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[*A Cumulative checklist of CFR issuances for 1971 appears in the first issue of the Federal Register each month under Title 1*]

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

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Title 3—The President

PROCLAMATION 4052

National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks

By the President of the United States of America

A Proclamation

Great progress has been made in the fight against disease and disability during the past few decades. Now, with the major infectious diseases under control, medical research is giving increased attention to diseases which originate within the body such as the disabling neurological disorders.

Among the illnesses which present the greatest challenge at the present time is multiple sclerosis. Of the hundreds of thousands of Americans who suffer from diseases of the central nervous system, many are the victims of this crippling illness.

Advances in medicine result from the combined efforts of private physicians, research scientists—both in and outside of government—and voluntary health agencies such as the National Multiple Sclerosis Society, which was established over 20 years ago.

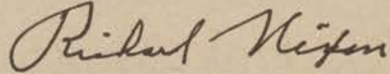
To focus the attention of the American people on the national effort to find the cause of multiple sclerosis and its cure, the Congress, by a joint resolution approved December 28, 1970, has requested the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the period from May 9, 1971, through June 20, 1971, as National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks. I invite the Governors of the States and the appropriate officials of other areas under the United States flag to issue similar proclamations.

I urge the people of this Nation and their educational, philanthropic, scientific, medical, and health care professions and organizations to join

in providing the assistance and resources necessary to discover the cause of multiple sclerosis and its cure and to help alleviate the suffering of persons stricken by this disease.

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



[FR Doc.71-6657 Filed 5-10-71;11:01 am]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-554]

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, 13-4f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) (10) relating to the State of Texas is amended to read:

(10) *Texas.* (i) All of Harris, Galveston, Liberty, Montgomery, and San Jacinto Counties.

(ii) That portion of the State of Texas comprised of all of Bell, Bosque, Callahan, Collin, Comanche, Eastland, Ellis, Erath, Hill, Hood, Johnson, McLennan, Somervell, Tarrant and Williamson Counties and portions of Brown, Coleman, Coryell, Denton, Falls, Freestone, Hamilton, Limestone, Mills, Navarro, Palo Pinto, Parker, Shackelford, Stephens, Taylor, and Wise Counties, and bounded by a line beginning at the junction of the Tarrant-Dallas-Ellis County lines; thence, following the Dallas-Ellis County line in an easterly direction to the Dallas-Ellis-Kaufman County lines; thence, following the Kaufman-Ellis County line in a southeasterly direction to the Kaufman-Ellis-Henderson County lines; thence, following the Ellis-Henderson County line in a southeasterly direction to the Ellis-Henderson-Navarro County lines; thence, following the Ellis-Navarro County line in a southwesterly direction to Interstate Highway 45 in Ellis County; thence, following Interstate Highway 45 in a southeasterly direction to State Highway 14 in Navarro County; thence, following State Highway 14 in a southwesterly direction to State Highway 7 in Limestone County; thence, following State Highway 7 in a southwesterly direction to State Highway 320 in Falls County; thence, following State Highway 320 in a southwesterly direction to the Bell-Falls County line; thence, following the Bell-Falls County line in a southeasterly direction to the Bell-Milam-Falls County lines; thence, following the Bell-Milam County line in a southwesterly direction to the Bell-Milam-Williamson County lines; thence, following the Williamson-Milam County line in a southeasterly direction to the Williamson-Milam-Lee County lines; thence, following the Williamson-Lee County line in a southwesterly direction to the Williamson-Lee-Bastrop County lines; thence, following the Williamson-Bastrop County line in a generally northwesterly direction to the Williamson-Travis-Burnet County lines; thence, following the Williamson-Burnet County line in a northeasterly direction to the Williamson-Burnet-Bell County lines; thence, following the Bell-Burnet County line in a northwesterly direction to the Bell-Burnet-Lampasas County lines; thence, following the Bell-Lampasas County line in a northerly direction to the Bell-Lampasas-Coryell County lines; thence, following the Bell-Coryell County line in a northeasterly direction to State Highway 36 in Bell County; thence, following State Highway 36 in a northwesterly direction to U.S. Highway 84 in Coryell County; thence, following U.S. Highway 84 in a generally northwesterly direction to State Highway 351 in Taylor County; thence, following State Highway 351 in a northeasterly direction to U.S. Highway 180 in Shackelford County; thence, following U.S. Highway 180 in an easterly direction to State Highway 67 in Stephens County; thence, following State Highway 67 in a northeasterly direction to Farm to Market Road 717 in Stephens County; thence, following Farm to Market Road 717 in a southeasterly direction to U.S. Highway 180 in Stephens County; thence, following U.S. Highway 180 in an easterly direction to Farm to Market Road 920 in Parker County; thence, following Farm to Market Road 920 in a northwesterly direction to Farm to Market Road 1885 in Parker County; thence, following Farm to Market Road 1885 in a northwesterly direction to the Parker-Palo Pinto County line; thence, following the Parker-Palo Pinto County line in a northerly direction to the Parker-Palo Pinto-Jack County lines; thence, following the Parker-Jack County line in an easterly direction to Farm to Market Road 51 in Wise County; thence, following Farm to Market Road 51 in a northeasterly direction to U.S. Highway 81,287 in Wise County; thence, following U.S. Highway 81,287 in a southeasterly direction to Farm to Market Road 730 in Wise County; thence, following Farm to Market Road 730 in a southeasterly direction to the Wise-Parker-Tarrant County lines; thence, following the Wise-Tarrant County line in an easterly direction to the Tarrant-Denton County line; thence, following the Tarrant-Denton County line in an easterly direction to U.S. Highway 377 in Denton County; thence, following U.S. Highway 377 in a northeasterly direction to State Highway 24 in Denton County; thence, following State Highway 24 in an easterly direction to Farm to Market Road 720 in Denton County; thence, following Farm to Market Road 720 in a southeasterly direction to the Denton-Collin County line; thence, following the Denton-Collin County line in a northerly direction to the Denton-Collin-Grayson County lines; thence, following the Collin-Grayson County line in an easterly direction to the Collin-Grayson-Fannin County lines; thence, following the Collin-Fannin County line in a southerly and then easterly direction to the Collin-Fannin-Hunt County lines; thence, following the Collin-Hunt County line in a southerly direction to the Collin-Hunt-Rockwall County lines; thence, following the Collin-Dallas County line in a westwesterly direction to the Collin-Dallas-Rockwall County lines; thence, following the Collin-Dallas County line in a westerly direction to the Dallas-Denton-Collin County lines; thence, following the Denton-Dallas County line in a westerly direction to the Denton-Dallas-Tarrant County lines; thence, following the Tarrant-Dallas County line in a southerly direction to the junction of the Tarrant-Dallas-Ellis County lines.

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

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

The amendment quarantines Bell and Williamson Counties in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined counties.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good

cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of May 1971.

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

[FR Doc.71-6559 Filed 5-10-71;8:51 am]

[Docket No. 71-555]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, in paragraph (e)(10) relating to the State of Texas, subdivision (i) relating to Harris, Galveston, Liberty, Montgomery, and San Jacinto Counties is amended to read:

(10) *Texas.* (i) All of Harris, Galveston, Liberty, Montgomery, San Jacinto, and Tom Green Counties.

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

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

The amendment quarantines Tom Green County, Tex., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of May 1971.

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

[FR Doc.71-6558 Filed 5-10-71;8:51 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Fiancees and Fiances of U.S. Citizens

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on April 8, 1971 (36 F.R. 6755), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set out the terms of a proposed amendment to § 214.2(k) pertaining to the approval of visa petitions filed on behalf of fiancees and fiances of U.S. citizens. No representations were received concerning the proposed rule. No change was made in the proposed rule. The proposed rule as set out below is hereby adopted:

Paragraph (k) *Fiancees and fiances of U.S. citizens* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by inserting the following sentence between the existing second and third sentences: "A petition shall not be approved unless the petitioner satisfactorily establishes that he has personally met and seen the beneficiary prior to filing the petition."

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

The basis and purpose of the above-prescribed rule is to provide safeguards against fraud involving visa petitions filed on behalf of fiancees and fiances of U.S. citizens.

This order shall be effective on the date of its publication in the FEDERAL REGISTER (5-11-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383) as to delayed effective date is contrary to the public interest.

Dated: May 5, 1971.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[FR Doc.71-6535 Filed 5-10-71;8:49 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 10, Amdt. 2]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Government Procurement For Air Transportation

On page 294 of the FEDERAL REGISTER of January 8, 1971, there was published a notice that the Administrator of the Small Business Administration proposed to increase the size standard for qualifying as a small business for the purpose of bidding on a Government contract for air transportation, from 1,000 employees to 1,500 employees. Interested persons were given 30 days to submit written statements of facts, opinion, or arguments concerning the proposal.

After consideration of all relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted without change and is set forth below.

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER (5-11-71), but shall apply only to procurements for which invitations for bids or requests for proposals are issued on or after such effective date.

Dated: May 3, 1971.

THOMAS S. KLEPPE,
Administrator.

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(f) * * *

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,500 persons.

* * * * *

[FR Doc.71-6505 Filed 5-10-71;8:46 am]

[Rev. 10, Amdt. 3]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Assistance by Small Business Investment Companies or by Development Companies

A proposal was issued on March 19, 1971 (36 F.R. 5302), to amend the definition of a small business for the purpose of receiving financial assistance from small business investment companies or by development companies by increasing the assets limitation from $5 million to $7½ million.

Interested parties were given 30 days in which to submit written comment thereon.

No adverse comment was received and the proposed amendment is hereby adopted without change and is set forth below.

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER (5-11-71).

Dated: April 30, 1971.

THOMAS S. KLEPPE,
Administrator.

§ 121.3-11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is one which:

(a) Together with its affiliates, is independently owned and operated, is not

dominant in its field of operation, does not have assets exceeding $7½ million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal Income Taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3-10.

[FR Doc.71-6506 Filed 5-10-71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10638; Amdt. 47-11]

PART 47—AIRCRAFT REGISTRATION

Cancellation of Certificate of Aircraft Registration for Export Purpose; Recorded Rights-Satisfaction or Consent to Transfer

The purpose of this amendment to Part 47 of the Federal Aviation Regulations is to provide that the holder of a Certificate of Aircraft Registration who wishes to cancel the Certificate for the purpose of export to a foreign country that has not ratified or does not adhere to the Convention on International Recognition of Rights in Aircraft (Mortgage Convention) must submit evidence satisfactory to the Administrator that each holder of a recorded right (other than a contract of conditional sale) has been satisfied or has consented to the transfer.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rule making (Notice 70-40) issued on October 1, 1970, and published in the FEDERAL REGISTER on October 17, 1970 (35 F.R. 16321). Five public comments were received, each of which either concurred in or had no objection to the proposal.

Under paragraph (b) of § 47.47, if the aircraft was to be exported to a foreign country that had ratified or adhered to the Mortgage Convention, the holder formerly was required to submit evidence satisfactory to the Administrator that each holder of a recorded right had been satisfied or had consented to the transfer. This provision fulfilled the obligations of the United States under Article IX of the Mortgage Convention. However, the provision did not apply where the aircraft was to be exported to a country that had not ratified or did not adhere to the Convention, and in such a case the certificate holder needed only to request cancellation and in addition, if there was a contract of conditional sale, submit the written consent of the seller, bailor, or lessor under the contract. As a result, when a recorded right in the aircraft was not a contract of conditional sale, and the aircraft was to be exported to a non-Mortgage Convention country, it was not necessary to show satisfaction of the recorded right or consent to the transfer. In such a case, the obligations under the Convention could be frustrated by a request indicating that the aircraft would be exported to a non-Mortgage Convention country when in fact it would be exported to a Mortgage Convention country either directly or after a period of registration in the non-Mortgage Convention country.

This amendment modifies § 47.47 to treat all cancellations of Certificates of Aircraft Registration in the same manner and affords greater protection to holders of recorded rights in the United States. It also more fully complies with the objectives of the Mortgage Convention.

In consideration of the foregoing, § 47.47 of the Federal Aviation Regulations is amended effective June 10, 1971, to read as follows:

§ 47.47 Cancellation of Certificate for export purpose.

(a) The holder of a Certificate of Aircraft Registration who wishes to cancel the Certificate for the purpose of export must submit to the FAA Aircraft Registry—

(1) A written request for cancellation of the Certificate describing the aircraft by make, model, and serial number, stating the United States identification number and the country to which the aircraft will be exported; and

(2) The applicable satisfaction of conveyance or consent to transfer, as follows:

(i) When the aircraft is under a contract of conditional sale, the written consent of the seller, bailor, or lessor under the contract.

(ii) When the aircraft is subject to a recorded right other than a contract of conditional sale, evidence satisfactory to the Administrator that the holder of the recorded right has been satisfied, or has consented to the transfer.

(b) The FAA notifies the country to which the aircraft is to be exported of the cancellation by ordinary mail, or by airmail at the owner's request. The owner must arrange and pay for the transmission of this notice by means other than ordinary mail or airmail.

(Secs. 313(a), 503, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1403; section 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.47(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(a)))

Issued in Washington, D.C., on April 29, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-6508 Filed 5-10-71;8:46 am]

[Docket No. 11015; Amdts. 47-12, 49-6]

PART 47—AIRCRAFT REGISTRATION

PART 49—RECORDING OF AIRCRAFT TITLE AND SECURITY DOCUMENTS

Validity Period of Signature Authorization

The purpose of these amendments is to relieve the limitation imposed by §§ 47.13(g) and 49.13(d) on the 3-year duration period for an authorization by one person to sign for another when the duration of that authorization is specifically stated therein; and to clarify certain other provisions of Part 47.

Amendments 47-2 and 49-2, effective August 18, 1966 (31 F.R. 15349, Dec. 8, 1966), extended the validity of a power of attorney or other authorization by one person to sign for another from two to not more than 3 years after the date the instrument was signed. The amendments stated that a specified expiration of the validity of an authorization was imposed to improve the efficiency of the FAA's registration and recordation systems by purging obsolete records.

For FAA purposes, there is a need to limit the duration of an authorization. However, it is considered unnecessary to invalidate an authorization where the latter specifically provides for a duration longer than 3 years, or where its continuing effectiveness is reaffirmed by the appropriate person.

These amendments accordingly provide that an authorization may be valid for a period longer than 3 years where the instrument itself so provides. If no expiration date is so specified in the instrument itself the 3-year limitation on validity will continue to apply. However, these amendments also provide a method to extend the effective period of an authorization for additional 3-year periods upon appropriate reaffirmance in writing that the authorization is still in effect.

Additionally, these amendments make the applicable provisions in § 47.13(d)(3) consistent by providing that the person who may certify an authorization by the board of directors of a corporation is an officer or other person holding a managerial position in the corporation and the title of his office is stated in connection with his signature. Finally, an ambiguity in § 47.13(d)(3)(i) is removed by identifying "the signer" to be the person who signed the application or request.

Since these amendments are procedural in nature, notice and public procedure thereon are not necessary, and they may become effective on less than 30 days' notice.

In consideration of the foregoing, Parts 47 and 49 of the Federal Aviation Regulations are amended, effective May 11, 1971, as follows:

a. By amending paragraphs (d)(3) and (g) of § 47.13 to read as follows:

§ 47.13 Signatures and instruments made by representatives.

* * * * *

(d) * * *

(3) Submit a copy of the authorization from the board of directors to sign for the corporation, certified as true under § 49.21 of this chapter by a corporate officer or other person in a managerial position therein, with the application or request, unless—

(i) The signer of the application or request is a corporate officer or other person in a managerial position in the corporation and the title of his office is stated in connection with his signature; or

(ii) A valid authorization to sign is on file at the FAA Aircraft Registry.

* * * * *

(g) A power of attorney or other evidence of a person's authority to sign for another, submitted under this part, is valid for the purposes of this section, unless sooner revoked, until—

(1) Its expiration date stated therein; or

(2) If an expiration date is not stated therein, for not more than 3 years after the date—

(i) It is signed; or

(ii) The grantor (a corporate officer or other person in a managerial position therein, where the grantor is a corporation) certifies in writing that the authority to sign shown by the power of attorney or other evidence is still in effect.

b. By amending § 49.13(d) to read as follows:

§ 49.13 Signatures and acknowledgments.

* * * * *

(d) A power of attorney or other evidence of a person's authority to sign for another, submitted under this part, is valid for the purposes of this section, unless sooner revoked, until—

(1) Its expiration date stated therein; or

(2) If an expiration date is not stated thereon, for not more than 3 years after the date—

(i) It is signed; or

(ii) The grantor (a corporate officer or other person in a managerial position therein, where the grantor is a corporation) certifies in writing that the authority to sign shown by the power of attorney or other evidence is still in effect.

(Sec. 313(a), Title V, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1401-1406; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.47(a) of the Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on April 29, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-6507 Filed 5-10-71;8:46 am]

[Airspace Docket No. 71-SO-28]

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

Alteration of Transition Area

On March 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5620), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Memphis, Tenn., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Memphis, Tenn., transition area is amended as follows: " * * * south of the RBN * * * " is deleted and " * * * south of the RBN; within an 8.5-mile radius of Olive Branch Municipal Airport (lat. 34°58′44″ N., long. 89°47′33″ W.) * * * " is substituted therefor.

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

Issued in East Point, Ga., on April 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6509 Filed 5-10-71;8:47 am]

[Airspace Docket No. 71-SO-30]

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

Designation of Transition Area

On March 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5620), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Vernon, Ala., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

VERNON, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lamar County Airport (lat. 33°50′30″ N., long. 88°07′10″ W.); within 2.5 miles each side of Hamilton VORTAC 195° radial, extending from the 6.5-mile radius area to 17 miles south of the VORTAC, excluding the portion within Columbus, Miss., transition area.

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

Issued in East Point, Ga., on April 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6510 Filed 5-10-71;8:47 am]

[Airspace Docket No. 71-SO-42]

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

Alteration of Transition Area

On March 26, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5709), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Rome, Ga., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, as hereinafter set forth.

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

ROME, GA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Richard B. Russell Airport (lat. 34°20′57″ N., long. 85°09′31″ W.); within 5 miles each side of Rome VOR 350° radial, extending from the 12-mile radius area to the VOR.

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

Issued in East Point, Ga., on April 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6511 Filed 5-10-71;8:47 am]

[Airspace Docket No. 70-SW-57]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Johnson City, Tex., transition area.

On October 6, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 15647) stating the Federal Aviation Administration proposed to alter the transition area at Johnson City, Tex.

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

Since publication of the notice of proposed rule making on October 6, 1970, the following changes have been made, as indicated below:

1. Johnson City Airport has been changed from a public-use facility to a private-use airport.

2. Airport and radio beacon (RBN) site coordinates have been determined by survey.

3. A change to the initially proposed NDB approach procedure has been made which will permit a reduction in the northerly extension of the transition area from 18.5 miles to 10 miles north of the Johnson City RBN.

As these changes will have no significant airspace effects and will lessen the burden on the public by reducing the extent of controlled airspace, additional

notice and public procedures are not considered necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Johnson City, Tex., transition area is amended to read:

JOHNSON CITY, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Johnson City Airport (lat. 30°15'05" N., long. 98°37'21" W.), and within 4.5 miles west and 9.5 miles east of the 175° and 355° bearings from the Johnson City RBN (lat. 30°12'32" N., long. 98°37'05" W.) extending from 18.5 miles south to 10 miles north of the RBN.

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

Issued in Fort Worth, Tex., on April 30, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-6512 Filed 5-10-71;8:47 am]

[Docket No. 11013; Amdt. 755]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

1. Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAPs, effective June 3, 1971:

Morgantown, W. Va.—Morgantown Municipal Airport; VOR/DME 1, Amdt. 2; Canceled.

2. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAPs, effective June 3, 1971:

Gulkana, Alaska—Gulkana Airport; LFR-A, Amdt. 11; Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective May 27, 1971:

Frankfort, Ky.—Capital City Airport; VOR Runway 6, Amdt. 1; Revised.

4. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective June 3, 1971:

Albert Lea, Minn.—Albert Lea Municipal Airport; VOR Runway 16, Original; Established.
Alma, Ga.—Bacon County Airport; VOR Runway 15, Amdt. 1; Revised.
Alma, Ga.—Bacon County Airport; VOR Runway 33, Amdt. 1; Revised.
Bridgeport, Tex.—Bridgeport Municipal Airport; VOR-A, Amdt. 1; Revised.
Brunswick, Ga.—Malcolm-McKinnon Airport; VOR Runway 4, Amdt. 8; Revised.
Butler, Mo.—Butler Memorial Airport; VOR-A, Amdt. 2; Revised.
Des Moines, Iowa—Des Moines Municipal Airport; VOR-A, Amdt. 15; Revised.
Dixon, Ill.—Dixon Charles R. Walgreen Field; VOR-A, Amdt. 1; Revised.
Dubuque, Iowa—Dubuque Municipal Airport; VOR Runway 13, Amdt. 1; Revised.
Dubuque, Iowa—Dubuque Municipal Airport; VOR Runway 31, Amdt. 1; Revised.
Estherville, Iowa—Estherville Municipal Airport; VOR Runway 34, Amdt. 1; Revised.
Flint, Mich.—Bishop Airport; VOR Runway 9R, Amdt. 11; Revised.
Flint, Mich.—Bishop Airport; VOR Runway 27L, Amdt. 6; Revised.
Gaylord, Mich.—Otsego County Airport; VOR Runway 27, Amdt. 3; Revised.
Grand Island, Nebr.—Grand Island Airpark; VOR Runway 13, Amdt. 9; Revised.
Grand Island, Nebr.—Grand Island Airpark; VOR Runway 17, Amdt. 13; Revised.
Gulkana, Alaska—Gulkana Airport; VOR Runway 14, Amdt. 2; Revised.
Gulkana, Alaska—Gulkana Airport; VOR Runway 32, Amdt. 2; Revised.
Hayward, Calif.—Hayward Air Terminal Airport; VOR-A, Amdt. 1; Revised.
Hoquiam, Wash.—Bowerman Airport; VOR Runway 6, Amdt. 11; Revised.
International Falls, Minn.—Falls International Airport; VOR Runway 31, Amdt. 7; Revised.
Jekyll Island, Ga.—Jekyll Island Airport; VOR-A, Amdt. 3; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; VOR Runway 17, Amdt. 6; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; VOR Runway 23, Amdt. 6; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; VOR Runway 35, Amdt. 5; Revised.
Lynchburg, Va.—Lynchburg Municipal Preston Glenn Field; VOR Runway 3, Amdt. 6; Revised.
Marianna, Fla.—Marianna Municipal Airport; VOR Runway 32, Amdt. 3; Revised.
Marion, Ind.—Marion Municipal Airport; VOR Runway 4, Amdt. 4; Revised.
Marion, Ind.—Marion Municipal Airport; VOR Runway 15, Amdt. 1; Revised.
Marion, Ind.—Marion Municipal Airport; VOR Runway 22, Amdt. 7; Revised.
Mattoon-Charleston, Ill.—Coles County Memorial Airport; VOR Runway 6, Amdt. 4; Revised.
Mattoon-Charleston, Ill.—Coles County Memorial Airport; VOR Runway 24, Amdt. 3; Revised.
Montevideo, Minn. — Montevideo-Chippewa County Airport; VOR Runway 14, Original; Established.
Morgantown, W. Va.—Morgantown Municipal Airport; VOR-A, Amdt. 4; Revised.
Morris, Ill.—Morris Municipal Airport; VOR-A, Amdt. 3; Revised.
Morris, Minn.—Morris Municipal Airport; VOR Runway 32, Original; Established.
Natchez, Miss.—Hardy-Anders Field; VOR Runway 17, Amdt. 5; Revised.
Norfolk, Nebr.—Karl Stefan Memorial Airport; VOR Runway 1, Original; Established.
Norfolk, Nebr.—Karl Stefan Memorial Airport; VOR Runway 13, Original; Established.
Norfolk, Nebr.—Karl Stefan Memorial Airport; VOR Runway 19, Original; Established.
Norfolk, Nebr.—Karl Stefan Memorial Airport; VOR Runway 31, Amdt. 4; Revised.
Ormond Beach, Fla.—Ormond Beach Municipal Airport; VOR Runway 8, Amdt. 4; Revised.
Richmond, Va.—Richard Evelyn Byrd International Airport; VOR Runway 15, Amdt. 19; Revised.
Richmond, Va.—Richard Evelyn Byrd International Airport; VOR Runway 20, Amdt. 2; Revised.
Richmond, Va.—Richard Evelyn Byrd International Airport; VOR Runway 24, Amdt. 7; Revised.
Richmond, Va.—Richard Evelyn Byrd International Airport; VOR Runway 33, Amdt. 13; Revised.
Rochester, Minn.—Rochester Municipal Airport; VOR Runway 2, Amdt. 6; Revised.
Roswell, N. Mex.—Roswell Industrial Air Center Airport; VOR-1, amdt. 1; Canceled.
Roswell, N. Mex.—Roswell Industrial Air Center Airport; VOR Runway 12, Original; Established.
Sacramento, Calif.—Sacramento Executive Airport; VOR Runway 2, Amdt. 2; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; VOR Runway 17, Amdt. 7; Revised.
St. Paul, Minn.—Lake Elmo Airport; VOR-A, Amdt. 1; Revised.
San Antonio, Tex.—International Airport; VOR Runway 17, Amdt. 19; Revised.
Santa Ana, Calif.—Orange County Airport; VOR Runway 19R, Amdt. 12; Revised.
Spokane, Wash.—Spokane International Airport; VOR Runway 3, Amdt. 8; Revised.
Springfield, Ill.—Capital Airport; VOR Runway 22, Amdt. 12; Revised.
Twin Falls, Idaho—Twin Falls City-County (Joslin Field); VOR Runway 7, Amdt. 1; Revised.
Twin Falls, Idaho—Twin Falls City-County (Joslin Field); VOR Runway 25, Amdt. 11; Revised.

Vandalia, Ill.—Vandalia Municipal Airport; VOR Runway 18, Amdt. 4; Revised.
Wausau, Wis.—Wausau Municipal Airport; VOR-A, Amdt. 10; Revised.
Winona, Minn.—Winona Municipal Max Conrad Field; VOR Runway 29, Amdt. 6; Revised.
Brainerd, Minn.—Brainerd-Crow Wing County/Walter F. Weiland Field; VOR/DME Runway 12, Original; Established.
Grand Island, Nebr.—Grand Island Airpark; VOR/DME Runway 35, Amdt. 6; Revised.
Harlan, Iowa—Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Hoquiam, Wash.—Bowerman Airport; VOR/DME Runway 24, Amdt. 1; Revised.
Huntsville, Tex.—Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Lynchburg, Va.—Lynchburg Municipal-Preston Glenn Field; VOR/DME Runway 21, Amdt. 2; Revised.
Morgantown, W. Va.—Morgantown Municipal Airport; VOR/DME Runway 18, Amdt. 1; Revised.
Rochester, Minn.—Rochester Municipal Airport; VOR/DME Runway 20, Amdt. 5; Revised.
Savannah, Tenn.—Savannah Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Smyrna, Tenn.—Smyrna Airport; VOR/DME Runway 32, Amdt. 3; Revised.
Spokane, Wash.—Felts Field; VOR/DME-A, Amdt. 1; Revised.
Starkville, Miss.—George M. Bryan Field; VOR/DME-A, Amdt. 2; Revised.

5. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective June 3, 1971:

Chicago, Ill.—Chicago O'Hare International Airport; LOC (BC) Runway 22, Amdt. 5; Revised.
Chicago, Ill.—Chicago-Midway Airport; LOC Runway 31L, Amdt. 2; Revised.
Des Moines, Iowa—Des Moines Municipal Airport; LOC (BC) Runway 12L, Amdt. 3; Revised.
Flint, Mich.—Bishop Airport; LOC (BC) Runway 27L, Amdt. 3; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; LOC (BC) Runway 17, Amdt. 6; Revised.
Latrobe, Pa.—Latrobe Airport; LOC (BC) Runway 5, Amdt. 1; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; LOC (BC) Runway 17, Original; Established.
San Antonio, Tex.—International Airport; LOC (BC) Runway 30L, Amdt. 3; Revised.
Santa Ana, Calif.—Orange County Airport; LOC Runway 19R, Amdt. 2; Revised.
Springfield, Ill.—Capital Airport; LOC (BC) Runway 22, Amdt. 5; Revised.
Staunton, Va.—Shenandoah Valley Airport; LOC Runway 4, Amdt. 1; Revised.

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

Albany, Ohio—Ohio University Airport; NDB Runway 24, Original; Established.
Ames, Iowa—Ames Municipal Airport; NDB Runway 31, Amdt. 3; Revised.
Athens, Ohio—Ohio University Airport; NDB Runway 27, Amdt. 2; Canceled.
Athens, Tex.—Jones Municipal Airport; NDB Runway 35, Original; Established.
Broken Bow, Nebr.—Broken Bow Municipal Airport; NDB Runway 14, Amdt. 1; Revised.
Burwell, Nebr.—Burwell Municipal Airport; NDB Runway 15, Amdt. 1; Revised.
Cable, Wis.—Cable Union Airport; NDB-A, Amdt. 1; Revised.
Chicago, Ill.—Chicago-Midway Airport; NDB Runway 4R, Amdt. 1; Revised.
Chicago, Ill.—Chicago-Midway Airport; NDB Runway 13H, Amdt. 2; Revised.
Chicago, Ill.—Chicago-Midway Airport; NDB Runway 31L, Amdt. 1; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 4, Amdt. 4; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 14L, Amdt. 12; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 14R, Amdt. 11; Revised.
Denison, Iowa—Denison Municipal Airport; NDB Runway 30, Amdt. 1; Revised.
Des Moines, Iowa—Des Moines Municipal Airport; NDB Runway 30R, Amdt. 11; Revised.
Eagle Lake, Tex.—Eagle Lake Airport; NDB (ADF) Runway 17, Original; Canceled.
Edenton, N.C.—Edenton Municipal Airport; NDB Runway 5, Amdt. 1; Revised.
Edenton, N.C.—Edenton Municipal Airport; NDB Runway 19, Amdt. 1; Revised.
Flint, Mich.—Bishop Airport; NDB Runway 9R, Amdt. 11; Revised.
Fort Scott, Kans.—Municipal Airport; NDB Runway 17, Amdt. 1; Revised.
Grand Island, Nebr.—Grand Island Airpark; NDB Runway 35, Original; Established.
Huntsville, Tex.—Municipal Airport; NDB Runway 18, Original; Established.
Iliamna, Alaska—Iliamna Airport; NDB-A, Amdt. 1; Revised.
Jefferson, Iowa—Jefferson Municipal Airport; NDB Runway 32, Amdt. 1; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; NDB Runway 35, Amdt. 7; Revised.
Latrobe, Pa.—Latrobe Airport; NDB Runway 23, Amdt. 2; Revised.
Mattoon-Charleston, Ill.—Coles County Memorial Airport; NDB Runway 6, Amdt. 4; Revised.
Morgantown, W. Va.—Morgantown Municipal Airport; NDB Runway 18, Amdt. 6; Revised.
Portales, N. Mex.—Portales Municipal Airport; NDB Runway 3, Original; Established.
Rochester, Minn.—Rochester Municipal Airport; NDB Runway 31, Amdt. 9; Revised.
Roswell, N. Mex.—Roswell Industrial Air Center Airport; NDB Runway 21, Amdt. 5; Revised.
Sacramento, Calif.—Sacramento Executive Airport; NDB Runway 2, Amdt. 2; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; NDB Runway 17, Original; Established.
St. Joseph, Mo.—Rosecrans Memorial Airport; NDB Runway 35, Amdt. 20; Revised.
San Antonio, Tex.—International Airport; NDB Runway 3, Amdt. 27; Revised.
San Antonio, Tex.—International Airport; NDB Runway 12R, Amdt. 12; Revised.
San Antonio, Tex.—International Airport; NDB Runway 30L, Amdt. 3; Revised.
Springfield, Ill.—Capital Airport; NDB Runway 4, Amdt. 9; Revised.
Staunton, Va.—Shenandoah Valley Airport; NDB-A, Amdt. 1; Canceled.
Staunton, Va.—Shenandoah Valley Airport; NDB Runway 4, Amdt. 1; Revised.
Tacoma, Wash.—Tacoma Industrial Airport; NDB Runway 35, Amdt. 1; Revised.
Taos, N. Mex.—Taos Municipal Airport; NDB Runway 4, Original; Established.
Tyler, Tex.—Pounds Field; NDB Runway 13, Amdt. 7; Revised.
Wisconsin Rapids, Wis.—Alexander Field Southwood County Airport; NDB Runway 29, Original; Established.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective June 3, 1971:

Arcata-Eureka, Calif.—Arcata Airport; ILS Runway 31, Amdt. 15; Revised.
Chicago, Ill.—Chicago-Midway Airport; ILS Runway 13R, Amdt. 28; Revised.
Des Moines, Iowa—Des Moines Municipal Airport; ILS Runway 30R, Amdt. 12; Revised.
Flint, Mich.—Bishop Airport; ILS Runway 9R, Amdt. 2; Revised.
Grand Island, Nebr.—Grand Island Airpark; ILS Runway 35, Original; Established.
Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Airport; ILS Runway 14, Amdt. 12; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; ILS Runway 35, Amdt. 7; Revised.
Latrobe, Pa.—Latrobe Airport; ILS Runway 23, Amdt. 2; Revised.
Lynchburg, Va.—Lynchburg Municipal Preston Glenn Field; ILS Runway 3, Amdt. 5; Revised.
Richmond, Va.—Richmond Evelyn Byrd International Airport; ILS Runway 6, Amdt. 16; Revised.
Rochester, Minn.—Rochester Municipal Airport; ILS Runway 31, Amdt. 7; Revised.
Roswell, N. Mex.—Roswell Industrial Air Center Airport; ILS Runway 21, Amdt. 4; Revised.
Sacramento, Calif.—Sacramento Executive Airport; ILS Runway 2, Amdt. 15; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; ILS Runway 35, Amdt. 21; Revised.
San Antonio, Tex.—International Airport; ILS Runway 3, Amdt. 4; Revised.
San Antonio, Tex.—International Airport; ILS Runway 12R, Amdt. 1; Revised.
Spokane, Wash.—Spokane International Airport; ILS Runway 21, Amdt. 13; Revised.
Springfield, Ill.—Capital Airport; ILS Runway 4, Amdt. 14; Revised.
Tyler, Tex.—Pounds Field; ILS Runway 13, Amdt. 9; Revised.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective June 3, 1971:

Chicago, Ill.—Chicago-Midway Airport; Radar-1, Amdt. 15; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; Radar-1, Amdt. 22; Revised.
Des Moines, Iowa—Des Moines Municipal Airport; Radar-1, Amdt. 8; Revised.
Detroit, Mich.—Detroit Metropolitan Wayne County Airport; Radar-1, Amdt. 5; Revised.
Richmond, Va.—Richard Evelyn Byrd International Airport; Radar-1, Amdt. 4; Revised.
San Antonio, Tex.—International Airport; Radar-1, Amdt. 15; Revised.

9. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective June 3, 1971:

Amarillo, Tex.—Amarillo Air Terminal Airport; RNAV Runway 21, Original; Established.
Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 10L, Amdt. 1; Revised.
Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 18R, Amdt. 1; Revised.
Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 23L, Amdt. 1; Revised.
Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 36L, Amdt. 1; Revised.
Elmira, N.Y.—Chemung County Airport; RNAV Runway 6, Original; Established.
Newark, N.J.—Newark Airport; RNAV Runway 11, Amdt. 1; Revised.
Philadelphia, Pa.—North Philadelphia Airport; RNAV Runway 33, Amdt. 1; Revised.
Roswell, N. Mex.—Roswell Industrial Air Center Airport; RNAV Runway 3, Original; Established.

San Antonio, Tex.—International Airport; RNAV Runway 30L, Amdt. 1; Revised.
Southern Pines, N.C.—Pinehurst-Southern Pines Airport; RNAV Runway 23, Original; Established.
Teterboro, N.J.—Teterboro Airport; RNAV Runway 24, Original; Established.
Ukiah, Calif.—Ukiah Municipal Airport; RNAV-A, Original; Established.
Washington, D.C.—Washington National Airport; RNAV Runway 3, Amdt. 1; Revised.
Wilmington, N.C.—New Hanover County Airport; RNAV Runway 23, Original; Established.

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

Issued in Washington, D.C., on April 28, 1971.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

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

[FR Doc.71-6385 Filed 5-10-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1895]

PART 13—PROHIBITED TRADE PRACTICES

Galaxy Electronics, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer classification;* § 13.770 *Quantity rebates or discounts;* Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Galaxy Electronics, Inc., Council Bluffs, Iowa, Docket No. C-1895, Apr. 6, 1971]

In the Matter of Galaxy Electronics, Inc., a Corporation

Consent order requiring a Council Bluffs, Iowa, manufacturer and distributor of assembled amateur radio equipment to cease discriminating in the price of its products by selling to certain purchasers at net prices higher than it sells to other competing purchasers, and furnishing certain services and facilities to some customers and not to competing customers on proportionally equal terms.

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

It is ordered, That respondent Galaxy Electronics, Inc., a corporation, its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the sale of its amateur radio equipment in commerce, as "commerce" is defined in the Clayton Act, as amended, forthwith cease and desist from discriminating, directly or indirectly, in the price of such amateur radio equipment of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser competing in fact with such unfavored purchaser in the resale and distribution of such amateur radio equipment.

It is further ordered, That respondent Galaxy Electronics, Inc., a corporation, its officers, employees, agents, and representatives, directly or through any corporate device, in or in connection with the sale of its amateur radio equipment in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from making or contracting to make to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or any other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of respondent's amateur radio equipment, unless such payment is in fact made available on proportionally equal terms to all other customers competing in the distribution of such products.

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

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

It is further ordered, That within thirty (30) days after service upon it of this order, respondent herein shall deliver to all persons purchasing its amateur radio equipment for resale, a letter to such persons describing the manner and form of respondent's compliance with this order.

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

Issued: April 6, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR. Doc.71-6494 Filed 5-10-71;8:45 am]

[Docket No. C-1894]

PART 13—PROHIBITED TRADE PRACTICES

Swan Electronics Corp. et al.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer classification;* § 13.770 *Quantity rebates or discounts;* Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Swan Electronics Corp. et al., Oceanside, Calif., Docket No. C-1894, Apr. 6, 1971]

In the Matter of Swan Electronics Corp., a corporation, and Herbert G. Johnson and David R. Howard, Individually and as Officers of Said Corporation

Consent order requiring Oceanside, Calif., manufacturers and distributors of amateur radio equipment through franchised dealers throughout the United States to cease discriminating in the price of their products by selling to certain purchasers at net prices higher than they sell to other competing purchasers, and furnishing certain services and facilities to some customers and not to competing customers on proportionally equal terms.

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

It is ordered, That respondents Swan Electronics Corp., a corporation, and Herbert G. Johnson and David R. Howard, individually and as officers of said corporation, and the subsidiaries, officers, directors, successors, assigns, agents, representatives, and/or employees of said corporation, individually or in concert, directly or indirectly through any corporate or other device, in connection with the manufacture, sale, or distribution of amateur radio equipment including but not limited to transceivers, VFO's, power supplies, linear amplifiers, antennas and accessories, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

A. Discriminating, directly or indirectly, in the price of such products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser competing in fact with such unfavored purchaser in the resale and distribution of such products.

B. Making or contracting to make to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or any other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of respondents' products, unless such payment is in fact made available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That respondents shall forthwith distribute a copy of this order to all directors and officers of Swan Electronics Corp. and to any operating divisions if and when they are established.

It is further ordered, That respondents shall, within 60 days after service upon them of this order mail a copy of this order by registered mail, return receipt requested, to all franchised dealers of the products of the Swan Electronics Corp.

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

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

Issued: April 6, 1971.

By the Commission.

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

[FR Doc.71-6495 Filed 5-10-71;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Environmental Protection Agency

PART 601—GRANTS FOR WATER POLLUTION CONTROL

Allotments to States

On page 5713 of the FEDERAL REGISTER of March 26, 1971, there was published a notice of proposed rule making to amend Part 601, Subpart B, § 601.22 *Allotments to States*. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

After consideration of all such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted.

