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Title 3—The President

PROCLAMATION 4037

Quantitative Limitation on the Importation of Certain Meats Into the United States

By the President of the United States of America

A Proclamation

WHEREAS section 2(a) of the Act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 note) (hereinafter referred to as "the Act"), declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States (hereinafter referred to as "meat") which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereafter referred to as "adjusted base quantity"); and

WHEREAS section 2(b) of the Act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and publish quarterly the aggregate quantity of meat which in the absence of the limitations under the Act would be imported during such calendar year (hereafter referred to as "potential aggregate imports"); and

WHEREAS the Secretary of Agriculture, pursuant to sections 2(a) and (b) of the Act, estimated the adjusted base quantity of meat for the calendar year 1971 to be 1,025.0 million pounds and estimated the potential aggregate imports of meat for 1971 to be 1,160.0 million pounds; and

WHEREAS the potential aggregate imports of meat for the calendar year 1971, as estimated by the Secretary of Agriculture, exceeds 110 percent of the adjusted base quantity of meat for the calendar year 1971 estimated by the Secretary of Agriculture; and

WHEREAS no limitation under the Act is in effect with respect to the calendar year 1971; and

WHEREAS section 2(c)(1) of the Act requires the President in such circumstances to limit by proclamation the total quantity of meat which may be entered, or withdrawn from warehouse, for consumption, during

the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to section 2(b)(1) of the Act; and

WHEREAS section 2(d) of the Act provides that the President may suspend the total quantity proclaimed pursuant to section 2(c) of the Act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry; and

WHEREAS section 2(d) of the Act further provides that such suspension shall be for such period as the President determines and proclaims to be necessary to carry out the purposes of section 2(d);

NOW, THEREFORE, I, RICHARD NIXON, President of the United States, acting under and by virtue of the authority vested in me as President and pursuant to section 2 of the Act, do hereby proclaim as follows:

(1) In conformity with and as required by section 2(c)(1) of the Act, the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of part 2B, schedule 1 of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1971, is limited to 1,025.0 million pounds.

(2) It is hereby determined pursuant to section 2(d) of the Act that the suspension of the limitation proclaimed in paragraph (1) is required by overriding economic interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry.

(3) The limitation proclaimed in paragraph (1) is suspended during the calendar year 1971 unless because of changed circumstances it becomes necessary to take further action under the Act. It is hereby determined necessary that such suspension shall be for such period in order to carry out the purposes of section 2(d) of the Act.

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

Richard Nixon

[FR Doc.71-3723 Filed 3-15-71;9:58 am]

EXECUTIVE ORDER 11587

Amending Executive Order No. 11248, Placing Certain Positions in Levels IV and V of the Federal Executive Salary Schedule

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, section 2 of Executive Order No. 11248 [1] of October 10, 1965, as amended, placing certain positions in level V of the Federal Executive Salary Schedule, is further amended by substituting for the words "Commissioner, Federal Water Pollution Control Administration, Department of the Interior," in item (8) thereof, the words "Commissioner, Water Quality Office, Environmental Protection Agency."

Richard Nixon

THE WHITE HOUSE,
March 15, 1971.

[FR Doc.71-3741 Filed 3-15-71;11:25 am]

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[1] 30 F.R. 12999; 3 CFR, 1964–1965 Comp., p. 349.

MEMORANDUM OF MARCH 11, 1971

Labor-Management Relations in the Federal Service

Memorandum for the Honorable Robert E. Hampton, Chairman, Federal Labor Relations Council

THE WHITE HOUSE,
Washington, March 11, 1971.

I have received the Council's report which discusses Department of State recommendations that career officers and employees of the Foreign Service of the United States—Department of State, United States Information Agency, and Agency for International Development—be excluded from the provisions of Executive Order 11491 of October 29, 1969, *Labor-Management Relations in the Federal Service,* and that there be established a separate labor-management relations system for those officers and employees.

The Council considered oral and written presentations by the Department and affected employee organizations with respect to the Department's proposal before submitting its report and recommendations to me on the matter.

I have carefully considered the Council's report and recommendations and have approved the option presented by the Council which would exclude officers and employees of the Foreign Service from the provisions of Executive Order 11491, contingent however on development of a separate program for those officers and employees which is acceptable to the Council. Accordingly, the Council is directed to work with the Department of State in the development of such an acceptable program.

Meanwhile, existing rights of officers and employees of the Foreign Service under Executive Order 11491 and the existing rights and status under that Order of labor and professional organizations which represent those officers and employees shall be preserved without change pending final decision on the Department's request. Provisions of Executive Order 11491 which require action that could change the status quo directed in the foregoing shall not be effective for the period beginning with the date of this memorandum and ending on July 1, 1971.

This memorandum shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.71-3731 Filed 3-15-71;5:00 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Confidential Assistant to the Secretary (interdepartmental activities) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–16–71), subparagraph (24) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

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

(24) One Confidential Assistant (interdepartmental activities) to the Secretary.

* * * * *

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

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

[FR Doc.71-3617 Filed 3-15-71;8:49 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one additional position of Special Assistant to the Director, National Park Service, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–16–71), subparagraph (3) of paragraph (h) of § 213.3312 is amended as set out below.

§ 213.3312 Department of the Interior.

* * * * *

(h) *National Park Service.* * * *

(3) Three Special Assistants to the Director.

* * * * *

(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. 71-3618 Filed 3-15-71;8:49 am]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 & 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

TERMINATIONS OF QUOTAS; 1971–72 MARKETING YEAR

Basis and purpose. Section 724.36 is issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim (1) that the operations of farm marketing quotas in effect on Cigar-binder (types 51 and 52) tobacco for the 1971–72 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and (2) the termination of existing marketing quotas for such kind of tobacco for the 1971–72 marketing year.

The material previously appearing in this section under centerhead "Terminations of Quotas—1970–71 Marketing Year" remain in full force and effect as to the crop to which it was applicable.

A notice that an investigation was to be made to determine the existence of the fact stated in (1) above, and if such fact was found to exist, the actions to be taken with respect to an increase in or termination of marketing quotas on Cigar-binder (types 51 and 52) tobacco for the 1971–72 marketing year was published in the FEDERAL REGISTER on February 17, 1971 (36 F.R. 3069). In such notice interested persons were given the opportunity to submit data, views, and recommendations pertaining to the investigation and action to be taken on the basis thereof. No submission was received pursuant to such notice.

The notice referred to above contained the latest available statistics of the Federal Government pertaining to the normal supply, total supply, and prospective supply of Cigar-binder (types 51 and 52) tobacco for the 1971–72 marketing year. On the basis of the investigation which has been made, it has been determined that the operation of farm marketing quotas on Cigar-binder (types 51 and 52) tobacco for the 1971–72 marketing year will cause the amount of such tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and that farm marketing quotas on such kind of tobacco for the 1971–72 marketing year should be terminated.

This document constitutes a substantive rule which relieves marketing quota restrictions, and producers of Cigar-binder tobacco, who are preparing to plant their 1971 crops, need to know immediately the provisions hereof. Accordingly, this document shall become effective upon the date of its filing with the Director, Office of the Federal Register.

§ 724.36 Cigar-binder (types 51 and 52) tobacco.

It has been determined that the operation of farm marketing quotas in effect on Cigar-binder (types 51 and 52) tobacco for the 1971–72 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and farm marketing quotas for the 1971–72 marketing year for such kind of tobacco are hereby terminated.

(Secs. 371, 375, 52 Stat. 64, as amended, 66, as amended; 7 U.S.C. 1371, 1375)

Effective date: Date of filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 12, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-3658 Filed 3-12-71;11:12 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. 71-529]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of

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

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Indiana and a new paragraph (e)(16) relating to the State of Indiana is added to read:

(16) *Indiana.* That portion of Delaware County comprised of Hamilton Township.

2. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Minnesota; paragraph (f) is amended by deleting the name of the State of Minnesota; and a new paragraph (e)(17) relating to the State of Minnesota is added to read:

(17) *Minnesota.* (i) That portion of Nicolett County comprised of West Newton, Lafayette, Bernadotte, and Brighton Townships.

(ii) That portion of Sibley County comprised of Severance, Cornish and Alfsborg Townships.

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

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

The amendments quarantine a portion of Delaware County, Indiana, and portions of Nicolett and Sibley Counties in Minnesota because of the existence of hog cholera. This acton is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

The amendments also delete Minnesota from 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 no longer applicable to Minnesota.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. The amendments also relieve restrictions on shipments into Minnesota. Such restrictions are deemed unnecessary in view of the existence of hog cholera in that State. It does not appear that public participation in this rule making proceeding would make additional information available to the 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 amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 11th day of March 1971.

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

[FR Doc.71-3633 Filed 3-15-71;8:50 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Date for Payment of Fees

On January 6, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 145) a notice of rule making revising fees for AEC facility and materials licenses. The amendment to § 170.12(c) adopted therein requires payment of the prescribed fees for those licenses that were not subject to fees prior to the effective date of the amendments to Part 170 within thirty (30) days after the effective date. The amendment became effective February 5, 1971.

The Commission has received a number of applications for licensing actions which, if granted, would affect liability for or amount of license fees.

To provide an opportunity for licensees to file applications for amendments or other modifications of their licenses, the Commission has amended § 170.12(c) to extend the due date for payment of license fees to sixty (60) days after the effective date of the amendments of Part 170 published on January 6, 1971. When an applicaton is filed on or before April 7, 1971, to cancel a license, the Commission will waive the applicable fee upon cancellation of the license. When an application is filed on or before April 7, 1971, to amend a license and the Commission acts favorably upon the application, the fee will be assessed in the amount applicable to the license as amended.

Because the amendment relates solely to a minor procedural matter, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary. Since the amendment relieves from restrictions under regulations currently in effect, it will become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 170 is published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER (3–16–71).

Paragraph (c) of § 170.12 is amended to read as follows:

§ 170.12 Payment of fees.

* * * * *

(c) *Annual fees.* All licenses outstanding on February 5, 1971, are subject to payment of the annual fees prescribed by this Part 170, as amended, within sixty (60) days after February 5, 1971, and annually on February 5 thereafter: *Provided, however,* That in the case of licenses which have been subject to license fees prior to February 5, 1971, the next annual fee will be payable one (1) year from the due date of the last fee payment and annually thereafter.

* * * * *

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Washington, D.C., this 10th day of March 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-3592 Filed 3-15-71;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6366]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Dilution of Net Asset Value and Inappropriate Extensions of Credit in Connection With Sales, Redemptions, and Repurchases of Mutual Fund Shares

It appears to the Commission that a number of open-end investment companies (funds) do not make prompt and diligent efforts to protect their shareholders against the dilution of net asset value which usually results when orders for the sale, repurchase, or redemption of fund shares are not honored by investors, and the funds later merely cancel or reverse the transactions on their records. Also, when under these circumstances, investment companies fail to require prompt settlement of transactions in fund shares, they are, in effect, extending non-interest-bearing loans at their own risk. This release discusses the problems arising from current practices employed by many investment companies and sets forth the Commission's views as to how such situations should be properly handled.

Purchase of fund shares. Generally, orders for the purchase of fund shares are effective upon receipt of the customer's purchase order by a dealer (when shares are sold through a principal underwriter and retail broker-dealer) or by the fund or its principal underwriter (where shares are not retailed through dealers), with the understanding that the investor will forward payment promptly. Accordingly, appropriate accounting entries are made to reflect the sale of fund shares on its books at the time the orders are made effective. Subsequently, during periods of declining prices, some investors fail to make payment, and the entries recording the sale of those shares are later reversed. The mere cancellation of such orders by the fund results in inappropriate reductions in its net asset value. These losses should not be borne by the fund. Clearly, where a principal underwriter is involved, the principal underwriter should be responsible for completing the transaction with the fund, whether or not the offsetting transactions are honored. The principal underwriter, of course, may have recourse against the party with whom it has the offsetting transaction, and if the offsetting transaction is with a retailing dealer, the dealer may similarly have recourse against the investor who failed to make payment.

In those cases where a fund distributes shares directly to investors rather than through a principal underwriter and dealers, the fund should consider refusing to accept orders for fund shares unless accompanied by payment, except when a responsible person has indemnified the fund against losses resulting from the failure of investors to make payment.

Redemption or repurchase of fund shares. The cancellation of orders for redemptions or repurchases of fund shares, whether those orders were placed directly with a fund or routed through dealers and principal underwriters, can also result in inappropriate dilution of the net asset value of the fund. This would happen when, in a rising market, a fund would make such orders effective before receiving certificates in proper form (or written requests containing proper signatures in the case of uncertificated shares), and investors do not honor their commitment to later surrender the certificates or provide proper written requests. In such cases, subsequent cancellation of the orders by merely reversing the transactions on the fund's books will also cause an inappropriate reduction in net asset value of the fund. As in the case of sales of fund shares, where a principal underwriter is involved, the responsibility of the principal underwriter to honor the transaction is clear. When a fund accepts orders directly from investors, it should consider refusing to make such orders effective until it receives certificates (or written requests in the case of uncertificated shares) in proper form, unless the fund is indemnified by a responsible person against losses resulting from the failure of investors to honor the transactions.

By the Commission March 5, 1971.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3605 Filed 3-15-71;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[TD 71-79]

PART 1—GENERAL PROVISIONS

Ports of Entry; New York, N.Y.

Treasury Department Order No. 165-17, Amendment 5, of January 14, 1971 (T.D. 71-19, 36 F.R. 946), created in the Customs district of New York City, N.Y., which is coextensive with Customs Region II, New York City, N.Y., three administrative areas identified as Kennedy Airport Area, Newark Area, and New York Seaport Area, each of which is to be under the jurisdiction of an area director of customs.

In order to reflect the changes thereby made in the Customs organizational structure, §§ 1.1(d) and 1.2(c) of the Customs Regulations are amended as follows:

Section 1.1(d) is amended to read:

§ 1.1 **Authority of customs officers.**

* * * * *

(d) Unless otherwise indicated, "district director of customs," "collector of customs," "appraiser of merchandise," and variations of those terms, such as "district director," "collector of the district," "collector," "deputy collector," or "appraiser" as used in this chapter shall mean the district director of customs at a headquarters port of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; and the port director at a port not designated as a headquarters port. Ordinarily each port director will exercise the authority delegated herein only where statute, regulation, or instruction contemplates action at the port over which he has supervision.

§ 1.2 [Amended]

The table in § 1.2(c) is amended to add at the end of the description of the area of the District of New York City, N.Y., in Region II the following:

(The district is divided into three areas, namely, Kennedy Airport Area, Newark Area, and New York Seaport Area, the limits of which are described in T.D. 71-19).

(80 Stat. 379, R. S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

These amendments are effective on and after April 1, 1971, the effective date of Amendment 5 to Treasury Department Order No. 165-17.

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

Approved: March 8, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3637 Filed 3-15-71;8:50 am]

[T.D. 71-80]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Barbados

MARCH 8, 1971.

The Department of State advised the Department of the Treasury on January 14, 1971, that the Department of State has obtained from the Government of Barbados satisfactory evidence that no discriminating duties of tonnage or imposts have been imposed or levied in ports of Barbados upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Barbados in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of Barbados, and the produce, manufactures, or merchandise imported into the United States in such vessels from Barbados or from any other foreign country. This suspension and discontinuance shall take effect from January 14, 1971, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs regulations, is amended by the insertion of "Barbados" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3638 Filed 3-15-71;8:50 am]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j) and in section 12 of the act of June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. 362), §§ 239.1 of Part 239 (20 CFR 239.1), 262.12(a) of Part 262 (20 CFR 262.12), and 395.5(b)(2) of Part 395 (20 CFR 395.5(b)(2)) of the regulations under such acts are amended by Board Orders 71-25, 71-25, and 71-26, respectively, dated March 3, 1971, to read as follows:

PART 239—PROOFS REQUIRED IN SUPPORT OF CLAIMS FOR BENEFITS

§ 239.1 Proof of age.

(a) An applicant for an employee annuity shall file supporting evidence showing the date of his birth if his age is a condition of entitlement or is otherwise relevant to payment of benefits. However, if an employee applicant cannot submit acceptable supporting evidence of his age, the Board may establish the date of birth stated in the application on the basis of information in Board records, if it is satisfied that the date is correct. Such evidence shall also be required by the Board from an applicant for a spouse's annuity or from an applicant for an insurance annuity or from any other individual if such applicant's or such other individual's age is a condition of entitlement or is otherwise relevant to payment of benefits.

(b) In determining the weight to be given to evidence offered to prove age, consideration shall be given to its general probative value and to its position in the following enumeration:

(1) Civil record of birth;
(2) Church record of birth or baptism;
(3) Notification of registration of birth;
(4) Hospital birth record or certificate;
(5) Physician's or midwife's birth record;
(6) Bible or other family record;
(7) Naturalization record;
(8) Military record;
(9) Immigration record;
(10) Passport;
(11) Census age or World War I draft registration record;
(12) School record;
(13) Vaccination record;
(14) Insurance record;
(15) Labor union or fraternal record;
(16) Employer's record; or
(17) Other evidence of probative value.

In lieu of the original of any record, except a Bible or other family record, there may be submitted a copy of such record or a statement as to the date of birth shown by such record, duly certified by the custodian of such record or by an individual designated by the Board. If the proof submitted is of recent origin or is not convincing, additional proof may be required. If proof is not obtainable, the reason therefor should be stated and the applicant may submit the sworn statements of two other persons having knowledge of the age in question. A date of birth may be fixed by the Board where proof to establish age or birth date cannot be obtained.

PART 262—MISCELLANEOUS

§ 262.12 Representatives of claimants.

(a) *Power of attorney.* A claimant shall not be required to hire, retain or utilize the services of an attorney, agent, or other representative in any claim filed with the Board. In the event a claimant desires to be represented by another person, he shall file with the Board prior to the time of such representation a power of attorney signed by him and naming such other person as the person authorized to represent the claimant with respect to matters in connection with his claim. However, the Board may recognize one of the following persons as the duly authorized representative of the claimant without requiring such power of attorney when it appears that such recognition is in the interest of the claimant:

(1) A member of Congress;

(2) A person designated by the claimant's railway labor organization to act in behalf of members of that organization on such matters; or

(3) An attorney, who in the absence of information to the contrary, declares that he is representing the claimant.

* * * * *

PART 395—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

§ 395.5 Organization and functions of the Board, delegations of authority, and lines of succession.

* * * * *

(b) * * *

(2) In the absence or incapacity of the chairman of the Board, the authority of the chairman to act for the Board shall pass to the available successor highest on the following list:

Labor Member of the Board.
Management Member of the Board.
Chief Executive Officer.
Director of Retirement Claims.
Director of Unemployment and Sickness Insurance.
Director of Data Processing and Accounts.
Director of Budget and Fiscal Operations.
Director of Management Control.
The Regional Director highest on the following list:

Chicago.	New York.
Kansas City.	Dallas.
Cleveland.	San Francisco.
Atlanta.	

* * * * *

Dated: March 9, 1971.

By authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[FR Doc.71-3593 Filed 3-15-71;8:47 am]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

The following amendments reflect modifications to the redelegations of authority to area office personnel by the Assistant Secretary for Housing Production and Mortgage Credit and Federal Housing Commissioner.

1. In the Table of Contents under Subpart D, the title of § 200.114 is revised to read:

Sec.
200.114 Assistant Director for Single Family Mortgage Insurance, and Deputy.

2. The preliminary text of § 200.112 is revised to read:

§ 200.112 Chief, Finance and Mortgage Credit Section.

To the position of Chief, Finance and Mortgage Credit Section, in each HUD Area Office, there is delegated the following basic authority and functions:

* * * * *

3. The title and preliminary text of § 200.114 are revised to read:

§ 200.114 Assistant Director for Single Family Mortgage Insurance, and Deputy.

To the position of Assistant Director for Single Family Mortgage Insurance in each HUD Area Office and under his general supervision to the position of Deputy there is delegated the following basic authority and functions:

* * * * *

4. The preliminary text of § 200.115 is revised to read:

§ 200.115 Program Manager and Multifamily Housing Representative.

To the position of Program Manager in each HUD Area Office and under his general supervision to the position of Multifamily Housing Representative there is delegated the following basic authority and functions:

* * * * *

5. In § 200.116 the preliminary text and paragraphs (a) and (b) are revised, and paragraph (d) is added as follows:

§ 200.116 Director, Production Division, and Deputy.

To the position of Director, Production Division, in each HUD Area Office and

under his general supervision to the position of Deputy there is delegated the following basic authority and functions:

(a) To direct all activities essential to the insurance of mortgages, including the approval of determinations supporting feasibility letters, commitments and insurance endorsements, and the approval of construction change orders, mortgage insurance advances during construction, cost certifications, eligibility statements, regulatory agreements, nonprofit sponsors and housing consultants, all as related to mortgages in programs other than 1- to 4-family housing; to establish and monitor adherence to related processing priorities and schedules, and to perform the functions and exercise the authorities set forth in §§ 200.113, 200.114, and 200.115.

(b) To approve preliminary loan contracts, site reports, development programs, Annual Contributions Contracts and amendments thereto and related third-party contracts, turnkey housing proposals, preliminary contracts of sale, contracts of sale, and agreements to lease, all as related to the production of low-rent public housing.

* * * * *

(d) To approve, cancel, or modify the reservations of contract authority required for subsidy payments, and the allocations of funds for Below Market Interest Rate Loans, all as related to the insuring of 1- to 4-family and multifamily housing mortgages.

6. In § 200.118 paragraphs (b) and (c) are revised, and paragraph (e) is deleted, as follows:

§ 200.118 Area Director and Deputy Area Director.

* * * * *

(b) To approve applications, feasibility letters, conditional commitments, firm commitments, initial and final endorsements for insurance pursuant to such commitments, project mortgage increases prior to or in conjunction with final endorsement, insurance fee refunds and adjustments pursuant to outstanding fiscal instructions, requests from sponsors for section 106 seed money loans or grants, and Appalachian 207 loans.

(c) To approve applications for program reservations and preliminary loans, to approve ACC (Annual Contributions Contract) Lists and amendments thereto, to approve part II of certificates of completion or consolidated certificates, and to terminate ACC's (Annual Contribution Contracts), all as related to the production of low-rent public housing.

* * * * *

(e) [Deleted]

(Secretary's delegation of authority published at 35 F.R. 2749, Feb. 7, 1970; 35 F.R. 14515, Sept. 16, 1970)

Effective date. These amendments are effective March 1, 1971.

EUGENE A. GULLEDGE,
Asistant Secretary of Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.71-3632 Filed 3-15-71;8:50 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 778—OVERTIME COMPENSATION

Clarification of Commission Payments—General

Pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004) and Secretary's Orders Nos. 19–70 and 20–70 (36 F.R. 304, 305), Part 778 of Title 29, Code of Federal Regulations, is amended to delete that portion of the first sentence of § 778.117 which reads "or on a fixed allowance per unit agreed upon as a measure of accomplishment."

This change, which involves only interpretative rules, is not subject to the notice, public procedure and delayed effective date provision of 5 U.S.C. 553, and accordingly shall be effective immediately upon publication in the FEDERAL REGISTER (3–16–71).

As amended, § 778.117 reads as follows:

§ 778.117 Commission payments—general.

Commissions (whether based on a percentage of total sales or of sales in excess of a specified amount, or on some other formula) are payments for hours worked and must be included in the regular rate. This is true regardless of whether the commission is the sole source of the employee's compensation or is paid in addition to a guaranteed salary or hourly rate, or on some other basis, and regardless of the method, frequency, or regularity of computing, allocating and paying the commission. It does not matter whether the commission earnings are computed daily, weekly, biweekly, semimonthly, monthly, or at some other interval. The fact that the commission is paid on a basis other than weekly, and that payment is delayed for a time past the employee's normal pay day or pay period, does not excuse the employer from including this payment in the employee's regular rate.

Signed at Washington, D.C., this 8th day of March 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71-3581 Filed 3-15-71;8:46 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 70—MANDATORY HEALTH STANDARDS — UNDERGROUND COAL MINES

Formula for Determining Respirable Dust Standard When Quartz Is Present

On September 17, 1970, notice of proposed rulemaking was published in the FEDERAL REGISTER (35 F.R. 14557) to amend Part 70 by prescribing, pursuant to section 205 of the Federal Coal Mine Health and Safety Act (30 U.S.C. 845), the formula for determining the applicable respirable dust standard where the concentration of respirable dust in the mine atmosphere of any working place contains more than 5 percent quartz.

Interested persons were given the opportunity to participate in the rule making through the submission of comments. Pursuant to the notice, a number of comments have been received from State health departments and other interested persons, and due consideration has been given to all relevant material presented.

The comments presented no evidence contrary to that developed by Public Health Service studies involving the effects of free silica on respiratory health. Accordingly, no change has been made in the formula as originally proposed.

The amendment to Part 70, as set forth below, is hereby adopted effective on the date of its publication in the FEDERAL REGISTER (3–16–71):

§ 70.101 Respirable dust standard when quartz is present.

When the concentration of respirable dust in the mine atmosphere of any working place contains more than 5 percent quartz, the operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere to which each miner in such working place is exposed at or below a concentration of respirable dust, expressed in milligrams per cubic meter of air, computed by dividing the percent of quartz into the number 10: *Provided*, That the application of this formula shall not result in a concentration in excess of any standard for respirable dust established pursuant to the Act.

EXAMPLE: Given the respirable dust in a particular working place in a mine contains quartz in the amount of 6.6 percent. The total respirable dust limit in the particular working place must, therefore, be maintained at or below 1.5 milligrams of respirable dust per cubic meter of air ($\frac{10}{6.6}=1.5$ mg/m.^{3}).

(Sec. 205, 83 Stat. 765; 30 U.S.C. 845)

Approved: March 10, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-3602 Filed 3-15-71;8:47 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 32]

OI REG. 1—OIL IMPORT REGULATION

Quantities of Imports Under Licenses

There appeared in the FEDERAL REGISTER for November 28, 1970 (35 F.R. 18209), a proposal to promote an orderly method of importation of overseas crude and unfinished oils into Districts I–IV and V. Pending a decision on this proposal, the Administrator, Oil Import Administration, issued 1971 import licenses in accordance with the provisions therein. While many of the comments received were favorable to the general concept of the November 28 proposal, they were not conclusive. Therefore, an alternative proposal was published for comment in the FEDERAL REGISTER of February 12, 1971 (36 F.R. 2916). Comments received on each proposal are part of the public record.

Virtually all comments in response to the proposal of February 12 were opposed to the approach put forward in that proposal. Some comments recommended that the proposal of November 28, 1970, be adopted. After a detailed comparison of both groups of comments and a thorough review and analysis of the oil import situation as it has developed during the first 2 months of 1971, it was decided that the proposal of November 28, 1970, should be adopted, with one modification to take account of the difference in methods of allocation to refiners between Districts I–IV and District V. Accordingly, Oil Import Regulation 1 (Revision 5) is amended as set forth below.

As the provisions respecting the issuance of licenses under allocations for the current period should become effective promptly to permit planning by holders of allocations, the public interest would not be served by a delay in the effective date of this Amendment 32 and it shall be effective immediately.

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

I concur: March 11, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

A new paragraph (c), reading as follows, is added to section 7 of Oil Import Regulation 1 (Revision 5) (31 F.R. 7747):

Sec. 7 Licenses.

* * * * *

(c) (1) If an allocation made pursuant to section 9 or 10 of this regulation for the allocation period January 1, 1971, through December 31, 1971, is in excess of 1,300,000 barrels of imports, the Administrator shall first issue a license in the amount of 1,300,000 barrels or 35 percent of the allocation, whichever amount is greater. The Administrator shall, not later than June 1, 1971, issue a license, effective July 1, 1971, for the balance of the allocation. If the allocation is 1,300,000 barrels of imports or less, the Administrator shall issue a license for the full amount of the allocation.

(2) If an allocation made pursuant to section 11 of this regulation for the allocation period January 1, 1971, through December 31, 1971, is in excess of 2,900,000 barrels of imports, the Administrator shall first issue a license in the amount of 2,900,000 barrels or 35 percent of the allocation, whichever amount is greater. The Administrator shall, not later than June 1, 1971, issue a license, effective July 1, 1971, for the balance of the allocation. If the allocation is 2,900,000 barrels of imports or less the Administrator shall issue a license for the full amount of the allocation.

[FR Doc.71-3657 Filed 3-12-71;10:54 am]

[Oil Import Reg. 1 (Rev. 5), Amdt. 31]

OI REG. 1—OIL IMPORT REGULATION

Allocations, District V; Small Quantities

Notices of proposed rule making were published in the FEDERAL REGISTER with respect to the following sections of Oil Import Regulation 1 (Revision 5): Section 8, relating to entries of small quantities (36 F.R. 224); section 11, relating to allocations to refiners in District V (36 F.R. 1487); and section 11A, relating to allocations in District V of imports of crude oil based on production of low sulphur residual fuel oil (36 F.R. 1062). All comments upon the proposals have been carefully considered. The few comments made on the proposed amendment of section 8 were favorable, and, with an editorial change, the proposed amendment is adopted as published. With respect to the proposed amendment of section 11, a number of suggestions were made for adjustments in the graduated scale. A further review of this matter, in the light of the suggestions made, has led to a determination that, with a minor adjustment, the graduated scale which was proposed will provide for a fair distribution of imports among larger and smaller refiners in District V; because a graduated scale serves that purpose, contentions that such a scale be eliminated were not found to be persuasive. The comments received on the proposed amendment of section 11A tended to confirm the preliminary view that, as an aid to the control of air pollution in District V, the provisions for allocations of imports of crude oil based on the production of low sulphur residual fuel oil should be made effective without any limitation as to time. A suggestion that low sulphur residual fuel oil consumed by a refiner (as well as such fuel delivered to consumers) to comply with governmental regulations on air pollution should be a basis for an allocation was considered but not adopted at this time. Section 11A is designed to assist in the control of air pollution; as suggested in one of the comments it should not lend itself to dislocation of orderly patterns of the importation of crude oil into District V. Accordingly, a requirement has been added under which applications for allocations must be filed within a stated period of time following delivery to consumers of low sulphur residual fuel oil. For the same reason, a term of 6 months (as proposed) has been fixed for licenses issued under allocations made pursuant to section 11A.

