA), filed February 24, 1971. Applicant: ROBERT CRAWFORD, doing business as CRAWFORD TRUCKING COMPANY, 8998 L Street, Suite 231, Omaha, NE 68127. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, motorcycle parts and accessories, and motorcyclist's accessories*, from points in California to Omaha, and Bellevue, Nebr., and Council Bluffs, Iowa, for 150 days. Supporting shippers: Ramer Motors, Inc., 2701 Leavenworth Street, Omaha, NE; Bellevue Honda, Inc., 213 West Mission Street, Bellevue, NE; Peoples Motor, Inc., 17 North Second Street, Council Bluffs, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 135340 TA, filed February 24, 1971. Applicant: C. A. WALKER TRUCK LINES, INC., 1518 North Santa Fe Avenue, Chillicothe, IL 61532. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from Henry, Ill., to points in Indiana and Michigan, for 180 days. Supporting shipper: W. R. Grace & Co., 100 North Main Street, Post Office Box 277, Memphis, TN 38101. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135342 TA, filed February 23, 1971. Applicant: BLAINE L. PARK AND REED N. PARK, a partnership, doing business as PARK BROS. TRUCKING, Post Office Box 112, Terreton, ID 83450. Applicant's representative: J. F. Meglen,

Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk supplement*, in bags, from Rogers, Minn., to points in California, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, for 180 days. NOTE: Applicant does not intend to interline with other carriers, has no authority, therefore, will not tack. Supporting shipper: K & K Manufacturing, Inc., Rogers, Minn. 55374. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702.

No. MC 135341 TA, filed February 24, 1971. Applicant: MAGOG EXPRESS, INC., Route 2, Post Office Box 265, Magog (Stanstead County), PQ, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and periodicals*, from ports of entry on the international boundary line between the United States and Canada located at or near Derby Line and Highgate Springs, Vt., to Springfield, Mass., and Bridgeport, Conn.; *pallets*, from the above-described destination points to the above-described origin points. Restriction to the transportation of shipments originating at or near points in Stanstead County, Quebec, Canada. Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts with Imprimerie Montreal Offset Printing, Inc., Montreal, Quebec, Canada, for 180 days. Supporting shipper: Imprimerie Montreal Offset Printing, Inc., 144 Port Royal West, Montreal 357, PQ, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

By the Commission.

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

[FR Doc.71-3186 Filed 3-5-71;8:50 am]

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[Notice 656]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 3, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72542. By order of February 9, 1971, the Motor Carrier Board approved the transfer to Alphie J. Bousley, Armstrong Creek, Wis., of permits No. MC-124309 and MC-124309 (Sub-No. 2), issued May 15, 1962, and September 28, 1970, respectively, to Alphie F. Bousley, Armstrong Creek, Wis., authorizing the transportation of: Finished and unfinished lumber, lumber and veneer, from Goodman, and Mellen, Wis., and points in the Upper Peninsula of Michigan, as specified, to points in Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Carolina, Ohio, and Wisconsin. William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203, attorney for applicants.

No. MC-FC-72587. By order of February 9, 1971, the Motor Carrier Board approved the transfer to Ottawa Bus Service, Inc., Ottawa, Kans., of the operating rights in certificate No. MC-115758 issued June 25, 1969 to Ward Bus Service, Inc., Topeka, Kans., authorizing the transportation of passengers and their luggage, in round trip charter operations, beginning and ending at Melvern, Kans. and points within 20 miles thereof, and extending to all points in the United States except Alaska and Hawaii. John D. Jandera, 641 Harrison Street, Topeka, KS 66603, attorney for applicants.

No. MC-FC-72619. By order of February 9, 1971, the Motor Carrier Board approved the transfer to David L. Duchesneau, doing business as All-Ways Moving and Warehousing Co., Pittsfield, Mass., of the operating rights in certificate No. MC-95097 issued April 19, 1955, to Lucien Charles Dupuis, doing business as L. Dupuis Moving Service, Pittsfield, Mass., authorizing the transportation of household goods, as defined by the Commission, between Pittsfield, Mass., and points within 5 miles of Pittsfield, on the one hand, and, on the other, points in Connecticut, New Jersey, New York, Rhode Island, and Vermont. Arthur Stein, 85 East Street, Pittsfield, MA 01201, attorney for applicants.