Effective date. These regulations shall become effective upon publication in the FEDERAL REGISTER (5-11-71).

Dated: May 4, 1971.

WILLIAM D. RUCKELSHAUS, *Administrator*.

§ 601.22 Allotments to States.

(a) The first $100 million appropriated for any fiscal year shall be allotted as soon as practicable as follows:

(1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all States, and

(2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States.

(b) Funds in excess of $100 million appropriated for any fiscal year, except as otherwise provided by law, shall be allotted as soon as practicable in the ratio that the population of each State bears to the population of all the States.

(c) Sums available for allocation to States based on eligibility for reimbursement or severe local and basinwide water pollution problems shall be divided between such purposes in such proportions as the Administrator may determine and shall be allotted among the States in accordance with the procedures and provisions set forth for reallotment of unobligated funds under paragraph (e) of this section. Allocation shall be made at such time or times as may be practicable.

(d) Except as provided in § 601.25(h), sums allotted to a State under paragraphs (a) and (b) of this section which are not obligated within the time period specified by law shall be reallotted in accordance with paragraph (e) of this section.

(e) Reallotment of unobligated funds under paragraph (d) of this section will be made within 90 days following their availability for reallotment as follows:

(1) Unobligated funds under paragraph (d) of this section, subject to subparagraph (3) of this paragraph shall be reallotted among the States having projects eligible for reimbursement under the provisions of section 8(c) of the Act; such reallotment shall be based on the ratio which each State's reimbursement eligibility for work in place as of the end of the most recent quarter for which information is available bears to the total of such reimbursement eligibility for all the States: *Provided*, That each State to receive any such reallotment shall first provide such assurances as the Administrator deems appropriate to assure that such funds shall be applied on an equitable pro rata basis with respect to such work in place.

(2) If any funds remain unobligated, such funds shall be reallotted among the States based on the ratio that its remaining eligibility for reimbursement pursuant to section 8(c) of the Act bears to the total remaining reimbursement eligibility for all the States; provided that each State to be entitled to any such reallotment shall, within 30 days following the date on which funds become available for reallotment, provide a statement satisfactory to the Administrator listing projects eligible for reimbursement and certified as entitled to priority over other projects eligible for reimbursement, which statement shall also specify the manner in which any reallotted funds should be applied towards the projects so listed.

(3) Prior to making any reallotment under subparagraphs (1) and (2) of this paragraph, the Administrator may determine whether any part of the unobligated funds under paragraph (d) of this section should be applied in situations of special need to meet severe local and basinwide pollution problems in order to promote the purposes of the Act most effectively. In making such determination, the Administrator shall apply the following criteria:

(i) The extent of degradation of water quality;

(ii) The extent of the financial need;

(iii) The extent to which degradation is attributed to untreated or inadequately treated waters of municipalities;

(iv) The extent to which facilities to be constructed will contribute to the enhancement of the environment;

(v) Such other factors as the Administrator considers relevant.

The Administrator shall reallot such funds to the States in which such special needs exist on such basis as he may deem most advisable: *Provided*, That each State to receive any such reallotment shall first provide such assurances as the Administrator may require that such funds should be applied to eligible projects selected by the Administrator to meet such needs.

(Secs. 4, 10, 70 Stat. 499, 506, as amended; 33 U.S.C. 466c, 466i)

[FR Doc.71-6455 Filed 5-10-71;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-121]

PART 1—GENERAL PROVISIONS

Chicago, Ill., Port of Entry

MAY 3, 1971.

In order to provide better Customs service to carriers and the importing community in the State of Indiana, it is considered desirable to extend the existing port limits of Chicago, Ill.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR ch. 11), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), the geographical limits of the Customs port of Chicago, Ill., in the Chicago, Ill., Customs district (Region IX), as described in T.D. 67-122, are extended to include certain areas in the county of Porter, State of Indiana. The limits of the port of Chicago as extended are described as follows:

Beginning at the point where the northern limits of Cook County, Ill., intersect Lake Michigan, thence westerly along the Cook County-Lake County line to the point where State Highway Fifty-Three (53) intersects this Line, thence in a southerly direction along State Highway Fifty-Three (53) to the point where this highway intersects the Dupage County-Will County line, thence in a general easterly and southerly direction along the northern and eastern limits of Will County, Ill., to the point where the Will

County-Cook County line intersects the Illinois-Indiana State line, thence northerly along the Illinois-Indiana State line to the point near Dyer, Ind., where U.S. Route Thirty (30) intersects this Line, thence easterly along U.S. Route Thirty (30) to a point where this highway and Indiana State Highway Forty-Nine (49) intersect, thence in a northerly direction along Indiana State Highway Forty-Nine (49) to the place where this highway meets Lake Michigan.

Section 1.2(c) of the Customs Regulations is amended by deleting "(including the territory described in T.D. 67-122)," in the column headed "Ports of Entry" and inserting in lieu thereof "(including the territory described in T.D. 71-121)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury Decision shall become effective 30 days after publication in the FEDERAL REGISTER.

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

[FR Doc.71-6522 Filed 5-10-71;8:48 am]

[T.D. 71-122]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importations Subject to Motor Vehicle Safety Standards

A notice was published in the FEDERAL REGISTER on February 18, 1971 (36 F.R. 3121), that it was proposed to amend § 12.80 of the Customs Regulations (19 CFR 12.80) to make the following substantive changes:

1. To provide that motor vehicles and motor vehicle equipment brought into conformity under bond, shall not be sold or offered for sale until the bond is released;

2. To make clear that the term motor vehicle as used in § 12.80 refers to a motor vehicle as defined in the National Traffic and Motor Vehicle Safety Act of 1966;

3. To require a declaration of conformance accompanied by a statement of the vehicle's original manufacturer as evidence of original compliance;

4. To require that declarations filed under paragraph (c) of § 12.80 be signed by the importer or consignee; and

5. To add a bond requirement for the production of a declaration of original compliance and a declaration of conformity after manufacture.

Interested persons were given an opportunity to submit relevant data, views, or arguments. No comments were received. The amendments as proposed, with minor editorial changes, are hereby adopted as set forth below to become effective 30 days after the date of publication in the FEDERAL REGISTER.

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

Approved: April 22, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

Approved: May 3, 1971.

DOUGLAS W. TOMS,
*Acting Administrator,
National Highway Traffic Safety Administration.*

Section 12.80 is amended as follows:

§ 12.80 Federal motor vehicle safety standards.

(a) *Standards prescribed by the Department of Transportation.* Motor vehicles and motor vehicle equipment manufactured on or after January 1, 1968, offered for sale, or introduction or delivery for introduction in interstate commerce, or importation into the United States are subject to Federal Motor Vehicle Safety Standards (hereafter referred to in this section as "safety standards") prescribed by the Secretary of Transportation under sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) as set forth in regulations in 49 CFR Part 571. A motor vehicle hereafter referred to in this section as "vehicle" or item of motor vehicle equipment (hereafter referred to in this section as "equipment item"), manufactured on or after January 1, 1968, is not permitted entry into the United States unless (with certain exceptions set forth in paragraph (b) of this section) it is in conformity with applicable safety standards in effect at the time the vehicle or equipment item was manufactured.

(b) *Requirements for entry and release.* (1) Any vehicle or equipment item offered for importation into the customs territory of the United States shall not be refused entry under this section if (i) it bears a certification label affixed by its original manufacturer in accordance with section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) and regulations issued thereunder by the Secretary of Transportation (49 CFR Part 567) (in the case of a vehicle, in form of a label or tag permanently affixed to such vehicle or in the case of an equipment item, in the form of a label or tag on such item or on the outside of a container in which such item is delivered), or (ii) it is intended solely for export, such vehicle or equipment item and the outside of its container, if any, to be so labeled and tagged, or (iii) (for vehicles only which have been exempted by the Secretary of Transportation from meeting certain safety standards) it bears a label or tag permanently affixed to such vehicle which meets the requirements set forth in the regulations of the Department of Transportation, 49 CFR 555.13.

(2) Any such vehicle or equipment item not bearing such certification or export label shall be refused entry unless there is filed with the entry, in duplicate, a declaration signed by the importer or consignee which states that:

* * * * *

(ii) Such vehicle or equipment item was not manufactured in conformity with applicable safety standards but has since been brought into conformity, such declaration to be accompanied by the statement of the manufacturer, contractor, or other person who has brought such vehicle or equipment item into conformity which describes the nature and extent of the work performed; or

(iii) Such vehicle or equipment item does not conform with applicable safety standards, but that the importer or consignee will bring such vehicle or equipment item into conformity with such safety standards, and that such vehicle or equipment item will not be sold or offered for sale until the bond (required by paragraph (c) of this section) shall have been released; or

* * * * *

(viii) Such vehicle which is not manufactured primarily for use on the public roads is not a "motor vehicle" as defined in section 102 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391); or

(ix) Such vehicle was manufactured in conformity with applicable safety standards, such declaration to be accompanied by a statement of the vehicle's original manufacturer as evidence of original compliance.

(3) Any declaration given under this section (except an oral declaration accepted at the option of the district director of customs under subparagraph (2) (i) of this paragraph) shall state the name and United States address of the importer or consignee, the date and the entry number, a description of any equipment item, the make and model, engine serial, and body serial numbers of any vehicle or other identification numbers, and the city and State in which it is to be registered and principally located if known, and shall be signed by the importer or consignee. The district director of customs shall immediately forward the original of such declaration to the National Highway Traffic Safety Administration of the Department of Transportation.

(c) *Release under bond.* If a declaration filed in accordance with paragraph (b) of this section states that the entry is being made under circumstances described in paragraph (b)(2)(iii), or under circumstances described in paragraph (b)(2) (ii) or (ix) of this section where the importer at time of entry does not submit a statement in support of his declaration of conformity the entry shall be accepted only if the importer gives a bond on Customs Forms 7551, 7553, or 7595 for the production of either a statement by the importer or consignee that the vehicle or equipment item described in the declaration filed by the importer has been brought into conformity with applicable safety standards and identifying the manufacturer, contractor, or other person who has brought such vehicle or equipment item into conformity with such standards and describing the nature and extent of the work performed or a statement of the vehicle manufacturer certifying original conformity. The bond shall be in the amount required under § 25.4(a) of this chapter. Within 90 days after such entry, or such additional period as the district director of customs may allow for good cause shown, the importer or consignee shall

deliver to both the district director of customs, and the National Highway Traffic Safety Administration a copy of the statement described in this paragraph. If such statement is not delivered to the district director of customs for the port of entry of such vehicle or equipment item within 90 days of the date of entry or such additional period as may have been allowed by the district director of customs for good cause shown, the importer or consignee shall deliver or cause to be delivered to the district director of customs those vehicles or equipment items, which were released in accordance with this paragraph. In the event that any such vehicle or equipment item is not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a bond given on Form 7553, or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence if the merchandise had been released under a bond given on Form 7551.

(Sec. 108, 80 Stat. 722, sec. 623, 46 Stat. 759, as amended; 15 U.S.C. 1397, 19 U.S.C. 1623)

[FR Doc.71-6555 Filed 5-10-71;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 7111]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

Virgin Islands Spirits

On April 2, 1971, a notice of proposed rule making to add a new Subpart F to 26 CFR Part 170, with respect to the transfer of Virgin Islands spirits from customs custody to internal revenue bond, was published in the FEDERAL REGISTER (36 F.R. 6111). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 15-day period prescribed in the notice and the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following changes:

PARAGRAPH 1. Section 170.132 is changed as follows:

A. By deleting the third sentence (which begins "Rectified Virgin Islands spirits may be mingled in bond") in its entirety and by inserting instead two new sentences to read, "Rectified Virgin Islands spirits may be mingled in bond with other rectified Virgin Islands spirits subject to the same rate of rectification tax, and unrectified Virgin Islands spirits may be mingled in bond with other unrectified Virgin Islands spirits, as the case may be, if the spirits are homogeneous. Rectified Virgin Islands spirits may be mingled with other rectified Virgin Islands spirits subject to the same rate of rectification tax, and unrectified Virgin Islands spirits may be mingled, whether or not they are homogeneous, if the spirits are to be immediately tax determined and removed to bottling premises exclusively for use in taxable rectification."

B. By changing the citation to read "(72 Stat. 1367, 82 Stat. 1328, as amended; 26 U.S.C. 5234, 5232)".

PAR. 2. Section 170.134 is changed as follows:

A. By deleting from the last sentence "§ 201.42" and inserting instead "§ 201.43".

B. By deleting the word "or" at the end of subparagraph (4) of paragraph (b); redesignating subparagraph (5) as subparagraph (6); and adding a new subparagraph (5) to read, "(5) section 5008(c)(5), I.R.C., respecting distilled spirits returned to bottling premises; or".

C. By adding at the end of paragraph (b) a sentence to read, "In computing loss allowance under the provisions of § 201.486 of this chapter, Virgin Islands spirits shall be considered the same as 'other than spirits withdrawn from bond by the proprietor of the bottling premises'; and for the purposes of § 201.492 of this chapter, they shall be considered as 'other spirits.' "

PAR. 3. Paragraph (b) of § 170.135 is changed by adding the words "to show the serial number of the approved formula under which produced, and" immediately following the phrase "in conjunction with the kind of spirits,".

Because this Treasury decision implements changes made in chapter 51 of the Internal Revenue Code by Public Law 91-659 which become effective on May 1, 1971, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective May 1, 1971.

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

[SEAL] RANDOLPH W. THOWER, *Commissioner of Internal Revenue.*

ROBERT V. MCINTYRE, *Acting Commissioner of Customs.*

Approved: May 6, 1971.

EDWIN S. COHEN, *Assistant Secretary of the Treasury.*

In order to implement the provisions of section 5232 of the Internal Revenue Code, as amended by Public Law 91-659, relating to spirits brought into the United States from the Virgin Islands, in bulk, and transferred to the bonded premises of a distilled spirits plant, without determination of tax (including rectification tax, if any), a new Subpart F is added to 26 CFR Part 170, Miscellaneous Regulations Relating to Liquor, to read as follows:

Subpart F—Transfer of Virgin Island Spirits From Customs Custody to Internal Revenue Bond

Sec.
170.121 Scope of subpart.
170.122 Applicability of other regulations.
170.123 Meaning of terms.

TRANSFERS TO INTERNAL REVENUE BONDED PREMISES

170.124 General provisions.
170.125 Application, Form 2609.
170.126 Gauge and certification.
170.127 Customs inspection and release.
170.128 Bulk conveyances to be sealed.
170.129 Transfer by pipeline at dock.
170.130 Consent of surety on bond.

DEPOSIT, STORAGE, TRANSFER, AND WITHDRAWAL

170.131 Transaction forms and records.
170.132 Mingling in bond.
170.133 Form 179, tax returns, and record of tax liability.

MISCELLANEOUS PROVISIONS

170.134 Abatement, remission, credit, or refund.
170.135 Marks on containers.
170.136 Additional tax on nonbeverage spirits.
170.137 Exportation with benefit of drawback.

AUTHORITY: The provisions of this Subpart F issued under sec. 7805 of the Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart F—Transfer of Virgin Islands Spirits From Customs Custody to Internal Revenue Bond

§ 170.121 Scope of subpart.

The regulations in this subpart prescribe the requirements necessary to implement section 5232, I.R.C., as it relates to spirits produced in the Virgin Islands and brought into the United States in bulk containers. The regulations provide for the transfer of such spirits to internal revenue bond, their storage in and withdrawal from bond, the determination of tax, the application of certain loss provisions, the filing of returns, reports, and claims, and the keeping of records.

§ 170.122 Applicability of other regulations.

(a) *Subpart C of this part.* The provisions of Subpart C of this part shall be applicable to spirits brought into the United States from the Virgin Islands and transferred under the provisions of this subpart to internal revenue bond and any reference in Subpart C of this part to imported spirits shall be deemed to include spirits brought into the United States from the Virgin Islands.

(b) *Part 201 of this chapter.* The provisions of Part 201 of this chapter shall, to the extent that they are not in conflict with the provisions of this subpart, be applicable to spirits brought into the United States from the Virgin Islands to the same extent as they apply to imported spirits.

(c) *Part 250 of this chapter.* All provisions of Part 250 of this chapter as they relate to the bringing of spirits into the United States from the Virgin Islands remain in full force and effect except as they may be in conflict with the provisions of this subpart.

§ 170.123 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in Part 201 of this chapter: *Provided*, That the term "in bond" shall, as used in this subpart, refer to spirits possessed under bond to secure payment of the internal revenue tax imposed by section 7652, I.R.C.

TRANSFERS TO INTERNAL REVENUE BONDED PREMISES

§ 170.124 General provisions.

Distilled spirits brought into the United States from the Virgin Islands in bulk containers of 5 gallons or more capacity may, under the provisions of this subpart, be withdrawn by the proprietor of a distilled spirits plant from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of his plant, without payment of the internal revenue tax, including rectification tax, if any, imposed on such spirits by section 7652, I.R.C. Such spirits so withdrawn and transferred to a distilled spirits plant (a) may not be bottled in bond under section 5233, I.R.C., (b) may be redistilled or denatured only if of 185° or more of proof, and (c) may be withdrawn from internal revenue bond for any purpose authorized by chapter 51, Internal Revenue Code, in the same manner as domestic distilled spirits. Spirits transferred from customs custody to the bonded premises of a distilled spirits plant under the provisions of this subpart shall be received and stored thereat, and withdrawn or transferred therefrom, subject to the provisions of this subpart and applicable provisions of Part 201 of this chapter. The person operating the bonded premises of the distilled spirits plant to which spirits are transferred under the provisions of this subpart shall become liable for the tax on distilled spirits withdrawn from customs custody under section 5232, I.R.C., upon release of the spirits from customs custody, and the importer shall thereupon be relieved of his liability for such tax.

(82 Stat. 1328, as amended; 26 U.S.C. 5232)

§ 170.125 Application, Form 2609.

The proprietor of a distilled spirits plant desiring to withdraw distilled spirits as authorized in § 170.124, shall for each withdrawal submit an application on Form 2609, in quadruplicate, to the internal revenue officer in charge. The application shall appropriately identify the distilled spirits to be withdrawn, and shall be modified by the applicant to cover the transfer of distilled spirits from customs custody, by naming the port of entry through which the spirits are to be withdrawn, and inserting in the "Remarks" item the name and address of the assistant regional commissioner for the region in which is located the plant to which the spirits are to be transferred. If the proprietor's bond on Form 2601 is in the maximum penal sum, or, if in less than the maximum penal sum, is sufficient to cover the tax on the spirits to be transferred in addition to all other liabilities chargeable against such bond, the internal revenue officer shall approve all copies of the Form 2609, forward one copy to his assistant regional commissioner, return the original and one copy to the proprietor and retain the remaining copy. (See § 170.130 with respect to need for consent of surety on bond, Form 2601.) The proprietor shall forward the original of Form 2609 to the importer or other person responsible for the release of the spirits from customs custody, who shall submit the form, with the related entry for consumption or withdrawal for consumption forms, to the director of customs from whose custody it is proposed to withdraw the distilled spirits. The proprietor shall retain the remaining copy of Form 2609.

(68A Stat. 907, as amended, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.126 Gauge and certification.

(a) *Gauge*. If Virgin Islands spirits to be transferred from customs custody to internal revenue bond as provided in this subpart are not gauged by an insular gauger at the time of their withdrawal from an insular bonded warehouse, as provided in § 250.204 of this chapter, the insular consignor shall effect a gauge of each bulk container and shall prepare a report of such gauge, in duplicate, and attach both copies to the certificate required by § 250.205 of this chapter. If the gauge is made by the insular gauger, his report of gauge shall be prepared in duplicate and both copies shall be attached to the certificate.

(b) *Certification*. The certificate prescribed by § 250.205 of this chapter shall be prepared in duplicate if the Virgin Islands spirits are to be transferred from customs custody to internal revenue bond. Both copies of the certificate, with the applicable gauge report attached, shall be filed with the director of customs at the port of entry. The original of the certificate and related report of gauge shall be attached to the original of Form 236 by the customs officer responsible for preparation of the Form 236 in accordance with § 170.127. The remaining copy of the certificate and related report of gauge shall be retained by the customs officer.

§ 170.127 Customs inspection and release.