As 2 months of the allocation period have elapsed, it is important that regular allocations be made to refiners in District V. The program provided for in the amendment of section 11A should be established immediately following the present expiration date of March 31, 1971. The amendment of section 8 will facilitate administration with respect to entries of small quantities. Accordingly, the amendments of section 8 and section 11 set forth below shall become effective immediately, and the amendment of section 11A shall become effective April 1, 1971.

Oil Import Regulation 1 (Revision 5) is amended as set forth below.

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

I concur: March 11, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

1. Section 8 of Oil Import Regulation 1 (Revision 5) (31 F.R. 7747) is amended to read as follows:

Sec. 8 Small quantities.

(a) District Directors of Customs are authorized to permit without a license an entry for consumption of not to exceed 550 U.S. gallons of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis or which are included in shipments of machinery or equipment and are certified as intended for use in connection therewith, and baggage entries. Unless notified by the Administrator to the contrary, District Directors of Customs are authorized to permit without a license the entry for consumption of bonded fuel aboard an aircraft diverted from an international flight. In each instance in which such an entry is made, the owner of the aircraft shall promptly file with the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, a written report of the circumstances in which the entry was made and the quantity entered. Failure promptly to file such report may result in the suspension or abrogation of the privilege of making such entries.

(b) A person desiring to import small quantities of crude oil, unfinished oils, or finished products in circumstances not covered by paragraph (a) of this section shall file with the Administrator a written request for authorization for entry without a license for each shipment, describing the oil and the quantity thereof proposed to be imported and the circumstances which would justify an entry

without a license, the date when the shipment is scheduled to arrive or upon which it has arrived, and the port of entry. If the Administrator determines that the entry without a license is consonant with the purposes of Proclamation 3279, as amended, he may authorize such an entry.

2. Section 11 of Oil Import Regulation 1 (Revision 5), as amended (36 F.R. 53), is amended to read as follows:

Sec. 11 Allocations; refiners; District V.

(a) For the allocation period January 1, 1971 through December 31, 1971, the Administrator shall allocate, as provided in paragraph (b) of this section, approximately 229,000 b/d of imports of crude oil into District V among eligible persons having refinery capacity in that district. Such allocations shall supersede the tentative allocations which have been made of imports of crude oil into District V for that allocation period. Licenses issued under tentative allocations shall be charged against the new allocations and shall remain in force.

(b) Each eligible applicant shall receive an allocation of imports of crude oil based on refinery inputs for the year ending September 30, 1970, and computed according to the following schedule:

Average b/d input		Percent of inputs		Number of days
0–10,000 10–30,000 30,000 plus	×	60.0 15.0 5.0	×	365

However, each allocation made pursuant to this paragraph (b) shall be reduced by the amount of any license issued to the applicant under an interim allocation for the allocation period.

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 25 percent of the allocation.

(d) No allocation made pursuant to this section may be sold, assigned or otherwise transferred.

3. Section 11A of Oil Import Regulation 1 (Revision 5), as amended (35 F.R. 13), is amended to read as follows:

Sec. 11A Allocations of crude oil—District V—based upon production of low sulphur residual fuel oil to be used as fuel in District V.

(a) This section provides for the making of allocations of imports into District V of crude oil based upon the production of low sulphur residual fuel oil. To the extent that the provisions of this section are inconsistent with the provisions of other sections of this regulation, the provisions of this section shall be controlling.

(b) In addition to the allocations of imports of crude oil made under section 11 of this regulation, each eligible applicant with refinery capacity in District V who produces in District V low sulphur residual fuel oil to be used as fuel which contains not more than five-tenths of one percent (0.5%) sulphur by weight and which is delivered to consumers for use as fuel, in order to comply with governmental requirements respecting air pollution shall receive an allocation of imports of crude oil equal to the amount in barrels of such low sulphur residual fuel oil to which the applicant certifies both as to production and delivery.

(c) For the purpose of computing import allocations under section 11 of this regulation, crude oil imported pursuant to an allocation under this section 11A or domestic oil received in exchange pursuant to the provisions of section 17 and processed will not qualify as refinery inputs. However, the person receiving the foreign crude oil under an exchange agreement pursuant to section 17 may count such oil as a refinery input.

(d) An application for an allocation of imports of crude oil under this section must be filed with the Administrator no later than 20 days after the last day of the calendar month during which the low sulphur residual fuel oil upon which the application is based was delivered to consumers. An application must be in such form as the Administrator may prescribe.

(e) No license issued under an allocation made pursuant to this section shall be valid for a period longer than 6 months following the day on which the license is issued.

(f) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

(g) The provisions of section 11A as amended by Amendment 18 (35 F.R. 13) will be applicable with respect to allocations made on the basis of low sulphur residual fuel oil to be used as fuel which is produced and delivered before April 1, 1971, and with respect to licenses issued under such allocations.

[FR Doc.71-3656 Filed 3-12-71;10:52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER A—GENERAL

PART 101–1—INTRODUCTION

Distribution of FPMR and Conversion of Temporary-Type FPMR to Codified Form

Part 101–1 is amended to (1) revise existing provisions concerning the use of temporary-type FPMR and to allow additional time for their conversion to codified form, (2) provide information concerning distribution of FPMR, and (3) reference the illustration of GSA Form 2053, Agency Consolidated Requirements for GSA Regulations and other External Issuances.

The table of contents for Part 101–1 is amended by the addition of the following new and revised entries:

Sec.
101–1.104 Publication and distribution of FPMR.
101–1.104–1 Publication.
101–1.104–2 Distribution.

Subpart 101–1.49—Illustrations of Forms

101–1.4900 Scope of subpart.
101–1.4901 Standard forms. [Reserved]
101–1.4902 GSA forms.
101–1.4902–2053 GSA Form 2053, Agency Consolidated Requirements for GSA Regulations and Other External Issuances.

AUTHORITY: The provisions of this Subpart 101–1.49 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–1.1—Regulation System

Sections 101–1.103 and 101–1.104 are revised, as follows:

§ 101–1.103 Temporary-type FPMR.

FPMR include a temporary type for use under the following circumstances:

(a) When the effective period is to be not more than 6 months;

(b) When time or exceptional circumstances will not permit preparation in final codified form. These will be converted to permanent form within 6 months after publication; or

(c) When delegations of authority to other agencies for a specific one-time purpose are required, as in public utility representation cases.

§ 101–1.104 Publication and distribution of FPMR.

§ 101–1.104–1 Publication.

FPMR will be published in the FEDERAL REGISTER, in looseleaf form, and in accumulated form in the Code of Federal Regulations. Temporary-type FPMR will be published in the Notices section of the FEDERAL REGISTER and in looseleaf form.

§ 101–1.104–2 Distribution.

(a) Each agency shall designate an official to serve as liaison with GSA on matters pertaining to the distribution of FPMR and other publications in the FPMR series. Agencies shall report all changes in designation of agency liaison officers to the General Services Administration (BRDV), Washington, D.C. 20405.

(b) FPMR and other publications in the FPMR series will be distributed to agencies in bulk quantities for internal agency distribution in accordance with requirements information furnished by liaison officers. FPMR and other publications in the FPMR series will not be stocked by, and cannot be obtained from, GSA regional offices.

(c) Agencies shall submit their consolidated requirements for FPMR and other publications in the FPMR series, including requirements of field activities, and changes in such requirements on GSA Form 2053, Agency Consolidated Requirements for GSA Regulations and Other External Issuances (illustrated at § 101–1.4902–2053). The mailing address is shown on the form.

Subpart 101–1.49 is added, as follows:

Subpart 101–1.49—Illustrations of Forms

§ 101–1.4900 Scope of subpart.

This subpart illustrates forms prescribed or available for use in connection with subject matter covered in other subparts of this Part 101–1.

§ 101–1.4901 Standard forms. [Reserved]

§ 101–1.4902 GSA forms.

(a) The GSA forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the GSA numbers.

(b) GSA forms illustrated in § 101–1.4902 may be obtained by addressing requests to the General Services Administration (3BRD), Washington, D.C. 20407.

§ 101–1.4902–2053 GSA Form 2053, Agency Consolidated Requirements for GSA Regulations and Other External Issuances.

NOTE: The form listed in 101–1.4902–2053 is filed as part of the original document. Copies of the form may be obtained from the General Services Administration (3BRD), Washington, D.C. 20407.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (3–16–71).

Dated: March 9, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–3594 Filed 3–15–71;8:47 am]

Title 45—PUBLIC WELFARE

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

PART 175—COLLEGE WORK-STUDY PROGRAM

Allocation of Student Aid Funds to Institutions

Part 175 of Title 45 of the Code of Federal Regulations dealing with regulations governing the administration of the College Work Study Program (Title IV–C of the Higher Education Act of 1965, 42 U.S.C. 2751–2756) is hereby amended by adding a new section, § 175.3a setting out the method of allocating funds to applicant institutions where funds in a State's allotment (and reallotment, if any) are insufficient to honor all approved requests of institutions within a State, and by amending the Table of Contents accordingly.

In publishing this new § 175.3a, consideration has been given to comment received in connection with a tentative rule published in the FEDERAL REGISTER on February 4, 1971 (36 F.R. 2403).

1. The added § 175.3a reads as follows:

§ 175.3a Allocation of funds to institutions.

(a) Where funds are insufficient to honor all approved requests, an amount will first be allocated to each institutional applicant from the appropriate State's allotment (or reallotment) equal to the amount reasonably estimated to be needed by students whose adjusted gross income is in the $0–$2,999 bracket per annum.

(b) From such sums as still remain in a State's allotment (or reallotment), sums will then be allocated to each institutional applicant equal to the amount reasonably estimated to be needed by students whose adjusted gross income is in the $3,000–$5,999 bracket per annum. This procedure will be repeated for students whose adjusted gross income is between $6,000–$7,499, $7,500–$8,999, $9,000–$11,999, and $12,000 and over.

(c) Whenever funds available in a State's allotment (or reallotment) are not sufficient to cover the approved institutional requests in a given income bracket, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State according to the ratio that their respective approved requests in that bracket bear to the total approved requests in that bracket of all institutions in the State.

(d) The allocation of funds to any single institution for any year, however, will be no less than 80 percent of the amount allocated to it for the conduct of the work study program during fiscal year 1971, as reduced on a proportional basis to reflect decreases, if any, in the amount of such institution's approved application or in the amount of the State's allotment and reallotment.

(e) "Adjusted gross income" means the adjusted gross income of a student's parents, provided that where the income of his parents would not be relevant to a determination of such student's financial need (under the method of financial need assessment utilized by the institution concerned in accordance with Schedule A of its agreement with the U.S. Commissioner of Education covering institutional participation in programs of student financial aid), "adjusted gross income" means the adjusted gross income of the student and his spouse. Adjusted gross income has the meaning given to it in section 62 of the Internal Revenue Code, or in the case of residents of Puerto Rico, section 22(n) of the Commonwealth Tax Act.

2. The Table of Contents is hereby amended by adding

Sec.
175.3a Allocation of funds to institutions.

Section 175.3a shall become effective with respect to the allocation of funds to institutions for use during fiscal year 1972.

Dated: March 10, 1971.

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

Approved: March 13, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.71–3604 Filed 3–15–71;8:47 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

Application for Postal Motor Carrier Certificate

Order. At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of March 1971.

It appearing, that pursuant to section 5215 of the Postal Reorganization Act (Public Law 91–375), the adoption of an application form for requesting a Postal Motor Carrier Certificate of Public Convenience and Necessity is necessary; and good cause appearing therefor:

It is ordered, That § 1003.1(a) of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding form OP–OR–10 to read as follows:

OP–OR–10.

Application for Postal Motor Carrier Certificate, adopted March 3, 1971, to be used by persons who were contractors under a star route, mail messenger, or contract motor vehicle service contract, on the effective date of Chapter 52 of the Postal Reorganization Act (Public Law 91–375).

It is further ordered, That this order shall become effective on the date hereof.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of this Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(84 Stat. 719 et seq.)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–3611 Filed 3–15–71;8:48 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7092]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Amounts Representing Taxes and Interest Paid to Cooperative Housing Corporations

Correction

In F.R. Doc. 71–3341 appearing at page 4597 in the issue for Wednesday,

March 10, 1971, the following material was inadvertently omitted and should be inserted immediately after the end of the document and preceding the file line:

Amount paid by A	1,140.00
A's proportionate share of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	900.00
A's proportionate share of total corporate expenses based on his stock ownership (1/10 of $13,800)	1,380.00
Amount of A's payment representing real estate taxes and interest (900/1380 of $1,140)	743.48
A's allowable deduction	743.48

Since the portion of A's payment allocable to real estate taxes and interest is only $743.48, that amount instead of $900 is allowable as a deduction in computing A's taxable income for 1972.

Example (3). The facts are the same as in example (1) except that the amount paid by A to the X Corporation in 1972 is $1,000 instead of $1,380. A is entitled under section 216 to a deduction of $652.17 in computing his taxable income for 1972. The deduction is computed as follows:

Amount paid by A	$1,000.00
A's proportionate share of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	900.00
A's proportionate share of total corporate expenses based on his stock ownership (1/10 of $13,800)	1,380.00
Amount of A's payment representing real estate taxes and interest (900/1380 of $1,000)	652.17
A's allowable deduction	652.17

Since the portion of A's payment allocable to real estate taxes and interest is only $652.17, that amount instead of $900 is allowable as a deduction in computing A's taxable income for 1972.

Example (4). The facts are the same as in example (1) except that X Corporation leases recreational facilities from Y Corporation for use by the tenant-stockholders of X. Under the terms of the lease, X is obligated to pay an annual rental of $5,000 plus all real estate taxes assessed against the facilities. In 1971 X paid, in addition to the $13,800 of expenses enumerated in example (1), $5,000 rent and $1,000 real estate taxes. In 1972 A pays the X Corporation $2,000, no part of which is refunded to him in 1972. A is entitled under section 216 to a deduction of $900 in computing his taxable income for 1972. The deduction is computed as follows:

Expenses to be prorated among tenant-stockholders	$19,800
Amount paid by A	2,000
A's proportionate share of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	900
A's proportionate share of total corporate expenses based on his stock ownership (1/10 of $19,800)	1,980
Amount of A's payment representing real estate taxes and interest (900/1,980)	900
A's allowable deduction	900

The $1,000 of real estate taxes assessed against the recreational facilities constitutes additional rent and hence is not deductible by A as taxes under section 216. A's allowable deduction is limited to his proportionate share of real estate taxes and interest based on stock ownership and cannot be increased by the payment of an amount in excess of his proportionate share.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Increase in Alternative Capital Gains Tax

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

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 802, 852, 857, 1201, 1222, 1375, and 1378 of the Internal Revenue Code of 1954 to section 511 of the Tax Reform Act of 1969 (83 Stat. 635), such regulations are amended as follows:

PARAGRAPH 1. Section 1.802 is amended by revising section 802(a)(2) and the historical note to read as follows:

§ 1.802 Statutory provisions; life insurance companies; tax imposed; life insurance company taxable income defined.

SEC. 802. *Tax imposed*—(a) *Tax imposed.* * * *

(2) *Alternative tax in case of capital gains.* If for any taxable year beginning after December 31, 1961, the net long-term capital gain of any life insurance company exceeds the net short-term capital loss, then, in lieu of the tax imposed by paragraph (1), there is hereby imposed a tax (if such tax is less than the tax imposed by such paragraph) which shall consist of the sum of—

(A) A partial tax, computed as provided by paragraph (1), on the life insurance company taxable income determined by reducing the taxable investment income, and the gain from operations, by the amount of such excess, and

(B) An amount determined as provided in section 1201(a) on such excess.

* * * * * *

[Sec. 802 as amended by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 38); sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 115); sec. 3(b)(1), Act of Oct. 23, 1962 (Public Law 87-858, 76 Stat. 1136); sec. 235(c)(1), Rev. Act 1964 (78 Stat. 126); sec. 511(c)(1), Tax Reform Act 1969 (83 Stat. 637)]

PAR. 2. Section 1.802-3 is amended by revising paragraph (f)(2) to read as follows:

§ 1.802-3 Tax imposed on life insurance companies.

* * * * * *

(f) *Tax imposed in case of certain capital gains.* * * *

(2) *Alternative tax in case of capital gains for taxable years beginning after December 31, 1961.* For taxable years beginning after December 31, 1961, if the net long-term capital gain (as defined in section 1222(7)) of any life insurance company exceeds its net short-term capital loss (as defined in section 1222(6)), section 802(a)(2) imposes an alternative tax in lieu of the tax imposed by section 802(a)(1), if and only if such alternative tax is less than the tax imposed by section 802(a)(1). The alternative tax is the sum of—

(i) A partial tax, computed as provided by section 802(a)(1), on the life insurance company taxable income determined by reducing the taxable investment income, and the gain from operations, by the amount of the excess of its net long-term capital gain over its net short-term capital loss, and

(ii) (*a*) In the case of a taxable year beginning before January 1, 1970, an amount equal to 25 percent of such excess, or

(*b*) In the case of a taxable year beginning after December 31, 1969, an amount determined as provided in section 1201(a) and paragraph (a)(3) of § 1.1201-1 on such excess.

In the computation of the partial tax, the deductions provided by sections 170 (as modified by section 809(a)(3)), 243, 244, 245 (as modified by sections 804(a)(5) and 809(d)(8)(B)), and the limitation provided by section 809(f), shall not be recomputed as a result of the reduction of taxable investment income, and gain from operations, by the amount of such excess. Except as modified by section 817 (rules relating to certain gains and losses), the general rules of the Code relating to gains and losses (such as the rules for determining the amount, characterization, and treatment thereof) shall apply with respect to life insurance companies.

* * * * *

PAR. 3. Section 1.852 is amended by revising subparagraphs (A), (C), and (D)(ii) and (iii) of section 852(b)(3) and the historical note to read as follows:

§ 1.852 Statutory provisions; taxation of regulated investment companies and their shareholders.

SEC. 852. *Taxation of regulated investment companies and their shareholders.* * * *

(b) *Method of taxation of companies and shareholders.* * * *

(3) *Capital gains*—(A) *Imposition of tax.* There is hereby imposed for each taxable year in the case of every regulated investment company a tax, determined as provided in section 1201(a), on the excess, if any, of the net long-term capital gain over the sum of—

(i) The net short-term capital loss, and

(ii) The deduction for dividends paid (as defined in section 561) determined with reference to capital gains dividends only.

* * * * *

(C) *Definition of capital gain dividend.* For purposes of this part, a capital gain dividend is any dividend, or part thereof, which is designated by the company as a capital gain dividend in a written notice mailed to its shareholders not later than 45 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including capital gains dividends paid after the close of the taxable year described in section 855) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated. For purposes of subparagraph (A)(ii), the deduction for dividends paid shall, in the case of a taxable year beginning before January 1, 1975, first be made from the amount subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount subject to tax in accordance with section 1201(a)(1)(A).

(D) *Treatment by shareholders of undistributed capital gains.* * * *

(ii) For purposes of this title, every such shareholder shall be deemed to have paid, for his taxable year under clause (i), the tax imposed by subparagraph (A) on the amounts required by this subparagraph to be included in respect of such shares in computing his long-term capital gains for that year; and such shareholder shall be allowed credit or refund, as the case may be, for the tax so deemed to have been paid by him.

(iii) The adjusted basis of such shares in the hands of the shareholder shall be increased, with respect to the amounts required by this subparagraph to be included in computing his long-term capital gains, by 75 percent of so much of such amounts as equals the amount subject to tax in accordance with section 1201(a)(1)(A) and by 70 percent (72 percent in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971) of so much of such amounts

as equals the amount subject to tax in accordance with section 1201(a) (1) (B) or (2).

* * * * *

[Sec. 852 as amended by sec. 2(a), Act of July 11, 1956 (Public Law 700, 84th Cong., 70 Stat. 530); secs. 39(a), 101 (a) and (b), Technical Amendments Act 1958 (72 Stat. 1638, 1674); sec. 10(b) (2) and (3), Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1009); sec. 229 (a) and (b), Rev. Act 1964 (78 Stat. 99); sec. 511(c) (2), Tax Reform Act 1969 (83 Stat. 637)]

PAR. 4. Section 1.852-2 is amended by revising paragraph (b) (1) and (2) (ii) to read as follows:

§ 1.852-2 Method of taxation of regulated investment companies.

* * * * *

(b) *Taxation of capital gains*—(1) *In general.* Section 852(b) (3) (A) imposes (i) in the case of a taxable year beginning before January 1, 1970, a tax of 25 percent, or (ii) in the case of a taxable year beginning after December 31, 1969, a tax determined as provided in section 1201(a) and paragraph (a) (3) of § 1.1201-1, on the excess, if any, of the net long-term capital gain of a regulated investment company (subject to tax under part I, subchapter M, chapter 1 of the Code) over the sum of its net short-term capital loss and its deduction for dividends paid (as defined in section 561) determined with reference to capital gain dividends only. For the definition of capital gain dividend paid by a regulated investment company, see section 852(b) (3) (C) and paragraph (c) of § 1.852-4. In the case of a taxable year ending after December 31, 1969, and beginning before January 1, 1975, such deduction for dividends paid shall first be made from the amount subject to tax in accordance with section 1201(a) (1) (B), to the extent thereof, and then from the amount subject to tax in accordance with section 1201(a) (1) (A). See § 1.852-10, relating to certain distributions in redemption of interests in unit investment trusts which, for purposes of the deduction for dividends paid with reference to capital gain dividends only, are not considered preferential dividends under section 562(c). See section 855 and § 1.855-1, relating to dividends paid after the close of the taxable year.

(2) *Undistributed capital gains.* * * *

(ii) *Effect on earnings and profits of a regulated investment company.* If a regulated investment company designates an amount as undistributed capital gains for a taxable year, the earnings and profits of such regulated investment company for such taxable year shall be reduced by the total amount of the undistributed capital gains so designated. In such case, its capital account shall be increased—

(*a*) In the case of a taxable year ending before January 1, 1970, by 75 percent of the total amount designated,

(*b*) In the case of a taxable year ending after December 31, 1969, and beginning before January 1, 1975, by the total amount designated decreased by the amount of tax imposed by section 852(b) (3) (A) with respect to such amount, or

(*c*) In the case of a taxable year beginning after December 31, 1974, by 70 percent of the total amount designated.

The earnings and profits of a regulated investment company shall not be reduced by the amount of tax which is imposed by section 852(b) (3) (A) on an amount designated as undistributed capital gains and which is paid by the corporation but deemed paid by the shareholder.

PAR. 5. Section 1.852-4 is amended by revising paragraph (b) (1) and (2) and paragraph (c) to read as follows:

§ 1.852-4 Method of taxation of shareholders of regulated investment companies.

* * * * *

(b) *Capital gains*—(1) *In general.* Under section 852(b) (3) (B), shareholders of a regulated investment company who receive capital gain dividends (as defined in paragraph (c) of this section), in respect of the capital gains of an investment company for a taxable year for which it is taxable under part I, subchapter M, chapter 1 of the Code, as a regulated investment company, shall treat such capital gain dividends as gains from the sale or exchange of capital assets held for more than 6 months and realized in the taxable year of the shareholder in which the dividend was received. In the case of dividends with respect to any taxable year of a regulated investment company ending after December 31, 1969, and beginning before January 1, 1975, the portion of a shareholder's capital gain dividend to which section 1201(d) (1) or (2) applies is the portion so designated by the regulated investment company pursuant to paragraph (c) (2) of this section.

(2) *Undistributed capital gains.* (i) A person who is a shareholder of a regulated investment company at the close of a taxable year of such company for which it is taxable under part I of subchapter M shall include in his gross income as a gain from the sale or exchange of a capital asset held for more than 6 months any amount of undistributed capital gains. The term "undistributed capital gains" means the amount designated as undistributed capital gains in accordance with paragraph (a) of § 1.852-9, but the amount so designated shall not exceed the shareholder's proportionate part of the amount subject to tax under section 852(b) (3) (A). Such amount shall be included in gross income for the taxable year of the shareholder in which falls the last day of the taxable year of the regulated investment company in respect of which the undistributed capital gains were designated. The amount of such gains designated under paragraph (a) of § 1.852-9 as gain described in section 1201(d) (1) or (2) shall be included in the shareholder's gross income as gain described in section 1201(d) (1) or (2). For certain administrative provisions relating to undistributed capital gains, see § 1.852-9.

(ii) Any shareholder required to include an amount of undistributed capital gains in gross income under section 852(b) (3) (D) (i) and subdivision (i) of this subparagraph shall be deemed to have paid for his taxable year for which such amount is so includible—

(*a*) In the case of an amount designated with respect to a taxable year of the company ending before January 1, 1970, a tax equal to 25 percent of such amount,

(*b*) In the case of a taxable year of the company ending after December 31, 1969, and beginning before January 1, 1975, a tax equal to the tax designated under paragraph (a) (1) of § 1.852-9 by the regulated investment company as his proportionate share of the capital gains tax paid with respect to such amount, or

(*c*) In the case of an amount designated with respect to a taxable year of the company beginning after December 31, 1974, a tax equal to 30 percent of such amount.

Such shareholder is entitled to a credit or refund of the tax so deemed paid in accordance with the rules provided in paragraph (c) (2) of § 1.852-9.

(iii) Any shareholder required to include an amount of undistributed capital gains in gross income under section 852 (b) (3) (D) (i) and subdivision (i) of this subparagraph shall increase the adjusted basis of the shares of stock with respect to which such amount is so includible—

(*a*) In the case of an amount designated with respect to a taxable year of the company ending before January 1, 1970, by 75 percent of such amount,

(*b*) In the case of an amount designated with respect to a taxable year of the company ending after December 31, 1969, and beginning before January 1, 1975, by the amount designated under paragraph (a) (1) (iv) of § 1.852-9 by the regulated investment company, or

(*c*) In the case of an amount designated with respect to a taxable year of the company beginning after December 31, 1974, by 70 percent of such amount.

* * * * *

(c) *Definition of capital gain dividend.* (1) A capital gain dividend, as defined in section 852(b) (3) (C), is any dividend or part thereof which is designated by a regulated investment company as a capital gain dividend in a written notice mailed to its shareholders not later than 45 days (30 days for a taxable year ending before February 26, 1964) after the close of its taxable year. If the aggregate amount so designated with respect to the taxable year (including capital gain dividends paid after the close of the taxable year pursuant to an election under section 855) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated. For example, a regulated investment company

making its return on the calendar year basis advised its shareholders by written notice mailed December 30, 1955, that $200,000 of a distribution of $500,000 made December 15, 1955, constituted a capital gain dividend, amounting to $2 per share. It was later discovered that an error had been made in determining the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, and that such excess was $100,000 instead of $200,000. In such case each shareholder would have received a capital gain dividend of $1 per share instead of $2 per share.

(2) In the case of capital gain dividends with respect to any taxable year of a regulated investment company ending after December 31, 1969, and beginning before January 1, 1975 (including capital gain dividends paid after the close of the taxable year pursuant to an election under section 855), the company must include in its written notice designating the capital gain dividend a statement showing the shareholder's proportionate share of such dividend which is gain described in section 1201(d)(1) and his proportionate share of such dividend which is gain described in section 1201(d)(2). In determining the portion of the capital gain dividend which, in the hands of a shareholder, is gain described in section 1201(d)(1) or (2), the regulated investment company shall consider that capital gain dividends for a taxable year are first made from its long-term capital gains for such year which are not described in section 1201(d)(1) or (2), to the extent thereof, and then from its long-term capital gains for such year which are described in section 1201(d)(1) or (2). A shareholder's proportionate share of gains which are described in section 1201(d)(1) is the amount which bears the same ratio to the amount paid to him as a capital gain dividend in respect of such year as (i) the aggregate amount of the company's gains which are described in section 1201(d)(1) and paid to all shareholders bears to (ii) the aggregate amount of the capital gain dividend paid to all shareholders in respect of such year. A shareholder's proportionate share of gains which are described in section 1201(d)(2) shall be determined in a similar manner. Every regulated investment company shall keep a record of the proportion of each capital gain dividend (to which this subparagraph applies) which is gain described in section 1201(d)(1) or (2).

(3) If, for his taxable year, a shareholder must include in his gross income a capital gain dividend to which subparagraph (2) of this paragraph applies, he shall attach to his income tax return for such taxable year a statement showing, with respect to the total of such dividends for such taxable year received from each regulated investment company—

(i) The name and address of the regulated investment company from which such dividends are received, and

(ii) The amount of such dividends received from such company and the portion thereof which was designated as gain described in section 1201(d)(1) and the portion thereof which was designated as gain described in section 1201(d)(2).