No. MC-FC-72643. By order of February 9, 1971, the Motor Carrier Board approved the transfer to California Delivery Service, a corporation, Los Angeles, Calif., of the certificate of registration in No. MC-99578 (Sub-No. 1) issued August 22, 1967, to William J. Bowman, doing business as California Delivery Service, Vernon, Calif., evidencing a right to engage in operations in interstate or foreign commerce corresponding in scope to the grant of authority in the certificate granted in Decision No. 51718, dated July 18, 1955, as amended, transferred by Decision No. 70673, dated May 10, 1966, by the Public Utilities Commission of California. George W. Burch, Jr., Suite 1023, Subway Terminal Building, 417 South Hill Street, Los Angeles, CA 90013, attorney for applicants.

No. MC-FC-72655. By order of February 10, 1971, the Motor Carrier Board approved the transfer to Auto Club Services, Inc., Minneapolis, Minn., of the operating rights in License No. MC-12960 issued April 20, 1966 to Zephyr Tours, Inc., Minneapolis, Minn., authorizing the transportation of passengers and their baggage, in special and charter operations beginning and ending at points in Minnesota, and extending to points in the United States, including Alaska, but excluding Hawaii. Martin J. Ward, 2300 Dain Tower, Minneapolis, MN 55402, attorney for applicants.

No. MC-FC-72659. By order of February 9, 1971, the Motor Carrier Board approved the transfer to Hindman Transfer and Storage, Inc., Butler, Pa., of the operating rights in certificate No. MC-47361 issued October 20, 1961 to John M. Hindman and Ray H. Hindman, a partnership, doing business as Hindman Transfer, Butler, Pa., authorizing the transportation of various commodities from, to and between specified points and areas in Pennsylvania, Ohio, Kentucky, New York, Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, Virginia and West Virginia. Louis H. Artuso, 416 Frick Building, Pittsburgh, PA 15219, attorney for applicants.

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

[FR Doc.71-3185 Filed 3-5-71;8:50 am]

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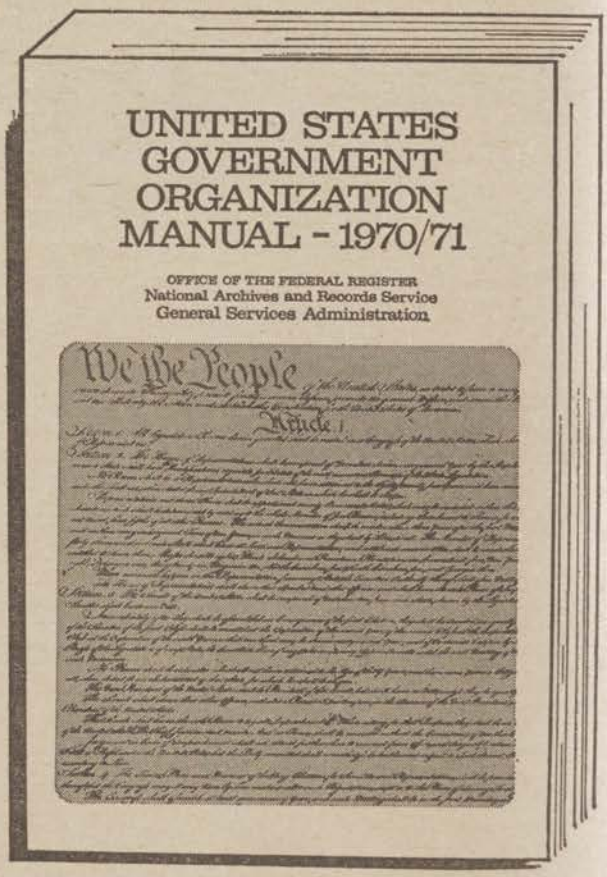


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