The director of customs will not release distilled spirits without payment of internal revenue tax until the approved Form 2609 prescribed in § 170.125 has been received from the proprietor of the distilled spirits plant. Prior to release from customs custody, the customs officer shall inspect the spirits, and, if it appears that losses in transit were sustained from any container, he shall gauge the spirits in such container. The customs officer shall prepare Form 236 (in quadruplicate, when the spirits are to be removed in packages; in quintuplicate, when the spirits are to be removed by pipeline or by bulk conveyance) appropriately modified to show:

(a) Serial number and date of the Form 2609,

(b) Customs port of entry and entry number,

(c) The consignee,

(d) Kind of spirits,

(e) The name of the importer,

(f) The name of the producer, followed by "Virgin Islands",

(g) If in packages, the serial numbers thereof,

(h) The number and date of the pertinent Form 27-B Supplemental,

(i) The applicable rate of rectification tax (if any),

(j) Method of transfer,

(k) Elements of bulk gauge (if any),

(l) Quantity to be transferred,

(m) Customs seals used (if any),

(n) Date of release, and

(o) Signature and title of the customs officer in lieu of the proprietor.

When shipments are made in tanks, tank barges, sealand containers, or similar bulk containers (other than barrels, drums, or similar portable containers), the results of the inspection or the details of the gauge of each such bulk container shall be reported separately. In the case of barrels, drums, or similar portable containers, the results of the inspection shall be reported on the Form 236 and the details of the gauge, if any, shall be reported on Form 2630 in triplicate. On compliance with the requirements of customs regulations, and on completion of Form 236 (and Form 2630, if prepared), the customs officer shall release the spirits for transfer, retain one copy of Form 236 (and Form 2630, if any), forward one copy of Form 236 to the assistant regional commissioner at the address shown on Form 2609, and forward the original and remaining copy (or copies) of Form 236 (and Form 2630, if any) to the internal revenue officer at the distilled spirits plant.

(68A Stat. 907, as amended, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.128 Bulk conveyances to be sealed.

When a shipment of distilled spirits from customs custody to the distilled spirits plant is made in a tank, tank barge, sealand container, tank car, tank truck, or similar bulk conveyance, all openings affording access to the spirits shall be sealed by the customs officer with customs seals in such manner as will prevent unauthorized removal of spirits through such openings without detection.

(68A Stat. 907, as amended, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.129 Transfer by pipeline at dock.

If the distilled spirits plant is equipped with suitable dock facilities, the distilled spirits may, subject to all requirements of the customs laws and regulations, be transferred by pipeline from the vessel or barge through weighing tanks or other suitable measuring tanks into locked storage tanks on the bonded premises of the distilled spirits plant, or directly into locked storage tanks on such premises

provided such storage tanks are equipped with suitable measuring devices for correctly indicating the actual contents therein. In all such cases of pipeline transfers, the distilled spirits shall be transferred under customs supervision, and released for deposit in the distilled spirits plant.

(68A Stat. 907, as amended, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.130 **Consent of surety on bond.**

Application on Form 2609, prepared as provided in § 170.125, to receive Virgin Islands spirits shall not be approved unless the proprietor has filed a consent of surety on Form 1533 to extend the terms of his existing bond, Form 2601, if such bond was in effect before May 1, 1971. The consent shall contain a statement of purpose as follows:

To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved), notwithstanding that the principal may from time to time withdraw from customs custody spirits brought into the United States from the Virgin Islands under the provisions of 26 U.S.C. 5232.

DEPOSIT, STORAGE, TRANSFER, AND WITHDRAWAL

§ 170.131 **Transaction forms and records.**

Deposit, transfer, and withdrawal forms, and records pertaining to spirits transferred to internal revenue bond under the provisions of this subpart shall be marked to show (a) in lieu of the word "Imported", as required in Part 201 of this chapter for imported spirits, the words "Virgin Islands" or the abbreviation "V.I.", (b) the serial number and date of the Form 27-B Supplemental under which the spirits were produced, and (c) whether liability for rectification tax was incurred prior to receipt in internal revenue bond, and, if so, the rate of the applicable tax. Separate records shall be maintained for such spirits in the same manner as for imported spirits, except that the record of deposits and the summary of deposits and withdrawals, Form 1621, shall be arranged alphabetically by name of producer in the Virgin Islands.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 170.132 **Mingling in bond.**

The provisions of Part 201 of this chapter with respect to mingling shall apply to spirits brought into the United States from the Virgin Islands provided such spirits meet the conditions stated in this section. Spirits brought into the United States from the Virgin Islands may not be mingled in bond with spirits not brought into the United States from the Virgin Islands, and rectified Virgin Islands spirits may not be mingled with unrectified Virgin Islands spirits or with Virgin Islands spirits subject to a different rate of rectification tax. Rectified Virgin Islands spirits may be mingled in bond with other rectified Virgin Islands spirits subject to the same rate of rectification tax, and unrectified Virgin Islands spirits may be mingled in bond with other unrectified Virgin Islands spirits, as the case may be, if the spirits to be mingled are homogeneous. Rectified Virgin Islands spirits may be mingled with other rectified Virgin Islands spirits subject to the same rate of rectification tax, and unrectified Virgin Islands spirits may be mingled, whether or not they are homogeneous, if the spirits are to be immediately tax determined and removed to bottling premises exclusively for use in taxable rectification. Rums or brandies from the Virgin Islands may be blended under the provisions of § 201.307 of this chapter: *Provided*, That if spirits are subject to rectification tax under section 7652, I.R.C., they may be blended only if they are subject to the same rate of rectification tax.

(72 Stat. 1367, 82 Stat. 1328, as amended; 26 U.S.C. 5234, 5232)

§ 170.133 **Form 179, tax returns, and record of tax liability.**

Separate applications for tax determination shall be prepared for Virgin Islands spirits on Form 179, and the words "Virgin Islands Spirits" shall be prominently shown on all copies of Form 179. Any rectification tax imposed under section 7652, I.R.C., on spirits withdrawn on tax determination shall be reported on Form 179 as "other tax due" and shall be identified as rectification tax incurred under section 7652, I.R.C., in the "Remarks" on the form, and such taxes shall be included, with the distilled spirits tax, in the tax returns filed on Form 2521, 2522, or 4077, as applicable, and in the record of tax liability maintained as provided in § 170.62.

MISCELLANEOUS PROVISIONS

§ 170.134 **Abatement, remission, credit, or refund.**

(a) *Provisions of section 5008, I.R.C., applicable.* The provisions of section 5008(a), I.R.C., with respect to spirits lost while in internal revenue bond shall apply to spirits brought into the United States from the Virgin Islands and transferred from customs custody to internal revenue bond, and the provisions of section 5008(e), I.R.C., with respect to samples of spirits for use by the United States shall also apply to Virgin Islands spirits. Claims relating to spirits lost in bond, in addition to the information required by § 201.43 of this chapter, shall show the name of the producer, and the serial number and date of the Form 27-B Supplemental under which produced.

(b) *Provisions of section 5008, I.R.C., not applicable.* The provisions of (1) section 5008(b)(1), I.R.C., respecting the voluntary destruction of spirits in bond; (2) section 5008(b)(2), I.R.C., respecting the voluntary destruction of spirits after withdrawal for rectification or bottling; (3) section 5008(c)(1)(A), I.R.C., respecting spirits lost after withdrawal for rectification or bottling, by reason of accident, flood, fire, or other disastser; (4) section 5008(c)(1)(B), I.R.C., respecting spirits lost in rectifying, packaging, bottling and casing operations; (5) section 5008(c)(5), I.R.C., respecting distilled spirits returned to bottling premises; or (6) section 5008(d), I.R.C., respecting spirits returned to bonded premises after withdrawal upon tax determination, do not apply to Virgin Islands spirits, since such provisions only authorize abatement, remission, credit, or refund of taxes imposed under chapter 51, I.R.C. In computing loss allowance under the provisions of § 201.486 of this chapter, Virgin Islands spirits shall be considered the same as "other than spirits withdrawn from bond by the proprietor of the bottling premises"; and for the purposes of § 201.492 of this chapter, they shall be considered as "other spirits."

(72 Stat. 1323, as amended, 1364, as amended; 26 U.S.C. 5008, 5215)

§ 170.135 **Marks on containers.**

(a) *Packages received in bond.* When packages of spirits are received on the bonded premises of a distilled spirits plant under the provisions of this subpart, the markings prescribed by § 250.206 of this chapter that are on such packages shall be accepted in lieu of the markings prescribed in § 201.312b of this chapter. On receipt of packages so marked the proprietor of the distilled spirits plant shall show on such packages (1) the date of original entry for deposit of the spirits, and (2) the words "Virgin Islands" or the abbreviation "V.I."

(b) *Other containers.* Packages of Virgin Islands spirits filled in internal revenue bond or on bottling premises shall, in addition to the required marks prescribed in § 201.516 or § 201.526 of this chapter, as applicable, be marked, in conjunction with the kind of spirits, to show the serial number of the approved formula under which produced, and with the words "Virgin Islands" or the abbreviation "V.I." Similarly, tanks or bulk conveyances containing spirits received in internal revenue bond under the provisions of this subpart shall, in addition to other required marks, be marked with the words "Virgin Islands" or the abbreviation "V.I."

(c) *Cases of bottled alcohol.* In addition to other mandatory marks prescribed by § 201.529(a) of this chapter for cases of bottled alcohol, the words "Virgin Islands" or the abbreviation "V.I." shall precede or follow the word "alcohol" on cases of alcohol from the Virgin Islands that are bottled and cased on bonded premises.

(72 Stat. 1360, 1369; 26 U.S.C. 5206, 5235)

§ 170.136 **Additional tax on nonbeverage spirits.**

The additional tax imposed by section 5001(a)(9), I.R.C., on imported spirits withdrawn from customs custody without payment of tax and thereafter withdrawn from bonded premises for beverage purposes, and the related provisions of § 201.376 of this chapter, are not applicable to Virgin Islands spirits brought into the United States and transferred to bonded premises under the provisions of this subpart.

§ 170.137 Exportation with benefit of drawback.

Claims and supporting documents respecting export with benefit of drawback of domestic distilled spirits products that contain spirits from the Virgin Islands shall show:

(a) The precise quantity (in proof gallons) of the finished product attributable to the Virgin Islands spirits contained therein, and

(b) The amount of tax and the applicable rate or rates of tax imposed by section 7652, I.R.C., determined at the time of withdrawal from internal revenue bond on the Virgin Islands spirits contained in the product.

[FR Doc.71-6563 Filed 5-10-71;8:51 am]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

[Treas. Dept. Circular 230]

PART 10—PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Miscellaneous Amendments

Correction

In F.R. Doc. 70-10883 appearing at page 13205 in the issue for Wednesday, August 19, 1970, the reference to "Paragraph (c)" in the amendment to § 10.3 should read "Paragraph (e)".

Title 7—AGRICULTURE

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

[Grapefruit Reg. 37, Amdt. 3]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to Marketing Order No. 909, as amended (7 CFR Part 909; 35 F.R. 13875), regulating the handling of grapefruit grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Administrative Committee (established under the aforementioned marketing order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Administrative Committee reflects its appraisal of the current grapefruit crop and the current and prospective market conditions. This amendment relaxes the requirements so as to provide access to a larger quantity of marketable grapefruit due to freeze damage encountered in the production area.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held a meeting on April 30, 1971, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received April 30, 1971; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof, and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.337 (Grapefruit Reg. 37; 35 F.R. 15980; 36 F.R. 1087; 36 F.R. 3516), the provisions of paragraph (a)(1) which precede subdivision (i) and of paragraph (a)(2) are amended to read as follows:

§ 909.337 Grapefruit Regulation 37.

(a) *Order*. (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period May 9, 1971, through September 30, 1971, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

* * * * *

(2) Subject to the requirements of subparagraph (1)(i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3\frac{9}{16}$ inches in diameter directly to a destination in Zone 6, Zone 5, Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 4, Zone 3, or Zone 2, the grapefruit does not measure less than $3\frac{2}{16}$ in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3\frac{2}{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California-Arizona), §§ 51.925-51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{2}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{9}{16}$ inches in diameter and smaller.

* * * * *

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

Dated: May 6, 1971.

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

[FR Doc.71-6521 Filed 5-10-71;8:48 am]

[Peach Reg. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917, 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Peach Commodity Committee reflect its appraisal of the California peach crop and the current and prospective market conditions. Shipments of California peaches are expected to begin on or about May 12, 1971. The grade and size requirements provided herein are necessary to prevent the handling, on and after May 12, 1971, of California peaches of a lower grade or smaller size than specified herein for such peaches, so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the

FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 12, 1971. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Peach Commodity Committee until April 22, 1971, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; necessary supplemental information was submitted to the Department on May 3, 1971; shipments of the current crop of such peaches are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this regulation will not require of handlers any preparation thereof which cannot be completed by the effective time hereof.

§ 917.421 **Peach Regulation 1.**

(a) Order: During the period May 12, 1971 through October 31, 1971 no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade:

(2) Any package or container of any variety of peaches unless:

(i) Such peaches when packed in a No. 22D Standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the lug box; or

(ii) Such peaches when packed in any container, other than a No. 22D standard lug box, measure not less than 2$\frac{3}{16}$ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of peaches in any such container may fail to meet such diameter requirement.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1", and "standard pack", and shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210-1223 of this title); "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

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

Dated: May 7, 1971.

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

[FR Doc.71-6618 Filed 5-10-71;9:49 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VII—Department of Commerce and Department of Transportation [1]

[Transportation Order T-2, Amended]

T-2 (AMENDED)—SHIPPING RESTRICTIONS; PEOPLE'S REPUBLIC OF CHINA, NORTH KOREA AND THE COMMUNIST-CONTROLLED AREA OF VIET NAM

Transportation Order T-2 (amended), 23 F.R. 8396 October 30, 1958, is hereby amended to read as follows:

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. Consultation with industry in advance of the issuance of this order has been rendered impracticable by the need for immediate issuance.

Sec.
1 Prohibition of movement of American carriers to People's Republic of China, North Korea, or to the Communist-controlled area of Viet Nam.
2 Prohibition on transportation of goods destined for People's Republic of China, North Korea, or the Communist-controlled area of Viet Nam.
3 Persons affected.
4 Reports.
5 Records.
6 Defense against claims for damages.
7 Violations.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U.S.C. App. 2071; E.O. 10480, 18 F.R. 4939, 3 CFR, 1953 Supp; and sec. 4(a) Public Law 89-670, 80 Stat. 933.

Section 1 Prohibition of movement of American carriers to People's Republic of China, North Korea, or to the Communist-controlled area of Viet Nam.

No person shall sail, fly, navigate, or otherwise take any ship documented under the laws of the United States or any aircraft registered under the laws of the United States to any People's Republic of China port, North Korea any other place under the control of the People's Republic of China, or to the Communist-controlled area of Viet Nam.

Sec. 2 Prohibition on transportation of goods destined for People's Republic of China, North Korea, or the Communist-controlled area of Viet Nam.

No person shall transport, in any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States, to People's Republic of China ports, North Korea, any other place under the control of the People's Republic of China, or to the Communist-controlled area of Viet Nam, any material, commodity, or cargo of any kind. No person shall take on board any ship documented under the laws of the United States or any aircraft registered under the laws of the United States any material, commodity, or cargo of any kind if he knows or has reason to believe that the material, commodity, or cargo is destined, directly or indirectly, for the People's Republic of China, North Korea, or for the Communist-controlled area of Viet Nam. No person shall discharge from any ship documented under the laws of the United States or from any aircraft registered under the laws of the United States, at any place other than the port where the cargo was loaded, or within territory under the jurisdiction of the United States any material, commodity, or cargo of any kind which he knows or has reason to believe is destined for People's Republic of China, North Korea, or for the Communist-controlled area of Viet Nam.

Notwithstanding the foregoing U.S. carriers are authorized to take on board, transport to, and discharge at any port except a port in the People's Republic of China, North Korea, or North Vietnam commodities authorized for consignment to the PRC under the provisions of either a general license or validated export license issued pursuant to the Export Administration Act of 1969. Foreign origin commodities consigned to the PRC that are on the U.S. Department of Commerce General License List for the PRC may also be transported by U.S. carriers to any port except a port in the People's Republic of China, North Korea, or North Vietnam.

Sec. 3 Persons affected.

The prohibitions of this order apply to the owner of the ship or aircraft, to the master of the ship or aircraft, and to any other officer, employee, or agent of the owner of the ship or to any other person who participates in the prohibited activities.

Sec. 4 Reports.

Persons subject to this order shall submit such reports to either the Assistant Secretary of Commerce for Domestic and International Business, Assistant Secretary of Commerce for Maritime Affairs, or the Executive Secretary, Department

[1] Chapter VII of Title 32A is amended to read as set forth above.

of Transportation for, respectively, cargoes, vessels or aircraft, as shall be required, subject to the terms of the Federal Reports Act.

Sec. 5 **Records.**

Each person participating in any transaction covered by this order shall retain in his possession, for at least 2 years, records of voyages and shipments in sufficient detail to permit an audit that will determine for each transaction that the provisions of this order have been met. This provision does not require any particular accounting method and does not require alteration of the system customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

Sec. 6 **Defense against claims for damages.**

No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this order or any provision, thereof, notwithstanding that this order or such provision shall thereafter be declared by judicial or other competent authority to be invalid.

Sec. 7 **Violations.**

Any person who willfully violates any provisions of this order, or willfully conceals a material fact, or furnishes false information in the course of operation under this order, shall, upon conviction, be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person, denying him the privileges generally accorded under this order.

This order shall take effect on May 7, 1971.

H. B. SCOTT,
Acting Assistant Secretary of Commerce for Domestic and International Business.

ROBERT J. BLACKWELL,
Acting Assistant Secretary of Commerce for Maritime Affairs.

JAMES M. BEGGS,
Under Secretary, Department of Transportation.

[FR Doc.71-6599 Filed 5-10-71;8:51 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 3—BOARD OF GOVERNORS [ARTICLE III]

PART 5—OFFICERS [ARTICLE V]

Bylaws of Board of Governors of U.S. Postal Service

On May 4, 1971, the Board of Governors of the U.S. Postal Service by Resolution No. 71-16 amended §§ 3.2 and 5.6 of its Bylaws (§§ 3.2 and 5.6 of Title 39 CFR (36 F.R. 689-690)).

Accordingly, the following amendments are made to Title 39 CFR:

1. Section 3.2 is amended to read as follows:

§ 3.2 **Regular meetings.**

Regular meetings of the Board shall be held in Washington, D.C., without call or formal notice, on the first Tuesday in each month. The regular meeting held in January of each year shall be designated as the Annual Meeting, at which time the Postmaster General shall present to the Board the annual report required by 39 U.S.C. section 2402 for the preceding fiscal year. Any regular meeting may be omitted or rescheduled for a different date by action of the Board at a previous regular meeting, or by action of the Chairman. If the Chairman cancels or reschedules a regular meeting, he shall give not less than 5 days' notice of such action unless he finds that an emergency has occurred making such notice impracticable, in which event he shall give such notice as he determines to be feasible under the circumstances.

2. Section 5.6 is amended to read as follows:

§ 5.6 **Secretary.**

The Secretary of the Postal Service shall be elected by the Board. The Secretary shall issue notices of meetings of the Board and keep the minutes of all such meetings. He shall perform such other duties as may be assigned to him by the Board or by the Chairman of the Board and, in general, perform all duties incident to his office. The Chairman may designate such assistant secretaries as he deems appropriate, and they shall have authority to perform all the duties of the Secretary.

Effective date. The foregoing amendments are effective immediately.

(39 U.S.C. 202, 205, 401(2))

DAVID A. NELSON,
General Counsel of the Post Office Department, and Secretary of the U.S. Postal Service.

[FR Doc.71-6519 Filed 5-10-71;8:47 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Third Rev. S.O. 1061]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 5th day of May 1971.