* * * * *

PAR. 6. Section 1.852–9 is amended by revising paragraph (a)(1) and adding subparagraph (3) to paragraph (c), as follows:

§ 1.852–9 Special procedural requirements applicable to designation under section 852(b)(3)(D).

(a) *Regulated investment company*—(1) *Notice to shareholders.* (i) A designation of undistributed capital gains under section 852(b)(3)(D) and paragraph (b)(2)(i) of § 1.852–2 shall be made by notice on Form 2439 mailed by the regulated investment company to each person who is a shareholder of record of the company at the close of the company's taxable year. The notice on Form 2439 shall show the name, address, and employer identification number of the regulated investment company; the taxable year of the company for which the designation is made; the name, address, and identifying number of the shareholder; the amount designated by the company for inclusion by the shareholder in computing his long-term capital gains; and the tax paid with respect thereto by the company which is deemed to have been paid by the shareholder.

(ii) In the case of a designation of undistributed capital gains with respect to a taxable year of the regulated investment company ending after December 31, 1969, and beginning before January 1, 1975, Form 2439 shall also show the shareholder's proportionate share of such gains which is gain described in section 1201(d)(1), his proportionate share of such gains which is gain described in section 1201(d)(2), and the amount (determined pursuant to subdivision (iv) of this subparagraph) by which the shareholder's adjusted basis in his shares shall be increased.

(iii) In determining under subdivision (ii) of this subparagraph the portion of the undistributed capital gains which, in the hands of the shareholder, is gain described in section 1201(d)(1) or (2), the company shall consider that capital gain dividends for a taxable year are made first from its long-term capital gains for such year which are not described in section 1201(d)(1) or (2), to the extent thereof, and then from its long-term capital gains for such year which are described in section 1201(d)(1) or (2). A shareholder's proportionate share of undistributed capital gains for a taxable year which is gain described in section 1201(d)(1) is the amount which bears the same ratio to the amount included in his income as designated undistributed capital gains for such year as (*a*) the aggregate amount of the company's gains for such year which are described in section 1201(d)(1) and designated as undistributed capital gains bears to (*b*) the aggregate amount of the company's gains for such year which are designated as undistributed capital gains. A shareholder's proportionate share of gains which are described in section 1201(d)(2) shall be determined in a similar manner. Every regulated investment company shall keep a record of the proportion of undistributed capital gains (to which this subdivision applies) which is gain described in section 1201(d)(1) or (2).

(iv) In the case of a designation of undistributed capital gains for any taxable year ending after December 31, 1969, and beginning before January 1, 1975, Form 2439 shall also show with respect to the undistributed capital gains of each shareholder the amount by which such shareholder's adjusted basis in his shares shall be increased under section 852(b)(3)(D)(iii). The amount by which each shareholder's adjusted basis in his shares shall be increased is the amount includible in his gross income with respect to such shares under section 852(b)(3)(D)(i) less the tax which the shareholder is deemed to have paid with respect to such shares. The tax which each shareholder is deemed to have paid with respect to such shares is the amount which bears the same ratio to the amount of the tax imposed by section 852(b)(3)(A) for such year with respect to the aggregate amount of the designated undistributed capital gains as the amount of such gains includible in the shareholder's gross income bears to the aggregate amount of such gains so designated.

(v) Form 2439 shall be prepared in triplicate, and copies B and C of the form shall be mailed to the shareholder on or before the 45th day (30th day for a taxable year ending before February 26, 1964) following the close of the company's taxable year. Copy A of each Form 2439 must be associated with the duplicate copy of the undistributed capital gains tax return of the company (Form 2438), as provided in subparagraph (2)(ii) of this paragraph.

* * * * *

(c) *Shareholders.* * * *

(3) *Records.* The shareholder is required to keep copy C of the Form 2439 furnished for the regulated investment company's taxable years ending after December 31, 1969, and beginning before January 1, 1975, as part of his records to show increases in the adjusted basis of his shares in such company.

* * * * *

PAR. 7. Section 1.857 is amended by revising section 857(b)(3)(A) and (C) and the historical note to read as follows:

§ 1.857 Statutory provisions; taxation of real estate investment trusts and their beneficiaries.

SEC. 857. *Taxation of real estate investment trusts and their beneficiaries.* * * *

(b) *Method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest.* * * *

(3) *Capital gains*—(A) *Imposition of tax.* There is hereby imposed for each taxable year in the case of every real estate investment trust a tax, determined as provided in section 1201(a), on the excess, if any, of the net long-term capital gain over the sum of—

(i) The net short-term capital loss; and

(ii) The deduction for dividends paids (as defined in section 561) determined with reference to capital gains dividends only.

* * * * *

(C) *Definition of capital gain dividend.* For purposes of this part, a capital gain dividend is any dividend, or part thereof, which is designated by the real estate investment trust as a capital gain dividend in a written notice mailed to its shareholders or holders of beneficial interests at any time before the expiration of 30 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the trust (including capital gain dividends paid after the close of the taxable year described in section 858) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated. For purposes of subparagraph (A)(ii), in the case of a taxable year beginning before January 1, 1975, the deduction for dividends paid shall first be made from the amount subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount subject to tax in accordance with section 1201(a)(1)(A).

* * * * *

[Sec. 857 as added by sec. 10(a), Act of Sept. 14, 1960 (Public Law 86-779; 74 Stat. 1006); as amended by sec. 201(d)(11), Rev. Act 1964 (78 Stat. 32); sec. 511(c)(3), Tax Reform Act 1969 (83 Stat. 637)]

PAR. 8. Section 1.857-2 is amended by revising paragraph (b) to read as follows:

§ 1.857-2 Method of taxation of real estate investment trusts.

* * * * *

(b) *Taxation of capital gains.* Section 857(b)(3)(A) imposes (1) in the case of a taxable year beginning before January 1, 1970, a tax of 25 percent, or (2) in the case of a taxable year beginning after December 31, 1969, a tax determined as provided in section 1201(a) and paragraph (a)(3) of § 1.1201-1, on the excess, if any, of the net long-term capital gain of a qualified real estate investment trust over the sum of its net short-term capital loss and its deduction for dividends paid (as defined in section 561) determined with reference to capital gain dividends only. In the case of a taxable year ending after December 31, 1969, and beginning before January 1, 1975, the deduction for dividends paid as so determined shall first be made from the amount subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount subject to tax in accordance with section 1201(a)(1)(A). For the definition of capital gain dividend paid by a real estate investment trust, see section 857(b)(3)(C) and paragraph (e) of § 1.857-4. See section 858 and § 1.858-1 for rules relating to dividends paid after the close of the taxable year.

PAR. 9. Section 1.857-4 is amended by revising paragraphs (b) and (e) to read as follows:

§ 1.857-4 Method of taxation of shareholders of real estate investment trusts.

* * * * *

(b) *Capital gains.* Under section 857(b)(3)(B), shareholders of a real estate investment trust who receive capital gain dividends (as defined in paragraph (e) of this section), in respect of the capital gains of an investment trust for a taxable year for which it is taxable under part II of subchapter M as a real estate investment trust, shall treat such capital gain dividends as gains from the sale or exchange of capital assets held for more than 6 months and realized in the taxable year of the shareholder in which the dividend was received. In the case of dividends with respect to any taxable year of a real estate investment trust ending after December 31, 1969, and beginning before January 1, 1975, the portion of a shareholder's capital gain dividend which in his hands is gain to which section 1201(d)(1) or (2) applies is the portion so designated by the real estate investment trust pursuant to paragraph (e)(2) of this section.

* * * * *

(e) *Definition of capital gain dividend.* (1) A capital gain dividend, as defined in section 857(b)(3)(C), is any dividend or part thereof which is designated by a real estate investment trust as a capital gain dividend in a written notice mailed to its shareholders not later than 30 days after the close of its taxable year. If the aggregate amount so designated with respect to the taxable year (including capital gain dividends paid after the close of the taxable year pursuant to an election under section 858) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate of the amount so designated. For example, a real estate investment trust making its return on the calendar year basis advised its shareholders by written notice mailed December 30, 1961, that $200,000 of a distribution of $500,000 made December 15, 1961, constituted a capital gain dividend, amounting to $2 per share. It was later discovered that an error had been made in determining the excess of the net long-term capital gain over the net short-term capital loss of the taxable year and that such excess was $100,000 instead of $200,000. In such case, each shareholder would have received a capital gain dividend of $1 per share instead of $2 per share.

(2) In the case of capital gain dividends designated with respect to any taxable year of a real estate investment trust ending after December 31, 1969, and beginning before January 1, 1975 (including capital gain dividends paid after the close of the taxable year pursuant to an election under section 858), the real estate investment trust must include in its written notice designating the capital gain dividend a statement showing the shareholder's proportionate share of such dividend which is gain described in section 1201(d)(1) and his proportionate share of such dividend which is gain described in section 1201(d)(2). In determining the portion of the capital gain dividend which, in the hands of a shareholder, is gain described in section 1201(d)(1) or (2), the real estate investment trust shall consider that capital gain dividends for a taxable year are first made from its long-term capital gains which are not described in section 1201(d)(1) or (2), to the extent thereof, and then from its long-term capital gains for such year which are described in section 1201(d)(1) or (2). A shareholder's proportionate share of gains which are described in section 1201(d)(1) is the amount which bears the same ratio to the amount paid to him as a capital gain dividend in respect of such year as (i) the aggregate amount of the trust's gains which are described in section 1201(d)(1) and paid to all shareholders bears to (ii) the aggregate amount of the capital gain dividend paid to all shareholders in respect of such year. A shareholder's proportionate share of gains which are described in section 1201(d)(2) shall be determined in a similar manner. Every real estate investment trust shall keep a record of the proportion of each capital dividend (to which this subparagraph applies) which is gain described in section 1201(d)(1) or (2).

PAR. 10. Section 1.1201 is amended by revising section 1201 and the historical note to read as follows:

§ 1.1201 Statutory provisions; alternative tax.

SEC. 1201. *Alternative tax*—(a) *Corporations.* If for any taxable year a corporation has a net section 1201 gain, then, in lieu of the tax imposed by sections 11, 511, 821(a) or (c), and 831(a), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of a tax computed on the taxable income reduced by the amount of the net section 1201 gain, at the rates and in the manner as if this subsection had not been enacted, plus—

(1) In the case of a taxable year beginning before January 1, 1975—

(A) A tax of 25 percent of the lesser of—

(i) The amount of the subsection (d) gain, or

(ii) The amount of the net section 1201 gain, and

(B) A tax of 30 percent (28 percent in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971) of the excess (if any) of the net section 1201 gain over the subsection (d) gain; and

(2) In the case of a taxable year beginning after December 31, 1974, a tax of 30 percent of the net section 1201 gain.

(b) *Other taxpayers.* If for any taxable year a taxpayer other than a corporation has a net section 1201 gain, then, in lieu of the tax imposed by sections 1 and 511, there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

(1) A tax computed on the taxable income reduced by an amount equal to 50 percent of the net section 1201 gain, at the rates and in the manner as if this subsection had not been enacted,

(2) A tax of 25 percent of the lesser of—

(A) The amount of the subsection (d) gain, or

(B) The amount of the net section 1201 gain, and

(3) If the amount of the net section 1201 gain exceeds the amount of the subsection (d) gain, a tax computed as provided in subsection (c) on such excess.

(c) *Computation of tax on capital gain in excess of subsection (d) gain*—(1) *In general.* The tax computed for purposes of subsection (b)(3) shall be the amount by which a tax determined under section 1 or 511 on an amount equal to the taxable income (but not less than 50 percent of the net section 1201 gain) for the taxable year exceeds a tax determined under section 1 or 511 on an amount equal to the sum of (A) the amount subject to tax under subsection (b)(1) plus (B) an amount equal to 50 percent of the subsection (d) gain.

(2) *Limitation.* Notwithstanding paragraph (1), the tax computed for purposes of subsection (b)(3) shall not exceed an amount equal to the following percentage of the excess of the net section 1201 gain over the subsection (d) gain:

(A) 29½ percent, in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971, or

(B) 32½ percent, in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972.

(d) *Subsection (d) gain defined.* For purposes of this section, the term "subsection (d) gain" means the sum of the long-term capital gains for the taxable year arising—

(1) In the case of amounts received before January 1, 1975, from sales or other dispositions pursuant to binding contracts (other than any gain from a transaction described in section 631 or 1235) entered into on or before October 9, 1969, including sales or other dispositions the income from which is returned on the basis and in the manner prescribed in section 453(a)(1),

(2) In respect of distributions from a corporation made prior to October 10, 1970, which are pursuant to a plan of complete liquidation adopted on or before October 9, 1969, and

(3) In the case of a taxpayer other than a corporation, from any other source, but the amount taken into account from such other sources for the purposes of this paragraph shall be limited to an amount equal to the excess (if any) of $50,000 ($25,000 in the case of a married individual filing a separate return) over the sum of the gains to which paragraphs (1) and (2) apply.

(e) *Cross references.* For computation of the alternative tax—

(1) In the case of life insurance companies, see section 802(a)(2);

(2) In the case of regulated investment companies and their shareholders, see section 852(b)(3)(A) and (D); and

(3) In the case of real estate investment trusts, see section 857(b)(3)(A).

[Sec. 1201 as amended by sec. 5(7), Life Insurance Company Tax Act 1955 (70 Stat. 49); sec. 3(f)(2), Life Insurance Company Income Tax Act 1959 (73 Stat. 140); sec. 8(g)(3), Rev. Act 1962 (76 Stat. 999); sec. 511(b), Tax Reform Act 1969 (83 Stat. 635)]

PAR. 11. Section 1.1201–1 is revised to read as follows:

§ 1.1201–1 Alternative tax.

(a) *Corporations*—(1) *In general.* (i) If for any taxable year a corporation has net section 1201 gain (as defined in paragraph (g) of this section), section 1201(a) imposes an alternative tax in lieu of the tax imposed by sections 11 and 511, but only if such alternative tax is less than the tax imposed by sections 11 and 511. The alternative tax is not in lieu of the personal holding company tax imposed by section 541 or of any other tax not specifically set forth in section 1201(a).

(ii) In the case of an insurance company, the alternative tax imposed by section 1201(a) is also in lieu of the tax imposed by sections 821 (a) or (c) and 831(a), except that for taxable years beginning before January 1, 1963, the reference to section 821 (a) or (c) is to be read as reference to section 821 (a)(1) or (b). For taxable years beginning after December 31, 1954, and before January 1, 1958, the alternative tax imposed by section 1201(a) shall also be in lieu of the tax imposed by section 802(a), as amended by the Life Insurance Company Tax Act for 1955 (70 Stat. 38), if such alternative tax is less than the tax imposed by such section. See section 802(e), as added by the Life Insurance Company Tax Act for 1955 (70 Stat. 39). However, for taxable years beginning after December 31, 1958, and before January 1, 1962, section 802(a)(2), as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 115), imposes a separate tax equal to 25 percent of the amount by which the net long-term capital gain of any life insurance company (as defined in section 801(a) and paragraph (b) of § 1.801–3) exceeds its net short-term capital loss. See paragraph (f) of § 1.802–3. For alternative tax for life insurance companies in the case of taxable years beginning after December 31, 1961, see section 802(a)(2) and the regulations thereunder.

(iii) See section 56 and the regulations thereunder for provisions relating to the minimum tax for tax preferences.

(2) *Alternative tax.* The alternative tax is the sum of—

(i) A partial tax computed at the rates provided in sections 11, 511, 821 (a) or (c), and 831(a), on the taxable income of the taxpayer reduced by the amount of the net section 1201 gain, and

(ii) An amount equal to the tax determined under subparagraph (3) of this paragraph.

For taxable years beginning after December 31, 1954, and before January 1, 1958, the partial tax under subdivision (i) of this subparagraph shall also be computed at the rates provided in section 802(a). For taxable years beginning before January 1, 1963, the reference in such subdivision to section 821 (a) or (c) is to be read as a reference to section 821 (a) or (b).

(3) *Tax on capital gains.* For purposes of subparagraph (2)(ii) of this paragraph, the tax shall be—

(i) In the case of a taxable year beginning after December 31, 1974, a tax of 30 percent of the net section 1201 gain,

(ii) In the case of a taxable year beginning after December 31, 1969, and before January 1, 1975—

(*a*) A tax of 25 percent of the lesser of the amount of the subsection (d) gain (as defined in section 1201(d) and paragraph (f) of this section) or the amount of the net section 1201 gain, plus

(*b*) A tax of 30 percent (28 percent in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971) of the excess, if any, of the net section 1201 gain over the subsection (d) gain,

(iii) In the case of a taxable year beginning before January 1, 1970, and after March 31, 1954, a tax of 25 percent of the net section 1201 gain, or

(iv) In the case of a taxable year beginning before April 1, 1954, a tax of 26 percent of the net section 1201 gain.

(4) *Determination of special deductions.* In the computation of the partial tax described in subparagraph (2)(i) of this paragraph the special deductions provided for in sections 243, 244, 245, 247, 922, and 941 shall not be recomputed as the result of the reduction of taxable income by the net section 1201 gain.

(b) *Other taxpayers*—(1) *In general.* If for any taxable year a taxpayer (other than a corporation) has net section 1201 gain (as defined in paragraph (g) of this section), section 1201(b) imposes an alternative tax in lieu of the tax imposed by sections 1 and 511, but only if such alternative tax is less than the tax imposed by sections 1 and 511. The alternative tax is not in lieu of any other tax not specifically set forth in section 1201(b). See section 56 and the regulations thereunder for provisions relating to the minimum tax for tax preferences.

(2) *Alternative tax.* The alternative tax is the sum of—

(i) A partial tax computed at the rates provided by sections 1 and 511 on the taxable income reduced by an amount equal to 50 percent of the net section 1201 gain, and

(ii) In the case of a taxable year beginning after December 31, 1969—

(*a*) A tax of 25 percent of the lesser of the amount of the subsection (d) gain (as defined in section 1201(d) and paragraph (f) of this section) or the amount of the net section 1201 gain, plus

(*b*) A tax computed as provided in section 1201(c) and paragraph (e) of this section on the excess, if any, of the net section 1201 gain over the subsection (d) gain, or

(iii) In the case of a taxable year beginning before January 1, 1970, a tax of 25 percent of the net section 1201 gain.

(3) *Cross references.* See § 1.1–2(a) for rule relating to the computation of the limitation on tax in cases where the alternative tax is imposed. See § 1.34–2(a) for rule relating to the computation

of the dividend received credit under section 34 (for dividends received on or before December 31, 1964), and § 1.35–1 (a) for rule relating to the computation of credit for partially tax-exempt interest under section 35 in cases where the alternative tax is imposed.

(c) *Tax-exempt trusts and organizations.* In applying section 1201 in the case of tax-exempt trusts or organizations subject to the tax imposed by section 511, the only amount which is taken into account as capital gain or loss is that which is taken into account in computing unrelated business taxable income under section 512. Under section 512, the only amount taken into account as capital gain or loss is that resulting from the application of section 631(a), relating to the election to treat the cutting of timber as a sale or exchange.

(d) *Joint returns.* In the case of a joint return, the excess of any net long-term capital gain over any net short-term capital loss is to be determined by combining the long-term capital gains and losses and the short-term capital gains and losses of the spouses.

(e) *Computation of tax on capital gain in excess of subsection (d) gain*—(1) *In general.* The tax computed for purposes of section 1201(b)(3) and paragraph (b)(2)(ii)(*b*) of this section shall be the amount by which a tax determined under section 1 or 511 on an amount equal to the taxable income (but not less than 50 percent of the net section 1201 gain) for the taxable year exceeds a tax determined under section 1 or 511 on an amount equal to the sum of (i) the amount subject to tax under section 1201(b)(1) and paragraph (b)(2)(i) of this section for such year plus (ii) an amount equal to 50 percent of the subsection (d) gain for such year.

(2) *Limitation.* Notwithstanding subparagraph (1) of this paragraph, the tax computed for purposes of section 1201(b)(3) and paragraph (b)(2)(ii)(*b*) of this section shall not exceed an amount equal to the following percentage of the excess of the net section 1201 gain over the subsection (d) gain for the taxable year:

(i) 29½ percent, in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971, or

(ii) 32½ percent, in the case of taxable year beginning after December 31, 1970, and before January 1, 1972.

(f) *Definition of subsection (d) gain*—(1) *In general.* For purposes of section 1201 and this section, the term "subsection (d) gain" means the sum of the long-term capital gain for the taxable year arising—

(i) In the case of amounts received or accrued, as the case may be, before January 1, 1975 (other than any gain from a transaction described in section 631 or 1235), from—

(*a*) Sales or other dispositions on or before October 9, 1969, including sales or other dispositions the income from which is returned as provided in section 453(a)(1) or (b)(1), or

(*b*) Sales or other dispositions after October 9, 1969, pursuant to binding contracts entered into on or before that date, including sales or other dispositions the income from which is returned as provided in section 453(a)(1) or (b)(1),

(ii) From liquidating distributions made by a corporation which are made (*a*) before October 10, 1970, and (*b*) pursuant to a plan of complete liquidation adopted on or before October 9, 1969, or

(iii) In the case of a taxpayer (other than a corporation), from any other source not described in subdivision (i) or (ii) of this subparagraph, but the amount taken into account from such other sources shall be limited to the amount, if any, by which $50,000 ($25,000 in the case of a married individual filing a separate return) exceeds the sum of the gains to which subdivisions (i) and (ii) of this subparagraph apply.

(2) *Special rules.* For purposes of subparagraph (1) of this paragraph—

(i) A binding contract entered into on or before October 9, 1969, means a contract, whether written or unwritten, which on or before that date was legally enforceable against the taxpayer under applicable law. If on or before October 9, 1969, a taxpayer grants an irrevocable option or irrevocable contractual right to another party to buy certain property and such other party exercises that option or right after October 9, 1969, the sale of such property is a sale pursuant to a binding contract entered into on or before October 9, 1969. The application of this subdivision may be illustrated by the following example:

Example. During 1964, A, B, and C formed a closely held corporation, and A was appointed as president of the organization. On July 1, 1964, A received for consideration 100 shares of common stock in the corporation subject to the agreement that, if A should retire from the management of the corporation or die, A or his estate would first offer his shares of stock to the corporation for purchase and that, if the corporation did not buy the stock within 60 days, the stock could be sold to any party other than the corporation. On September 1, 1970, A retired from the management of the corporation and offered his shares to the corporation for purchase. Pursuant to the agreement, the corporation purchased A's stock on September 30, 1970. A's sale of such stock was pursuant to a binding contract entered into on or before October 9, 1969.

(ii) A contract which pursuant to subdivision (i) of this subparagraph constitutes a binding contract entered into on or before October 9, 1969, does not cease to qualify as such a contract by reason of the fact that after October 9, 1969, there is a modification of the terms of the contract, such as a change in the time of performance, or in the amount of the debt or in the terms and mode of payment, or in the rate of interest, or there is a change in the form or nature of the obligation or the character of the security, so long as the taxpayer is at all times on and after October 9, 1969, legally bound by such contract. The application of this subdivision may be illustrated by the following examples:

Example (1). On August 1, 1969, A sold certain capital assets to B on the installment plan and elected to return the gain therefrom under section 453, the agreement providing for payments over a period of 2 years. At the time of the sale these assets had been held by A for more than 6 months. On July 31, 1970, A and B agreed to a modification of the terms of payment under the sales agreement, the only change in the contract being that the installment payments due after July 31, 1970, would be paid over a 3-year period. For purposes of this paragraph the payments received by A after July 31, 1970, are considered amounts received from the sale on August 1, 1969. (See section 483 for rules with respect to interest on deferred payments.)

Example (2). On April 1, 1969, A sold certain capital assets to B on the installment plan and elected to return the gain therefrom under section 453, the agreement providing for payments over a period of 3 years. At the time of the sale these assets had been held by A for more than 6 months. On March 31, 1970, C assumed B's obligation to pay the balance of the installments which were due after that date. For purposes of this paragraph any installment payments received by A after March 31, 1970, from C are considered amounts received from a sale made on or before October 9, 1969.

Example (3). On May 1, 1969, A offers to sell certain capital assets to B if B accepts the offer within 1 year, unless it is previously withdrawn by A. B accepts the offer on November 1, 1969, and the transaction is consummated shortly thereafter. For purposes of this paragraph, any payment received by A pursuant to the sale is not considered an amount received from a sale made on or before October 9, 1969, or from a sale pursuant to a binding contract entered into on or before that date.

(iii) An amount which is considered under section 402(a)(2) or 403(a)(2) as gain of the taxpayer from the sale or exchange of a capital asset held for more than 6 months shall be treated as gain subject to the provisions of section 1201(d)(1) and subdivision (i) of such subparagraph, but only if on or before October 9, 1969, (*a*) the employee with respect to whom such amount is distributed or paid dies or is otherwise separated from the service and (*b*) there was a binding agreement or the employee had elected that total distributions or amounts payable be paid to the taxpayer within 1 taxable year.

(iv) Gain described in section 1201(d)(1) or (2) with respect to a partnership, estate, or trust, which is required to be included in the gross income of a partner in such partnership, or of a beneficiary of such estate or trust, shall be treated as such gain with respect to such partner or beneficiary. Thus, for example, if during 1974 a partnership which uses the calendar year as its taxable year receives amounts which give rise to section 1201(d)(1) gain, a partner who uses the fiscal year ending June 30 as his taxable year shall treat his distributive share of such gain as subsection (d) gain for his taxable year ending June 30, 1975, even though such share is distributed to him after December 31, 1974. See § 1.706–1.

(v) An individual shall be considered married for purposes of subdivision (iii) of such subpararaph if for the taxable year he may elect with his spouse to make a joint return under section 6013(a).

(vi) In applying such subparagraph for purposes of section 21(a)(1) long-term capital gains arising from amounts received before January 1, 1970, shall be taken into account if such amounts are received during the taxable year.

(g) *Net section 1201 gain.* For the definition of net section 1201 gain, see section 1222(11) and § 1.1222–1(h).

(h) *Illustrations.* The application of this section may be illustrated by the following examples in which the assumption is made that section 56 (relating to minimum tax for tax preferences) does not apply:

Example (1). A, a single individual, has for the calendar year 1954 taxable income (exclusive of capital gains and losses) of $99,400. He realizes in 1954 a gain of $50,000 on the sale of a capital asset held for 19 months and sustains a loss of $20,000 on the sale of a capital asset held for 5 months. He has no other capital gains or losses. Since the alternative tax is less than the tax otherwise computed under section 1, the tax payable is the alternative tax, that is $74,298. The tax is computed as follows:

Tax Under Section 1

Taxable income exclusive of capital gains and losses		$99,400
Net long-term capital gain (100 percent of $50,000)	$50,000	
Net short-term capital loss (100 percent of $20,000)	20,000	
Excess of net long-term capital gain over the net short-term capital loss		30,000
		129,400
Deduction of 50 percent of excess of net long-term capital gain over the net short-term capital loss (section 1202)		15,000
Taxable income		114,400
Tax under section 1		80,136

Alternative Tax Under Section 1201(b)

Taxable income		$114,400
Less 50 percent of excess of net long-term capital gain over net short-term capital loss (section 1201(b)(1))		15,000
Taxable income exclusive of capital gains and losses		99,400
Partial tax (tax on $99,400)		66,798
Plus 25 percent of $30,000		7,500
Alternative tax under section 1201(b)		74,298

Example (2). A husband and wife, who file a joint return for the calendar year 1970, have taxable income (exclusive of capital gains and losses) of $100,000. In 1970 they realize $200,000 of net long-term capital gain in excess of net short-term capital loss, including long-term capital gains of $100,000 arising from sales consummated in 1968 the income from which is returned on the installment method under section 453, and long-term capital gains of $50,000, arising in respect of distributions from X corporation made before October 10, 1970, which were pursuant to a plan of complete liquidation adopted on October 9, 1969. Since the alternative tax under section 1201(b) is less than the tax otherwise computed under section 1, the tax payable for 1970 is the alternative tax, that is, $97,430 plus the tax surcharge under section 51. The tax (without regard to the tax surcharge) is computed as follows:

Tax Under Section 1

Taxable income exclusive of capital gains and losses		$100,000
Net section 1201 gain (excess of net long-term capital gain over the net short-term capital loss)		200,000
Total		300,000
Deduction of 50 percent of net section 1201 gain (section 1202)		100,000
Taxable income		200,000
Tax under section 1		110,980

Alternative Tax Under Section 1201(b)

(1) Net section 1201 gain		$200,000
(2) Subsection (d) gain:		
Section 1201(d)(1)		100,000
Section 1201(d)(2)		50,000
Total subsection (d) gain		150,000
(3) Net section 1201 gain in excess of subsection (d) gain ($200,000 less $150,000)		50,000
(4) Tax under section 1201(b)(1):		
(i) Taxable income	$200,000	
(ii) Less: 50% of item (1)	100,000	
(iii) Amount subject to tax under section 1201(b)(1)	100,000	
Partial tax (computed under section 1)		45,180
(5) Tax under section 1201(b)(2): (25% of item (1) or of item (2), whichever is lesser [25% of $150,000])		37,500
(6) Tax under section 1201(b)(3) on item (3):		
Tax under section 1 on taxable income ($200,000)	$110,980	
Less: Tax under section 1 on sum of item (4)(iii) $100,000 plus 50% of item (2) ($75,000) (Total $175,000)	93,780	
Tax under section 1201(c)(1)	17,200	
Limitation under section 1201(c)(2)(A) (29½% of item (3)	14,750	14,750
(7) Alternative tax under section 1201(b)		97,430

Example (3). A husband and wife, who file a joint return for the calendar year 1971, have taxable income (exclusive of capital gains and losses) of $80,000. In 1971 they realize long-term capital gain of $30,000 arising from a sale consummated on July 1, 1969, the income from which is returned on the installment method under section 453. From securities transactions in 1971 they have long-term capital gains of $60,000 and a short-term capital loss of $10,000. Since the alternative tax under section 1201(b) is less than the tax otherwise computed under section 1, the tax payable is the alternative tax, that is, $55,140. The tax is computed as follows:

Tax Under Section 1

Taxable income exclusive of capital gains and losses		$80,000
Net long-term capital gains (100% of $90,000)	$90,000	
Net short-term capital loss (100% of $10,000)	10,000	
Net section 1201 gain		80,000
Total		160,000
Deduction of 50% of net section 1201 gain (section 1202)		40,000
Taxable income		120,000
Tax under section 1		57,580

Alternative Tax Under Section 1201(b)

(1) Net section 1201 gain		$80,000
(2) Subsection (d) gain:		
Section 1201(d)(1)		30,000
Section 1201(d)(2)		
Section 1201(d)(3) ($50,000 less $30,000		20,000
Total subsection (d) gain		50,000
(3) Net section 1201 gain in excess of subsection (d) gain ($80,000 less $50,000)		30,000
(4) Tax under section 1201(b)(1):		
(i) Taxable income	$120,000	
(ii) Less: 50% of item (1)	40,000	
(iii) Amount subject to tax under section 1201(b)(1)	80,000	
Partial tax (computed under section 1)		33,340
(5) Tax under section 1201(b)(2): (25% of item (1) or of item (2), whichever is lesser [25% of $50,000])		12,500
(6) Tax under sec. 1201(b)(3) on item (3):		
Tax under sec. 1 on taxable income ($120,000)	$57,580	
Less: Tax under sec. 1 on sum of item (4)(iii) ($80,000) plus 50% of item (2) ($25,000) (Total $105,000)	48,280	
Tax under section 1201(c)(1)	9,300	
Limitation under section 1201(c)(2)(B) (32½% of item (3))	9,750	9,300
(7) Alternative tax under section 1201(b)		55,140

Example (4). A husband and wife, who file a joint return for the calendar year 1973, have taxable income (exclusive of capital gains and losses) of $250,000. In 1973 they realize long-term capital gains (not described in section 1201(d) (1) or (2)) of $140,000 and a short-term capital loss of $50,000. Since the alternative tax under section 1201(b) is less than the tax otherwise computed under section 1, the tax payable is the alternative tax, that is, $172,480. The tax is computed as follows:

Tax Under Section 1

Taxable income exclusive of capital gains and losses		$250,000
Net long-term capital gains (100% of $140,000)	$140,000	

Net short-term capital loss (100% of $50,000)	50,000	
Net section 1201 gain		90,000
Total		340,000
Deduction of 50% of net section 1201 gain (section 1202)		45,000
Taxable income		295,000
Tax under section 1		177,480
Alternative Tax Under Section 1201(b)		
(1) Net section 1201 gain		$90,000
(2) Subsection (d) gain:		
Section 1201(d)(1)		
Section 1201(d)(2)		
Section 1201(d)(3)		50,000
Total subsection (d) gain		50,000
(3) Net section 1201 gain in excess of subsection (d) gain ($90,000 less $50,000)		40,000
(4) Tax under section 1201(b)(1):		
(i) Taxable income	$295,000	
(ii) Less: 50% of item (1)	45,000	
(iii) Amount subject to tax under section 1201(b)(1)	250,000	
Partial tax (computed under section 1)		145,980
(5) Tax under section 1201(b)(2): (25% of item (1) or of item (2), whichever is lesser [25% of $50,000])		12,500
(6) Tax under section 1201(b)(3) on item (3):		
Tax under section 1 on taxable income ($295,000)	$177,480	
Less: Tax under section 1 on sum of item (4) (iii) ($250,000) plus 50% of item (2) ($25,000) (Total $275,000)	163,480	14,000
(7) Alternative tax under section 1201(b)		172,480

PAR. 12. Section 1.1222 is amended by revising section 1222(9), by adding paragraph (11) to section 1222, and by revising the historical note, to read as follows:

§ 1.1222 Statutory provisions; other terms relating to capital gains and losses.

SEC. 1222. *Other terms relating to capital gains and losses.* * * *

(9) *Net capital gain.* The term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges.

* * * * *

(11) *Net section 1201 gain.* The term "net section 1201 gain" means the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year.

[Sec. 1222 as amended by sec. 230(b), Rev. Act 1964 (78 Stat. 100); sec. 511(a) and 513(c), Tax Reform Act 1969 (83 Stat. 635, 643)]

PAR. 13. Section 1.1222–1 is amended by adding a new paragraph (h) to read as follows:

§ 1.1222–1 Other terms relating to capital gains and losses.

* * * * *

(h) The term "net section 1201 gain" means the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year.

PAR. 14. Section 1.1375–1 is amended by redesignating paragraph (e) as (f), by adding example (5) to paragraph (f) as so redesignated, and by inserting a new paragraph (e), as follows:

§ 1.1375–1 Special rules applicable to capital gains.

* * * * *

(e) *Shareholder's pro rata share of subsection (d) gain.* Long-term capital gains of an electing small business corporation for any taxable year which are gains described in section 1201(d) (1) or (2) with respect to such corporation shall be treated as gains which are gains described in section 1201(a) (1) or (2) with respect to a shareholder to the extent of his pro rata share of such gains. A shareholder's pro rata share of such gains is the amount which bears the same ratio to the shareholder's pro rata share of long-term capital gain (as determined under paragraph (b) of this section) for such year as the corporation's long-term capital gains for such year which are described in section 1201 (d) (1) or (2) bear to the excess of the corporation's net long-term capital gain over its net short-term capital loss for the taxable year. If such ratio is one or greater, the shareholder's pro rata share of gains described in section 1201(d) (1) or (2) shall be equal to his pro rata share of long-term capital gain for such taxable year.

(f) *Examples.* The application of this section may be illustrated by the following examples:

* * * * *

Example (5). An electing small business corporation which has three equal shareholders has net long-term capital gains in excess of net short-term capital loss of $60,000 for its taxable year 1971. The corporation has long-term capital gain described in section 1201(d)(1) of $15,000. The corporation has taxable income and current earnings and profits of $90,000 (including such net capital gain of $60,000). During the taxable year, the corporation pays cash dividends of $90,000 ($30,000 to each shareholder). With respect to such distributions each shareholder will be deemed to have received long-term capital gain of $20,000 ($30,000/$90,000 of $60,000) and ordinary income of $10,000. In the case of such distributions, each shareholder will be deemed to have received $5,000 ($15,000/$60,000 × $20,000) of gain described in section 1201(d)(1).

PAR. 15. Section 1.1378 is amended by revising section 1379 (b) and (c)(3), and the historical note, to read as follows:

§ 1.1378 Statutory provisions; tax imposed on certain capital gains.

SEC. 1378. *Tax imposed on certain capital gains.* * * *

(b) *Amount of tax.* The tax imposed by subsection (a) shall be the lower of—

(1) An amount equal to the tax, determined as provided in section 1201(a), on the amount by which the excess of the net long-term capital gain over the net short-term capital loss of the corporation for the taxable year exceeds $25,000, or

(2) An amount equal to the tax which would be imposed by section 11 on the taxable income (computed as provided in section 1373(d)) of the corporation for the taxable year if the corporation was not an electing small business corporation.

No credit shall be allowable under part IV of subchapter A of this chapter (other than under section 39) against the tax imposed by subsection (a). In applying section 1201 (a)(1) (A) and (B) for purposes of paragraph (1), the $25,000 limitation shall first be deducted from the amount (determined without regard to this subsection) subject to tax in accordance with section 1201(a) (1) (B), to the extent thereof, and then from the amount (determined without regard to this subsection) subject to tax in accordance with section 1201(a)(1)(A).

(c) *Exceptions.* * * *

(3) *Property with substituted basis.* If—

(A) But for paragraph (1) or (2), subsection (a) would apply for the taxable year,

(B) Any long-term capital gain is attributable to property acquired by the electing small business corporation during the period beginning 3 years before the first day of the taxable year and ending on the last day of the taxable year, and

(C) The basis of such property is determined in whole or in part by reference to the basis of any property in the hands of another corporation which was not an electing small business corporation throughout all of the period described in subparagraph (B) before the transfer by such other corporation and during which such other corporation was in existence,

then subsection (a) shall apply for the taxable year, but the amount of the tax determined under subsection (b) shall not exceed a tax, determined as provided in section 1201(a), on the excess of the net long-term capital gain over the net short-term capital loss attributable to property acquired as provided in subparagraph (B) and having a basis described in subparagraph (C).

[Sec. 1378 as added by sec. 2(a), Act of April 14, 1966 (Public Law 89–389, 80 Stat. 113); as amended by sec. 511(c)(4), Tax Reform Act 1969 (83 Stat. 638)]

PAR. 16. Section 1.1378–3 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.1378–3 Amount of tax.

(a) *In general.* If an electing small business corporation is subject to the tax imposed by section 1378 for a taxable year, the amount of such tax for such year is, except as provided in paragraph (b) of this section, the lower of—

(1) An amount equal to the tax, determined as provided in section 1201(a), on the amount (25 percent of such amount in the case of a taxable year beginning before January 1, 1970) by

which the excess of the net long-term capital gain over the net short-term capital loss of the corporation for the taxable year exceeds $25,000 or

(2) An amount equal to the amount of tax which would be imposed by section 11 on the taxable income of the corporation for the taxable year (computed under section 1373(d)) if the corporation were not an electing small business corporation.

In applying section 1201(a)(1) (A) and (B) for purposes of subparagraph (1) of this paragraph for any taxable year ending after December 31, 1969, and beginning before January 1, 1975, the $25,000 limitation shall first be deducted from the amount (determined without regard to this paragraph and section 1378(b)) subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount (determined without regard to this paragraph and section 1378(b)) subject to tax in accordance to section 1201(a)(1)(A).

(b) *Exception.* If an electing small business corporation is subject to the tax imposed by section 1378 for a taxable year, and

(1) The election under section 1372 (a) which is in effect with respect to such corporation for such year has been in effect for the corporation's three immediately preceding taxable years, or

(2) An election under section 1732(a) has been in effect with respect to such corporation for each of its taxable years for which it has been in existence,

the amount of such tax for such year shall not exceed a tax, determined as provided in section 1201(a), on the excess (25 percent of the excess in the case of a taxable year beginning before January 1, 1970) of the net long-term capital gain over the net short-term capital loss attributable to property with a substituted basis (see section 1378(c)(3) and paragraph (b) of § 1.1378-2).

* * * * *

[FR Doc.71-3547 Filed 3-15-71;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Electric Face Equipment

Notice is hereby given that in accordance with the provisions of sections 305(r) and 317(j) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), and pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act, it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, be amended by adding §§ 75.523-1 and 75.1710-1, as set forth below. These proposed amendments set forth requirements for installation of canopies or cabs on all electric face equipment and the installation of devices that will deenergize such in the event of an emergency.

Interested persons may submit written comments, suggestions or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

E. F. OSBORN,
Director, Bureau of Mines.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, would be amended by adding the following:

§ 75.523-1 Deenergization of electric face equipment; installation of panic bars; requirements.

On and after June 30, 1971, all electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine, shall be equipped with devices, such as "panic bars," that will permit the equipment to be deenergized quickly in the event of an emergency.

§ 75.1710-1 Canopies or cabs; electric face equipment; installation requirements.

On and after June 30, 1971, all electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine, shall be equipped with substantial canopies or cabs to protect the operator of such equipment from falls of roof, face, and ribs.

[FR Doc.71-3601 Filed 3-15-71;8:47 am]

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Protective Clothing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, be amended by adding § 75.1719, as set forth below. This proposed amendment prescribes the protective clothing which must be worn by each miner regularly employed in the active workings of an underground coal mine.

Interested persons may submit written comments, suggestions or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

E. F. OSBORN,
Director, Bureau of Mines.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, would be amended by adding the following:

§ 75.1719 Protective clothing; requirements.

On and after June 30, 1971, each miner regularly employed in the active workings of an underground coal mine shall be required to wear the following protective clothing and devices:

(a) Protective clothing or equipment and face-shields or goggles when welding, cutting, or working with molten metal or when other hazards to the eyes exist.

(b) Suitable protective clothing to cover the entire body when handling corrosive or toxic substances or other materials which might cause injury to the skin.

(c) Protective gloves when handling materials or performing work which might cause injury to the hands; however, gloves shall not be worn where they would create a greater hazard by becoming entangled in the moving parts of equipment.

(d) A suitable hard hat.

(e) Suitable protective footwear.

(f) Seat belts in a vehicle where there is a danger of overturning.

[FR Doc.71-3600 Filed 3-15-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 232]

[Docket No. PB-4; Notice 1]

POWER BRAKES

Advance Notice of Proposed Rule Making and Request for Public Advice

The Federal Railroad Administration (FRA) is considering proposing general amendments to Part 232 of the regulations issued under the Power or Train Brakes Safety Appliance Act of 1958.

By notice published February 11, 1969 (34 F.R. 1957), FRA proposed amendment of § 232.12, pertaining to requirements for brake inspections and tests at interchange and at 500-mile intermediate points.

By notice published February 11, 1969 (34 F.R. 1958), FRA also proposed amendment of § 232.11 to achieve clarification of existing requirements.

The two notices were consolidated and extensions of time for comment were granted on March 11, 1969 (34 F.R. 5338), and April 29, 1969 (34 F.R. 7289).

These matters are subsumed under this advance notice of the rulemaking. All comments which have been received in response to the preceding notices will be included in the consolidated public docket and will be considered by FRA in the development of a proposed rule.

The purpose of this advance notice is to solicit public participation and comment on the need for revision of Part 232, in whole or in part, and the nature of revisions considered necessary or desirable to resolve any difficulties arising under existing provisions. All comments and proposals received in response to this notice will also be placed in the public docket file and will be given due

consideration in the development of an FRA proposal to revise the power brake regulations.

Interested persons are invited to give their views on a general revision of Part 232, to clarify and upgrade the regulations pertaining to power brakes. Comments should identify the regulatory docket and notice number and be submitted in triplicate to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Attention: Docket No. PB–4, 400 Seventh Street SW., Washington, DC 20591, prior to April 15, 1971. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5100, Nassif Building, 400 Seventh Street SW., Washington, DC 20591.

This notice is issued under the authority of section 9 of title 45, United States Code.

Issued in Washington, D.C., on March 11, 1971.

CARL V. LYON,
Acting Administrator.

[FR Doc.71-3654 Filed 3-15-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1043]

[Ex Parte No. MC–5 (Sub-No. 1)]

BROKER SECURITY FOR PROTECTION OF THE PUBLIC

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 25th day of February 1971.

This rule making proceeding is being instituted here on our own motion to examine whether the present bond or security required to be posted and maintained by brokers of motor transportation, pursuant to the regulation in 49 CFR 1043.4, is adequate in amount and coverage for proper protection of the public.

Brokers are independent of both carriers and shippers or travelers and act as intermediaries between these parties in arranging for motor transportation subject to the Interstate Commerce Act through the making of contracts or the sale of tickets. To ensure that their operations will work to the convenience of the motor carriers, as well as that of shippers and passengers who may not be sufficiently informed or so situated that they could readily locate available motor carrier service when desired, and to eliminate abuses that resulted from this relationship, the Motor Carrier Act of 1935 subjected brokers to full economic regulation by this Commission.

Section 203(a)(18) of the Act (49 U.S.C. 303(a)(18)) thus defines a broker

> * * * any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who or which, as principal or agent, sells or offers for sale any transportation subject to this part, or negotiates for, or holds himself or itself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

Section 211(a) of the Act provides that no person shall engage in operation as a broker of motor transportation of passengers of property unless it has first established that the proposed service is or will be consistent with the public interest and the National Transportation Policy and has obtained a broker's license authorizing such service. Section 211(c) directs us to prescribt "reasonable rules and regulations for the protection of travelers or shippers by motor vehicle to be observed by any person holding a brokerage license," and provides that no license shall be issued or remain in force unless the licensee shall have furnished a bond or other security in such form and amount as will insure financial responsibility and the supplying of authorized transportation. When the above-quoted provisions of the act affecting brokers were before Congress, it was explained on the Senate floor that:

> This section is intended to give the Commission necessary authority to cope with the conditions which have been created by the rise of the so-called "brokerage operations." These operations are of many different types. Some are beneficial and others are conducted in a manner which has seriously demoralized the trucking business and to a lesser extent the transportation of passengers. The unreliable broker, acting as an intermediary between shipper or traveler and carrier, frequently resorts to unfair practices which exploit both the carriers employed by the brokers and the shipping or traveling public and employees of the carriers. It is believed that many of the evils of long hours, unsafe operation, and low earnings of motor carriers are attributable to this type of brokers. [Senator Wheeler, 79 Cong. Rec. 5654]

As a result of this direction, this Commission prescribed rules and regulations governing the filing and approval of security or surety bonds for brokers in the sum of $5,000 pursuant to its decision in Ex Parte No. MC–5, Motor Carrier Insurance for Protection of the Public, 1 M.C.C. 45 (Aug. 3, 1936). This requirement, promulgated at the dawn of Federal regulation of surface transportation, is now codified at 49 CFR 1043.4. Since this regulation first was implemented, there have been few, if any, serious instances of loss due to the collapse or default of a licensed broker of motor carrier transportation or the failure of such a broker to perform in accordance with its contracts, agreements, or arrangements. Nevertheless, inflation and recent reported occurrences in the air travel brokerage business involving the collapse of study-group charters and the stranding of travelers in foreign countries without adequate funds, have caused us to question whether the existing brokerage bond requirements are adequate for the protection of the public. We believe that, rather than await the actual occurrence of a serious loss as the result of inadequate financial protection to the public, we should investigate at this time the adequacy and coverage of existing brokerage bonding requirements based upon an evaluation of potential public loss in the perspective of the modern era of transportation and its cost and expense. We surmise, but are not certain, that the total cost of such an increase in amount or coverage to the brokers and the shipping public may be minimal in view of the relatively rare recoveries that have thus far been made under such bonds. We propose no new rule as to amount or coverage of such surety bonds, but rather desire to consider all factors, including those pertaining to the potential cost of the acquisition of more extensive surety bonds. The guaranteeing of the financial responsibility of brokers is a primary function of broker regulation and can only serve the best interests of the public.

In view of the general effect that this proceeding will have upon all brokers of motor carrier transportation, all such licensed brokers will be made respondents in this proceeding. An oral hearing does not appear to be necessary at this time and none is contemplated. Anyone wishing to present views and evidence as to the subject involved in this proceeding as set forth in this order may do so by the submission of written facts, views, or arguments, in the manner specified below.

It is ordered, That, based on the foregoing explanation, a proceeding be, and it is hereby, instituted under part II of the Interstate Commerce Act, and particularly sections 211(c) and 215 thereof, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purpose of investigating the adequacy and coverage of existing bonding requirements as presently set forth in 49 CFR 1043.4, and to determine whether 49 CFR 1043.4 should be amended in order to provide for an increase in the amount and coverage of the surety bond or other security required of all brokers as defined in part II of the Interstate Commerce Act, as previously discussed in this notice and order, and of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all brokers of transportation by motor vehicle in interstate or foreign commerce subject to part II of the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subject mentioned above, or any other subject pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days of the

service date of this order, the original and one copy of a statement of his intention to participate; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of this service list the Commission will fix the time within which initial statements and replies must be filed.

And it is further ordered, That a copy of this order be mailed to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over the brokerage of motor transportation of property or passengers, that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to respondents and to all other interested parties.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3608 Filed 3-15-71;8:48 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 748]

MINIMUM SECURITY DEVICES AND PROCEDURES

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 205-E of Public Law 91-468 (84 Stat. 1002), is considering the addition of a new Part 748 entitled "Minimum Security Devices and Procedures" to Title 12 of the Code of Federal Regulations.

The proposed new Part 748 would establish mandatory requirements, reporting procedures, recommendations, and educational programs pertaining to minimum security devices and procedures relative to the operation of federally insured credit unions.

This notice is published pursuant to section 553 of Title 5 of the United States Code.

To aid in the consideration of the matter by the Administrator, interested persons are invited to submit relevant data, views, or arguments.

Any such material should be submitted in writing to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than 30 days from publication of this notice in the FEDERAL REGISTER.

HERMAN NICKERSON, Jr.,
Administrator.

MARCH 9, 1971.

The proposed new Part 748 would read as follows:

PART 748—MINIMUM SECURITY DEVICES AND PROCEDURES

Sec.
748.0 Scope.
748.1 Definitions.
748.2 Designation of security officer.
748.3 Security devices.
748.4 Security procedures.
748.5 Filing of reports.
748.6 Corrective action.
748.7 Storage of vital records.
748.8 Penalty provision.
748.9 Minimum standards for security devices.
748.10 Proper employee conduct during and after a robbery.

AUTHORITY: The provisions of this Part 748 issued under sec. 205-E, 84 Stat. 1002, P.L. 91-468.

§ 748.0 Scope.

(a) This part establishes minimum standards which federally insured credit unions shall comply with in respect to their actions and the installation, maintenance, and operation of security devices and procedures to discourage robberies, burglaries, and larcenies, to assist in the identification and apprehension of persons who commit such actions, and to provide standards for storing vital records; sets time limits within which insured credit unions shall comply with these standards; and provides for the submission of reports with respect to compliance.

(b) It is realized that insured credit unions will be of various sizes, from small ones that operate from an officer's home with limited assets to large ones with many millions of dollars of assets that are involved in a complex operation. It is the intent of this part to make the security requirements fit the circumstance of the credit union. Accordingly, small insured credit unions will be required to have a considerably less elaborate security program as compared to large credit unions.

§ 748.1 Definitions.

"Branch" includes any branch, business headquarters, agency, additional office, mobile facility, or any branch or place of business located in any State or territory of the United States or in the District of Columbia at which funds in insured accounts are received or payments on loans are received.

"Business hours" means the time during which an office is open for the normal transaction of business with members of insured credit unions.

"Office" includes the principal office of an insured credit union and any branch thereof.

"Regional Director" means the Regional Director of the National Credit Union Administration in the region where the insured credit union is located who is responsible for the supervision of the insured credit union's activities for insurance purposes.

"Teller station or window" means a location in a place of business in which an insured credit union's customers routinely conduct transactions with the credit union which involve the exchange of funds, including a walkup or drive-in teller's station or window.

§ 748.2 Designation of security officer.

On or before May 1, 1971, or within 30 days after the effective date of insurance of a federally insured credit union, whichever is later, the Board of Directors of each such credit union shall designate an officer or other employee of the credit union who shall be charged, subject to the supervision by the credit union's Board of Directors, with responsibility for installation, maintenance, and operation of security devices and for the development and administration of a security program which equals or exceeds the standards prescribed by this part.

§ 748.3 Security devices.

(a) *Installation, maintenance, and operation of appropriate devices.* Before August 31, 1971, or within 30 days after the effective date of insurance of funds, whichever is later, the security officer of each insured credit union, under such direction as shall be given him by the credit union Board of Directors, shall survey the needs for security devices in each of the credit union's offices and shall provide for the installation, maintenance and operation in each such office of:

(1) A lighting system for illuminating during the hours of darkness the area around the vault or safe if the vault or safe is visible from outside the office;

(2) Tamper-resistant locks on exterior doors and exterior windows designed to be opened;

(3) An alarm system or other appropriate device for promptly notifying the nearest responsible law enforcement officers, guards, or security personnel of an attempted or perpetrated robbery or burglary; and

(4) Such other devices as the security officer, after seeking the advice of law enforcement officers, shall deem to be appropriate for discouraging robberies, burglaries, and larcenies and for assisting in the identification and apprehension of persons who commit such crimes.

(b) *Considerations relevant to determining appropriateness.* For the purpose of subparagraphs (3) and (4) of paragraph (a) of this section, considerations relative to determining appropriateness include but are not limited to:

(1) The incidence of crimes against

the particular office or financial institutions in the area in which the office is or will be located:

(2) The amount of currency or other valuables exposed to robbery, burglary, or larceny;

(3) The distance of the office from the nearest law enforcement offices, guards, or security personnel and the time required for such personnel to arrive at the office;

(4) The cost of security devices;

(5) Other security measures in effect at the office or within the area, such as the office being located within the compound of a military installation, within the complex of a business or factory which has security, etc.; and

(6) The physical characteristics of the office structure and its surroundings.

(c) *Implementation.* It is appropriate for officers of insured credit unions in areas with a high incidence of crime to install more devices and institute more procedures which would not be practicable because of cost for small offices in areas substantially free of crimes against financial institutions. Each credit union shall consider the appropriateness of installing, maintaining, and operating security devices and where used should give a general level of protection at least equivalent to the standards described in § 748.9. In those institutions where security devices are already installed it is not intended that they be replaced but every effort will be made to bring them up to the standards set forth in § 748.9. In any case, on the basis of the factors listed in paragraph (b) of this section or similar ones, where the use of other measures or the decison that technological change allows the use of other measures judged to give equivalent protection, it is decided not to install, maintain, and operate devices at least equivalent to these standards, the credit union shall preserve in its own records a statement of the reasons for such decision and forward a copy of that statement to the Regional Director.

§ 748.4 Security procedures.

(a) *Development and administration.* On or before August 31, 1971, or within 30 days after the effective date of insurance of the credit union, whichever is later, each insured credit union shall develop and provide for the administration a security program to protect each of its offices, branches, or places of business from robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such crimes. The security program shall be reduced to writing, approved by the credit union's Board of Directors, and retained by the credit union in such form as will readily permit determination of its adequacy and effectiveness, and a copy shall be filed with the Regional Director with the certification required by § 748.5 and with the appendix to this part.

(b) *Contents of the security program.* Such security program shall:

(1) Provide for establishing a schedule for the inspection, testing, and servicing of all security devices installed in each office; provide for designating the officer or other employee who shall be responsible for seeing that such devices are inspected, tested, serviced, and kept in good working order and require such officer or other employee to keep a record of such inspections, testings, and servicings;

(2) Require that each office's currency be kept at an absolute and reasonable minimum and provide procedures for safely removing excess currency (currency kept on hand overnight should not be in excess of any amount not covered by the surety bond);

(3) Require that the currency at each teller's station or window be kept at a reasonable minimum and provide procedures for safely removing excess currency and negotiable securities to a locked and fireproofed vault, safe, or other protected place;

(4) Require that the currency at each teller's station or window or place where funds are disbursed or received include bait money, i.e., used Federal Reserve notes, the denominations, banks of issue, serial numbers, and series years of which are recorded, verified by a second officer or employee, and kept in a safe place;

(5) Require that all currency and negotiable securities be placed in a fireproof vault or safe at the earliest time practicable after business hours; that the vault or safe be locked at the earliest practicable time after business hours and be opened at the latest time practicable before business hours. In those cases where the credit union is so small that it is determined to be economically not feasible to purchase a safe or vault, funds or securities in excess of $500 will not be kept by the credit union but deposited in a bank or other financial institution.

(6) Provide where practicable for designation of a person or persons to open each office or branch and require him or them to inspect the premises to ascertain that no unauthorized persons are present and to signal to the employees that the premises are safe before permitting them to enter;

(7) Provide for designation of a person or persons who will assure that all security devices are turned on and are operating during the periods and at such times as such devices are intended to be used and that all locks on windows, doors, and methods of ingress and egress are properly locked;

(8) Provide where practicable for a person or persons to inspect after the closing hour all areas of each office where currency and negotiable securities are normally handled or stored in order to assure that such currency and negotiable securities have been put away, that no unauthorized persons are present in such areas, and that the vault or safe and all other receptacles with locks are securely locked and secured;

(9) Securities not kept in a safe or vault shall be kept in a safe deposit box which requires two authorized signatures to open in a financial institution;

(10) Armored car service shall be used in transporting money to and from the bank or armed guards should accompany employees when they transport funds between the credit union and the bank. Funds should not be transported to the bank by less than two person;

(11) Windows and doors that are not readily observable from the outside and through which unauthorized entry may be attempted shall, where practicable, be protected by burglary-resistant bars or grills;

(12) Arrangements will be made with local police, internal security guards, or other security personnel to inspect the exterior of the office with reasonable frequency and to be present before opening and just after closing hours;

(13) The installation of an alarm system which can be activated by an employee without endangering his life, preferably a silent system connected with the police or a security agency, should be considered and installed where conditions indicate such necessity and it is economically feasible. During hours when the office is closed, an alarm should be considered that can be activated upon unauthorized or forced entry.