It appearing, that an acute shortage of hopper cars exists on the railroads named in section (a) paragraph 1 herein; that shippers located on the lines of these carriers are being deprived of hopper cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owner; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1061 **Service Order No. 1061.**

(a) Regulations for return of hopper cars: Each common carrier by railroad subject to the Interstate Commerce Act, with the exception of those carriers named in Service Order No. 1043 (Service Order No. 1043 remains in effect, and carriers named therein must continue to comply with its provisions), shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, except as otherwise authorized in subparagraphs (3), (4), and (5) of this paragraph, all hopper cars owned by the following railroads:

The Akron, Canton & Youngstown Railroad Co. Reporting marks: ACY.
Chicago & Eastern Illinois Railroad Co. Reporting marks: C&EI.
Illinois Central Railroad Co. Reporting marks: IC.
Missouri-Illinois Railroad Co. Reporting marks: M-I.
Missouri-Kansas-Texas Railroad Co. Reporting marks: MKT, BKTY.
Missouri Pacific Railroad Co. Reporting marks: MP.
St. Louis-San Francisco Railway Co. Reporting marks: SLSF.
Texas-New Mexico Railway Co. Reporting marks: T-NM.
The Texas and Pacific Railway Co. Reporting marks: T&P, TP.
Union Pacific Railroad Co. Reporting marks: UP.

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

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

(3) Hopper cars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad. Cars located at a point other than a junction with the car owner shall not be backhauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(4) Except as authorized in subparagraph (5) of this paragraph, hopper cars described in subparagraph (1) of this paragraph, empty at a junction with the owner, must be delivered to the owner at that junction.

(5) For the purposes of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division , Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(6) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car for movements contrary to the provisions of subparagraphs (3) and (4) of this paragraph.

(b) The term "hopper cars" as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT", in the Official Railway Equipment Register, ICC R.E.R. No. 379, isssued by E. J. McFarland, or reissues thereof.

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

(d) Effective date: This order shall become effective at 12:01 a.m., May 6, 1971.

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

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.71-6536 Filed 5-10-71;8:49 am]

[S.O. 1072]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 5th day of May 1971.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer exists on the Maine Central Railroad Co.; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a very severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1072 Service Order No. 1072.

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

(1) Return to owner empty, except as otherwise authorized in subparagraphs (3) and (5) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 379, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length 50 feet or longer, owned by the Maine Central Railroad Co.

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

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

(4) Boxcars described in subparagraph (1) of this paragraph shall not be backhauled empty from a junction with the car owner.

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

(6) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty or loaded, as authorized by subparagraph (3) or (5) of this paragraph.

(7) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 37977, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(8) The Maine Central Railroad Co. shall restrict its use of plain boxcars of the type described in this order, which are owned by any other railroad, to traffic destined to a station closer to the car owner than the station at which the car is loaded, or to traffic routed via the car owner.

EXCEPTION: For the purpose of securing utilization of cars for which the owners have no immediate need, car owners, other than the Maine Central Railroad Co., may remove their cars from the provisions of this paragraph by written notice to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

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

(10) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (3), (5), or (8) of this paragraph.

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

(c) *Effective date*. This order shall become effective at 11:59 p.m., May 10, 1971.

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

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.71-6537 Filed 5-10-71;8:49 am]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Importation; Inspection and Documentation

Section 17.4(c) of 50 CFR Part 17 presently requires certain documents to accompany the importation of any primates, or Crocodylia (alligators and crocodiles); or wildlife of the families Felidae (cats), Rhinocuotidae (rhinoceros), Chelonidae (sea turtles), Falconidae (falcons and caracaras), Accipitridae (hawks and eagles), or Psittacidae (parrots and parakeets).

It has been determined that this requirement is unnecessary and that it should be deleted from said section.

Accordingly, § 17.4(c) of 50 CFR is amended as follows:

§ 17.4 Importation of fish or wildlife—inspection and documentation.

* * * * *

(c) In any case where fish or wildlife is subject to laws or regulations of any foreign country regarding its taking, transportation, or sale, the following documents must accompany the shipment:

* * * * *

Since this amendment relieves an existing restriction it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and that this amendment will become effective upon publication in the FEDERAL REGISTER.

(83 Stat. 275, 16 U.S.C., 668cc-3)

Effective date: Upon publication in the FEDERAL REGISTER (5-11-71).

J. P. LINDUSKA,
Associate Director, Bureau of Sport Fisheries and Wildlife.

MAY 5, 1971.

[FR Doc.71-6499 Filed 5-10-71;8:46 am]

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Designated Ports and Exceptions Thereto

Experience with the administration of the provisions set forth in Appendix B to 50 CFR Part 17, Designated Ports and Exceptions Thereto, relating to the entry of species of fish or wildlife not on the U.S. List of Endangered Foreign Fish or Wildlife, into the United States, pursuant to Appendix B 2(c)(1) has established that it would be of material assistance to both individuals and the Fish and Wildlife Service to add Minneapolis-St. Paul to the list of ports in Minnesota.

Therefore, paragraph 2(c)(1)(vi) of Appendix B, Part 17, Title 50 of the Code of Federal Regulations, is amended to read.

APPENDIX B

DESIGNATED PORTS AND EXCEPTIONS THERETO

* * * * *

(c)(1) * * *

(vi) State of Minnesota—Noyes, International Falls, Grand Portage, Minneapolis-St. Paul.

* * * * *

Since this amendment benefits the public by relieving an existing restriction, it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and that this amendment shall be effective upon publication in the FEDERAL REGISTER.

(16 U.S.C. 668cc-4(d) and (e))

Effective date: Upon publication in the FEDERAL REGISTER (5-11-71).

J. P. LINDUSKA,
Associate Director, Bureau of Sport Fisheries and Wildlife.

MAY 5, 1971.

[FR Doc.71-6500 Filed 5-10-71;8:46 am]

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

PART 266—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED FISH PORTIONS

PART 277—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED FISH STICKS

Determination of Fish Flesh Content

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by the Reorganization Plan No. 4 effective October 3, 1970 (35 F.R. 15627), and under the authority of title II of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), transferred from the Department of the Interior to the Department of Commerce, U.S. Standards for Grades of Frozen Raw Breaded Fish Portions (Part 266 of Title 50 CFR) and U.S. Standards for Grades of Frozen Raw Breaded Fish Sticks (Part 277 of Title 50 CFR) are amended to include an optional alternative method for determining fish flesh content.

The objectives of these amendments are (1) to reduce effort required for determining percent fish flesh; (2) to enable the quality control function to effect immediate corrective action during processing when fish flesh varies below the required level; and (3) to eliminate penalties for overweight packaged products through the use of the declared net weight and the average input weight of the frozen raw fish flesh material for determining the percent fish flesh.

In light of the fact that these amendments are technical in nature and use of them is optional, notice and public procedure thereon are unnecessary.

These amendments shall be effective 30 days following publication in the FEDERAL REGISTER.

JOHN W. TOWNSEND, Jr.,
Acting Administrator.

WILLIAM M. TERRY,
Acting Director, National Marine Fisheries Service.

APRIL 26, 1971.

I. The amendments to Part 266—U.S. Standard for Grades of Frozen Raw Breaded Fish Portions follow:

1. In § 266.21, the introductory text of paragraph (f) and subdivisions (i) and (vii) of subparagraph (2) of paragraph (f) are revised, and paragraph (g) is added, to read as follows:

§ 266.21 Definitions.

* * * * *

(f) "Minimum fish flesh content—End-product determination" refers to the minimum percent, by weight, of the average fish flesh content of three frozen raw breaded portions (sample unit for fish flesh determination), as determined by the following method:

* * * * *

(2) *Procedure.* (i) Calculate the weight of three frozen raw breaded portions by dividing the declared net weight on the label by the number of portions indicated on the label to obtain the weight of an individual portion and multiply by three. If the number of portions contained in the package is not declared on the label, the actual weight of three frozen raw breaded portions shall be used.

* * * * *

(vii) Calculate the percent fish flesh in the sample unit by the following formula:

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (vi)}}{\text{Weight of three raw breaded portions (i)}} \times 100$$

(g) "Minimum fish flesh content—Online determination" refers to the minimum percent fish flesh, by weight, of the average weight of three groups of five portions (sample unit for fish flesh determination), as determined by the following:

(1) Equipment needed—Balance accurate to 0.1 gram.

(2) Procedure:

(i) Weigh three groups of five raw unbreaded portions from the line. These weights should be recorded and averaged

(average weight of three groups of five portions) and percent fish flesh calculated immediately after the average weights are determined.

(ii) Calculate the percent fish flesh in the sample unit by using the average weight of three groups of five unbreaded portions and the declared net weight of five finished product units.

Example. The declared net weight of five 4 oz. finished product units would be 20 ounces or 565 grams. The average weight of three groups of five unbreaded portions would be 15 ounces or 424 grams. The percent fish flesh would be 75.

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (sample unit (i))}}{\text{Declared net weight of raw breaded portions} \times 5 \text{ (ii)}} \times 100$$

(iii) Frequency of on-line fish flesh content determination shall be minimum of three determinations of fish flesh content for small production runs or lots, i.e., 3× (three groups of five unbreaded portions). For larger production runs or lots, a minimum of one determination i.e., 1× (three groups of five unbreaded portions), shall be made for every hour of production of product units of the same weight.

2. Section 266.22 is added as follows:

§ 266.22 Use of alternate methods of fish flesh determination.

(a) The end-product method in § 266.21(f) for determining fish flesh content shall be used for lot and appeal inspections and may be used for verification inspection.

(b) The on-line method in § 266.21(g) for determining fish flesh content may be used during processing operations.

II. The amendments to Part 277—U.S. Standard for Grades of Frozen Raw Breaded Fish Sticks follow:

1. In § 277.21, the introductory text of paragraph (f) and subdivisions (i) and (vii) of subparagraph (2) of paragraph (f) are revised, and paragraph (g) is added, to read as follows:

§ 277.21 Definitions.

* * * * *

(f) "Minimum fish flesh content—End-product determination" refers to the minimum percent, by weight, of the average fish flesh content of three frozen raw breaded fish sticks (sample unit for fish flesh determination), as determined by the following method:

* * * * *

(2) *Procedure.* (i) Calculate the weight of three frozen raw breaded fish sticks by dividing the declared net weight on the label by the number of fish sticks indicated on the label to obtain the weight of an individual fish stick and multiply by three. If the number of fish sticks contained in the package is not declared on the label, the actual weight of three frozen raw breaded fish sticks shall be used.

* * * * *

(vii) Calculate the percent of fish flesh in the sample unit by the following formula:

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (vi)}}{\text{Weight of three raw breaded fish sticks (i)}} \times 100$$

(g) "Minimum fish flesh content—On-line determination" refers to the minimum percent fish flesh, by weight, of the average weight of three groups of five fish sticks (sample unit for fish flesh determination), as determined by the following:

(1) Equipment needed—Balance accurate to 0.1 gram.

(2) Procedure:

(i) Weigh three groups of five raw unbreaded fish sticks from the line. These weights should be recorded and averaged (average weight of three groups of five sticks) and percent fish flesh calculated immediately after the average weights are determined.

(ii) Calculate the percent fish flesh in the sample unit by using the average weight of three groups of five unbreaded fish sticks and the declared net weight of five breaded fish sticks.

Example. The declared net weight of five 1 oz. breaded fish sticks would be 5 ounces. The average weight of three groups of five unbreaded fish sticks would be 3.6 ounces. The percent fish flesh would be 72.

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (sample unit) (i)} \times 100}{\text{Declared net weight of raw breaded fish sticks} \times 5 \text{ (ii)}}$$

(iii) Frequency of on-line fish flesh content determination. A minimum of three determinations of fish flesh content shall be carried out for small production runs or lots, i.e., 3× (three groups of five unbreaded fish sticks). For larger production runs or lots, a minimum of 1 determination i.e., 1× (three groups of five unbreaded fish sticks), shall be carried out for every hour of production of product units of the same weight.

2. Section 277.22 is added as follows:

§ 277.22 Use of alternate methods of fish flesh determination.

(a) The end-product method in § 277.21(f) for determining fish flesh content shall be used for lot and appeal inspections and may be used for verification inspection.

(b) The on-line method in § 277.21(g) for determining fish flesh content may be used during processing operations.

[FR Doc.71-6548 Filed 5-10-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD IRRIGATION PROJECT, MONT.

Operation and Maintenance Rates

MAY 4, 1971.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (10 BIAM-3; 34 F.R. 637), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10-2, 10 BIAM 7.0, sections 2.70-2.75.

Notice is hereby given that it is proposed to revice §§ 221.24, 221.26, and 221.28, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210).

The purpose of this amendment is to establish the lump sum assessments against the Flathead, Mission, and Jocko Valley Irrigation Districts within the Flathead Irrigation Project for the 1972 season.

Since this revision will change the basic rate of operation and maintenance charges of lands within an Irrigation District, public comment and expression are deemed advisable. Accordingly, interested persons may submit written comments, suggestions, or arguments with respect to the proposed amendment to the Project Engineer, Flathead Irrigation Project, St. Ignatius, Mont. 59865, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1972 an assessment of $338,214.88 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 84,874.13 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1972 an assessment of $63,782.45 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 16,423.12 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1972 an assessment of $26,509.58 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 7,525.01 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

GEORGE L. MOON,
Project Engineer.

[FR Doc.71-6501 Filed 5-10-71;8:46 am]

Fish and Wildlife Service

[50 CFR Part 10]

MIGRATORY GAME BIRDS

1971-72 Hunting Season

Notice is hereby given that pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704) it is proposed to amend Part 10, Title 50, Code of Federal Regulations.

Proposed amendments to the schedule of hunting seasons, limits, and shooting hours. Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments will specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds during the 1971-72 season.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, rails (except coots), gallinules, woodcock, Wilson's snipe, certain waterfowl; coots, cranes, and waterfowl in Alaska; and certain sea ducks in coastal waters of certain northeastern States will be proposed for final adoption not later than August 15, 1971, to become effective on or before September 1, 1971. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and any other migratory game birds not previously adopted will be proposed for final adoption not later than September 15, 1971, to become effective on or before October 1, 1971.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico and for doves in the Virgin Islands, will be proposed for final adoption no later than June 20, 1971, to become effective on or after July 1, 1971.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

J. P. LINDUSKA,
Associate Director, Bureau of Sport Fisheries and Wildlife.

MAY 5, 1971.

[FR Doc. 71-6498 Filed 5-10-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 966, 980]

TOMATOES

Limitation of Shipments and Importation

A notice of rule making on a proposed amendment to the limitation of shipments regulation for Florida tomatoes and minimum size requirements for tomato imports was published in the May 1, 1971, FEDERAL REGISTER (36 F.R. 8262). Interested persons were allowed until May 7, 1971, for filing data, views, or arguments.

Subsequent to publication of the notice, the Department received information to the effect that the anticipated volume

of tomato shipments during the period beginning the third week in May will be above earlier expectations. To forestall depressed prices to domestic producers, it may be necessary to impose larger minimum size requirements than those indicated in the published May 1 notices. Therefore, pursuant to the recommendation of the Florida Tomato Committee and other available information the proposed minimum size requirements of the said notices are hereby amended to read: For mature green tomatoes—over 2$\frac{9}{32}$ inches in diameter, and for all other tomatoes—over 2$\frac{17}{32}$ inches in diameter. Accordingly, the period for filing data, views, and arguments to the said notice is hereby extended to May 17, 1971, and the proposed effective date is changed to May 24, 1971.

Dated: May 10, 1971.

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

[FR Doc.71-6619 Filed 5-10-71;9:44 am]

Consumer and Marketing Service

[7 CFR Part 1125]

[Docket No. AO-226-A23]

MILK IN PUGET SOUND MARKETING AREA

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

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Puget Sound marketing area.

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

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

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was convened at Seattle, Wash., on February 9, 1971, pursuant to notice thereof which was issued on January 27, 1971 (36 F.R. 1478).

The material issues on the record of the hearing relate to:

1. Adoption of a revised Class I base plan.
2. Determination of Class I bases for existing producers and new producers.
3. Base rules with respect to (a) transfers; (b) forfeitures; and (c) general application.
4. Provisions for treatment of hardship cases and inequities.
5. Administrative provisions.
6. Continuing provisions in the event of lack of approval by producers or expiration of statutory authority for the Class I base plan.

FINDINGS AND CONCLUSIONS

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

(1) *The adoption of a revised Class I base plan.* Producers supplying plants regulated by the Puget Sound order should have the opportunity to decide whether returns from the sale of their milk should be apportioned among them by means of a Class I base plan issued in conformity with the Agricultural Act of 1970.

At the present time, producers in the Puget Sound order are paid in accordance with the terms of a Class I base plan originally issued under the authority of the Food and Agricultural Act of 1965. The authority for this plan expires December 31, 1971. The order contains no alternative provisions for distributing returns to producers. It is imperative, therefore, that the order be amended prior to such expiration date to provide some other means of distributing returns among producers.

The purpose of a Class I base plan is to provide machinery for producers in a marketing area to adjust their production to the Class I utilization of the market. While representatives of a majority of producers testified in favor of some form of Class I base plan, there were a variety of views as to the particular provisions that should be incorporated in such a plan.

The present plan during its effective period has presented certain difficulties which could not be remedied because of the limitations of the legislative authority under which it was issued. With its fixed representative period for establishing bases and no mechanism for the entry of new producers, it does not afford the flexibility necessary to meet the changing conditions in the market. Presently, the only means open to a new producer to acquire base, or to an established producer to increase his base, is through purchase of base from another producer. The result is that the Class I bases, which reflect the relationship of Class I sales to production in the market during the years 1964, 1965, and 1966, have not kept pace with the supply-demand situation in the market. The present plan also provides, in accordance with the statute, that any Class I sales in excess of those during the base period and any base which has been forfeited or underdelivered by baseholding producers be reserved for new producers and hardship cases. This has prevented baseholding producers from sharing in the increased Class I sales in the market or benefiting from forfeiture or underdelivery of base. Similarly, the recent decline in Class I sales, resulting from the sagging economy in the Puget Sound area, has affected adversely the returns of nonbaseholding producers whose share of the Class I market is limited to Class I utilization in excess of that during the base period.

Under the Agricultural Act of 1970 greater flexibility is permitted in a Class I base plan. The new plan is designed to adapt to changing supply-demand conditions. Under it new producers coming on the market will be able to earn, over a reasonable period of time, bases comparable to those of other producers. Similarly, it will provide a means whereby any producer desiring to increase his production and thus earn additional base may do so.

Under the plan proposed herein producer bases will be adjusted anually to reflect changing marketing conditions. While the plan provides a means whereby new producers may earn bases and established producers may increase their bases, it also provides that baseholding producers who reduce their marketings will not be adversely affected. This will be accomplished by providing that a producer's production history will not be reduced as long as he markets a volume of milk at least equal to his Class I base.

It is necessary, in accordance with the intent of Congress, that the new plan, in providing for transition from the present base plan, protect those producers who reduced their marketings under the present plan. This is accomplished by providing that a producer whose production history under the present plan is greater than that during the representative period under the new plan will carry forward his former production history.

A number of producers who purchased base under the present plan testified that the production history associated with purchased base should be assigned to them under the new plan. There is no basis, however, for such a transfer of production history. While bases are transferable under the present plan, production history is not. There is nothing in the Agricultural Act of 1970 that would provide a producer credit for production history associated with Class I base purchased prior to the effective date of the new Class I base plan.

Some producers who purchased base testified that they would be deprived of a property right if they were not to receive credit for the production history associated with purchased base. However, in purchasing base producers did so with full knowledge that the Act authorizing the current Class I base plan

would expire not later than December 31, 1970.[1] Thus, such producers are not prejudiced by the failure of the Agricultural Act of 1970 to allow them credit with production history associated with Class I base purchased prior to the effective date of a new plan issued under the new statute.

Holders of purchased base generally took the position that, even though the present Class I base plan has had an expected termination date, the Internal Revenue Service has ruled that Class I bases under the Puget Sound milk order "have an indeterminate useful life and are not subject to depreciation" (Rev. Rul. 70-644). That the Internal Revenue Service has held that a purchaser of a Class I base may not depreciate such base for tax purposes, has no bearing on the fact that all bases issued under the present plan must terminate on the effective date of a revised plan. Neither does it alter the fact that production history associated with Class I bases earned under the present plan may not be transferred.

(2) *Determination of Class I bases for existing producers and new producers*—(a) *Description of plan to be adopted.* The new Class I base plan adopted herein generally follows the form of base plan proposed by producer representatives.

Class I bases would be assigned to eligible producers to be effective on the effective date of the new provisions and would be updated on February 1 of each year thereafter. The representative period to be used on each of these dates for assignment of base would be the 3 years (January–December) preceding such date. Each dairy farmer's production during such period credited towards base assignment would be (with certain exceptions) his milk deliveries during the 4 months of lowest daily production for the market in each of 3 years. These months, for the initial computation would be: In 1968, January, February, November, and December; in 1969, January, February, March, and November; and in 1970, January, February, March, and November. The 3-year period would be moved forward 1 year for each updating of producer bases on February 1 of each year.

The production history base of a producer on the market for the full 3 years, subject to rules described subsequently herein, would be in terms of average daily deliveries. The average daily deliveries would be computed for the 4 months in each year, and then the three resulting amounts would be averaged.

Production history would also be calculated similarly for producers with a 1-year or 2-year period of association with the market, subject to percentage reductions related to their time on the market.

[1] The Agricultural Act of 1970 permitted Class I base plans issued under the prior Act to be extended through 1971. Accordingly, the current Class I base plan was extended pending the hearing on the new plan.

The total of Class I bases to be assigned would equal 120 percent of the total market Class I disposition of producer milk in the previous year, subject to adjustment for new plants entering the market during the year. For the purpose of allocating Class I bases to producers, such quantity would be prorated to the production history base of each producer.

New producers coming on the market would be assigned Class I bases or base milk at a time and in an amount depending on the circumstances of their entry into the market. The various categories of new producers and the manner in which their base assignments would be made are specified in subsequent findings and conclusions.

(b) *Representative period.* With respect to the representative period and computation of production history, the Agricultural Act of 1970 provides:

> and (f) a further adjustment, equitably to apportion the total value of milk purchased by all handlers among producers on the basis of their marketings of milk, which may be adjusted to reflect the utilization of producer milk by all handlers in any use classification or classifications, during a representative period of 1 to 3 years, which will be automatically updated each year.

The representative period used in the plan, as noted above, is a 3-year period.

It was claimed in testimony of producer representatives that using the 4 lowest production months in each year would have advantages over using each full year or certain named months in each year. When producers know in advance the months in which they will earn base, a strong incentive exists to increase production in these months over market needs even if such period historically has been the low production period of the year. Producers contended that under the proposed arrangement, the individual producer, not knowing in which months he will earn base, will have an incentive to level his production throughout the year as well as to hold down his excess milk.

The need for leveling of production seasonally in this market is evident. Production has characteristically varied seasonally in this market. In 1970, the highest level was 4,179,000 pounds of milk per day in May; the lowest level was 3,460,000 pounds per day in January.

More even production would facilitate efficient use of handling facilities since it would be more nearly suited to the relatively steady requirements of the fluid market. It is appropriate to give producers the opportunity to try such method as an aid to the leveling of milk production throughout the year.

In the case of a producer who in the first year of his production was not delivering milk in the specified production history months, a modification of such representative period would be established to give him credit for his deliveries in the September–December period of such year. His September–December deliveries would be subject to adjustment, however, to reflect the change in market level of production in these months compared to the regularly specified months for production history. With this provision, most producers who were on the market in 1968 would have a complete 3-year production history at the beginning of the program. This modification was endorsed by several producer groups.

(c) *Production history periods.* While the base plan would use a 3-year representative period for assigning base to a producer who had been on the market for the entire period, the plan also would allocate Class I bases in lesser amounts to producers who had made milk deliveries for certain periods less than 3 years. The order must prescribe the specific periods which will be used for determining production histories. For convenience in terminology, the periods are designated in the order as 1-year, 2-year and 3-year production history periods.

The "production history period" for a producer who has been on the market for the full 3 years (January–December) preceding the date of base assignment would be the 4 lowest production months on a daily average basis in each year for the entire market. As mentioned previously, the September–December period could be substituted in the first year for the 4 short production months if a producer came on the market later than the first of the 4 low production months. His September–December deliveries would be seasonally adjusted as heretofor described.

The 1- and 2-year production history periods would similarly allow substitution of the September–December period for the producer coming on the market after the first low production month of the year.

A special production history period, for use only at the beginning of the new program, would apply to the producer who began deliveries on the market after September 1, 1970, and who was on the market for at least the 7 months preceding the effective date. This producer would have a production history calculated from his first full 4 months of milk deliveries. It would be necessary to adjust the producer's average deliveries during such months by the percentage relationship of market receipts in the 4 low production months of 1970 to the market receipts in the months used for this producer. Such a special production history period was endorsed by producer groups as an aid in transition from the old plan to the new plan.

(d) *Initial production history bases.* Production history bases at the beginning of the plan would be calculated from the average daily deliveries of each producer during the specified months of each of the years included in his production history period.

The computation of the average daily deliveries for a producer with a 3-year production history period would be made as follows: In each year his milk deliveries in the months specified for production history would be divided by the number of days in such months subject to

allowance of not more than 4 days of nondelivery when storm conditions prevent delivery. The daily delivery figures for the 3 years would then be averaged by dividing the sum of them by three and rounding the result to the nearest whole pound.

A limited allowance should be made for interruptions of delivery beyond the control of the producer. For instance, severe storm conditions in December 1968 and January and February 1969 prevented normal delivery of milk in certain supply areas of this market. It is not expected, however, that delivery of milk by a producer of milk will be prevented for more than a day or two at a time because of such natural causes. A provision is included in the order whereby failure of a producer to deliver for as many as 4 days because storms have made the highways impassable will not reduce his daily average of deliveries for such year. Thus, in arriving at the producer's average daily milk deliveries, the total pounds delivered in the production history months of a year would be divided by the number of days in such months but never by fewer than the number of calendar days in these months less four.

If, however, the producer ceased his deliveries for an extended period (60 days or more), he would then forfeit all production history as well as his Class I base.

For assignment of Class I base and production history at the beginning of the new program, a producer will be entitled to the production history base assigned to him under the old plan effective on September 1, 1967, provided he has continued on the market as a producer since that date. Such production history base shall be reduced by the amount specified in § 1125.123(f) of the provisions effective prior to the new plan in the case of a producer who transferred Class I base. If, however, his milk deliveries in 1968, 1969, and 1970 result in a larger production history base, the latter would apply.

Only in the case of intrafamily transfers of Class I bases during the period from September 1, 1967, to the beginning of the new plan, will the production history base associated with the transferred Class I base be credited to the transferee producer.

Under the Class I base plan a method is provided for each producer to share in the Class I milk of the market in relation to his marketings in a representative period of 3 years. Provision must be made, however, for the assignment of bases to producers with a production history of less than 3 years.

A producer's production history base is determined by dividing his deliveries during specified months in a 3-year representative period by the total number of days in such months. Were this method applied to producers with less than a 3-year production history, the production history base of a producer with a 1-year production history would be equal to one-third of his average deliveries during the months used in computing his production history base. Similarly, a producer with a 2-year production history would have a production history base equal to two-thirds of his average daily deliveries during the applicable months of the 2-year period. Were this method adopted, it would permit a new producer to acquire production history base at the same rate that an established producer with a 3-year production history base may increase his production history base.

Representatives of all producer groups, however, generally supported a proposal which would assign substantially greater production history bases to producers having less than a 3-year production history. Permitting new dairy farmers coming on the market to earn base at an accelerated rate will reduce the incentive to such producers to acquire base by transfer and thus will tend to prevent bases from taking on an unreasonable value.

Nevertheless, in view of the current and anticipated supply-demand situation on the market, the bases assigned new dairy farmers should not be so great as to provide an incentive for substantial numbers of new dairy farmers to become producers on the market. The credit given to partial production history under the plan adopted herein, will contribute to orderly and efficient marketing conditions in that it will give reasonable opportunity for the establishment of new production units, yet will not disrupt the market for established producers.

Under this plan, a producer with a 1-year production history would receive a production history base equal to 60 percent of his average daily deliveries during the applicable months of his first year of production. A producer with a 2-year production history would receive a production history base equal to 80 percent of his average daily deliveries during the applicable months. Bases assigned to new dairy farmers who begin production after the effective date of the new plan will be subject to the further reduction of 20 percent allowed under the provisions of the Agricultural Act of 1970.

The assignment described above will relate each producer's production history base to the portion of the representative period in which he has been engaged in marketing milk as well as the volume of milk marketed. The purpose of the Class I base plan is to allow each producer to share in the Class I milk of the market in proportion to his marketings in a representative period. Thus, a new producer coming on the market should not enjoy the full benefits of the Class I base plan until he has established a full 3-year production history.

(e) *Updating production history bases.* The basic factors to be considered in updating the producer's production history base on February 1, 1972, may be divided into two categories. These are: (1) The production history base previously assigned to him on the effective date of the new plan, subject to adjustments for transfers, underdelivery, and hardship and inequity, and (2) his production during the most recent production history period.

The Act of 1970 provides that a producer may retain his previously assigned production history base although he reduces his marketings, unless the marketings fall below the level of his Class I base. In this case the production history base of a producer would be reduced in the same proportion as the amount of underdelivery bears to his Class I base.

A producer may also modify his previously assigned production history base through transfers. Thus, when under the plan herein adopted a producer disposes of Class I base by transfer, he automatically transfers a proportionate amount of the production history base associated with such Class I base. Accordingly, this amount of production history base will be subtracted from his previously assigned base in arriving at the updated production history base. Similarly, production history base associated with the acquisition of Class I base will be added to his previously assigned production history base. Also, any adjustment for hardship or inequity would be accounted for in terms of the proportionate amount of production history base.

The effect of these three factors, namely, transfers, underdelivery, and adjustment for hardship will determine how much of his previously assigned production base a producer can retain.

The additional computation which must be made for updating a producer's Class I base on February 1, 1972, will be based on his average daily deliveries of milk in the new production history period. This new period will include the months of 1971 specified for calculation of production history base and will exclude the months of 1968 which had been in the previous production history period. If the producer's average daily milk deliveries have increased over the level from which his previous Class I base had been computed, then this increased level will be credited towards an increase in production history base.

With respect to his earlier production, however, not all of it will be creditable towards new production history base if, between the effective date of the new plan and February 1, 1972, the producer has disposed of part of his Class I base by transfer. He will not receive credit in his production history for the milk deliveries from which such transferred base had been computed. The quantity of milk deliveries to be deleted (average daily basis) would be the same percentage of such deliveries as the quantity of transferred Class I base is of the Class I base held before transfer.

Similarly, if the producer underdelivered his Class I base during any year, the amount of the underdelivery will be converted by the same method to a corresponding amount of average daily deliveries which would be eliminated from his earlier production history. Because the new plan would be effective for only part of 1971, adjustments for underdelivery in 1971 would not apply.

A producer's underdelivery will be calculated by comparing his average daily deliveries during his 4 base-earning months of the year with the average Class I base effective for him on the first day of each such month. This computation recognizes that his effective Class I base may change during the year due to transfers.

After taking into account the various adjustments in the producer's production history, whether due to a change in his production level or elimination of credit for earlier milk deliveries, a new average of daily deliveries during his production history period will be computed. This will determine his new production history base only if it is larger than the alternative computation using his previously assigned production history base adjusted for transfers, underdelivery and hardships as described in earlier findings. The larger of the two will apply.

A producer who previously had been assigned a 2-year production history base would be eligible, after the additional year, for computation of a 3-year production history base. The updating of his production history base would, therefore, give him a Class I base computed in the same manner as for any other producer with a 3-year production history. He would be allowed to retain at least his previous production history base as adjusted for transfers, underdelivery, and hardship. As an alternative, his average deliveries during his new production history period (subject to any loss of credit for deliveries in the first 2 years for reasons previously described), if larger, would be his production history base.

For producers who have advanced from a 1-year to a 2-year production history, it will be necessary to treat separately those who have acquired additional base by transfer. For those whose previously assigned Class I base has not been modified by transfers or other adjustments, the computation of the new production history base will be in the same manner as on the effective date of the program, except that the resulting figure would be reduced 20 percent if the production history period began after the effective date of the new plan.

For producers who have acquired Class I base by transfer before completing 2 years of production history, the computation of their production history base will be modified. One example is that of a producer who acquired a Class I base by transfer before being assigned a production history base. By this means he acquires the production history associated with such Class I base. The acquired production history base of this producer will be updated on the date when the bases of all other producers are updated. Assuming he has gone through a 1-year production history period, he would be credited with one-third of his average daily deliveries during the base earning months. His updated production history base would then be the larger of such resulting figure or the acquired production history base.

Another example is that of a producer who acquired Class I base by transfer after he had been assigned Class I base from a 1-year production history. For such producer, the previously assigned production history base and the production history base associated with the Class I base acquired would be combined.

It is also necessary to determine whether this producer's deliveries on the market since the previous base assignment entitle him to a larger production history base. If his average daily deliveries in the latest year exceeded his previously assigned production history base, as adjusted for transfers, underdelivery or hardship, he would be credited with one-third of the excess.

(f) *New producers.* The new law also requires that a base be assigned to a new producer who comes on the market because the plant to which he has been delivering milk becomes a fully regulated plant under this order. His production history base and Class I base would be determined in the same manner as for a producer who had been on the market, depending on his average milk deliveries and his production history period. Such Class I base would be assigned to him effective on the date on which he becomes a producer as described.

A Class I base will also be assigned to a producer who in previous periods had been a producer-handler. His production history base and Class I base would be computed as if the milk of his production received at his plant had been delivered to a pool plant.

It is required under the new law that a new producer who previously delivered to a nonpool plant and comes on the market as an individual (rather than because the plant to which he had been delivering becomes regulated) shall be assigned a base within 90 days after his first delivery under the order. Such a base shall be assigned only to a producer marketing milk from the same production facilities from which he marketed milk during the representative period. Under the proposed Class I base plan, such a producer will be assigned a Class I base on the first day of the third month after the month in which he began milk deliveries under the order. He would then be assigned a production history base and a Class I base computed from his deliveries to nonpool plants and to pool plants as if all such deliveries had been to a pool plant. Producer milk delivered in the period prior to assignment of base would receive only the Class III price.

There will be some producers who enter the market without any prior production history. For such dairy farmers the law also requires that a base assignment be made within 90 days after the first regular delivery of milk. Such a producer, under the plan adopted herein, will receive the Class III price until the first day of the third month following that in which he begins deliveries of producer milk. As a step preliminary to calculation of Class I base assignment for such producer, in each month his average daily deliveries would be adjusted seasonally in relation to the change in level of daily market receipts in the current month compared to market receipts in the production history months of the preceding year. He would then be given a Class I base assignment for each month which would be 40 percent of such adjusted average daily deliveries, subject to a reduction of 20 percent, and multiplied by the Class I base percentage most recently determined by the market administrator. Such method of assignment would continue until he has a 1-year production history.

Some producers who have been assigned Class I bases may leave the market and return at a later time. If a dairy farmer ceases deliveries for more than 60 consecutive days, his previously assigned Class I base and production history base would be forfeited. Under the proposed Class I base plan, such a dairy farmer upon becoming a producer again on the market, would receive only the Class III price for his milk at least until the first day of the seventh month after leaving the market. Upon returning to the market he would be treated as a new producer to whom Class I base assignment would be made beginning on the first day of the third month following that in which he resumes deliveries, if such date is later than the first day of the seventh month after ceasing delivery. Similar treatment would apply to a producer who disposes of all of his Class I base by transfer.

Obviously, a dairy farmer who disposes of his entire Class I base by transfer does so with the knowledge that he is thereby disposing of his privilege to receive returns for his milk at either the base or excess prices under the order. He would be aware that under these circumstances he will be eligible to receive only the Class III price as long as he has no base.

He would receive, normally, a value in return for the sale of his base. If the value so obtainable by sale is substantial, and the producer could get a new base assignment without delay, there would be a strong incentive for many producers to engage in milk production solely for the returns to be obtained by the sale of Class I base. Such a situation clearly would be contrary to the purpose expressed in the Act of 1970 that bases should not take on an unreasonable value.

A similar situation exists with respect to a producer who ceases deliveries on the market for 60 days and thereby forfeits his base. Except for situations beyond his control (which are covered by the rules applicable to hardship) such cessation of deliveries may be presumed as deliberate and done for the advantage of the dairy farmer.

The Class I base plan should operate to encourage a steady and reliable supply for the market. It would not serve this purpose if a producer could, of his own free will, cease deliveries to the market for an extended period, and then return to the market with the privilege of receiving payment under the plan for Class I base milk in the same amount as before he left the market.

(g) *Allocation of Class I bases.* On the effective date of the new plan and for each February 1 thereafter Class I

bases will be assigned to eligible producers. Experience in this market has demonstrated that a 20 percent reserve is necessary to assure an adequate supply for the market. The plan accordingly provides that the total of Class I bases to be assigned will be 120 percent of the Class I milk volume of handlers in the market in the preceding year. The quantity of Class I milk used in this computation would include for 1970:

(1) Total producer milk disposed of as Class I by all regulated handlers during 1970;

(2) Class I disposition of plants which were nonpool plants during part of 1970 and which were pool plants in the second month preceding the effective date of the new plan; and

(3) The Class I disposition of persons who were producer-handlers during 1970 and, in the second month preceding the effective date of the new plan, have producer status.

The total of such Class I disposition during 1970 would be multiplied by 120 percent and averaged on a daily basis. The resulting quantity would be prorated to the production history bases of individual producers. The quantity prorated to each producer will be his Class I base.

For purposes of this proration and for use in production history adjustments when needed, the relationship between Class I base and production history base will be expressed as a percentage called the "Class I base percentage." The Class I base percentage will be computed by dividing the sum of the production history bases into the total Class I base to be assigned, with the resulting ratio converted to a percentage by multiplying by 100 and rounding to the third decimal place.

Each year producers' Class I bases will be updated to reflect changes in Class I sales and production history bases. The Class I milk quantity to be used for the updating would be that disposed of by handlers in the preceding year including the Class I milk specified in the preceding findings, together with the Class I milk of any former nonpool plant which became a pool plant and held pool plant status in December preceding the February 1 on which the new bases are to be computed. The Class I sales of former producer-handlers would likewise be included if such person were a producer in December preceding the February 1 date.

(3) *Base rules*. The transfer of production history and Class I base is provided for in the Agricultural Act of 1970. Considered by proponents to be an integral part of the base plan as adopted herein, the transfer provisions should be included in this order for several reasons.

By providing an alternative to going through the steps of base building, transfers allow new producers to obtain base quickly and in a manner which will not dilute the base pool. As will become clear later, by acquiring a base by transfer a new producer actually improves the Class I base allocation of existing base holders by strengthening the Class I base percentage. Moreover, he can plan his production in accordance with his Class I base right from the beginning of his operation. A producer building base from his own production must develop a production history which will be in excess of his allotted Class I base. To reduce his production to his Class I base, such a producer would have to reduce his operation, which, after possibly investing in expensive equipment, he may be reluctant to do. Acquiring a base by transfer, therefore, will help a producer adjust his production to his share of the market in a way which can be beneficial to him as well as to existing baseholders.

Transfer of base can also help established producers to adjust the scale of their operations. An established producer can purchase Class I base to cover an increase in his milk production, thus avoiding the necessity of establishing a greater production history himself which will dilute the market's Class I base percentage. A producer desiring to decrease the scale of his operation, perhaps as a result of health or a shortage of labor, will have an incentive to do so. In the absence of transfers, such a producer may have reluctantly continued production at the same level.

While transfers are permitted, bases should not take on an "unreasonable value." Several features of the plan adopted herein should keep bases from taking on an unreasonable value. Unlike the present plan, the new plan allows a new dairy farmer to establish a production history for himself and earn a full base over a 3-year period. The present plan does not provide bases for new producers, but instead, prices a certain portion of the monthly milk of new producers at the base price. New producers share in the Class I sales of the market only if such sales exceed those of the comparable month of 1966. In avoiding the uncertainty of such monthly pricing, the new plan provides a measure of stability for new producers. A new producer is currently forced to buy a base to assure a base price for a portion of his milk production, but will be able to earn a base for himself under the plan adopted herein. Thus, there will be less incentive for a new producer to buy base when he can earn one himself.