(14) A study will be made to determine whether a surveillance system is needed and is practicable, considering such things as photographic recording and monitoring devices. Such systems are not only helpful in identifying and apprehending the burglar or robber but also serve as a deterrent to the planning of a burglary or robbery. Notices of such devices will be prominently displayed. Installation of dummy cameras will be considered as they have proven to be a good deterrent.

(15) Employees will be fully instructed as to the procedures and actions to follow during the course of a robbery, including the importance of a good description of the robber. They will be thoroughly familiar with the importance of refraining from any action or reaction that might endanger their lives or the lives of any other employees in the office at the time. (See § 748.10.)

(16) Employees will be given initial training and periodic retraining in their responsibilities under the security program, including the proper use of any security devices.

(17) If a credit union office is located in a building owned by the employer of the members, consideration will be given to locating the office on an upper floor where practicable.

(18) Consideration will be given to using clear wired glass in doors and windows facing corridors or streets so that persons passing will have a good view of the credit union office.

(19) The Federal Bureau of Investigation has a decal which states that the FBI has jurisdiction to investigate robberies, burglaries, and larcenies committed against credit unions. Arrangements will be made through the local FBI office to acquire these decals and they will be posted in a conspicuous place.

§ 748.5 Filing of reports.

(a) Compliance reports: As of the 31st day of August 1971, each insured

credit union shall file with their Regional Director a statement certifying to its compliance with the requirements of this part. Thereafter such a statement will be presented to the Federal examiner. The statement shall be dated and signed by the President of the Credit Union or other managing officer of the credit union and may be in a form substantially as follows:

I hereby certify to the best of my knowledge and belief that this credit union has developed and administers a security program that equals or exceeds the standards prescribed by § 748.4 of the rules and regulations; that such security program has been reduced to writing, approved by this credit union's Board of Directors, and retained by this credit union in such form as will readily permit determination of its adequacy and effectiveness; and that this credit union's security officer, after seeking the advice of law enforcement officers, has provided for installation, maintenance, and operation of security devices, if appropriate, as prescribed by § 748.3 of the rules and regulations in each of the credit union's offices.

(b) External crime reports: Each time a robbery, burglary, or nonemployee larceny is committed or attempted at an office operated by a federally insured credit union, the credit union shall, within 5 working days, file a report with the Regional Director in conformity with the requirements of the appendix to this part. State-chartered credit unions shall, in addition, file one copy of such report with the appropriate State supervisory authority. Three copies of such report shall be filed by each insured credit union with the Regional Director.

(c) Each insured credit union shall file such other reports as the Administrator may from time to time require.

§ 748.6 Corrective action.

Whenever the Administrator determines that the security devices or procedures used by an insured credit union are deficient in meeting the requirements of this part or that the requirements of this part should be varied in the circumstances of a particular office, he may take or require the credit union to take the necessary corrective action. If the Administrator determines that such corrective action is appropriate or necessary, the credit union will be so notified and will be furnished a statement of what the credit union must do to comply with the requirements of this part.

§ 748.7 Storage of vital records.

Records considered vital by the credit union's Board of Directors for the continued operation of a credit union in the event of their loss (such as ledgers, etc.) must be secured in a fire-resistant container or vault prior to the securing of the office or building each day. Fire-resistant vaults used for the protection of credit union records as determined by the Board of Directors shall be constructed in accordance with specifications established by the Regional Fire Protection Association for a Class 2 hour rating and must comply with any other applicable local fire regulations. As a minimum, fire-resistant vault doors shall be listed with the Underwriters Laboratories as a 2-hour vault door and frame and equipped with an Underwriters Laboratories listed Group 2 combination lock. Fire-resistant containers used for the protection of such records shall meet the minimum specifications established by the Underwriters Laboratories for a UL 1 hour label. For the purpose of certification that fire-resistant vaults or containers meet these standards, a written certification from a contractor, manufacturer, or supplier to the credit union that the equipment exceeds the requirements established above will satisfy the credit union's compliance with this section.

§ 748.8 Penalty provision.

Pursuant to section 2053 of Public Law 91-468 of 1970, an insured credit union which violates any provision of this part shall be subject to a civil penalty not to exceed $100 for each day of the violation.

§ 748.9 Minimum standards for security devices.

General: The following minimum standards for security devices should be met if it is determined that the criteria established in this Part 748 requires that such security devices be installed.

(a) *Surveillance systems.* Surveillance systems should be equipped with one or more photographic recording, monitoring, or lighting device capable of reproducing images of persons in the credit union office with sufficient clarity to facilitate (through photographs capable of being enlarged to produce a 1-inch vertical head size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious character. The device should be reasonably solid in operation and designed and constructed so that necessary services, repairs, or inspections can be readily made. Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film, should contain enough unexposed film at all times to be capable of operating for not less than 3 minutes and the film should be at least 16mm.

(1) *Installation, maintenance, and operation of surveillance systems providing surveillance of other than walkup or drive-in teller stations or windows.* Surveillance devices for other than walkup or drive-in teller stations or windows should be located so as to produce identifiable images of persons either leaving the credit union office or in a position to transact business at each such station or window and should be capable of activation by initiating devices located at each teller's station or window.

(2) *Installation, maintenance, and operation of surveillance systems providing surveillance of walkup or drive-in teller stations or windows.* Surveillance devices for walkup or drive-in teller stations or windows should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window and area of such station or window that is vulnerable to robbery or larceny. Such devices should be capable of activation by one or more initiating devices located within or in close proximity to such station or window. Such devices could be omitted in the case of a walkup or drive-in teller's station or window in which the teller is effectively protected by bullet-resistant barrier from persons outside the station or window, but if the teller is vulnerable to larceny or robbery by members of the public who enter the credit union office the teller should have access to a device to activate a surveillance system that covers the area of vulnerability or the exits of the credit union office.

(b) *Robbery alarm systems.* A robbery alarm should be provided for each credit union office at which the police ordinarily can arrive within 5 minutes after an alarm is activated. Robbery alarm systems should be:

(1) Designed to transmit to the police, either directly or through an intermediary, a signal (not detected by unauthorized persons) indicating that a crime against the credit union office has occurred or is in progress;

(2) Capable of activation by initiating devices located at each teller's station or window (except walkup or drive-in teller's stations or windows in which the teller is effectively protected by a bullet-resistant barrier and effectively isolated from persons, other than fellow employees, inside a credit union office of which such station or window may be a part);

(3) Safeguard against accidental transmission of an alarm;

(4) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(5) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 24 hours in the event of failure of the usual source of power.

(c) *Burglar alarm systems.* Burglar alarm systems should be:

(1) Capable of detecting promptly an attack on the outer door, walls, floor, or ceiling of each vault, and each safe not stored in a vault, in which currency, negotiable securities, or similar valuables are stored when the office is closed, and any attempt to move any such safe;

(2) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that any such attempt is in progress; and in the case of a credit union office at which the police ordinarily cannot arrive within 5 minutes after an alarm is activated, designed to activate a loud sounding bell or other device that is audible inside the credit union office and for a distance of approximately 500 feet outside the credit union office;

(3) Safeguarded against accidental transmission of an alarm;

(4) Equipped with a visual and audible signal capable of indicating improper

functioning of or tampering with the system; and

(5) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 80 hours in the event of failure of the usual source of power.

(d) *Walkup and drive-in teller's stations or windows.* Walkup and drive-in teller's stations or windows contracted for after June 30, 1971, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from robbery or larceny by persons outside such stations or windows. Such barriers should be of glass at least 1 3/16 inches thick,[1] or of material of at least equivalent bullet-resistance. Pass-through devices should be designed and constructed so as not to afford a person outside the station or window a direct line of fire at a person inside the station or window.

(e) *Vaults, safes, and night depositories.* Vaults and safes (if not to be stored in a vault) in which currency, negotiable securities, or similar valuables are to be stored when the office is closed, and night depositories, contracted for after June 30, 1971, should meet or exceed the following standards:

(1) *Vaults.* Vault walls, roof, and floor contracted for after June 30, 1971, should be made of steel-reinforced concrete, at least 18 inches thick; vault doors should be made of steel or other drill and torch-resistant material, at least 3½ inches thick, and be equipped with a dial combination lock and a time lock and a substantial, lockable daygate; or vaults and vault doors should be constructed of materials that afford at least equivalent burglary-resistance.

(2) *Safes.* Safes contracted for after June 30, 1971, should weigh at least 750 pounds empty or be securely anchored to the premises where located. The door should be equipped with a combination lock and with a relocking device that will effectively lock the door if the combination lock is punched. The body should consist of steel, at least 1 inch in thickness, with an ultimate tensile strength of 50,000 pounds per square inch, either cast or fabricated, and be fastened in a manner equal to a continuous ¼-inch penetration weld having an ultimate tensile strength of 50,000 pounds per square inch. One hole not exceeding 3/16-inch diameter may be provided in the body to permit insertion of electrical conductors but should be located so as not to permit a direct view of the door or locking mechanism. The door should be made of steel that is at least 1½ inches thick and at least equivalent in strength to that specified for the body; or safes should be constructed of materials that afford at least equivalent burglary- and fire-resistance.

(3) *Night depositories.* Night depositories (excluding envelope drops not used to receive substantial amounts of currency) contracted for after July 1, 1971, should consist of a receptacle chest having cast, or welded, steel walls, top and bottom, at least 1 inch thick; a combination locked steel door at least 1½ inches thick; and a chute, made of steel that is at least 1 inch thick, securely bolted or welded to the receptacle and to a depository entrance of strength similar to the chute; or night depositories should be constructed of materials that afford at least equivalent burglary-resistance. The depository entrance should be equipped with a lock. Night depositories should be equipped with a burglar alarm and be designed to protect against the "fishing" of a deposit from the deposit receptacle and to protect against the "trapping" of a deposit for extraction.

Each device mentioned in this section should be installed and regularly inspected, tested, and serviced by competent persons so as to assure realization of its maximum performance capabilities. Activating devices for surveillance systems and robbery alarms should be operable with the least risk of detection by unauthorized persons that can be practicably achieved.

§ 748.10 Proper employee conduct during and after a robbery.

With respect to proper employee conduct during and after a robbery, employees should be instructed—

(a) To avoid actions that might increase danger to themselves or others;

(b) To activate the robbery alarm system and the surveillance system during the robbery, if it appears that such activation can be accomplished safely;

(c) To observe the robber's physical features, voice, accent, mannerisms, dress, the kind of weapon he has, and any other characteristics that would be useful for identification purposes;

(d) That if the robber leaves evidence (such as a note) to try to put it aside and out of sight, if it appears that this can be done safely; retain the evidence, do not handle it unnecessarily, and give it to the police when they arrive; and refrain from touching, and assist in preventing others from touching, articles or places the robber may have touched or evidence he may have left, in order that fingerprints of the robber may be obtained;

(e) To give the robber no more money than the amount he demands and include "bait" money in the amount given;

(f) That if it can be done safely, to observe the direction of the robber's escape and the description and license plate number of the vehicle used, if any;

(g) To telephone the police, if they have not arrived, and the nearest office of the Federal Bureau of Investigation, or inform a designated officer or other employee who has this responsibility that a robbery has been committed;

(h) That if the robber leaves before the police arrive, to assure that a designated officer or other employee waits outside the office, if it is safe to do so, to inform the police when they arrive that the robber has left;

(i) To attempt to determine the names and addresses of other persons who witnessed the robbery or the escape and request them to record their observations or to assist a designated officer or other employee in recording their observations; and

(j) To refrain from discussing the details of the robbery with others before recording the observations respecting the robber's physical features and other characteristics as hereinabove described and the direction of escape and description of vehicle used, if any.

[1] It should be emphasized that this thickness is merely bullet-resistant and not bullet-proof.

APPENDIX

NATIONAL CREDIT UNION ADMINISTRATION
REPORT ON SECURITY MEASURES

Pursuant to the Federal Credit Union Act

Credit Union Name_____
Address _____
City _____
State_____ Zip_____
_____Federally Chartered
_____State Chartered
Does Credit Union Occupy:
(a) Own building_____
(b) Sponsor's space_____
(c) Outside rental space_____
(d) Other_____
FINANCIAL:
Assets__ Loan Balance__ Share Balance__
No. of Members__ Potential Membership__
President _____
Treasurer/Manager _____
Name of Security Officer_____
Number of Employees:
Full Time_____ Part Time_____
LOSSES: (Last 5 Years)

Type	Date	Amount	Covered by insurance?
			Yes/No.
			Yes/No.
			Yes/No.
			Yes/No.
			Yes/No.

I. Armed Guard Protection

1. In office during office hours:
   a. _____ Yes. Number _____
   b. _____ No.
2. In office during nonbusiness hours:
   a. _____ Yes. Number _____.
   b. _____ No.

II. Surveillance System

A. Type of equipment:
   1. _____ Photographic camera. Number used _____.
   2. _____ Television cameras and recorders—Number of TV cameras used _____.
   3. _____ Other, specify type and number _____.
B. Specifications:
   1. Size of film, if applicable:
      a. _____ 16 mm. or larger.
      b. _____ Other, specify _____.
   2. Photographing capabilities:
      a. _____ Rapid speed for photographing at _____ frames per minute.
      b. _____ Slow speed for continuous surveillance at _____ frames per hour.
C. Coverage (check all applicable categories):
   a. _____ Exits. Number of devices used _____.
   b. _____ Teller positions. Number of devices used _____.
D. Operation:
   1. Method of activation (check all applicable items):
      a. _____ Automatic and continuous.
      b. _____ Activating device at each teller position.
      c. _____ Other, specify _____.

2. Audibility of system when in operation:
   a. _____ Relatively silent so as not to attract attention.
   b. _____ Readily audible.
3. Visible to public view?
   a. _____ Yes.
   b. _____ No.
4. Public informed through decals or other means of use of surveillance system?
   a. _____ Yes.
   b. _____ No.

E. Installation and maintenance:
1. Installation by:
   a. _____ Equipment supplier.
   b. _____ Central station alarm service.
   c. _____ Other, specify _____.
2. Maintenance by:
   a. _____ Credit Union employee.
   b. _____ Installer.
   c. _____ Other, specify _____.

III. Accessibility of Law Enforcement Officers

(In developing this information, it may be necessary to consult with local law enforcement officials.)

A. _____ Distance from credit union office to nearest local law enforcement station having jurisdiction.
B. _____ Estimate of shortest time within which enforcement officers could be expected to arrive at office after being summoned.

IV. Burglar Alarm Systems

A. Installation:
1. _____ By equipment supplier.
2. _____ By central station alarm company.
3. _____ By other, specify _____.

B. Signal transmission method:
1. _____ Wires or cables.
2. _____ Wireless equipment (for some or all signals).
3. Means to instantly indicate circuit failure, malfunction or tampering attempts in system?
   a. _____ Yes.
   b. _____ No.
4. Emergency power supply for use in case of failure of regular power supply.
   a. _____ Yes.
   b. _____ No.

C. Reporting location for alarms:
1. _____ At central station alarm company that is in service 24 hours per day.
2. _____ At local law enforcement office that is in service 24 hours per day.
3. _____ Other, specify _____.

D. Activation of robbery alarms:
1. _____ At teller stations.
2. _____ Elsewhere, specify _____.

E. Does burgular alarm system have a loud bell outside the credit union office?
1. _____ Yes.
2. _____ No.

F. Can activating devices be unobtrusively operated?
1. _____ Yes.
2. _____ No.

G. Door-type, window-type, or other intrusion detection alarms:
1. _____ Yes, specify type _____.
2. _____ No.
3. Noise-generating device audible outside office?
   a. _____ Yes.
   b. _____ No.

V. Fire Alarms Systems

A. Installation:
1. _____ By equipment supplier.
2. _____ By central station alarm company.
3. _____ By other, specify _____.

B. Signal transmission method:
1. _____ Wires or cables.
2. _____ Wireless equipment (for some or all signals).
3. Emergency power supply for use in case of failure of regular power supply.
   a. _____ Yes.
   b. _____ No.

C. Reporting location for alarms:
1. _____ At central station alarm company that is in service 24 hours per day.
2. _____ At local fire station that is in service 24 hours per day.
3. _____ Other, specify _____.

D. Activation of fire alarms:
1. _____ Specify where sensors are _____.
2. _____ Specify where else can be (manually) activated _____.

E. Does fire alarm system have a loud bell outside the credit union office?
1. _____ Yes.
2. _____ No.

F. Type of sensors:
1. _____ Smoke detection.
2. _____ Rate of temperature rise.
3. _____ Products of combustion.
4. _____ Other, specify type _____.

G. Other fire protection devices:
1. _____ Extinguishers.
2. _____ Sprinkler systems.
3. _____ Insulated files and cabinets.
4. _____ Other, explain _____

VI. Vaults and Safes

A. Vault construction:
1. Material:
   a. _____ Concrete and steel, thickness _____ (in inches).
   b. _____ Other, specify _____ and thickness _____ (in inches).
2. _____ Thickness of vault doors (in inches).

B. Vault equipment:
1. Combination dial locks:
   a. _____ Yes.
   b. _____ No.
2. "Time" lock:
   a. _____ Yes.
   b. _____ No.
3. Lockable day-gate:
   a. _____ Yes.
   b. _____ No.
4. Alarm:
   a. _____ Yes.
   b. _____ No.

C. If vault is visible from outside office, is it in illuminated area?
1. _____ Yes.
2. _____ No.

D. Safes:
1. Alarm:
   a. _____ Yes.
   b. _____ No.
2. Type:
   a. _____ Record (Fire).
   b. _____ Money (Burglar).
3. Rating:
   a. _____

VII. Other Security Devices

A. Night depository:
1. Alarm:
   a. _____ Yes.
   b. _____ No.
2. Construction:
   a. _____ In conformance with standards in Appendix A.
   b. _____ Other, specify.

B. Safe deposit boxes:
   a. _____ Yes. Number _____.
   b. _____ No.

C. Are all exterior doors and windows that can be opened equipped with tamper-resistant locks?
   a. _____ Yes.
   b. _____ No.

D. Is a *security* lighting system used?
   a. _____ Yes, briefly describe _____
   b. _____ No.

E. Is there a program and a schedule for periodic inspection, testing, and servicing of all security devices?
   a. _____ Yes. What is the testing frequency? _____
   b. _____ No.

F. Is there a program for training and periodic retraining regarding the security programs?
   a. _____ Yes. What is the meeting frequency? _____
   b. _____ No.

G. Is your security program committed to writing?
   a. _____ Yes. What changes were made during the past year?
   _____
   _____
   b. _____ No.

H. Is your credit union using grating and/or steel bars on windows?
   a. _____ Yes.
   b. _____ No.

I. Is your credit union using a member identification system?
   a. _____ Yes. Please describe _____
   b. _____ No.

J. Other than listed above, is your credit union using any security devices to protect credit union employees?
   a. _____ Yes. Please list _____
   _____
   b. _____ No.

Signature _____
Name (type) _____
Title _____
Date _____

NATIONAL CREDIT UNION ADMINISTRATION

REPORT OF CRIME OR CATASTROPHIC ACT

Pursuant to the Federal Credit Union Act

1. Name and address of head office: _____
_____
2. If crime being reported occurred at a _____ branch office, give name and address: _____
_____
3. Type of crime or catastrophic act:
   a. _____ Robbery.
   b. _____ Burglary.
   c. _____ Nonemployee larceny.
   d. _____ Embezzlement.
   e. _____ Fire.
   f. _____ Other, specify _____
4. _____ 19__ Date of loss.
5. _____ Day of week.
6. _____ Time of day. (If actual not known, estimate.)
7. Amount of loss:
   a. $_____ Currency loss.
   b. $_____ Securities loss.
   c. $_____ Damage to credit union property. (May be estimate.)
   d. $_____ Other, specify _____
   $_____ Total loss.

IF CRIME OF ROBBERY HAS BEEN PERPETRATED OR ATTEMPTED ANSWER THIS SECTION

8. _____ Number of robbers participating in crime.
9. Weapons:
   a. _____ Robbers had weapons or it appeared they may have had weapons. Specify kind _____
   b. _____ There was no evidence of weapons.
   c. _____ Other intimidation was used. Specify _____
10. Were robbers wearing masks or otherwise disguised?
   a. _____ No.

b. _____ Yes. Indicate how _____

11. Was a description of the robbers obtained and recorded?
a. _____ Yes.
b. _____ No. Why?_____

12. Was a description and/or license number of vehicle(s) obtained?
a. _____ Yes.
b. _____ No. Why?_____

13. _____ Estimated minutes between beginning and end of robbery.

14. Modus Operandi:
a. _____ Robber(s) passed a note to teller demanding money.
b. _____ Robber(s) vocally demanded money.
c. _____ Robber(s) subdued employees and took money from containers.
d. _____ Other, specify_____.

15. Harm to persons:
a. _____ Neither employees nor members were physically harmed.
b. _____ Persons were harmed. Give details _____

16. A hostage or threat of holding a hostage was used:
a. _____ No.
b. _____ Yes. Give details_____

17. Was cash or valuables taken from other than teller drawers?
a. _____ No.
b. _____ Yes. Specify_____

18. Was "bait" money given out or taken during the robbery and was the identification of this money furnished to the law enforcement officers?
a. _____ Yes.
b. No. Why?_____.

19. Was the cash contained in the teller drawer(s) within the maximum permitted by the credit union's security program?
a. _____ Yes.
b. No. Why?_____.

20. Cameras (or other surveillance devices):
a. _____ Camera(s) recorded useful pictures during this robbery_____
b. _____ Camera(s) did not record useful picture during this robbery. Why?_____

21. Robbery alarm:
a. _____ Alarm was effective during this robbery. How?_____
b. _____ Alarm was not effective during this robbery. Why?_____

22. Robber left note or other item which was retained and preserved for use of enforcement officers?
a. _____ Yes. What?_____
b. _____ No. Explain if necessary_____

23. Was conduct and performance of employees in conformance with the credit union's security procedure?
a. _____ Yes.
b. _____ No. Explain_____

IF CRIME OF BURGLARY HAS BEEN PERPETRATED OR ATTEMPTED ANSWER THIS SECTION

24. How did burglars gain entrance to the premises?
a. _____ Break-in. Where and how?_____
b. _____ Other, specify_____

25. Vault:
a. _____ No apparent attempt was made to gain access to vault.
b. _____ Vault wall, floor or ceiling was penetrated or attempted. How?_____
c. _____ Vault door was opened or penetrated. How?_____
d. _____ Other, specify_____

26. Were the lights turned on?
a. _____ Yes.
b. _____ No. Explain_____

27. Were safety deposit boxes broken into or opened?
a. _____ No.
b. _____ Yes. Indicate extent and how_____

28. Money safe:
a. _____ No apparent attempt made to gain access to contents.
b. _____ A penetration or an attempted penetration of safe was made. How?_____
c. _____ Safe door opened or an attempt made to open. How?_____
d. Other, specify_____

29. Night depository:
a. _____ No attempt was made to gain access to contents.
b. _____ Contents taken or attempted by "Fishing" or "Trapping" methods. How, if known?_____
c. _____ Night depository penetrated or access door opened. Explain_____
d. Other, specify_____

30. Burglary alarms:
a. _____ Alarms were of value in connection with this crime. How? _____
b. _____ Alarms were not of value in connection with this crime. Why? _____

31. _____ Estimated length of time during which burglary was being committed.

IF CRIME OF NONEMPLOYEE LARCENY HAS BEEN PERPETRATED OR ATTEMPTED ANSWER THIS SECTION

32. Modus Operandi of larceny:
a. _____ Money or valuables left exposed where thief had access. Explain _____
b. _____ Theft by trick or pretext. Explain _____
c. _____ Other, specify _____.

IF CRIME OF EMBEZZLEMENT OR MYSTERIOUS DISAPPEARANCE HAS BEEN PERPETRATED OR ATTEMPTED ANSWER THIS SECTION

33. Modus Operandi of Act:
a. _____ Money or valuables left exposed where thief had access. Explain _____
b. _____ Theft by trick or pretext. Explain _____
c. _____ Other, specify _____.

IF LOSS BY CATASTROPHIC ACT HAS OCCURRED ANSWER THIS SECTION

34. Cause _____.
a. Type of damage (fire, wind, smoke, water, etc.)_____
b. Items damaged _____

ALL CREDIT UNIONS ANSWER THIS SECTION

35. _____ Length of time after beginning of crime/catastrophic act when call for help was transmitted to appropriate law enforcement agency.

36. _____ Length of time after beginning of crime before first law enforcement personnel arrived at the credit union.

37. Did law enforcement personnel arrive at credit union office before violators departed?
a. _____ Yes.
b. _____ No.

38. Arrests of violators:
a. _____ None have been arrested as of the date of this report.
b. _____ Some or all arrested before they escaped from the office.
c. _____ Some or all arrested subsequent to leaving the office.

39. Would improvements in protection facilities or employee performance be helpful in preventing or handling any future similar occurrences?
a. _____ No.
b. _____ Yes. Indicate what and any plans the credit union has to take corrective action _____

40. Set forth below any information about the crime or the protection measures that is not adequately covered previously: (Use additional pages and/or furnish photographs or sketches if necessary to completely describe the crime being reported.)

Signature _____
Name (type)_____
Title _____
Date _____

[FR Doc.71-3588 Filed 3-15-71;8:45 am]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

GRAND CANYON COMPLEX, ARIZ.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5, that public hearings will be held beginning at 9 a.m. on May 15, 1971, in the Upper Council Chambers, City of Phoenix, 215 West Washington Street, Phoenix, Ariz., and at 9 a.m. on May 18, 1971, in the Grand Canyon Community Building, South Rim, Grand Canyon National Park, Ariz., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 505,300 acres within the Grand Canyon National Park and Grand Canyon and Marble Canyon National Monuments. These three areas are located in Coconino and Mohave Counties, Ariz.

A packet containing a map depicting the preliminary boundaries of the proposed wilderness and providing additional information about the proposal may be obtained from the Superintendent, Grand Canyon National Park, Post Office Box 129, Grand Canyon, AZ 86023, or from the Director, Southwest Region, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices; and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, DC. The draft master plan for the Complex likewise may be inspected at these locations.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Grand Canyon National Park, Post Office Box 129, Grand Canyon, AZ 86023, by May 13, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements.

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

Date: March 9, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.71-3580 Filed 3-15-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Allocation of Fund by Family Income Level

Notice is hereby given to institutions of higher education which participate in the Educational Opportunity Grant Program (Title IV-A, Higher Education Act of 1965, 20 U.S.C. 1061 et seq.) and other interested parties that the Commissioner of Education under the authority of 20 U.S.C. 1066 is establishing the following new method of allocating funds to applicant institutions for initial year awards when funds in a State's allotment (and reallotment, if any) are insufficient to honor all approved requests of institutions within a State. In publishing this new method of allocation, consideration has been given to comment received in connection with a tentative rule published in the FEDERAL REGISTER on February 4, 1971 (36 F.R. 2403).

The method of allocation is as follows:

1. Where funds are insufficient to honor all approved requests, an amount will first be allocated to each institutional applicant from the appropriate State's allotment (or reallotment) equal to the amount reasonably estimated to be needed by students whose adjusted gross income is in the $0–$2,999 bracket per annum.

2. From such sums as still remain in a State's allotment (or reallotment), sums will then be allocated to each institutional applicant equal to the amount reasonably estimated to be needed by students whose adjusted gross income is in the $3,000–$5,999 per annum. This procedure will be repeated for students whose adjusted gross income is between $6,000–$7,499 and $7,500–$9,000.

3. Whenever funds available in a State's allotment (or reallotment) are not sufficient to cover the approved institutional requests in a given income bracket, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State according to the ratio that their respective approved requests in that bracket bear to the total approved requests in that bracket of all institutions in the State.

4. The allocation of funds to any single institution for any year, however, will be no less than 80 percent of the amount allocated to it for the conduct of the initial year educational opportunity grant during fiscal year 1971, as reduced on a proportional basis to reflect decreases, if any, in the amount of such institution's approved application or in the amount of the State's allotment and reallotment.

5. "Adjusted gross income" means the adjusted gross income of a student's parents, provided that where the income of his parents would not be relevant to a determination of such student's financial need (under the method of financial need assessment utilized by the institution concerned in accordance with Schedule A of its agreement with the U.S. Commissioner of Education covering institutional participation in programs of student financial aid), "adjusted gross income" means the adjusted gross income of the student and his spouse. Adjusted gross income has the meaning given to it in section 62 of the Internal Revenue Code, or in the case of residents of Puerto Rico, section 22(n) of the Commonwealth Tax Act.

Effective date. The foregoing method of allocating funds to institutions of

higher education for the award of initial year educational opportunity grants shall be effective commencing with respect to funds allocated for use during fiscal year 1972.

Dated: March 10, 1971.

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

Approved: March 13, 1971.

ELLIOT L. RICHARDSON,
Secretary of
Health, Education, and Welfare.

[FR Doc.71-3603 Filed 3-15-71; 8:47 am]

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Heath Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15961, Oct. 30, 1968) is hereby amended with regard to section 5-B, Organization as follows:

Delete the center head "Indian Health Service (2800)" and the text thereunder, and substitute the following center head and accompanying text:

INDIAN HEALTH SERVICE (3S00)

As an integral part of the Health Services and Mental Health Administration (HSMHA), the mission of the Indian Health Service is to assure a comprehensive health services delivery system for American Indians and Alaska Natives with sufficient options to provide for maximum tribal involvement in meeting their health needs. The goal for the Indian Health Service is to raise the health level of the Indian and Alaska Native people to the highest possible level.