Similarly, an established producer may increase his Class I base by building up a greater production history through his own production. Under the existing plan a producer has no recourse but to purchase base if he wishes to increase his base. With the option of earning base himself, such producer will have less incentive to buy additional base under the new plan.

The adopted base transfer provisions also differ from those in the present order in other respects. First, not only the Class I base but also the production history base will be transferable in the adopted base plan, since the Class I base is simply a percentage of the production history base. Unlike the present base plan, Class I bases will be updated annually.

A second important aspect of transfers is that one-third of the Class I base and the production history base associated with it will lapse on each transfer, except intrafamily transfers. The amount of production history base associated with Class I base will be determined by multiplying the total production history base held at the time of transfer by the percent of Class I base transferred. To illustrate, suppose a producer with a Class I base of 300 pounds and a production history base of 500 pounds transfers 150 pounds of his Class I base. The corresponding amount of production history base transferred will be 250 pounds. With a one-third lapse of base, however, the transferee producer will receive only 100 pounds of Class I base and 166⅔ pounds of production history base.

This lapse of base should mitigate any abuse of the transfer privileges and curb some of the transferring arrangements which have been common under the present plan. For example, a producer presently may decrease his production below his base and transfer all or a portion of his Class I base to another producer with the understanding that the base will be transferred back to him once his production has come up to his base. Such transfers will be discouraged in the plan adopted herein by the one-third lapse of base on each transfer.

The one-third lapse of base will be to the advantage of base-holding producers since each transfer will leave less production history to be apportioned to Class I sales in the market. On each transfer of 100 pounds of base, 33⅓ pounds will lapse, thereby strengthening the Class I base percentage used each February 1 to determine the reallocation of Class I base.

The present base plan allows transfer of Class I base in amounts of not less than 100 pounds or the entire base, whichever is smaller. This should be changed to 150 pounds or the entire base, whichever is less. With a one-third lapse of base, a transferor will then transfer 150 pounds of Class I base, but the transferee will only receive 100 pounds of it.

A time limitation on transferring base is another significant part of this new base plan. With the exception of intrafamily transfers, bases which have been computed from a less than 3-year production history period may not be transferred. Thus, a producer who has not yet completed a 3-year base-earning period, but who has received base by transfer, may not transfer base in excess of that which he has received by transfer, except if he transfers the base intrafamily.

This provision will require a producer to demonstrate his ability and willingness to supply the market's needs in a reliable fashion before he may transfer base. It will also prevent dilution of base by producers who don't intend to remain on the market.

A time limitation on transfer of base is also needed for other types of producers. In the absence of some limitation, a producer-handler can easily switch to

producer status, be assigned a full Class I base, and then sell it. A 3-year time limitation on the transfer of base by a producer-handler will avert such an unwarranted sale of base. This 3-year period begins from the time the base is first allotted to the producer-handler and applies to any family member who receives this base via the intrafamily transfer provision.

The provision of the present Class I base plan which requires that a producer who desires to become a producer-handler must forfeit the maximum amount of Class I base and production history base held at any time during the preceding 12-month period before he can be designated a producer-handler, is retained in the new Class I base plan. This provision is necessary to assure that such persons do not receive a windfall by having a Class I base available for transfer and simultaneously having exemption as producer-handlers. This forfeiture should also be required if producer-handler designation is to be issued to any member of such a producer's family, any affiliate of such a producer, or any business unit of which such a producer is a part. This is necessary in order to avoid windfall benefits by subterfuge.

A producer may receive a base in this market when the plant he has been shipping to becomes a pool plant. Such a producer should have to wait 1 full year before he is allowed to transfer a base computed from a 3-year production history period. Otherwise, a plant could get a short-term contract in this market and lose it 6 months later. The producers shipping to that plant would naturally sell their allotted base, thereby receiving a windfall gain—clearly not the purpose of this base plan.

In addition to these restrictions on transferring base, certain restrictions are necessary to discourage producers from selling their bases and earning new bases. A producer who transfers his entire Class I base, therefore, should receive only the Class III price for his milk until the later of the following dates: (1) The first day of the seventh month following the month in which he transfers his base; or (2) the first day of the third month following the month in which he resumes deliveries of producer milk.

The person who sells his entire base and resumes production at a subsequent date, or who continues in production, is not a new producer in the same sense as other nonbaseholding dairy farmers. Therefore, he need not be assigned a base in the same manner or in the same time period as other dairy farmers becoming producers.

An intrafamily transfer involves the transfer of base from the baseholder to a member of his immediate family (including transfers to an estate and from an estate to a member of the family), provided that the transfer implements a continuous operation on the same farm with the same herd. The one-third lapse of base should not apply to an intrafamily transfer.

Intrafamily transfers of Class I base which have occurred under the present base plan maintained a continuous operation and the production history of that operation should, therefore, be considered representative in determining Class I base under the new plan. In addition, any production delivered by the transferor-producer during the base-earning period and prior to the effective date of the new plan shall be assumed to have been delivered by the transferee for use in computing a production history base under the new plan; and all restrictions on transferring base applicable to the transferor-producer shall also apply to the transferee.

Another special category of transfers concerns corporations. If a corporation holds base, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of base in compliance with the transfer provisions. Moreover, since corporations may control other corporations, every time controlling interest is transferred to another corporation, there will be a corresponding transfer of base in compliance with the transfer provisions. If a baseholder is the sole holder of the stock of his incorporated farm, however, and passes that stock to a member of his immediate family who continues the operation on the same farm, there will be no lapse of base involved.

Under the present base plan, a producer must notify the market administrator of his intention to transfer Class I base on or before the last day of the month in which the transfer is to be effective. To facilitate administration of the adopted plan, a base transfer request must be filed with the market administrator on or before the first day of the month in which it is to be effective. Even when a farm and herd are transferred with the base, the base transfer request must still be made on or before the first day of the month of transfer.

(4) *Provisions for alleviation of hardship and inequity.* The Agricultural Act of 1970 continues the requirement of the Food and Agriculture Act of 1965 that provision be made for the alleviation of hardship and inequity among producers.

The provisions of the present Class I base plan relating to this matter have operated satisfactorily and should be continued in their present form in the new Class I base plan.

Specifically, provision is made for the establishment of a "Producer Base Committee" to be appointed by the market administrator. This committee shall review the petitions for relief from hardship or inequity referred to it by the market administrator. Detailed guidelines to be followed by the committee are set out. These define the circumstances under which a producer may apply for relief. They represent conditions which are beyond the control of the producer such as acts of God, disease, pesticide residue or condemnation of milk. Conditions over which the producer could have exercised control through prudent precautionary measures are not a grounds for relief. These include such factors as mechanical failure of equipment, inability to obtain adequate labor and similar conditions.

Provision is also made that a producer whose application for relief is rejected may appeal the ruling of the Producer Base Committee to the Director of the Dairy Division.

Because of the modification in the computation of production history bases described above, whereby a producer's base is not reduced if his days of nondelivery in the base period of any year do not exceed 4 days' production, it is expected that there will be fewer requests for relief under the new plan.

(5) *Administrative provisions.* The present Class I base plan contains a provision whereby a base holding producer who delivers a portion of his milk to a nonpool plant shall have his base milk reduced by an amount equal to his Class I base for each day that milk was delivered to the nonpool plant.

This provision was nullified by an amendment to the definition of "producer" effective May 1, 1968 (38 F.R. 6230). As a result of this amendment a producer whose milk is delivered to a nonpool plant, except by diversion, loses his producer status for the entire month. All milk delivered to pool plants by such producer during the month is "other source milk" and not subject to pricing under the order.

The record evidence supports the continuation of the producer definition in its present form. There is no reason, therefore, to include in the base rules a method for dealing with a producer who delivers part of his milk to a nonpool plant.

Under the new plan certain categories of new producers, as described above, receive payment for their milk at the Class III price, rather than at the uniform prices for base and excess milk. The provision of the order relating to the computation of the uniform price and payments to producers are revised to reflect this.

The Agricultural Act of 1970 provides that Class I base plans issued prior to its expiration date, December 31, 1973, may be extended beyond that date but not past December 31, 1976. Such limitation accordingly applies to the proposed plan.

(6) *Continuing provisions in the event of lack of approval by producers or expiration of statutory authority for the Class I base plan.* The order should include provisions for the computation of a uniform price for all producer milk to be used in distributing returns to producers in the event producers, voting individually in a separate referendum, fail to approve the Class I base plan. Such provisions also would be necessary in the event that the statutory authority for Class I base plans should expire while the Class I base plan is in effect if incorporated in the order.

The Class I base plan contained in the current order cannot be continued in effect should the proposed Class I base plan fail to be approved in the referendum. Statutory authority for such a plan no longer exists. Authority for the plan

expired on December 31, 1970. However, Congress provided that the plan could be extended for a period of not more than a year to prevent disruption of the market pending amendment of the order, and to provide for an orderly transition from the present Class I base plan to one authorized under the Agricultural Act of 1970.

Some producer witnesses, at the hearing and in their briefs, indicated their opposition to the adoption of a new Class I base plan. They urged that the order provide for payment to all producers of a uniform price for milk, regardless of the production history of the individual producers. Producer witnesses who supported the adoption of the Class I base plan testified that the order should be continued in effect even though the proposed Class I base plan should not be approved by producers voting in a separate referendum. It was the position of the latter group that, in such event, returns should be distributed to producers by means of a uniform price applicable to all producer milk.

For the reasons set forth above, it has been concluded that producers should have the opportunity to decide whether returns from the sale of their milk should be apportioned among producers through a Class I base plan. Incorporation in the order of provisions, either to effectuate a Class I base plan, or to provide for the computation of a uniform price applicable to all producer milk, will afford producers the opportunity to decide which pricing mechanism will be included in the order. It will also provide for the continued functioning of the order in the event statutory authority for the plan should expire while the plan is in effect.

RULINGS ON MOTIONS

At the beginning of the hearing, one interested party requested the Presiding Officer to postpone the hearing for an additional 60 days. This request was denied by the Presiding Officer. During the course of the hearing the same party requested the Presiding Officer to recess the hearing for a period of 60 days. This motion was likewise denied. After deviewing the record, it is concluded that the Presiding Officer ruled correctly in rejecting the motions to postpone or recess the hearing.

The same parties in their brief requested a reopening of the hearing and a further 60-day extension of time to consider further proposals. Inasmuch as such parties were afforded full opportunity at the hearing to present testimony and because of the urgency of this amendatory action, the further request is denied.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

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

GENERAL FINDINGS

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

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

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

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

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

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

1. In § 1125.72, paragraph (a) is revised to read as follows:

§ 1125.72 Computation of uniform prices for base milk and excess milk.

* * * * *

(a) * * *

(1) The amount computed by multiplying the hundredweight of milk specified in § 1125.71(f)(2) by the weighted average price for all milk;

(2) The amount obtained by multiplying by the Class III price the total hundredweight of milk delivered by all producers described in § 1125.121 (c) and (d) for whom no base milk has been computed; and

(3) The amount computed by multiplying the hundredweight of excess milk by the Class III price for 3.5 percent milk, rounded to the nearest one-tenth cent: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I price (for 3.5 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

* * * * *

1a. In § 1125.72(c), in both instances, change the reference "(a)(2)" to read "(a)(3)".

2. In § 1125.80, paragraph (a) is revised to read as follows:

§ 1125.80 Time and method of payment to producers and to cooperative associations.

(a) * * *

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 1125.82 and by any location adjustment applicable under § 1125.81;

(2) At not less than the Class III price adjusted by the butterfat differential computed pursuant to § 1125.82 for the quantity of milk received from producers described in § 1125.121 (c) and (d) for whom no base milk has been computed; and

(3) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1125.82 and by any location adjustment applicable under § 1125.81: *Provided*, If by such date such handler has not received full payment for such month pursuant to § 1125.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator.

* * * * *

CLASS I BASE PLAN PROVISIONS

§ 1125.110 Production history base and Class I base.

For purposes of determination and assignment of Class I base of each producer:

(a) "Production history base" means a quantity of milk in pounds per day as computed pursuant to § 1125.120 (b) or (c).

(b) "Class I base" means a quantity of milk in pounds per day as computed pursuant to § 1125.121 for which a producer may receive the base milk price.

(c) "Average daily producer milk deliveries" of a producer in any specified period used for computing production history bases means the total pounds of

producer milk delivered by the producer divided by the number of days in the period rounded to the nearest whole pound: *Provided*, That if a producer is prevented from delivering milk during the production history period because of storm conditions, the number of days of nondelivery due to such cause not to exceed 4 days in any year may be deducted from the total number of calendar days in the period.

§ 1125.111 Base milk and excess milk.

(a) "Base milk" means:

(1) Milk received from a producer which is not in excess of his Class I base multiplied by the number of days in the month except that if milk is received from a producer for only part of a month, base milk shall be milk received from such producer which is not in excess of his Class I base multiplied by the number of days of production of producer milk delivered during the month; and

(2) Milk received from a producer to whom no Class I base has been issued, in the amount determined pursuant to § 1125.121 (c) or (d).

(b) "Excess milk" means milk in excess of base milk received during any designated period from a producer who during such period is delivering base milk.

§ 1125.120 Computation of production history base for each producer.

A "production history base" as defined in paragraph (b) or (c) of this section shall be determined by the market administrator for each producer eligible for such base on the effective date of this provision and on February 1 of each year thereafter. The computation of production history base shall be subject to adjustments described in paragraph (c) (1) of this section due to acquisition or disposition by transfer of Class I base or other modifications of Class I base due to hardship or loss of Class I base because of underdelivery of base. For purposes of computation of his production history base, a producer shall be considered as having been on the market during any specified period if: As a producer he delivered milk of his production during the designated period without interruption sufficient to cause forfeiture of base pursuant to § 1125.123(a); during such period (after the effective date of this provision) did not dispose of all his Class I base by transfer; and during no year of his production history period were his average daily producer milk deliveries subject to negative adjustments pursuant to paragraph (c) (1) of this section resulting in a zero quantity. If such adjustment results in a zero quantity of average daily deliveries, the producer shall have a 1 year production history period and a corresponding production history base, not subject, however, to the 20 percent reduction provided in paragraph (c) (3) of this section.

(a) "Production history period" means the period to be used for the computation of production history base for a producer. Production history periods for this purpose are as follows:

(1) The production history period for a producer who has been on the market during the 3 years (January–December) preceding the determination of his production history base shall be the 4 months of each such year during which the average daily receipts of total producer milk in the market were lowest for the year. The period described in this subparagraph shall be known as a 3-year production history period.

(2) The production history period for a producer who has been on the market for a lesser period than specified in subparagraph (1) of this paragraph but beginning on a date not later than September 1 of one of the 3 preceding years (January–December) shall be:

(i) In the first year, the months specified in subparagraph (1) of this paragraph if the producer was on the market for all of the first full month so specified, otherwise the months of September through December, of such year; and

(ii) In any other years preceding the determination of his production history base, the 4 months of each year specified in subparagraph (1) of this paragraph;

(iii) Periods described in this subparagraph shall be known as 1-year, 2-year or 3-year production history periods depending on whether deliveries began in the first, second, or third year, respectively, preceding determination of production history base;

(3) The production history period for a producer who has been on the market during a period beginning after September 1, 1970, and who delivered producer milk in each of the 7 months preceding the effective date of this provision shall be the first 4 full months of delivery on the market. Such period shall be known as a 1-year production history period. For any such producer, the milk deliveries of the same 4 months shall be used in subsequent updating of production history bases to represent the milk deliveries of such producer in 1970.

(b) The production history base for each producer on the effective date of this provision shall be determined by the market administrator as follows:

(1) If the production history period of any producer includes in any year months other than those specified pursuant to paragraph (a) (1) of this section, the average daily producer milk deliveries of such producer in the months used in his production history period shall be adjusted as follows: Multiply the producer's average daily producer milk deliveries by the ratio of average daily total producer milk in the market in the 4 months of the year specified in paragraph (a) (1) of this section to the average daily total producer milk in the market in the months used for such producer; except that for a producer described pursuant to paragraph (a) (3) of this section, the 4-month period specified in paragraph (a) (1) of this section shall be the applicable months in 1970.

(2) For a producer who was issued a Class I base pursuant to the provisions which become effective on September 1, 1967, and thus had a "production history base" which he had earned pursuant to the provisions then effective, and who has continued on the market as a producer since the issuance of such base, the production history base pursuant to this subparagraph shall be the larger of (i) the "production history base" assigned pursuant to the provisions effective September 1, 1967, reduced by the amount specified in the provision made effective September 1, 1967, in § 1125.123(f) with respect to reduction of production history base in proportion to transfer of Class I base, or (ii) such producer's production history base determined pursuant to subparagraph (3) of this section. This provision shall apply also to the production history base of a Class I effective September 1, 1967, if now held by a producer who received it from the original holder by intrafamily transfer, or through a succession of intrafamily transfers.

(3) For a producer with a 3-year production history period, the production history base shall be the sum of his average daily producer milk deliveries each year in the specified months for production history (subject to adjustment of deliveries in any year pursuant to subparagraph (1) of this paragraph if applicable) divided by 3.

(4) For a producer with a 1-year or 2-year production history period, the production history base shall be the sum of his average daily producer milk deliveries in each year in the specified months for production history (subject to adjustment of deliveries in any year pursuant to subparagraph (1) of this paragraph, if applicable) divided by the number of years in the production history period and multiplied by 60 percent for a 1-year production history period or by 80 percent for a 2-year production history period.

(5) A production history base shall be assigned to producers on the effective date of this provision who qualify for such base pursuant to paragraphs (d), (e), and (f) of this section.

(c) The production history base for each producer on February 1 of each year shall be determined by the market administrator as follows:

(1) In updating a production history base as described in this paragraph, adjustments to a producer's previously assigned production history base and/or average daily producer milk deliveries in prior years shall be made as follows:

(i) If a producer's average daily producer milk deliveries in the combined period of the four production history months of the preceding year is less than the average of such producer's Class I base effective on the first day of each such month, the amount of such difference shall represent a reduction in Class I base. Such reduction shall not apply, however, in the updating of bases on February 1, 1972.

(ii) The prior production history base assigned to such producer shall be adjusted in proportion to the net change in Class I base due to acquiring or disposing of Class I base by transfer, adjustment of Class I base for hardship, or because of underdelivery of Class I base.

The adjustment factor shall be determined by dividing the Class I base last held by the producer in the preceding January (after any adjustment pursuant to subdivision (i) of this subparagraph), by the amount of Class I base issued on the preceding February 1.

(iii) The average daily producer milk deliveries for which a producer will receive credit in his production history in years prior to any net disposal of Class I base by transfer or reduction due to underdelivery shall be adjusted in proportion to the net change in Class I base. The adjustment factor shall be the Class I base issued on the previous February 1 less the net amount of Class I base disposed of by transfer since February 1 and the amount of reduction of Class I base pursuant to subdivision (i) of this subparagraph, divided by the amount of Class I base issued on the preceding February 1.

(iv) If the combined effect of such adjustments is a reduction greater than the respective production history base or average daily producer milk deliveries subject to such adjustments, then the resulting amount after adjustment shall be zero and any year for which a zero amount is determined shall not be regarded as a production history period.

(2) For a producer with a 3-year production history period, the production history base shall be one-third of the sum of the amounts pursuant to subdivisions (i), (ii), and (iii) of this subparagraph, or the amount pursuant to subdivision (iv) of this subparagraph, whichever is larger:

(i) His average daily producer milk deliveries in the specified months for production history in the first year (adjusted pursuant to paragraph (b)(1) of this section, if applicable) reduced by any adjustments pursuant to subparagraph (1)(iii) of this paragraph;

(ii) His average daily producer milk deliveries in the specified months for production history in the second year of his production history period, reduced by any adjustments pursuant to subparagraph (1)(iii) of this paragraph;

(iii) His average daily producer milk deliveries in the specified months for production history in the most recent year of his production history period;

(iv) The production history base assigned to such producer on the preceding February 1 (or effective date of this provision) subject to any adjustments pursuant to subparagraph (1) of this paragraph.