To carry out its mission and to attain its goal, the Indian Health Service: (1) Assists Indian tribes in developing their capacity to man and manage their health programs through activities including health and management training, technical assistance, and human resource development; (2) facilitates and assists Indian tribes in coordinating health planning, in obtaining and utilizing health resources available through Federal, State, and local programs, in operation of comprehensive health programs, and in health program evaluation; (3) provides comprehensive health care services, including hospital and ambulatory medical care, preventive and rehabilitative services, and development of community sanitation facilities; (4) serves as the principal Federal advocate for Indians in the health field to assure comprehensive health services for American Indians and Alaska Natives.

Office of the Director (3S01). By specific delegation from the Administrator, provides overall direction and leadership for the Indian Health Service in: (1) Establishing goals, objectives, policies and priorities in pursuit of the IHS mission; (2) delivering high quality, comprehensive health services; (3) coordinating the Indian Health Service activities and resources internally and externally with those of other governmental and nongovernmental programs, promoting optimum utilization of all available health resources; and (4) developing and demonstrating alternative means and modalities of health services management and delivery providing Indian tribes and other Indian community groups with optional ways of participating in the Indian health program; and (5) developing individual and tribal capacities to participate in the operation commensurate with means and modalities which they deem appropriate to their needs and circumstances.

Office of Tribal Affairs (3S11). As staff resource for the Service Director: (1) Participates in the Service-wide executive policy formulation and execution; (2) coordinates the development of optimal, supportive relationships with tribal governments, intertribal governing bodies, national Indian interest groups, and other individuals and groups interested and active in Indian affairs; (3) advises on the tribal affairs implications of Service policies, plans, programs and operations.

Office of Management Policy (3S15). As staff resource to the Service Director: (1) Provides consultation and guidance in management policy coordination and promotion of effective management practices; (2) assists in the formalization and evaluation of legislation, regulations, policies and procedures.

Office of Information (3S17). As staff resource to the Service Director: (1) Develops and provides guidance on informational programs; (2) disseminates information on the health needs of Indians and Alaska Natives and on available services.

Office of Program Management Services (3S19). As staff resource to the Service Director: (1) Provides management support services for the Indian Health Service; (2) advises on the management services implications of the Service policies, plans, programs and operations.

Office of Research and Development (3S20). As staff resource for the Service Director: (1) Develops and demonstrates new methods and techniques for Indian community participation in and management of their health program; (2) provides consultation and technical assistance to all operating and management levels of the Indian Health Service and Indian tribes in the evaluation, design and implementation of health management and Services delivery systems; (3) coordinates health research and development activities within the Service directed to the improvement of the health of the Indian people.

Division of Program Formulation (3S32). (1) Coordinates formulation of Service-wide executive policy and participates in its execution; (2) coordinates the development of program strategies and innovative directions for the Service, and advises on the strategic implications of program and management policies, plans and operations; (3) provides Service-wide leadership in the development of long-range plans and planning strategies, and the evaluation of health needs and operations in relation to Service strategies, policies and long-range plans.

Division of Program Operations (3S34). (1) Participates in Service-wide executive policy formulation and execution; (2) advises on the operational implications of the Service's plans, programs and operations; (3) provides Service-wide leadership in program operations and internal coordination in relation to Service goals, objectives, policies and priorities; (4) provides direction and coordination for day-to-day operations of Area Offices.

Division of Indian Community Development (3S42). (1) Participates in Service-wide executive policy formulation and execution; (2) identifies the need for and characteristics of optional means and modalities for Indian program participation; (3) implements new methods and techniques for Indian community participation in and management of their health programs; (4) coordinates provision of technical assistance, training and consultation to tribes and other Indian communities desiring to implement local control options; (5) advises on the Indian community development implications of the Service's plans, programs and operations; (6) provides direction and coordination for day-to-day operations of special programs.

Division of Resource Coordination (3S44). (1) Participates in the Service-wide executive policy formulation and execution; (2) provides leadership in coordinating development of optimal liaison with governmental agencies and organizations within HEW and without, which have authorities, programs and resources applicable, or potentially applicable to Indian health needs; (3) advises on the resource coordination implications of Service policies, plans, programs and operations; (4) coordinates development of the Service budget; (5) coordinates the development and implementation of health services standards, quality control, evaluation of health programs, and operational planning activities.

Field Organization. The Indian Health Service mission is accomplished in the field through Indian (or Alaska Native) Health Area Offices and Subarea Offices, Special Programs, Hospitals, Medical Centers, Health Centers, Health Stations, and other facilities.

Dated: March 10, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-3585 Filed 3-15-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARIES

Delegation of Authority To Designate Acting Officials

Each Assistant Secretary is authorized, with respect to employees or positions under his respective jurisdiction, to:

1. Designate one or more employees to serve as Acting Assistant Secretary during the absence of the Assistant Secretary.

2. Designate one or more employees to serve in an acting capacity during the absence of an appointee to a position or during a vacancy in a position.

3. Authorize the head of an organizational unit to designate one or more employees of the Department to serve as an acting head of the unit during the absence of the head of the unit.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3639 Filed 3-15-71;8:51 am]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR COMMUNITY DEVELOPMENT

Delegation of Authority

SECTION A. *Authority delegated.* The Assistant Secretary for Community Development and the Deputy Assistant Secretary for Community Development each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the programs and matters listed below, except as specified under this section A and as additionally excepted under section B:

1. Slum Clearance and Urban Renewal Program under title I of the Housing Act of 1949 (42 U.S.C. 1450–1468), section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note), section 53 of the Alaska Omnibus Act (Public Law 88–451, 78 Stat. 506) and section 220(d)(1)(A) of the National Housing Act (12 U.S.C. 1715k(d)(1)(A)), except:

a. The power and authority set forth in section 106(a) of the Housing Act of 1949 (42 U.S.C. 1456(a)).

b. Power and authority to execute legends on bonds, notes, or other obligations evidencing loans made pursuant to title I, indicating acceptance of such instruments and payments therefor.

c. Determine that a workable program for community improvement meets the requirements of section 101(c) of the Housing Act of 1949 (42 U.S.C. 1451(c)), and certify that Federal assistance of the types enumerated in section 101(c) may be made available in the community.

d. The power and authority set forth in section 103(d) of the Housing Act of 1949 (42 U.S.C. 1453(d)) with respect to community renewal programs.

2. Rehabilitation Loan Program under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

3. Basic Water and Sewer Facilities Grant Program under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102).

4. Neighborhood Facilities Grant Program under section 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

5. Public Facility Loans Program under title II of the Housing Amendments of 1955 (42 U.S.C. 1491–1497).

6. Open-Space Land, Urban Beautification, and Historic Preservation Programs under title VII of the Housing Act of 1961 (42 U.S.C. 1500–1500e), except the authority to:

a. Approve the conversion of open-space land to other uses under section 704 (42 U.S.C. 1500c).

b. Undertake studies and publish information under section 708 (a) and (b) (42 U.S.C. 1500d (a) and (b)).

7. The model cities program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301–3313), except that the authority to make reservations or allocations or grant funds in connection with initial contracts and the authority to authorize initial contracts and commitments for Federal grant assistance are subject to the approval of the Secretary of Housing and Urban Development.

8. Grants for relocation payments under section 114 of the Housing Act of 1949 (42 U.S.C. 1465), section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074), sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307), and title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1895), to the extent applicable to matters delegated in section A.

9. Compensation of condemnees under sections 402 and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3072 and 3073), and under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1904), to the extent applicable to matters delegated in section A.

SEC. B. *Additional authority excepted.* There is further excepted from the authority delegated under section A the power to:

1. Establish interest rates.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749(a)).

4. Sue and be sued.

5. Issue rules and regulations.

SEC. C. *Authority to issue rules and regulations.* The Assistant Secretary for Community Development and the Deputy Assistant Secretary for Community Development each is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated herein.

SEC. D. *Authority to redelegate.* The Assistant Secretary for Community Development and the Deputy Assistant Secretary for Community Development each is authorized to redelegate to employees of the Department any of the authority delegated under section A.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3644 Filed 3-15-71;8:51 am]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND MANAGEMENT

Delegation of Authority

SECTION A. *Authority delegated with respect to specific programs.* The Assistant Secretary for Community Planning and Management and the Deputy Assistant Secretary for Community Planning and Management each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the programs and matters listed below except as specified under this section A and as additionally excepted under section B:

1. Comprehensive Planning Assistance Program under section 701 of the Housing Act of 1954 (40 U.S.C. 461), except the authority to undertake studies, research, and demonstration projects under section 701(b).

2. Determination that a workable program for community improvement meets the requirements of section 101(c) of the Housing Act of 1949 (42 U.S.C. 1451(c)), and certification that Federal assistance of the types enumerated in, or subject to the requirements of, section 101(c) may be made available in the community.

3. Grants for technical studies under section 9 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1609), as modified by Reorganization Plan No. 2 of 1968 (49 U.S.C. 1608 note).

4. Grants for community renewal programs under section 103(d) of the Housing Act of 1949 (42 U.S.C. 1453(d)).

5. Program of Surplus Land for Community Development, including authority under section 108 of the Housing Act of 1949 (42 U.S.C. 1458), authority delegated to the Secretary of Housing and Urban Development with respect to surplus Federal property under section 203 of the Federal Property and Administrative Services Act (40 U.S.C. 484), authority under section 414 of the Housing and Urban Development Act of 1969 (83

Stat. 400; 40 U.S.C. 484b), and under such other authority relating to transfer of surplus Federal property as may be appropriate.

6. Urban systems engineering program under section 710(b) of the Housing Act of 1954 (40 U.S.C. 461).

7. Urban Information and Technical Assistance Program under title IX of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3351–3356).

8. Program of Fellowships for City Planning and Urban Studies and Community Development Training Programs under title VIII of the Housing Act of 1964 (20 U.S.C. 801–807), including technical assistance and studies under section 805.

9. Clearinghouse Service under section 3(b) of the Department of Housing and Urban Development Act (42 U.S.C. 3532 (b)) and pursuant to E.O. 11297 of August 11, 1966 (31 F.R. 10765, Aug. 13, 1966).

10. Department-wide policies, standards, procedures, and advisory materials governing relocation requirements and payments under sections 105(c) and 114 of the Housing Act of 1949 (42 U.S.C. 1465), section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074), section 107 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307), and title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1895).

11. Grants for relocation payments under section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074) and title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1895), and compensation of condemnees under sections 402 and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3072 and 3073) and title III of Public Law 91–646, to the extent applicable to matters delegated in this section A.

SEC. B. *Additional authority excepted.* There is further excepted from the authority delegated under section A the power to:

1. Establish interest rates.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)).

4. Sue and be sued.

5. Issue rules and regulations.

SEC. C. *Authority to issue rules and regulations.* The Assistant Secretary for Community Planning and Management and the Deputy Assistant Secretary for Community Planning and Management each is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated herein.

SEC. D. *Authority to redelegate.* The Assistant Secretary for Community Planning and Management and the Deputy Assistant Secretary for Community Planning and Management each is authorized to redelegate to employees of the Department any of the authority delegated under section A.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3643 Filed 3-15-71;8:51 am]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Delegation of Authority

SECTION A. *Authority delegated.* The Assistant Secretary for Housing Management and the Deputy Assistant Secretary for Housing Management each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the programs and matters listed below except as specified under this section A and as additionally excepted under section B:

1. Titles I, II, V, VI, VII, VIII, IX, X, and XI of the National Housing Act (12 U.S.C. 1701 et seq.), except the power to perform the technological aspects of experimental housing under section 233 of the National Housing Act (12 U.S.C. 1715x), including determination of the technological acceptability of proposals and evaluation and dissemination of results.

2. Sections 101(e) and 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1710w and 1701x(a)), in addition to section 237(e) of the National Housing Act (12 U.S.C. 1715z–2(e)) as delegated above, with respect to providing household management, self-help, budgeting, money management, child care, and related conseling services.

3. Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) with respect to the rent supplement program for disadvantaged persons.

4. The low-rent public housing program under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq.), and all other power and authority of the Public Housing Administration and of the head and other officers and offices of the Public Housing Administration transferred under section 5(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3534(a)).

5. The authority vested in the President under:

a. Section 6(d) of the United States Housing Act of 1937 (42 U.S.C. 1406(d)), delegated under section 1(1) of Executive Order 11196, to approve the undertaking of any annual contribution, grant, or loan, or any contract for any annual contribution, grant, or loan.

b. Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1414), delegated under section 1(2) of Executive Order 11196, to approve the amending or superseding of any contract for annual contributions or loans, or both, so that the going Federal rate on the basis of which such annual contribution or the interest rate on the loans, or both, respectively, are fixed shall mean the going Federal rate on the date of approval of the amending or superseding contract.

6. Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), with respect to the program of loans for housing for the elderly or handicapped.

7. Title IV of the Housing Act of 1950 (12 U.S.C. 1749–1749c), with respect to the college housing program.

8. Section 207 of the Appalachian Regional Development Act of 1965 (40 U.S.C. Appendix A, section 207).

9. Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), with respect to loans to nonprofit organizations for housing for low or moderate income families under section 235 of the National Housing Act or any other federally assisted program.

10. Rehabilitation Loan Program under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

11. HUD responsibilities with respect to private market financing and refinancing (including sale of notes and bonds) for all programs of the Department.

12. To direct and coordinate, within the Department of Housing and Urban Development and with the Office of Emergency Preparedness, major-disaster relief functions assigned to the Department by the Director of the Office of Emergency Preparedness, pursuant to Public Law 91–606, 84 Stat. 1744; Executive Order 11575; and regulations of OEP codified in 32 CFR Parts 1709 and 1710, and to use the personnel and resources of the Department in major-disaster areas in the manner and to the extent directed by the Director of the Office of Emergency Preparedness.

13. To exercise the authority delegated to the Secretary of Housing and Urban Development under Article VII of the agreement between the Department of Defense and the Department of Housing and Urban Development dated June 8 and June 18, 1968, respectively (published at 34 F.R. 18031, Nov. 7, 1969) under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374): with respect to acquired properties, to acquire title to, hold, manage, sell for cash or credit by taking a purchase money mortgage in the name of the Secretary of Housing and Urban Development and, in connection therewith, to execute deeds of conveyance and all other instruments necessary to fulfill the purposes of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), and to make any or all determinations and to take any or all further actions in connection with acquired properties which the Secretary

of Defense is authorized to undertake pursuant to the provisions of the Act.

14. Section 5(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3534) with respect to the activities listed below:

a. *Disposition of certain Government-owned property at AEC Communities of Oak Ridge, Tenn.; Richland, Wash.; and Los Alamos, N. Mex.* To execute the functions, powers, and duties authorized under Executive Order 10657 of February 14, 1956 (21 F.R. 1063, Feb. 16, 1956), as amended by Executive Order 10734 of October 17, 1957 (22 F.R. 8275, Oct. 22, 1957), and Executive Order 11105 of April 18, 1963 (28 F.R. 3909, Apr. 20, 1963), with respect to the disposition of certain Government-owned property at the Atomic Energy Commission communities of Oak Ridge, Tenn., Richland, Wash., and Los Alamos, N. Mex., pursuant to the Atomic Energy Community Act of 1955 (42 U.S.C. 2301), except the Secretary's power to make the finding required under section 51 of the Act (42 U.S.C. 2341).

b. *Disposition of Greentown Projects and subsistence homesteads.* To execute the functions, powers, and duties authorized under the Act of June 29, 1936, 49 Stat. 2035; the Act of May 19, 1949, 63 Stat. 68; and section 4(b) of Reorganization Plan No. 3 of 1947, 61 Stat. 955 (5 U.S.C. 133y–133y–16 note).

c. *Disposition of emergency housing properties.* To execute the functions, powers, and duties authorized under Public Law 781, 76th Cong. (54 Stat. 883); Public Law 849, 76th Cong. (Lanham Act, 42 U.S.C. 1521), and Reorganization Plan No. 17 of 1950 (64 Stat. 1269); Public Laws 9, 73, and 353, 77th Cong. (55 Stat. 14, 198, and 818); and title II of Public Law 266, 81st Cong. (63 Stat. 659).

d. *Authority to endorse checks.* To endorse any checks or drafts in payment of insurance losses on which the United States of America, acting by and through the Housing and Home Finance Administrator or the Secretary, or the successors or assigns of either of them, is a payee (joint or otherwise) in connection with the disposition of the Government's interest in the property at such communities or lease of such property.

Any instrument or document executed in the name of the Secretary by an employee of the Department of Housing and Urban Development under the authority of this delegation purporting to relinquish or transfer any right, title, or interest in or to real or personal property shall be conclusive evidence of the authority of such employee to act for the Secretary in executing such instrument or document.

15. As contracting officer, to enter into and administer procurement contracts and make related determinations except determinations under section 302(c) (11), (12), and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c) (11), (12), and (13)), with respect to all contracts for goods and services for repair, construction, improvement, removal, demolition or alteration, maintenance, and operation of acquired properties, including properties held by HUD as mortgagee in possession and broker management services in connection with such properties, the publication of notices and advertisements in newspapers, magazines, and periodicals; contracts with public or private organizations to provide budget, debt management, and related counseling services; and contracts for credit reports.

16. Public Facilities Liquidating Programs (12 U.S.C. 1701g–5), and management of the revolving fund therefor, including programs with respect to:

a. Advance Acquisition of Land Program under section 704 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3104).

b. Program of Advances for Public Works Planning (including 1st and 2d programs) under:

i. Section 702 of the Housing Act of 1954 (40 U.S.C. 462).

ii. Title V of the War Mobilization and Reconversion Act of 1944, Public Law 458, 78th Cong. (50 U.S.C. App. 1671 note), and the Act of October 13, 1949, Public Law 352, 81st Cong. (40 U.S.C. 451), subject to section 1112 of the Housing and Urban Development Act of 1965 (40 U.S.C. 462 note).

c. Program of Assistance for Housing in Alaska under section 1004 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3371).

d. Section 5 of the Alaska Public Works Act (48 U.S.C. 486), and delegation from Secretary of Interior effective April 17, 1964 (29 F.R. 5516, Apr. 24, 1964).

e. Defense community facilities under title III of the Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592–1592n).

f. Prefabricated housing loans under Reorganization Plan No. 23 of 1950 (5 U.S.C. 133z–15 note), including section 102–102c of the Housing Act of 1948 (12 U.S.C. 1701g–1701g–3); section 104 of the Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1591c); and section 401 of the Independent Offices Appropriation Act of 1952 (12 U.S.C. 1701g–4).

g. War public works under Title II of the Lanham Act (42 U.S.C. 1531–1534).

h. Public Agency Loans (RFC) under section 108 of the Reconstruction Finance Corporation Liquidation Act (40 U.S.C. 459), and Reorganization Plan No. 1 of 1957 (5 U.S.C. 133z–15 note), including section 7 of the Reconstruction Finance Corporation Act (15 U.S.C. 606).

i. Alaska Housing Act (48 U.S.C. 484–484c).

j. Section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act (42 U.S.C. 1492(e)).

17. Compensation of condemnees under sections 402 and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3072 and 3073), and title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1904), and grants for relocation payments under section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074), and under title II of Public Law 91–646 (84 Stat. 1895), to the extent applicable to matters delegated in this section A.

18. To approve non-Federal insurance contracts and to execute endorsements on behalf of the Department of Housing and Urban Development on insurance checks on which the United States of America, Department of Housing and Urban Development or any predecessor agency of the Department of Housing and Urban Development, is a payee (joint or otherwise) with respect to programs of the Department.

SEC. B. *Additional authority excepted.* There is further excepted from the authority delegated under section A the power to:

1. Establish the rate of interest on Federal loans.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)).

4. Sue and be sued.

5. Issue rules and regulations.

SEC. C. *Authority to issue rules and regulations.* The Assistant Secretary for Housing Management and the Deputy Assistant Secretary for Housing Management each is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated under section A.

SEC. D. *Authority to redelegate.* The Assistant Secretary for Housing Management is authorized to redelegate to employees of the Department any of the authority delegated under section A, and authorize further redelegation to subordinate employees: *Provided*, That the authority redelegated under section A, 5 shall be redelegated only to Regional Administrators, Deputy Regional Administrators, Area Directors, and Deputy Area Directors.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3642 Filed 3-15-71;8:51 am]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT

Delegation of Authority

SECTION A. *Authority delegated.* The Assistant Secretary for Housing Production and Mortgage Credit and Federal Housing Commissioner (Assistant Secretary-Commissioner) and the Deputy Assistant Secretary for Housing Production and Mortgage Credit and Deputy Federal Housing Commissioner (Deputy Assistant Secretary-Deputy Commissioner), each is authorized to exercise

the power and authority of the Secretary of Housing and Urban Development with respect to the programs and matters listed below except as specified under this section A and as additionally excepted under section B:

1. Titles I, II, V, VI, VII, VIII, IX, X, and XI of the National Housing Act (12 U.S.C. 1701 et seq.), with respect to the insurance of loans and mortgages, except the authority to:

a. Provide counseling services related to budget and debt management under section 237(e) of the National Housing Act (12 U.S.C. 1715z–2(e)).

b. Perform the technological aspects of experimental housing under section 233 of the National Housing Act (12 U.S.C. 1715x), including determination of the technological acceptability of proposals and evaluation and dissemination of results.

2. Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), with respect to the program of loans for housing for the elderly or handicapped.

3. Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), with respect to the rent supplement program for disadvantaged persons, except the authority to administer contracts and requirements for rent supplements.

4. Section 207 of the Appalachian Regional Development Act of 1965 (40 U.S.C. Appendix A, section 207), for expenses of planning and of obtaining an insured mortgage for a housing project under section 221 or 236 of the National Housing Act (12 U.S.C. 1715*l* and 1715z–1).

5. Title IV of the Housing Act of 1950 (12 U.S.C. 1749–1749c), with respect to the college housing program.

6. Section 106(b) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(b)), with respect to loans to nonprofit organizations for expenses of planning and of obtaining financing for the rehabilitation or contruction of housing for low or moderate income families under section 235 of the National Housing Act or any other federally assisted program.

7. The Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701–1720, title XIV of the Housing and Urban Development Act of 1968), except the authority to:

a. Conduct hearings in accordance with 5 U.S.C. 556 and 557.

b. Issue orders or determinations after such hearings.

c. Transmit evidence of apparent violations of the Act to the Attorney General for the institution of any appropriate criminal proceedings, under section 1415(a) of the Act (15 U.S.C. 1714 (a)).

8. Low-rent public housing program under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq.) and all other power and authority of the Public Housing Administration and of the head and other officers and offices of the Public Housing Administration transferred under section 5(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3534(a)).

9. Authority vested in the President under:

a. Section 6(d) of the United States Housing Act (42 U.S.C. 1406(d)), delegated under section 1(1) of Executive Order 11196, to approve the undertaking of any annual contribution, grant, or loan, or any contract for any annual contribution, grant, or loan.

b. Section 14 of the U.S. Housing Act (42 U.S.C. 1414), delegated under section 1(2) of Executive Order 11196, to approve the amending or superseding of any contract for annual contributions or loans, or both, so that the going Federal rate on the basis of which such annual contributions or the interest rate on the loans, or both, respectively, are fixed shall mean the going Federal rate on the date of approval of the amending or superseding contract.

10. Compensation of condemnees under sections 402 and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3072 and 3073) and title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1904), and grants for relocation payments under section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074) and title II of Public Law 91–646, to the extent applicable to matters delegated in subsections 8 and 9 of this section A.

SEC. B. *Additional authority excepted.* There is further excepted from the authority delegated under section A the power to:

1. Establish the rate of interest on Federal loans.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)).

4. Sue and be sued.

5. Issue rules and regulations.

SEC. C. *Authority to issue rules and regulations.* The Assistant Secretary-Commissioner and the Deputy Assistant Secretary-Commissioner, each is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated under section A, except rules and regulations under section 1416(a) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701–1720, title XIV of the Housing and Urban Development Act of 1968) prescribing rights of appeal from the decisions of hearing examiners.

SEC. D. *Authority to redelegate.* The Assistant Secretary-Commissioner and the Deputy Assistant Secretary-Commissioner, each is further authorized to redelegate to employees of the Department and to agents any of the authority delegated under section A: *Provided,* That the authority redelegated under section A, 9 shall be redelegated only to Regional Administrators, Deputy Regional Administrators, Area Directors, and Deputy Area Directors.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71–3641 Filed 3–15–71;8:51 am]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Delegation of Authority

SECTION A. *Authority delegated.* The Assistant Secretary for Research and Technology and the Deputy Assistant Secretary for Research and Technology each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the programs and matters listed below:

1. The programs of research, studies, testing, and demonstration under: Sections 501, 502, 504, and 505 of the Housing and Urban Development Act of 1970 (Public Law 91–609); section 3(b) of the Department of Housing and Urban Development Act (42 U.S.C. 3532(b)); section 301 of the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695); and sections 6(a) and 11, and authority incidental thereto, of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1605(a) and 1607(c), as modified by Reorganization Plan No. 2 of 1968 (49 U.S.C. 1608 note).

2. Planning for and testing new technologies in housing under section 108 (a)–(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701z (a)–(e)).

3. Technological aspects of experimental housing under section 233 of the National Housing Act (12 U.S.C. 1715x), including determination of the technological acceptability of proposals and evaluation and dissemination of results.

4. Technical studies concerning problems in the development of standards for property financed with mortgages or loans insured under the National Housing Act (12 U.S.C. 1702 et seq.); and, at the request of the Assistant Secretary for Housing Production and Mortgage Credit, research to enable the Assistant Secretary for Housing Production and Mortgage Credit to determine the acceptability of materials or products as suitable for use in structures approved for mortgages or loans insured under the Act, pursuant to section 521 of the Act (12 U.S.C. 1735e).

5. Comprehensive planning studies, research, and demonstrations under section 701(b) of the Housing Act of 1954 (40 U.S.C. 461(b)).

6. Management of Operation Breakthrough.

7. Until and including June 30, 1971:

(a) The programs of research, studies, testing, and demonstration under: Sections 301 (a) and (c) and 302 of the Housing Act of 1948 (12 U.S.C. 1701e (a) and (c) and 1701f); section 602 of the Housing Act of 1956 (12 U.S.C. 1701d–3);

sections 1010 and 1011 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3372 and 3373); section 207 of the Housing Act of 1961 (42 U.S.C. 1436); and sections 314 of the Housing Act of 1954 (42 U.S.C. 1452a); and

(b) Studies and publications relative to open-space land, urban beautification, and historic preservation under section 708 (a) and (b) of the Housing Act of 1961 (42 U.S.G. 1500d (a) and (b)):

Provided, however, That the limitation of this delegation shall not affect contracts, commitments, reservations, or other obligations entered into pursuant to such provisions prior to July 1, 1971.

SEC. B. *Authority to issue rules and regulations.* The Assistant Secretary and Deputy Assistant Secretary each is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated herein.

SEC. C. *Authority to redelegate.* The Assistant Secretary and Deputy Assistant Secretary each is authorized to redelegate to employees of the Department any of the power and authority delegated under section A.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 1, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3645 Filed 3-15-71;8:51 am]

REGIONAL ADMINISTRATORS ET AL.

Continuation in Effect of Existing Redelegations

Regional Administrators, Deputy Regional Administrators, Area Directors, Deputy Area Directors, and Insuring Office Directors.

Concurrently with the publication of this delegation, the Department of Housing and Urban Development is publishing revised delegations of authority to certain of its Assistant Secretaries in order to reflect reallocation of various program responsibilities. These revisions affect the respective authorities of the Assistant Secretaries who have individually redelegated them, in part, to regional, area, and insuring office personnel.

SECTION A. *Continuing effectiveness of redelegations.* All redelegations of authority by each Assistant Secretary of the Department to regional, area, or insuring office personnel in effect on the date of this document shall continue in effect as if authorized by this document, until such time and except to such extent as the redelegations are revoked or superseded in whole or in part by a redelegation of authority subsequent to the effective date of this document.

SEC. B. *Exercise of redelegated authority.* Neither existing redelegations of authority referred to in section A nor any redelegations issued subsequent to the date of this document shall be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator, Area Director, and Insuring Office Director, and their respective deputies, to whom a delegate is responsible; and these supervisers shall, in addition to any other authority delegated to them, have the same final authority redelegated to their subordinates.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3640 Filed 3-15-71;8:51 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Consideration of Issuance of Facility Operating Licenses

The Atomic Energy Commission (the Commission) will consider the issuance of facility operating licenses to the Commonwealth Edison Co. (Commonwealth Edison) and Iowa-Illinois Gas and Electric Co. (Iowa-Illinois) which would authorize Commonwealth Edison, acting for itself and as agent for Iowa-Illinois, to possess, use, and operate the Quad-Cities Nuclear Power Station Units 1 and 2 (the facilities) at steady state power levels not to exceed 2,511 megawatts (thermal) for each unit, in accordance with the provisions of the licenses and appended Technical Specifications. The licenses would also authorize Commonwealth Edison and Iowa-Illinois to acquire and possess title to the facilities as their interests appear in the applications. The facilities are single cycle, boiling water reactors, and are located in Rock Island County, Ill. Construction of these facilities was authorized by Provisional Construction Permits Nos. CPPR-23 for Unit 1 and CPPR-24 for Unit 2, both issued by the Commission on February 15, 1967.

No such operating licenses will be issued until receipt of a report on the application by the Advisory Committee on Reactor Safeguards, the issuance of a favorable safety evaluation for both facilities by the AEC Division of Reactor Licensing, and findings by the Commission that the applications for the facility licenses (as amended) comply with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I.

Prior to issuance of an operating license for either one of the facilities, that 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 Permits Nos. CPPR-23 and CPPR-24, as appropriate. The license for each facility will not be issued until the Commission has made the findings, reflecting its review of that application, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of any license, Commonwealth Edison and Iowa-Illinois will be required to execute an indemnity agreement, as appropriate, as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In the event that construction of either unit has not been completed to permit full power operation, the Commission may issue a facility operating license consistent with the level of construction completed to permit initial fuel loading and low power testing for that facility 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, Commonwealth Edison or Iowa-Illinois 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 hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

Prior to issuance of an operating license for either facility, the Commission will issue a detailed environmental statement for the Quad-Cities Station. 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 matters under consideration see (1) the Commonwealth Edison Co. applications for the facility licenses dated May 31, 1966, and August 18, 1966, as amended, and as they become available, (2) the report of the Advisory Committee on Reactor Safeguards on the applications for these facilities, (3) the proposed facility operating licenses, (4) the Technical Specifications which will be attached as Appendix A to the proposed facility operating licenses, and (5) the safety evaluation prepared by the Division of Reactor Licensing, which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of items (3) and (5) may be obtained when available upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 11th day of March 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-3653 Filed 3-12-71;12:35 pm]

CIVIL AERONAUTICS BOARD

[Docket No. 16978; Order 71-3-67]

RIO AIRWAYS, INC.

Order Regarding Service Mail Rates

Issued under delegated authority March 10, 1971.

On February 17, 1971, Rio Airways, Inc. (Rio) requested the Board to amend its Orders E-23613 and E-26979,[1] which fixed service mail rates currently in effect for Hood Airlines, Inc., to reflect the change in corporate name from Hood Airlines, Inc., to Rio Airways, Inc.

In support of its request, Rio has indicated that on January 1, 1971, Hood Airlines, Inc., merged with its wholly owned subsidiary, Rio Airways, Inc., and is now doing business as Rio Airways, Inc. Rio states further that the effect of this merger is a name change only. We will therefore amend Order E-23613 as requested by Rio.

Accordingly, pursuant to the Federal Aviation Act of 1958, and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.16(h):

It is ordered, That:

1. Order E-23613, April 29, 1966, be amended to reflect the change in corporate name of Hood Airlines, Inc., to Rio Airways, Inc., and

2. This order shall be served on Rio Airways, Inc., and the Postmaster General.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3635 Filed 3-15-71;8:50 am]

[1] Name in Order E-26979 has been changed in connection with a revision of the service mail rate requested by the Postmaster General in Docket 19787 (Order 71-2-123, Feb. 26, 1971).

[Docket No. 22664; Order 71-3-31]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority March 4, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-11-115, November 24, 1970, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on five round trips per week between Rolla, Columbia, Sedalia, and Kansas City, Mo., Little Rock, Batesville, and Harrison, Ark.

The Postmaster General filed a petition on February 19, 1971, stating that because of weather conditions the stop at Sedalia will be eliminated from this route and he has been authorized by the carrier to petition for a new rate of 53.4 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

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

1. The fair and reasonable final service mail rate to be paid on and after February 19, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 53.4 cents per great circle aircraft mile between Rolla, Columbia, and Kansas City, Mo., Little Rock, Batesville, and Harrison, Ark.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Beechcraft 18 aircraft.

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

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

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

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

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

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3634 Filed 3-15-71;8:50 am]

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

[Dockets Nos. 21866, 22784; Order 71-3-62]

UNITED AIR LINES, INC.

Order Vacating Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of March 1971.

By Order 71-2-55 dated February 10, 1971, the Board suspended increases proposed by United Air Lines, Inc. (United) in selected short-haul markets[1] because the proposal was not accompanied by individual market data showing characteristics which, but for severe airport and airway congestion, could be expected to

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

result in profitable operations. On February 21, 1971, United filed a petition for reconsideration, requesting the Board to vacate the suspension of increases which had been proposed in nine of the short-haul markets: Chicago-Columbus, Chicago-Dayton, Chicago-Cedar Rapids, Chicago-Grand Rapids, Chicago-Lansing, Chicago-Muskegon, Chicago-Saginaw, Chicago-South Bend, and Columbus-Washington.

In support of its petition, United alleges that the Board erred in suspending the proposed increases in these markets, and that the increases are justified on the ground that airport and airway congestion produce higher operating costs than are experienced at other points on its system. In addition, it is alleged that similar fare increases in each of the nine markets have previously been permitted other carriers, and United has provided relevant data on a market-by-market basis to support its request.

Upon consideration of the petition and all relevant matters, the Board has concluded to vacate the suspension previously ordered in the nine markets described above. These fares will remain under investigation in the Domestic Passenger-Fare Investigation, Docket 21866.

United has now supplied information showing that it operated at a loss in seven of the markets during the year 1970, and achieved only a small profit in the other two.[2] These losses occurred in spite of load-factor levels generally well above its system average, and appear to be attributable in substantial part to atypical costs occasioned by inflight and ground delays stemming from airport and airway congestion. Accordingly, we conclude that United has adequately demonstrated that the fare increases in these eight markets are warranted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. The suspension of increased fares and provisions published in CAB No. 136 issued by Airline Tariff Publishers, Inc., Agent, between Chicago, on the one hand, and Dayton, Columbus, Ohio, Cedar Rapids, Grand Rapids, Lansing, Muskegon, Saginaw, and South Bend, on the other, and between Columbus, Ohio, and Washington, directed in Order 71-2-55 is vacated.[3]

2. A copy of this order will be filed with the aforesaid tariff and be served on United Air Lines, Inc.

[2] In these two markets, Chicago-Columbus, Ohio, and Columbus, Ohio-Washington, the Board has previously permitted the dominant carrier to increase its fares based upon a proper showing.

[3] The fares and provisions will become effective in accordance with the filing of appropriate tariffs.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3636 Filed 3-15-71;8:50 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Business Development.

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

[FR Doc.71-3620 Filed 3-15-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary (Federal-State relations).

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

[FR Doc.71-3623 Filed 3-15-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignments in the excepted service the positions of Assistant Commissioner (Resource Management), and Assistant Commissioner (Resource Development) in the Bureau of Reclamation.

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

[FR Doc.71-3624 Filed 3-15-71;8:49 am]

[4] Dissenting statement of Member Minetti filed as part of the original document.

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the positions of Assistant Commissioner (Planning and Irrigation) and Assistant Commissioner (Power and Engineering), Bureau of Reclamation.

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

[FR Doc.71-3625 Filed 3-15-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Public Affairs, Office of the Administrator.

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

[FR Doc.71-3621 Filed 3-15-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Associate Administrator of International Affairs, Office of International Affairs.

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

[FR Doc.71-3622 Filed 3-15-71;8:49 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 112]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of

vessels which have arrived in Cuba since January 1, 1963, based on information received through February 18, 1971, exclusive of those vessels that called on Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
Total—all flags (208 ships)	1,553,767
Cypriot (103 ships)	792,748
Aegis Banner	9,024
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Aftadelfos	8,136
Aghios Ermolaos	7,208
Aghios Nicolaos	7,254
Alda	7,292
Alfa	7,388
Alice (previous trips to Cuba—Greek)	7,189
Alitric	7,564
Alma	6,585
Alpa	9,159
Amarilis	8,959
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Anemone	7,168
Anka	7,314
Annunciation Day	8,047
Antigoni	3,174
Aragon (previous trips to Cuba—Somali)	7,248
Ardena	7,261
Arendal	7,265
Areti	8,406
Aria (previous trips to Cuba—Somali)	5,059
Arion	3,570
Armar	5,089
Arosa	7,233
Athenian	9,943
Aurora	8,380
Azalea	9,506
Begonia	6,576
Byron	8,720
*Calypso (tanker)	12,883
Camelia	8,111
Castalia	7,641
Claire (previous trips to Cuba—Lebanese)	5,411
Cleo II	7,590
Costiana	7,199
Degedo	9,000
Diamondo	7,067
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpida	8,296
Elpidoforos	4,963
Erato (previous trips to Cuba—Somali—and as the Eretria—Greek)	7,199
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gardenia	9,744
George	7,378
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Georgios T	9,646
Giannis	7,490
Gladiator	8,346
Good Luck	6,952
Happy Land	9,080
Herodemos	7,356
Ilena (previous trips to Cuba—Lebanese)	5,925
Irena (previous trips to Cuba—Lebanese)	7,232
Iris	8,479
Johnny	9,689
*June	9,357
Katerina (previous trips to Cuba—Lebanese)	9,357
Kimon	5,686
*Kitsa	9,519
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
Krios	2,915
Kypros	7,001
Lena	7,029
Marco	7,622
Marika (previous trip to Cuba—Lebanese)	7,290
Master George	7,334
*May	8,853
Mery (previous trips to Cuba—Greek)	7,258
Mimis N. Papalios	9,069
Mimosa	8,618
Miss Papalios	9,072
Mitera Irini (previous trips to Cuba as the Soclyve—British and Maltese)	7,291
Nea Hellas	9,241
Nedi 2	7,679
Newgate (previous trips to Cuba—British)	6,743
Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Pantazis Caias	9,618
Petunia	7,843
Petunia	7,843
Platres	7,244
Protoklitos	6,154
Salvia	8,522
Savvas	7,230
Silver Coast	7,328
Silver Hope	5,313
Sophia (previous trips to Cuba—Greek)	7,030
Spyro	7,591
Successor	11,471
Suerte	7,267
Thios Costas (previous trips to Cuba—Somali)	7,258
Torenia	8,077
**Troyan (trips to Cuba as the Mauritanie—Moroccan)	10,392
Venturer	9,000
Venus	9,777
Zaira	8,032
Zinia	7,114
British (42 ships)	347,612
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Cheung Chau	8,566
Coral Islands	9,060
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
**Glendalough (trip to Cuba—as the Ardrossmore—British)	5,820
Golden Bridge	7,897
Green Walrus	9,443
Ho Fung	7,121
Huntsland	9,353
Hwa Chu	9,091
Hwang Ho	9,457
*Ivory Islands	9,718
Jollity	8,819
Kinross	5,388
Magister	2,239
Nancy Dee	6,597
Newheath	7,643
NOTE: Peony (now changed—Peoples Republic of China—will be deleted from future reports)	
Precious Pearl	6,921
Purple Dolphin	9,420
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Sea Moon	9,085
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Steed	8,989
Venice	8,611
Vergmont	7,381
Yellow Sea	9,998
Yunglutaton	5,414
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Yugoslav (8 ships)	53,948
Agrum	2,449
Bar	8,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Tara	7,499
Ulcinj	8,602
Greek (6 ships)	40,477
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Pothiti (trips to Cuba as the Huntsville—British)	9,486
Italian (6 ships)	53,930
Alderamine (tanker)	12,505

See footnotes at end of document.

Italian—Continued	Gross tonnage
Ella (tanker)	11,021
Probitas	8,150
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Somali (5 ships)	35,555
**Atlas (trip to Cuba—Finnish)	3,916
Dimitrakis	7,829
Hemisphere (previous trips to Cuba—British)	8,718
Nebula (trips to Cuba—British)	8,907
**Oriental (trips to Cuba as the Oceantramp—British)	6,185
French (4 ships)	10,466
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Danae	3,486
Nelle	2,874
Lebanese (3 ships)	18,759
Antonis	6,259
Astir	5,324
Tony	7,176
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Panamanian (2 ships)	17,543
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
Finnish (1 ship)	4,779
Someri	4,779
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (1 ship)	3,214
Marrakech	3,214
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Singapore (1 ship)	7,638
**Pu Gor (trips to Cuba as the Azure Coast II—Cypriot)	7,638

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
Baxtergate (British)	8,813
Angeliki (Cypriot)	8,482

b. Previous reports:

Flag of registry (total)	Number of ships
	132
British	45
Cypriot	3
Danish	1
Finnish	4
French	4
German (West)	1
Greek	31
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1
Norwegian	5
Moroccan	2
Somali	1
Spanish	6
Swedish	1
Yugoslav	2

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross Tonnage
Marie (Somali)	7,174

b. Previous reports:

Flag of registry:	Broken up, sunk, or wrecked
British	24
Cypriot	36
Finnish	5
French	1
Greek	18
Italian	4
Japanese	1
Lebanese	35
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	7
Singapore	1
South Africa	2
Swedish	1
Yugoslav	6
Total	147

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through February 18, 1971.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970 Jan.-July	1970 Aug.	1970 Sept.	1970 Oct.	1970 Nov.	1970 Dec.	1971 Jan.	Total
British	133	180	126	101	78	62	45	34	2	7	4	2	4	1	
Cypriot		1	17	27	42	68	115	111	19	14	20	13	22	10	
Lebanese	64	91	58	25	16	16	4	1							
Greek	99	27	23	27	29	7									
Italian	16	20	24	11	11	10	15	10	2		1			1	
Yugoslav	12	11	15	10	14	9	6	5	1			1			
French	8	9	9	10	10	4	2	1			1	1	2		
Finnish	1	4	5	11	12	8	2	1							
Spanish	9	17													
Norwegian	14	10													
Moroccan	9	13	1												
Maltese		2	6	1	4	8	1	2							
Somalia					2	11	7	2			1	1			
Netherlands		4	2												
Sweden	3	3													
Kuwaiti		2	1												
Israeli			2												
Japanese	1					1									
Danish	1														
German (West)	1														
Haitian			1												
Monaco				1											
Subtotal	370	394	290	224	218	204	197	167	24	21	27	18	28	12	
Polish	18	16	12	10	11	7	2	1		1			1		
Grand total	388	410	302	234	229	211	199	168	24	22	27	18	29	12	

See footnotes at end of document.

NOTE: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Report No. 111, appearing in the FEDERAL REGISTER issue of January 26, 1971.

**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: February 22, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-3567 Filed 3-15-71;8:45 am]

National Bureau of Standards

FLAME-RESISTANT PAPER AND PAPERBOARD; PACKAGE QUANTITIES OF ICE

Notice of Circulation for Acceptance of Recommended Standards

The National Bureau of Standards is giving public notice and circulating for public comment the following recommended standards (TS) for a determination of their acceptance to manufacturers, distributors, users and consumers:

TS 172c, "Flame-Resistant Paper and Paperboard".

TS 175, "Package Quantities of Cubed, Sized, Crushed, and Block Ice".

These circulations are being made in accordance with the provisions of §10.5 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as amended; 35 F.R. 8349 dated May 28, 1970).

Copies of these recommended standards may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standards should be addressed to the Office of Engineering Standards Services within 30 days following publication of this notice.

Issued: March 11, 1971.

LEWIS M. BRANSCOMB,
Director.

Approved: March 11, 1971.

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc.71-3595 Filed 3-15-71;8:47 am]

Office of the Secretary

ATOMIC ENERGY COMMISSION

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. 71-00110-75-46040. Applicant: U.S. Atomic Energy Commission, Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401. Article: Electron microscope, Model HU-200F. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for two specific programs, "Elevated Temperature Fatigue Tests on LMFBR Cladding and Structural Materials" and "ATR Materials Surveillance Program." The objective of the fatigue program is to provide engineering data varying temperature and extent of deformation and to determine the irradiation damage mechanism of 304, 304L, and 316 stainless steels. The purpose of the surveillance program is to evaluate irradiation effects of reactor internals (beryllium, hafnium, aluminum) of the Advanced Test Reactor with respect to their service lifetime.

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 provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified maximum accelerating voltage of 100 kilovolts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 23, 1970, that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU-4B 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 being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Research.

[FR Doc.71-3577 Filed 3-15-71;8:45 am]

AUBURN 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.: 71-00138-33-46500. Applicant: Auburn University, Auburn, Ala. 36830. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used in the study of morphology of viruses and animal tissues including certain metazoan parasites. Ultrathin sections of very hard tissue, soft friable tissue, and serial sections of equal thickness in the detailed morphological study of various parasites are necessary.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle) is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 22, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies which involve ultrathin sectioning of a variety of cells and tissue including brain and other soft friable tissue. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00733-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome 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 the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3572 Filed 3–15–71;8:45 am]

BATTELLE MEMORIAL INSTITUTE

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.: 71–00200–75–46040. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, Post Office Box 999, Richland, WA 99352. Article: Electron Microscope, Model HU–200F. Manufacturer: Hitachi Ltd., Japan.

Intended use of article: The article will be used to study the microstructure of refractory elements after irradiation with neutrons and charged particles; the production of voids in metals during high temperature irradiation; and to study the effect of irradiation temperature total damage, impurities and prior thermomechanical treatment on the number density and size of voids.

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 provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU–4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified maximum accelerating voltage of 100 kilovolts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 23, 1970, that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU–4B 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 being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3573 Filed 3–15–71;8:45 am]

CASE WESTERN RESERVE 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. 71–00054–65–46040. Applicant: Case Western Reserve University, 10900 Euclid Avenue, Cleveland, OH 44106. Article: Electron Microscope, Model HU–650. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used to study the structure of a wide range of materials, both organic (biological, polymeric) and inorganic (metallic, ceramic, glass, rock). The investigations concern the microscopic structure and how this relates to important properties such as the mechanical strength of alloys, ceramics, bone and tooth enamel or the functional characteristics of biological cell tissues. Educational purposes include a graduate course in Electron Microscopy, and undergraduate courses in Characterization of Materials and Advance Experimental Techniques in Materials.

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 provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU–4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified maximum accelerating voltage of 100 kilovolts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated February 1, 1971, that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU–4B 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 being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3574 Filed 3–15–71;8:45 am]

DEPARTMENT OF THE INTERIOR

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. 70–00466–65–46040. Applicant: U.S. Department of the Interior, Geological Survey, Room G318, General Services Building, 18th and F Streets NW., Washington, DC 20242. Article: Electron Microscope, Model JEM 30[illegible] and goniometer stage. Manufacturer: Japan Electron Optics Lab. Co., Japan.

Intended use of article: The article will be used in research aimed at detecting and characterizing particulate inorganic material in size ranges smaller than 1 micrometer in diameter. The materials under investigation are varied, including soils, atmospheric dust, suspended materials in water, and soil returned from the moon. The morphology

of particles and their crystal structure (by electron diffraction) will be studied.

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 provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU–4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified maximum accelerating voltage of 100 kilovolts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 24, 1970, that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU–4B 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 being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3578 Filed 3-15-71;8:45 am]

TEXAS A&M 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.: 71–00113–33–46040. Applicant: Texas A&M University, College Station, Texas 77843. Article: Electron Microscope, Model HS–8–2. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used to instruct faculty and graduate students in electron microscopy and for graduate research programs. Studies concern purified preparations of enzyme molecules; viruses (negatively-stained and shadow-cast preparations of purified viruses, sections of viruses within host cells; and internal structure of viruses); and isolated preparations of subcellular bacterial and blue-green algae structures (e.g. structured granules, polyhedral bodies, membranes, ribosomes, flagella, etc.).

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 15, 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.71-3575 Filed 3-15-71;8:45 am]

UNIVERSITY OF HAWAII

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. 71–00053–91–46040. Applicant: University of Hawaii, 3190 Maile Way, Plant Science Building, 305, Honolulu, HI 96822. Article: Electron Microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for research on the ultrastructure of tropical plants and their pathogens and on vectors of pathogens and on soil clay particles, largely by graduate students as an integral part of or as an adjunct to their thesis research. Also the electron microscope will be used as a teaching instrument in courses in the departments of the College of Tropical Agriculture and the plant sciences division of the College of Arts and Sciences, requiring a simple type instrument that is easy to use and understand.

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.71-3576 Filed 3-15-71;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 93]

FIRST FINANCIAL GROUP, INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Licking County Building and Savings Co.

MARCH 10, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the

First Financial Group, Inc., Columbus, Ohio, for approval of acquisition of control of the Licking County Building and Savings Co., Newark, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash by the First Financial Group, Inc. of the shares of said Licking County Building and Savings Co. Comments on the proposed acquisition should be submitted to the Director, Office of Examination and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-3589 Filed 3-15-71;8:46 am]

[H.C. No. 92]

FORT WORTH NATIONAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Mutual Savings and Loan Association

MARCH 10, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Fort Worth National Corp., Fort Worth, Tex., for approval of acquisition of control of the Mutual Savings and Loan Association, Fort Worth, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the purchase for cash and notes by The Fort Worth National Corp., of the outstanding stock of Mutual Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, DC 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-3590 Filed 3-15-71;8:46 am]

[H.C. No. 94]

H. F. AHMANSON & CO. AND AHMANCO, INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Walnut Creek Savings and Loan Association

MARCH 10, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the H. F. Ahmanson & Co., Los Angeles, Calif., a unitary savings and loan holding company which is controlled by Ahmanco, Inc., Los Angeles, Calif., for approval of acquisition of control of the Walnut Creek Savings and Loan Association, Walnut Creek, Calif., an uninsured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the purchase for cash by Home Savings and Loan Association, an insured subsidiary of H. F. Ahmanson & Co., of the assets of said Walnut Creek Savings and Loan Association. Home Savings and Loan Association will also assume the obligations and liabilities of Walnut Creek Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-3591 Filed 3-15-71;8:46 am]

FEDERAL MARITIME COMMISSION

HOUSEHOLD GOODS CARRIER'S BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. F. L. Wyche, Executive Secretary, Household Goods Carrier's Bureau, 2425 Wilson Boulevard, Arlington, VA 22201.

Agreement No. 8490-2, between the members of the Household Goods Carrier's Bureau, modifies the basic agreement which provides for the creation of the United States-Alaska Household Goods Rate Agreement, for the establishment and maintenance of agreed rates, charges, rules, and regulations applicable to the transportation of household goods between ports in the mainland United States and ports in Alaska. The purpose of the modification is to comply with §§ 528.3 and 528.5 of the Commission's General Order 7 (Revised), which provides for self-policing systems in conference and ratemaking agreements.

Dated: March 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3628 Filed 3-15-71;8:50 am]

HOUSEHOLD GOODS CARRIER'S BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. F. L. Wyche, Executive Secretary, Household Goods Carrier's Bureau, 2425 Wilson Boulevard, Arlington, VA 22201.

Agreement No. 8480-3, between the members of the Household Goods Carrier's Bureau, modifies the basic agreement which provides for the creation of

the United States-Hawaii/Puerto Rico/Guam Household Goods Rate Agreement, for the establishment and maintenance of agreed rates, charges, rules, and regulations applicable to the transportation of household goods between ports of the United States and ports in Hawaii, Puerto Rico, and Guam. The purpose of the modification is to comply with §§ 528.5 and 528.3 of the Commission's General Order 7 (Revised), which provides for self-policing systems in conference and ratemaking agreements.

Dated: March 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3629 Filed 3-15-71;8:50 am]

INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, General Secretary, The India, Pakistan, Ceylon and Burma Outward Freight Conference, 25 Broadway, New York, NY 10004.

Agreement No. 7690-14, between the member lines of the India, Pakistan, Ceylon and Burma Outward Freight Conference, modifies the self-policing system of the conference to conform to the requirements of the Commission's General Order 7 (Revised).

Dated: March 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3630 Filed 3-15-71;8:50 am]

INTERNATIONAL HOUSEHOLD GOODS 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, Washinton, 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:

International Household Goods Rate Agreement, c/o F. L. Wyche, Executive Secretary, Household Goods Carriers' Bureau, 2425 Wilson Boulevard, Arlington, VA 22201.

Agreement No. 8470-6, among the members of the International Household Goods Rate Agreement modifies the terms of the self-policing system under the agreement to conform with the requirements of the Commission's General Order 7 (Revised).

Dated: March 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3631 Filed 3-15-71;8:50 am]

[Docket No. 69-57; Agreement T-2336]

NEW YORK SHIPPING ASSOCIATION

Cooperative Working Arrangement; Order Reopening Proceeding and Consolidation

In the report and order in this proceeding, Agreement No. T-2336—New York Shipping Association Cooperative Working Arrangement, served November 20, 1970, the Commission approved Agreement No. T-2390, as modified, effective October 1, 1969.

On December 4, 1970, the New York Shipping Association (NYSA) petitioned for reconsideration of the Commission's report and order served November 20, 1970. They sought an expedited reconsideration of the placing of Puerto Rico, Alaska, and Hawaii in excepted cargo status and additionally requested oral argument and an extension of time within which to report the methods used to make the adjustments required in the order of approval.[1]

The Commission on December 11, 1970, granted reconsideration of the treatment of the Puerto Rican trade only.[2]

The Administrative Director of NYSA contends that "the full impact of costs * * * was not known until November 1970", and that "unanticipated GAI expenses" produce a deficit of "$8,284,101 to which must be added $2,631,372 if the Puerto Rican trade is placed in the excepted cargo." The Director argues that current data, based for the first time on tonnage and man-hour reports submitted by the carriers, contradict the data which afforded the basis for excepting Puerto Rico. Thus, NYSA contends that excepted status reduces Puerto Rico's contribution from slightly over $9 million to slightly under $3 million.

The NYSA figures are sharply challenged by TTT, Sea-Land, and Seatrain. They in turn offer a different set of figures which they contend support the excepted status of Puerto Rico.

There is also a dispute over the extent or degree to which the Commission excepted Puerto Rico from certain assessments. The only support for the NYSA petition came from the breakbulk carriers.

In addition to the above arguments, the NYSA submissions advised the Commission that the Excepted Cargo Assessment was increased from $2.559 to $3.39

[1] The order provides: "That NYSA within thirty (30) days from the date of service of this order, submit, to the Commission a report containing the manner and method adopted by NYSA to accomplish such adjustments, if any, in the assessments, as are made necessary by the terms and conditions of the approval of T-2390 granted herein."

[2] The portion of petitioner's request for reconsideration of the Hawaiian and Alaskan trades was denied, and no party treated these trades in subsequent pleadings considered herein.

for the last 42.3 weeks of the contract.[3] TTT, Seatrain, and the Commonwealth of Puerto Rico all oppose this increase, with TTT claiming that the escalation constitutes unlawful action in clear violation of the filing requirements and standards of section 15 of the Shipping Act. On January 15, 1971, TTT filed a complaint with the Commission challenging this action, among other things, on the basis that the increased nullified the Commission's decision, is contrary to the terms of agreement and should be filed with the Commission under section 15 prior to effectuation.

Seatrain, like TTT, filed a complaint[4] alleging that the increase of the man-hour rate was not authorized under the Commission's order; that it was not filed with or approved by the Commission; that Seatrain is being damaged to the extent of $0.835 per man-hour which, "if permittd to continue, will result in increased costs to Seatrain of approximately $182,565.66 for the period December 7, 1970 through September 30, 1971."

The complaints filed focus mainly on the recent increase affecting excepted cargo. However, the Board of Directors of NYSA have also noted that an increase in the tonnage rate from $1.23 to $2.23 affecting the foreign trades, automobile and others, arises because of the "substantial and unanticipated rise in the GAI costs and that the current per ton increase" ($0.50 effective as of Dec. 7, 1970) was "primarily because of the Puerto Rican Trade exception."

In any event, it would appear that the calculations and figures used by the Presiding Examiner and the Commission have radically changed. The deficit is large, the current increases are disputed, and the parties have again presented the Commission with different computations.

These factors added to the arguments raised concerning shortfall, GAI, the increased tonnage rate and the issues raised in the complaints filed by TTT and Seatrain cause us to reopen this proceeding in order to reevaluate our treatment of the many and varied interests of the participants in this proceeding, including automobiles, trucks and buses.

Additionally, we will take this opportunity to reevaluate our treatment of the Puerto Rican trade. The reopening will consider the basis of the increases contested in the complaints and the current deficit and its effect upon all other interests. In reopening this proceeding it is expected that the parties will at the very least stipulate or agree upon a set of basic financial data and figures so that we are not still faced with problems posed by an inability to produce a mutual basis upon which to render a sound and fair decision. Furthermore, the parties should present alternative proposals, backed by arguments, that could provide more equitable solutions to the wide differences still apparent. Accordingly:

It is ordered, That the Commission's report and order in Docket No. 69–57, served November 20, 1970, shall remain in full force and effect pending the outcome of the proceedings in Docket 69–57 as reopened;

It is further ordered, That this proceeding is hereby reopened for the purpose of receiving evidence and further argument on the question of whether the approval of Agreement No. T–2390, as modified, should continue in effect, and whether the increases in certain assessments effectuated by the New York Shipping Association constitute modifications to Agreement No. T–2390 which require prior approval under section 15 and whether such increases are proper;

It is further ordered, That the proceeding in Docket No. 71–2 and Docket No. 71–8 are hereby consolidated for hearing in Docket No. 69–57 as reopened;

It is further ordered, That the New York Shipping Association shall continue to be respondents in this proceeding and that other persons who were previously parties to this proceeding may continue to participate therein; and

It is further ordered, That this proceeding is to be expedited and is referred for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner; that notice of this order shall be published in the FEDERAL REGISTER and copy thereof served upon the respondents and persons who were previously parties to this proceeding; and that all future notices issued by or on behalf of the Commission in this proceeding shall be mailed to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71–3626 Filed 3–15–71;8:49 am]

[3] At the time of the Commission approval of the agreement, the assessment for this trade, as the "excepted" man-hour level, was $2.41 and $2.55.

[4] Seatrain's complaint was filed on January 18 and docketed as No. 71–8. On January 20, the TTT complaint (Docket No. 71–2) and 71–8 were consolidated by the Chief Examiner for hearing and issuance of an initial decision. The answers by NYSA have not as yet been filed with the Commission.

ROYAL VIKING LINE A/S

Notice of Application for Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Royal Viking Line A/S, Gabelsgate 1, B, Oslo 2, Norway.

Dated: March 11, 1971

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71–3627 Filed 3–15–71;8:49 am]

FEDERAL RESERVE SYSTEM

MERCANTILE BANKSHARES 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 Mercantile Bankshares Corporation, which is a bank holding company located in Baltimore, Md., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Bank of Southern Maryland, La Plata, Md.

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 Richmond.

By order of the Board of Governors, March 10, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71–3579 Filed 3–15–71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[70-4779]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Fifth Post-Effective Amendment Regarding Issue and Sale of Notes to Banks and to Dealer in Commercial Paper by Holding Company and Capital Contributions to Subsidiary Companies

MARCH 10, 1971.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway New York, NY 10004, a registered holding company, has filed a fifth post-effective amendment to its application-declaration in this proceeding pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By orders dated September 15, 1969, August 10, 1970, September 21, 1970, January 28, 1971, and February 12, 1971 (Holding Company Act Releases Nos. 16476, 16803, 16835, 16975, and 16995), the Commission authorized AEP to issue and sell, from time to time prior to June 30, 1971, short-term notes to banks and commercial paper to a dealer in an aggregate face amount of not more than $130 million to be outstanding at any one time and to make capital contributions on or before June 30, 1971, to four of its subsidiary companies.

AEP has now filed a fifth post-effective amendment to its application-declaration in which it proposes to increase the cash capital contributions to be made to Appalachian Power Co. (Appalachian) from $40 million to $75 million. It is stated that Appalachian's construction program for the first half of 1971 is estimated at more than $70 million.

It is represented that the capital contributions of AEP to Appalachian require authorization by the State Corporation Commission of Virginia and the Public Service Commission of West Virginia, such authorization to be filed by amendment, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 30, 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 fifth post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3606 Filed 3-15-71;8:48 am]

[70-4991]

NORTHEAST UTILITIES

Notice of Proposed Increase in Common Shares and Order Authorizing Solicitation of Proxies

MARCH 10, 1971.

Notice is hereby given that Northeast Utilities (Northeast), 174 Brush Hill Avenue, West Springfield, MA 01089, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Northeast proposes to submit to its shareholders at its Annual Meeting of Shareholders to be held April 27, 1971, a proposal to increase the number of authorized common shares from 40 million to 53 million. It is contemplated that the additional authorized common shares, the issuance and sale of which are to be the subject of future filings with this Commission, will be used (a) to retire Northeast's bank notes and commercial paper, heretofore authorized and (b) to provide part of the funds for its operating subsidiary companies' construction budgets. The proposed increase in the number of authorized common shares requires the affirmative vote of the holders of at least two-thirds of the 38,376,693 outstanding common shares. Northeast intends to solicit proxies from its shareholders of record at the close of business March 1, 1971, to obtain the requisite approval. Northeast proposes, in addition to the use of the mails, to solicit proxies by personal interview, telephone and telegraph, by trustees, officers, and employees of Northeast and of its service company.

The fees, commission and expenses paid or incurred, or to be paid or incurred, directly or indirectly, in connection with the proposed transactions are the normal expenses regularly incurred by Northeast in connection with its Annual Meeting, consisting principally of the expense of printing and mailing proxy material, and the charges of the principal transfer agent for processing the material. It is expected that charges for incidental services rendered by its service company, at cost, with respect to the proposed transactions, will be approximately $1,000 and that fees and expenses for legal services will be approximately $2,000.

It is stated that no consent or approval of any State commission or any Federal commission, other than this Commission, is required for the transaction proposed herein. Northeast has requested that the effectiveness of its declaration with respect to the solicitation of proxies from the holders of its common shares be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 15, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by ceritficate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rule 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.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

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

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3607 Filed 3-15-71;8:48 am]

TARIFF COMMISSION

[TEA-W-81]

AMBAC INDUSTRIES, INC.

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 certain workers at a plant of the American Bosch Division, AMBAC Industries, Inc., in Springfield, Mass., the U.S. Tariff Commission, on the 10th day of March 1971, instituted an investigation under section 301(c)(2) 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 fuel injection pumps for diesel engines and nozzles for such pumps produced by the aforementioned 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 that plant engaged in the production of the aforenamed articles.

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, 8th 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 11, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3599 Filed 3-15-71;8:47 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

IMPLEMENTATION OF EXECUTIVE ORDER 11246 IN ATLANTA AREA

Notice of Hearing

Notice is hereby given that, pursuant to section 208(a) of Executive Order 11246 (30 F.R. 12319), a public hearing is to be held by the Office of Federal Contract Compliance, U.S. Department of Labor commencing March 31 and continuing through April 2, 1971, at Conference Room 556, Federal Building, 275 Peachtree Street NE., Atlanta, GA, in order to afford interested persons an opportunity to submit in writing and orally, data, views, or arguments to be considered by the Office of Federal Contract Compliance in implementing the requirements and objectives of Executive Order 11246 with respect to federally involved construction in the Atlanta area. The hearing will begin at 9:30 a.m., e.s.t., on Wednesday, March 31, 1971. The presentation will be made before a panel designated for this purpose by the Director of the Office of Federal Contract Compliance. Interested persons are encouraged to appear and present their views before the panel.

Executive Order 11246 prohibits discriminating against any employee or applicant for employment because of race, color, religion, sex, or national origin, and further requires that the employer or prospective employer take affirmative action to insure equal employment opportunity.

It is the responsibility of the Secretary of Labor and his Department to implement the purposes of Executive Order 11246 throughout the country on federally involved construction.

It has been the position of the Department that the objectives of Executive Order 11246 can be implemented most successfully through voluntary, areawide agreements between contractors, unions and community organizations interested in furthering equal employment opportunity, which are designed to increase the utilization of the minority workforce in the skilled construction trades in a particular area. However, where as in the Atlanta area, a voluntary agreement has not been reached, the Department must take appropriate action to insure that its obligations under Executive Order 11246 are met.

The Department recognizes that circumstances and problems in the field of equal employment opportunity vary from one area of the country to another, and that those living and working in a specific area are in the best position to evaluate the problems of their respective communities and assist the Department with facts and ideas as to the most effective way to implement the Executive order. It is this assistance which is sought at the above noticed hearing.

Therefore, all interested persons are requested to appear before the Hearing Panel or otherwise submit data on at least the following points:

(1) The current extent of minority group participation in each construction trade, and the full employee complement of each trade;

(2) A statement and evaluation of present employee recruitment methods, as well as the assistance and effectiveness of any employer or union programs to increase minority participation in the trades;

(3) The availability of qualified and qualifiable minority group persons for employment in each construction trade, including where they are now working, how they may be brought into the trades, etc.;

(4) An evaluation of existing training programs in the area, including the number of minorities and others recruited into the programs, the number who complete training, the length and extent of training, employer experience with trainees, the need for additional or expanded training programs, etc.;

(5) An analysis of the number of additional workers that could be absorbed into each trade without displacing present employees, including consideration of present employee shortages, projected growth of the trade; projected employee turnover, etc.;

(6) The desirability and extent, including the geographical scope of possible Federal action to insure equal employment opportunity in the construction trades.

All persons wishing to present their views orally, before the panel, should notify Mr. Jodie Eggers, Area Coordinator for the Office of Federal Contract Compliance, U.S. Department of Labor, Room 720, 1371 Peachtree Street NE., Atlanta, GA 30309 (telephone: (404) 526-4211) of their intention to appear on or before March 25, 1971, and of the approximate amount of time which they expect their presentations to take, so as to facilitate an orderly scheduling of witnesses. Those persons desiring to file written statements and pertinent information relative to this hearing may do so by filing the same with the Office of Federal Contract Compliance on or before April 2, 1971.

Copies of the Executive Order 11246 can be obtained from the Office of Federal Contract Compliance, Department of Labor, 14th Street and Constitution Avenue, Washington, DC 20210, or from the Area Coordinator in Atlanta.

Signed at Washington, DC, the 12th day of March 1971.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[FR Doc.71-3721 Filed 3-15-71;9:52 am]

Office of the Secretary

OREGON

Notice of Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, Title II of Public Law 91–373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b) (2) of the Act, notice is hereby given that Ross Morgan, Administrator, Oregon Employment Division, has determined that there was a State "on" indicator in Oregon for the week beginning December 20, 1970, and that an extended benefit period began in the State with the week beginning January 10, 1971.

Signed at Washington, D.C. this first day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71–3582 Filed 3–15–71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[No. 34013]

COST EVIDENCE

Rules To Govern Assembly and Presentation

FEBRUARY 19, 1971.

The report of the Commission on oral argument in this proceeding, 337 ICC 298, reached certain conclusions with respect to the nature of cost evidence presented in formal proceedings before this Commission. In addition, the report expressed the Commission's recognition of the need for additional study in many areas, including the following:

1. Possible alternative approaches to costing generally, including the forecasting of future costs as opposed to reliance solely on historical data.

2. The nature of deficiencies in the systems of accounting and reporting for regulatory costing purposes.

3. Design and implementation of probability sampling and statistical analysis for the development of cost data.

4. Development of variability factors relating to carrier costs.

5. Development of reasonable methods for allocating constant costs and of common or joint costs as between various segments of traffic.

6. The establishment of clear definitions of terms to be used in the area of transportation costing.

Because of severely limited resources, the Commission, however, stated that any specific research projects to be undertaken must be justified by the potential benefits (pp. 321–322). To that end, the Commission found (p. 327):

(7) A task force of Commission employees will be established for the purpose of conferring with shipper, carrier and other government agency representatives to consider the feasibility and practicability of additional research projects into specific areas of transportation cost ascertainment.

Such a task force has been established and its members are prepared to confer, not only with representatives of parties to this proceeding, but with any other person, firm, or agency with an interest in the subject. Persons interested in attending a conference should so advise the Commission within 60 days of the date of publication of this notice in the FEDERAL REGISTER and should suggest areas of inquiry and their priority, including the projects that the participants are prepared to undertake or to advance.

A copy of this notice will be served on each party to this proceeding, a copy will be posted in the office of the Secretary of the Commission for public inspection, and a copy will be delivered to the Director, Office of the Federal Register, for publication therein.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–3609 Filed 3–15–71;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 11, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42150—*Liquefied Propylene Gas from Port Neches, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–211), for interested rail carriers. Rates on gas, propylene, liquefied, in tank-car loads, as described in the application, from Port Neches, Tex., to Charleston and South Charleston, W. Va.

Grounds for relief—Market competition.

Tariff—Suplement 7 to Southwestern Freight Bureau, agent, tariff ICC 4939.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–3612 Filed 3–15–71;8:48 am]

[Ex Parte No. 270]

INVESTIGATION OF RAILROAD FREIGHT RATE STRUCTURE

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 9th Day of March 1971.

Upon consideration of the record, the petition filed on February 16, 1971, by the Tennessee Valley Authority, for additional time in which to submit supplementary views; and for good cause appearing:

It is ordered, That the petition of the Tennessee Valley Authority be, and it is hereby granted, and that the petitioner as well as all other interested parties may file statements setting forth their supplementary views in this proceeding on or before April 1, 1971.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–3610 Filed 3–15–71;8:48 am]

[Notice 261]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 10, 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 15371 (Sub-No. 9 TA), filed March 4, 1971. Applicant: CITY TRANSFER, INC., 458 Washington Street, St. Marys, PA 15857. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon products*, from Niagara Falls, N.Y., to St. Marys, Pa., for 150 days. Supporting shipper: Airco Speer Carbon-Graphite, a division of Air Reduction Co., Inc. St. Marys, Pa. Send Protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 50493 (Sub-No. 45 TA), filed March 4, 1971. Applicant: P. C. M. TRUCKING, INC., 1063 Main Street, Orefield, PA 18069. Applicant's representative: J. William Cain, Jr., 3034 O Street NW., Washington, DC 20007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Magnesium oxide*, in bulk, from Cape May, N.J., to Philadelphia, Pa., (2) *Bicarbonate of soda*, in bulk, from Syracuse, N.Y., to Philadelphia, Pa., (3) *Cobalt carbonate*, in bulk, from Washington, Del., to Philadelphia, Pa., (4) *Manganous oxide, and ferrous sulfate*, in containers, from Baltimore, Md., to Philadelphia, Pa., and (5) *Feed ingredients*, in containers, from Philadelphia, Pa., to points in Delaware, Maine, New Hampshire, Rhode Island, Vermont, West Virginia, and that part of Maryland on and east of a line beginning at the District of Columbia-Maryland State line and extending along U.S. Highway 1 to Baltimore, Md., and thence along U.S. Highway 40 to the Maryland-Delaware State line near Elkton, Md., for 180 days. Supporting Shipper: Sea Board Mineral Feeds, 35th and Grays Ferry Avenue, Philadelphia, PA 19146. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, room 1600, Philadelphia, PA 19102.

No. MC 76032 (Sub-No. 280 TA), filed March 4, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, hydrogen peroxide, plastic articles, electrical hair curlers, electric razors, mirrors*, not bent under 120", moving in mixed and solid truckloads requiring temperature control, from Stamford, Conn., and New York, N.Y., to Portland, Oreg., for 180 days. Supporting shipper: Clairol, 1 Blachley Road, Stamford, CT 06902. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 102567 (Sub-No. 141 TA), filed March 4, 1971. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid weed killing compounds*, in bulk, in tank vehicles, from Schriever, La., to Belle Glade, Pahokee, and Tampa, Fla., and Kingsville, Tex., for 180 days. Supporting shipper: E. E. Bracken, Manager, Truck Transportation, Diamond Shamrock Chemical Co., 610 Euclid Avenue, Cleveland, OH 44114. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 110525 (Sub-No. 996 TA), filed March 4, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine solution*, in bulk, in tank vehicles, from Lake Charles, La., to Marienette, Wis., for 180 days. Supporting shipper: Olin Chemicals, 120 Long Ridge Road, Stamford CT 06904. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 113434 (Sub-No. 42 TA), filed March 4, 1971. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49432. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the distribution center of Michigan Fruit Canners, Inc., approximately 2 miles west of Coloma, Mich., to points in Ohio, for 150 days. NOTE: No tacking nor interlining intended. Supporting shipper: Michigan Fruit Canners, Inc., Post Office Box 206, Coloma, MI 49038 (By M. W. Klintworth, manager). Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 225, Lansing, MI 48933.

No. MC 113651 (Sub-No. 139 TA), filed March 4, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) from the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Michigan, Indiana, Ohio, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; and (2) *Such commodities as are used by meat packers in the conduct of their business*, when destined to and for use by meat packers as described in section D of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Michigan, Indiana, Ohio, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and the District of Columbia to the plantsite and storage facilities of the Illini Beef Packers, Inc., at or near Joslin, Ill., for 180 days. Supporting shipper: Illini Beef Packers, Inc., Illini, Ill. Sent protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, room 204, Fort Wayne, IN 46802.

No. MC 114533 (Sub-No. 225 TA), filed March 4, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komoso (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Flint, Mich., on the one hand, and, on the other, points in Cook (except Chicago), Lake McHenry, Kane, Du Page, Kendall, and Will Counties, Ill., for 180 days. Supporting shipper: Hospital Computer Center, 1500 Genesee Towers, Flint, MI 48502. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 118039 (Sub-No. 13 TA), filed March 5, 1971. Applicant: MUSTANG TRANSPORTATION, INC., 856 Warner Street SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared, or preserved food and foodstuffs*, from Charleston, S.C., to points in Georgia, for 180 days. Supporting shipper: Bentley-Makey, Inc., Post Office Box 8076, San Francisco, CA 94128. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 118989 (Sub-No. 61 TA), filed March 4, 1971. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard boxes*, from Gurnee, Ill., to Terre Haute, and Indianapolis, Ind., for 180 days. Supporting shipper: Hoerner Waldorf Corp., Container Division, 2250 Wabash Avenue, Post Office Box 3266, St. Paul MN 55101. (R. C. Nelson—Transportation Manager.) Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 123048 (Sub-No. 187 TA), filed March 4, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEMS, INC., 1919 Hamilton Avenue, Racine, WI 53403. Applicant's representative: Paul L. Martinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings;* (2) *prefabricated buildi-*

modules; (3) *parts, attachments, and fixtures of and for prefabricated buildings and prefabricated building modules; and* (4) *advertising materials, appliances, equipment, fixtures, furnishings, furniture hardware, machinery, and paper, and plastic products and* (5) *materials, equipment and supplies used in the installation and erection of prefabricated buildings and prefabricated building modules,* in mixed shipments with prefabricated buildings and prefabricated building modules, from Madison, Wis., to Bay Shore, N.Y., Longmont, Colo., Jefferson City, Tenn., Worthington, and Shakopee, Minn., Patchogue, N.Y., and Branson, Mo., for 180 days. Supporting shipper: Trachte Metal Buildings Co., 102 North Dickinson Street, Madison, WI 53703 (Dennis O'Connell.) Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee WI 53203.

No. MC 124673 (Sub-No. 11 TA), filed March 4, 1971. Applicant: FEED TRANSPORTS, INC., Post Office Box 2167, Pullman Road South, Amarillo, TX 79105. Applicant's representative: L. M. Maples (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry feed ingredients,* in bulk, and bags, in trailers with special unloading devices, from points in Pratt County, Kans., to points in Curry County, N. Mex., for 150 days. NOTE: Applicant does intend to tack the authority here applied for to other authority held by it in MC–124673. Supporting shipper: Larry Foster, Assistant Manager, Wilbur-Ellis Co., Box 427, Clovis, N. Mex. 88101. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 124774 (Sub-No. 79 TA), filed March 5, 1971. Applicant: NEBRASKA-IOWA REFRIGERATED EXPRESS, INC., Post Office Box 1499, 51108, 3112 Highway 75 North, Sioux City, IA 51105. Applicant's representative: David R. Parker, 14th and J Streets, 300 NSEA Building, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats,* from Dakota City and West Point, Nebr., and Emporia, Kans., to Boston and Springfield, Mass., Providence, R.I., Hartford, Conn., Philadelphia, Pa., Baltimore, Md., Norfolk and Richmond, Va., District of Columbia; and all points in New York and New Jersey; for 150 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, IA 51101.

No. MC 126367 (Sub-No. 10 TA), filed March 5, 1971. Applicant: EVERGREEN TRUCKING COMPANY, Jewel Route, Box 39, Seaside, OR 97138. Applicant's representative: Fred Slanger (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, and shavings,* from points in Washington County, Oreg., to points in Cowlitz County, Wash., for 180 days. Supporting shipper: Ebco Timber Products Corp., Buxton, Oreg. 97109. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

No. MC 134286 (Sub-No. 9 TA), filed March 4, 1971. Applicant ARCTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, IA 51501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Apendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Emporia, Kans., and Dakota City and West Point, Nebr., to Boston and Springfield, Mass., Providence, R.I., Hartford and New Haven, Conn., Philadelphia, Pa., Baltimore, Md., Richmond and Norfolk, Va., Charlotte, Kinston and Greensboro, N.C., Washington, D.C., and points in New York and New Jersey, restricted to traffic originating at plantsites of Iowa Beef Processors, Inc., for 180 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, NE 68731. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, NE 68102.

No. MC 134599 (Sub-No. 13 TA), filed March 4, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Games and toys; and advertising and promotional matter when moving at the same time and in the same vehicle with games and toys,* from City of Industry and Compton, Calif., and their commercial zones, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Mattel, Inc., 5150 Rosecrans Avenue, Hawthorne, CA 90250. Send protests to: District Supervisor, Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, CO 80202.

No. MC 135322 (Sub-No. 1 TA), filed March 5, 1971. Applicant: HUSBAND TRANSPORT LIMITED, 10 Center Street, London, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Aircraft engines and component parts thereof,* between ports of entry along the United States-Canada boundary line, on the one hand, and, on the other, Southington, East Hartford, and Middleton, Conn., New York, N.Y., Newark, N.J., Chicago, Ill., Seattle, Wash., San Francisco and Los Angeles, Calif., Philadelphia, Pa., Friendship International Airport, Baltimore, Md., Dulles International Airport, Herndon, Va., Logan International Airport, Boston, Mass., Hopkins International Airport, Cleveland, Ohio; O'Hara International Airport, Chicago, Ill., Minneapolis National Airport, Minneapolis, Minn., Buffalo International Airport, Buffalo, N.Y., and Detroit International Airport, Detroit, Mich., for 150 days. Supporting shipper: Air Canada, 1 Place Ville Marie, Montreal 101, Quebec, Canada. Send protests to: District Supervisor, Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 135359 TA, filed March 4, 1971. Applicant: BERNARD BAILEY, Bushwood, MD 20618. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising paraphernalia,* from Williamsburg, Va., to Leonardtown, Md., *used malt beverages containers,* from Leonardtown, Md., to Williamsburg, Va., for 180 days. Supporting shipper: Guy Distributing Co., Inc., Post Office Box 307, Leonardtown, MD 20650. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 135360 TA, filed March 4, 1971. Applicant: JAMES R. FUSTON, doing business as: METRO MOVING & STORAGE CO., 1112 Solana Street, Winter Park, FL 32789. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission and *unaccompanied baggage and personal effects,* between points in Florida south and east of the western boundary of Jefferson County and north of the northern boundaries of Lee, Hendry, and Palm Beach Counties. Restriction: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating and containerization; or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers:

Pyramid Van Lines, Inc., 479 South Airport Boulevard, South San Francisco, CA 94808; Jet Forwarding, Inc., 2945 Columbia Street, Torrance, CA 90503, and Delcher Intercontinental Moving Service, 262 Riverside Avenue, Post Office Box 507, Jacksonville, FL 32203. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations; Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MOTOR CARRIER OF PASSENGERS

No. MC 10302 (Sub-No. 5 TA), filed March 4, 1971. Applicant: THE CHIEPPO BUS COMPANY, 192 Forbes Avenue, New Haven, CT 06512. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, when moving in the same vehicle with passengers, in special, round trip operations, beginning and ending at Danbury, Conn., and extending to New York, N.Y., Aqueduct Race Track, New York, N.Y., Belmont Park, Elmont, N.Y., Roosevelt Raceway, Westbury, N.Y., Saratoga Race Track, Saratoga Springs, N.Y., Yonkers Raceway, Yonkers, N.Y., Lincoln Downs Race Track, Lincoln, R.I., Narragansett Race Track, Pawtucket, R.I., and Green Mountain Racing Park, Pownal, Vt., for 180 days. Supported by: There are approximately 50 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

By the Commission.

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

[FR Doc.71-3613 Filed 3-15-71;8:48 am]

[Notice 662]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 11, 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-72530. By order of February 25, 1971, the Motor Carrier Board approved the transfer to Sigel's Hauling, Inc., Cadiz, Ohio, of the operating rights in Certificate No. MC-134029 issued December 31, 1969, to Sigel Heavy Hauling Co., a corporation, Cadiz, Ohio, authorizing the transportation of mining machinery, equipment, and supplies, between points in Washington, Allegheny, and Fayette Counties, Pa., on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 50, and those in that part of Ohio on and east of U.S. Highway 21. Paul F. Beery, 88 East Broad Street, Suite 1660, Columbus, OH 43215, attorney for applicants.

No. MC-FC-72560. By order of February 24, 1971, the Motor Carrier Board approved the transfer to Hanover Lines, Inc., Allentown, Pa., of Certificate No. MC-114679, issued August 1, 1958, as modified by the Commission in No. MC-FC-71701, approved May 15, 1970, and Certificate No. MC-114679 (Sub-No. 13), issued March 20, 1970, to Howard H. Krapf, doing business as Krapf Truck Service, Allentown, Pa., authorizing the transportation of: Such bulk commodities as are transported in dump trucks, except slag, sand, gravel, and stone; coal, and general commodities, except cement, motor vehicles, commodities in bulk, and commodities that require special equipment, having a prior or subsequent movement by rail; from, to or between specified points in Pennsylvania and New Jersey. Kenneth R. Davis, 999 Union Street, Taylor, PA 18517, applicants' practitioner.

No. MC-FC-72593. By order of February 25, 1971, the Motor Carrier Board approved the transfer to Richard Dean Wendelken, doing business as Rubber City Express, Akron, Ohio, of the operating rights in permit No. MC-76297 issued March 24, 1961, to C. T. Millbaugh and S. E. Millbaugh, a partnership, doing business as C. T. Millbaugh and Son, Barberton, Ohio, authorizing the transportation of scrap tires and tubes, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N.J., and Albany and New York, N.Y., and points on Long Island, N.Y., to Akron, Ohio; chemicals, from Naugatuck, Conn., to Akron, Ohio; tire fabric, from Fall River and New Bedford, Mass., to Akron, Ohio, and such commodities as are manufactured, processed and/or dealt in by rubber manufacturers and steel product manufacturers, and equipment, materials, and supplies used in the conduct of such business, from Akron, Ohio, to points in Rhode Island, Massachusetts, and Connecticut, and specified points in New York and New Jersey. James S. Pedler, Jr., 1 Cascade Plaza, Akron, OH 44308, attorney for applicants.

No. MC-FC-72602. By order of February 25, 1971, the Motor Carrier Board approved the transfer to Evansville & Ohio Valley Transportation Co., Inc., Evansville, Ind., of the operating rights in Certificates Nos. MC-39305 (Corrected), MC-39305 (Sub-No. 1), and MC-39305 (Sub-No. 3), issued October 17, 1968, August 29, 1955, and November 26, 1940, respectively, to Evansville & Ohio Valley Railway Co., Inc., Evansville, Ind., authorizing the transportation of passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, between Evansville, Ind., and Mount Vernon, Ind.; between Evansville, Ind., and Henderson, Ky.; between Grand View, Ind., and Cannelton, Ind., serving all intermediate and off-route points; between Evansville, Ind., and Grand View, Ind., serving the intermediate points in Rockport, Hatfield, Yankeetown, and Newburg, Ind., and between junction Indiana Highways 66 and 75 and Owensboro, Ky., serving all intermediate points. Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, IN 46204, attorney for applicants.

No. MC-FC-72679. By order of February 24, 1971, the Motor Carrier Board approved the transfer to Douglas H. Huntley, doing business as Earl F. Collins Mover, Brattleboro, Vt., of Certificate No. MC-114205, issued to Earl F. Collins, Sr., Brattleboro, Vt., authorizing the transportation of: New furniture and household goods as defined by the Commission, between specified points and areas in Vermont, New York, New Jersey, Connecticut, Massachusetts, and Pennsylvania. Robert Grussing III, Post Office Box 76, Brattleboro, VT 05301, attorney for applicant.

No. MC-FC-72702. By order of February 25, 1971, the Motor Carrier Board approved the transfer to Saltran, Inc., East Tremonton, Utah, of Permit No. MC-117445 (Sub-No. 2), issued to Darrell Godfrey, East Tremonton, Utah, authorizing the transportation of: Salt from Saline, Utah, to points in Colorado, Idaho, Montana, and Wyoming. Irene Warr, 419 Judge Building, Salt Lake City, UT 84111, attorney for applicant.

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

[FR Doc.71-3614 Filed 3-15-71;8:48 am]

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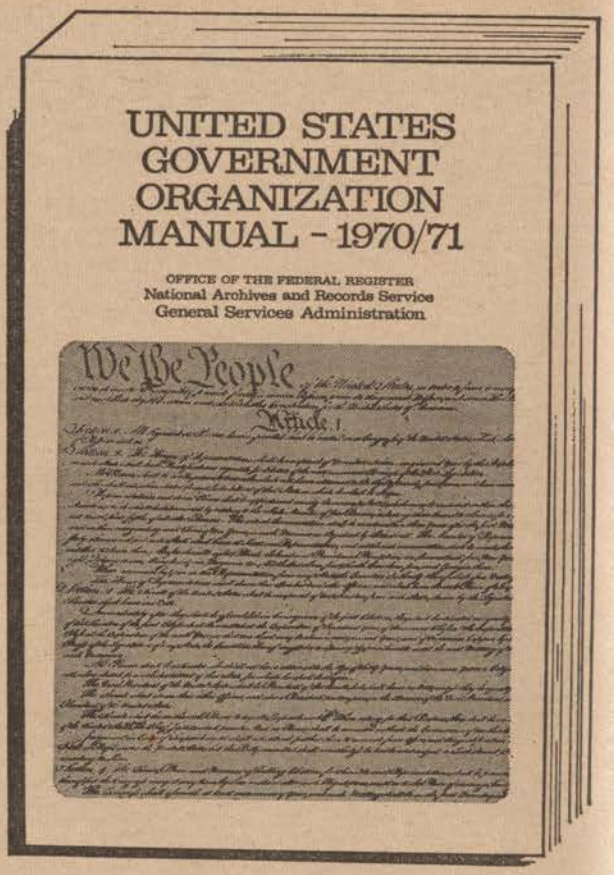

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