(3) For a producer with a 1- or 2-year production history period who did not acquire Class I base by transfer from another producer, the production history base shall be the sum of his average daily producer milk deliveries for each year (calculated in the same manner and subject to the same type of reductions as described in subparagraph (2)(i) of this paragraph) divided by the number of years in his production history period and multiplied by 60 percent if the producer has a 1-year production history period or by 80 percent if he has a 2-year production history period. The resulting quantity shall be subject to a further reduction of 20 percent in the case of any producer who began deliveries after the effective date of this provision.

(4) For a producer who has acquired a Class I base by transfer from another producer prior to assignment of a production history base computed from deliveries of his own milk production, the production history base to be assigned on the February 1 following a 1-year production history period of such producer shall be the larger of the amounts computed pursuant to subdivision (i) or (ii) of this subparagraph, and on the February 1 following a 2-year production history period shall be the amount computed pursuant to subdivision (iii) of this subparagraph.

(i) The production history base associated with the Class I base acquired, adjusted pursuant to subparagraph (1) of this paragraph.

(ii) One-third of his average daily producer milk deliveries in the specified production history months of the preceding year (adjusted pursuant to paragraph (b)(1) of this section, if applicable).

(iii) The production history base last assigned on a February 1 adjusted pursuant to subparagraph (1) of this paragraph plus one-third of the excess of the producer's average daily producer milk deliveries in the four production history months of the preceding year over such adjusted production history base.

(5) For a producer who has been assigned a production history base calculated only from deliveries of his own milk production during a one-year production history period and who since such assignment has acquired Class I base by transfer from another producer, the production history base of such producer on February 1 following such acquisition of Class I base shall be the production history base last assigned to such producer on the effective date of this provision or on the latest preceding February 1 adjusted pursuant to subparagraph (1) of this paragraph plus one-third of the excess of the producer's average daily producer milk deliveries in the four production history months of the preceding year over such adjusted production history base.

(d) For each producer not subject to § 1125.121(d) who became a producer for this market after January 1, 1968, because the plant to which he regularly delivered milk became a fully regulated plant pursuant to this order, a production history base shall be determined, if possible, pursuant to paragraph (b) or (c) of this section based on his deliveries of milk as if the nonpool plant to which he delivered were a pool plant during the 3 preceding years.

(e) A producer not described pursuant to paragraph (d) of this section who delivered milk to a nonpool plant prior to becoming a producer, and who is not subject to the provisions of § 1125.121(d), shall have a production history base effective on the first day of the 3d month after the month in which he began deliveries of producer milk to a pool plant if a production history base can be computed pursuant to paragraph (b) or (c) of this section based on deliveries of milk from the same farm on which he is now a producer as if the plant(s) to which he delivered had been a pool plant(s) during the 3 preceding years.

(f) For a producer who held producer-handler status during any part of the production history periods specified in paragraph (a) of this section, a production history base shall be calculated as prescribed in paragraph (b) or (c) of this section as though the milk of his own production received at his producer-handler plant had been received at a pool plant.

(g) With respect to computation of production history bases pursuant to this section the following rules shall apply:

(1) If a producer operated more than one farm at the same time during any specified production period, a separate computation shall be made with respect to producer milk delivered from each such farm for such period, except that only one computation shall be made with respect to milk production resources and facilities of a producer-handler specified in § 1125.14(b)(1).

(2) Only one production history base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment are jointly used, owned, or operated.

§ 1125.121 Computation of Class I base or base milk for each producer.

On the effective date of this provision and on February 1 of each subsequent year the market administrator shall assign a Class I base to each producer who has a production history base. Class I bases shall be assigned to producers described in paragraphs (d), (e), and (f) of § 1125.120 when they are issued production history bases. Class I bases shall be computed as follows:

(a) Compute a "Class I base percentage" as follows:

(1) Determine the sum of Class I dispositions during the preceding calendar year from the following:

(i) Class I producer milk pursuant to § 1125.46(c),

(ii) The Class I disposition of plants during the period when they were nonpool plants, if such plants were pool plants in the preceding December, and

(iii) The Class I disposition of his own production of a person who was a producer-handler during a portion of the year and who held producer status in the preceding December.

Multiply the sum by 1.20 and divide the result by the number of days in such year: *Provided*, That on the effective date of this provision, comparable Class I disposition for the year 1970 will be determined, including that of former nonpool plants and producer-handlers which in the second month preceding the effective date were, respectively, pool plants and producers.

(2) Divide the quantity computed pursuant to subparagraph (1) of this paragraph by a quantity which is the

total of production history bases computed pursanut to § 1125.120. The result shall be converted to a percentage by multiplying by 100 and rounding to the third decimal place. Such percentage shall be known as the "Class I base percentage."

(b) The Class I base of each producer with a production history base shall be determined by multiplying his production history base by the "Class I base percentage."

(c) A producer, other than a producer pursuant to paragraph (d) of this section, who has no production history base shall be assigned base milk each month effective on the first day of the third month after the month in which he began deliveries of producer milk. Such base milk for each month prior to the first February 1 on which he is eligible for a Class I base shall be computed as follows:

(1) Multiply the quantity of producer milk delivered by the producer during the month by the ratio of average daily total producer milk in the market in the months of the preceding year used in the computation pursuant to § 1125.120(a)(1) to the average daily total producer milk in the market in the month of the preceding year which corresponds to the month for which the computation is being made in the current year.

(2) Multiply the quantity resulting from the computation pursuant to subparagraph (1) of this paragraph by 40 percent and by the Class I base percentage, and if such producer began production after the effective date of this provision, subtract from the resulting quantity 20 percent of such quantity.

(d) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c) (1) and (2) of this section, such assignment to be effective on the later of the following dates: the first day of the third month after the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which a producer who forfeits his base ceases deliveries or a producer disposes of his Class I base. The production history period of such producer shall begin on the later of the following dates: the date on which he first received payment for base milk or the first day of the first month eligible for use in a production history period pursuant to § 1125.120(a).

§ 1125.122 Transfer of bases.

Production history and Class I base may be transferred pursuant to the following rules and conditions:

(a) A transfer of base means the transfer of both the production history base and the Class I base associated with it at the time of transfer. The percentage of Class I base transferred shall be applied to the total production history base held at the time of transfer to determine the corresponding amount of production history transferred.

(b) The market administrator must be notified in writing by the holder of the Class I base on or before the first day of the month of transfer of the name of the person to whom the Class I base is to be transferred, the effective date of the transfer and the amount of base to be transferred if less than the entire Class I base held by the transferor.

(c) It must be established to the satisfaction of the market administrator that the conveyance of such base is bona fide and not for the purpose of evading any provision of this order, and comes within the remaining provisions of this section.

(d) A transfer may be made only to a producer (a person who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer).

(e) A transfer of Class I base may be made in amounts of not less than 150 pounds or the entire base, whichever is smaller. The amount of base credited to the transferee shall be two-thirds of the Class I base disposed of by the transferor producer.

(f) A transfer of a portion of a Class I base shall be a partial transfer and shall be effective only on the first day of a month. A transfer where the transferee producer will combine the Class I base received with Class I base already held shall be considered a partial transfer.

(g) A transfer of a complete Class I base of a producer to a person who does not hold a Class I base will be effective on the date of transfer of herd and farm, or on the first day of the month if no herd and farm is transferred, provided in either case that a base transfer request was made to the market administrator on or before the first day of the month of transfer.

(h) An intrafamily transfer (including transfers to an estate and from an estate to a member of the immediate family) will not be subject to a one-third lapse of base, provided that the transfer implements a continuous operation on the same farm with the same herd. All restrictions on transferring base applicable to the transferor producer shall also apply to the transferee.

(i) A producer who receives a base when the plant to which he ships becomes a pool plant in this market may not transfer such base, other than pursuant to paragraph (h) of this section, for 1 year from the date of receipt or such later date as provided in paragraph (k) of this section. If the base is transferred to a member of the immediate family, then such transferee may not transfer that base for 1 year from the time it was originally allotted to the transferor, except in the case of another intrafamily transfer.

(j) A producer-handler who becomes a producer and receives a base, may not transfer that base for a period of 3 years from the date of receipt, except to a member of the immediate family pursuant to paragraph (h) of this section. In the case of such a transfer, the transferee may not transfer that base for 3 years from the time it was originally allotted to the transferor, except in the case of another intrafamily transfer.

(k) A base which has been computed from a less than 3-year production history period may not be transferred, except as an intrafamily transfer pursuant to paragraph (h) of this section.

(l) If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of bases and compliance with all base rules therein.

§ 1125.123 Miscellaneous base rules.

The following base rules shall be observed in the determination of bases:

(a) A person who discontinues deliveries of producer milk for a period of 60 consecutive days after a Class I base is issued him shall forfeit any Class I and production history base held pursuant to the provisions of this order, except that a person entering military service may retain his Class I base until 1 year after being released from active military duty.

(b) As soon as production history bases and Class I bases are computed by the market administrator, notice of the amount of each producer's production history base and Class I base shall be given by the market administrator to the producer, to the handler receiving such producer's milk, and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place in his plant a list or lists showing the Class I base of each producer whose milk is received at such plant.

(c) As a condition for designation as a producer-handler pursuant to § 1125.14, any person (including any member of the immediate family of such a person, any affiliate of such a person, or any business of which such a person is a part) who has held Class I base any time during the 12-month period prior to such designation shall forefit the maixmum amount of Class I and production history base held at any time during such 12-month period.

§ 1125.124 Hardship provisions.

Requests of producers for relief from hardship or inequity arising under the provisions of §§ 1125.120 through 1125.123 will be subject to the following:

(a) After bases are first issued under this plan and after bases are issued on each succeeding February 1, a producer may request review of the following circumstances because of alleged hardship or inequity:

(1) He was not issued a Class I base;

(2) His production history base is not appropriate because of unusual conditions during the base-earning period such as loss of buildings, herds, or other facilities by fire, flood or storms, official quarantine, disease, pesticide residue, condemnation of milk, or military service of the producer or his son;

(3) Loss or potential loss of Class I base pursuant to § 1125.123(a);

(4) Loss or potential loss of Class I base because of underdeliveries pursuant to § 1125.120(c)(1);

(5) Inability to transfer base due to the provisions of § 1125.122 (i), (j), or (k);

(b) The producer shall file with the market administrator a request in writing for review of hardship or inequity not later than 45 days after notice pursuant to § 1125.123(b) with respect to requests pursuant to paragraph (a) (1) or (2) of this section, or not later than 45 days after the occurrence with respect to requests pursuant to paragraph (a) (3), (4), or (5) of this section, setting forth:

(1) Conditions that caused the alleged hardship or inequity;

(2) The extent of the relief or adjustment requested;

(3) The basis upon which the amount of adjustment requested was determined; and

(4) Reasons why the relief or adjustment should be granted.

(c) One or more Producer Base Committees shall be established and function as follows:

(1) Each Producer Base Committee shall consist of five producers appointed by the market administrator.

(2) Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator at a meeting in which the market administrator or his representative serves as recording secretary and at which the applicant may appear in person if he so requests.

(3) Recommendations with respect to each such request shall be endorsed at the meeting by at least three committee members and shall:

(i) With respect to requests pursuant to paragraph (a) (1), (3), (4), or (5) of this section, grant or adjust production history bases where it appears appropriate, delay forfeiture of Class I base, restore forfeited base where appropriate, and permit transfer of base not otherwise possible under the order provisions.

(ii) With respect to requests pursuant to paragraph (a)(2) of this section, either reject the request or provide adjustment in the form of additional production history base where it appears appropriate and the effective date thereof of such adjustment. In considering such requests the loss of milk production due to the following shall not be considered a basis for hardship adjustment:

(*a*) Loss of milk due to mechanical failure of farm tank or other farm equipment; and

(*b*) Inability to obtain adequate labor to maintain milk production, except that hardship adjustment may be granted in the case of a producer or the son of a producer who entered into military service directly from employment in milk production;

(4) Recommendation of the Producer Base Committee shall:

(i) If to deny the request, the final upon notification to the producer, subject only to appeal by the producer to the Director, Dairy Division within 45 days after such notification; or

(ii) If to grant the request in whole or in part, be transmitted to the Director, Dairy Division, and shall become final unless vetoed by such Director within 15 days after transmitted.

(5) Committee members shall be reimbursed by the market administrator from the funds collected under § 1125.88 for their services at $20 per day or portion thereof, plus necessary travel and subsistence expenses incurred in the performance of their duties as committee members.

(d) The market administrator shall maintain files of all requests for alleviation of hardship and the disposition of such requests. These files shall be open to the inspection of any interested person during the regular office hours of the market administrator.

COMPUTATION OF UNIFORM PRICE FOR PRODUCER MILK

The following provisions are necessary to effectuate the continued operation of the order in the event producers voting individually in a separate referendum fail to approve the Class I base plan or if the statutory authority for such a plan is terminated while it is in effect after its incorporation in the order. In such event, the preceding order provisions shall be modified as specified below.

1. In § 1125.22, paragraphs (j)(1)(iii) and (k)(2) are revised to read as follows:

§ 1125.22 Duties.

* * * * *

(j) * * *

(1) * * *

(iii) Uniform price for producer milk.

* * * * *

(k) * * *

(2) On or before the 13th day of each month the uniform price for producer milk computed pursuant to § 1125.71 and the butterfat differential computed pursuant to § 1125.82, each applicable to milk received during the preceding month.

* * * * *

2. In § 1125.35, paragraph (a)(2) is revised by deleting the words "the pounds of base and excess milk."

3. In § 1125.71, the subheading is changed to read: "Computation of weighted average price and uniform price for producer milk." The second sentence of paragraph (g) is revised to read as follows: "The result shall be known as the uniform price for producer milk and the weighted average price for all milk."

4. Section 1125.72 is revoked.

5. In § 1125.80, paragraph (a) is revised to read as follows:

§ 1125.80 Time and method of payment to producers and to cooperative associations.

(a) On or before the 19th day after the end of each month each handler shall make payment to each producer for the milk received from such producer during such month at not less than the uniform price for producer milk adjusted by the butterfat differential computed to § 1125.82 and by any location adjustment applicable under § 1125.81: *Provided*, If by such date such handler has not received full payment for such month pursuant to § 1125.85, he should not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payments uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator.

* * * * *

6. In § 1125.81, paragraph (a) is revised to read as follows:

§ 1125.81 Location adjustments to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1125.80(a), subject to the application of § 1125.12(c), deductions may be made per hundredweight of milk received from producers at the respective plant locations at the same rate per hundredweight as is specified for Class I milk in the table set forth in § 1125.53.

* * * * *

7. In § 1125.82, the words "for base milk and for excess milk" are deleted.

8. The centerhead "Class I Base Plan Provisions" following § 1125.101, and §§ 1125.110, 1125.111, 1125.120, 1125.121, 1125.122, 1125.123, and 1125.124 are revoked.

Signed at Washington, D.C., on May 6, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-6557 Filed 5-10-71;8:51 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 260]

INSPECTION AND CERTIFICATION OF FISHERY PRODUCTS

Notice of Proposed Rule Making

In the FEDERAL REGISTER of March 10, 1971 (36 F.R. 4609), was published the first of a series of partial revisions of Part 260 of Title 50 CFR. This notice of proposed revisions is the second in a series of partial revisions of Part 260 of Title 50 CFR.

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (35 F.R. 15627), it is proposed to amend certain sections of Part 260—Inspection and Certification pertaining to the following subject matter:

1. Administration of regulations

2. Definitions
3. Fees and charges
4. Requirements for official establishments under fishery products inspection on a contract basis

These proposed amendments are necessary in order to reflect the transfer of fishery standards development and inspection functions, performed under the authority of Title II of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), from the Department of the Interior to the Department of Commerce. This transfer was effected by Reorganization Plan No. 4 of 1970 (35 F.R. 15627), which, among other things, abolished the Bureau of Commercial Fisheries in the Department of the Interior, and transferred its functions, including the fishery inspection function dealt with in these regulations, to the Department of Commerce.

The proposed changes relating to definitions modify some existing terms in the current regulations and define new terms which will be used in subsequent sections of the regulations.

The proposed amendments relating to fees and charges reflect current rates for inspection services with some modifications to clarify application of the fees and charges. New fees and charges are proposed for analytical services.

The proposed amendments relating to requirements for official establishments under fishery products inspection on a contract basis reflect incorporation of most of the provisions contained in the contract form currently used. Additional modifications have been made in some of the current sections by updating certain requirements to the present state of technological accomplishment.

Interested persons may submit written comments in regard to the proposed amendments to the regulations to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235.

All relevant material received not later than 45 days after publication of this notice will be considered.

HOWARD W. POLLOCK,
Acting Administrator.

WILLIAM M. TERRY,
Acting Director,
National Marine Fisheries Service.

MAY 4, 1971.

ADMINISTRATION OF REGULATIONS

1. Section 260.1 *Administration of regulations* is amended as follows:

§ 260.1 Administration of regulations.

The Secretary of Commerce is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the National Marine Fisheries Service of the Department in his discretion.[1]

§ 260.6 [Amended]

2. In § 260.6 *Terms defined,* the following terms are amended as follows:

Department. "Department" means the U.S. Department of Commerce.

Director. "Director" means the Director of the National Marine Fisheries Service.

Inspection service. "Inspection Service" means:

* * * * *

(d) Performance by an inspector of any related services such as to observe the preparation of the product from its raw state through each step in the entire process; or observe conditions under which the product is being harvested, prepared, handled, stored, processed, packed, preserved, transported, or held; or observe sanitation as a prerequisite to the inspection of the processed product, either on a contract basis or periodic basis; or checkload the inspected processed product in connection with the marketing of the product, or any other type of service of a consultative or advisory nature related herewith.

3. The following terms are added to § 260.6 *Terms defined:*

Establishment. "Establishment" means any premises, building, structures, facilities, and equipment (including vehicles) used in the processing, handling, transporting, and storage of fish and fishery products.

Official establishment. "Official establishment" means any establishment which have been approved by National Marine Fisheries Service, and utilizes inspection service on a contract basis.

Wholesome. "Wholesome" means the minimum basis of acceptability for human food purposes, any fish or fishery product as defined in section 402 of the Federal Food, Drug, and Cosmetic Act, as amended.

4. The term "plant" in § 260.6 *Terms defined,* is deleted.

[1] All functions of the Department of Agriculture which pertain to fish, shellfish, and any products thereof, now performed under the authority of Title II of the act of Aug. 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof, were transferred to the Department of the Interior by the Director of the Budget (23 F.R. 2304) pursuant to section 6(a) of the act of Aug. 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U.S.C. sec. 742e). Reorganization Plan No. 4 of 1970 (35 F.R. 15627) transferred, among other things, such functions from the U.S. Department of the Interior to the U.S. Department of Commerce.

FEES AND CHARGES

5. Section 260.69 *Payment of fees and charges,* is amended as follows:

§ 260.69 Payment of fees and charges.

Fees and charges for an inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, an advance of funds prior to rendering inspection service in an amount suitable to the Secretary, or a surety bond suitable to the Secretary, may be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service, performed pursuant to the regulations in this part shall be paid by check, draft, or money order made payable to the National Marine Fisheries Service. Such check, draft, or money order shall be remitted to the appropriate Regional or Area office serving the geographical area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Secretary, in which latter event the contract provisions shall apply.

6. Section 260.70 *Schedule of fees,* is amended as follows:

§ 260.70 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any other agency or instrumentality thereof, shall be in accordance with the applicable provisions of this § 260.70 and § 260.81.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section for the type of service performed.

(1) *Type I—Official Establishment and Product Inspection—Contract Basis.*

	Per hour
Regular time	$9.80
Overtime	11.05
Legal holidays (2-hour minimum)	20.00

The contracting party shall be charged at an hourly rate of $9.80 per hour for regular time, $11.05 per hour for overtime in excess of 40 hours per week, and $20 per hour for legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party shall be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this

section. At an official establishment designated in a contract, products also designated therein will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this section.

(2) *Type II—Lot Inspection—Officially and Unofficially Drawn Samples.*

	Per hour
Regular time	$13.25
Overtime	16.25
Saturday, Sunday, and Holiday	20.75
Minimum fee	8.50

(i) For lot inspection services performed between the hours of 7 a.m. and 5 p.m. of any regular workday—$13.25 per hour.

(ii) For lot inspection services performed between the hours of 5 p.m. and 7 a.m. of any regular workday—$16.75 per hour.

(iii) For lot inspection services performed on Saturday, Sunday, and national legal holidays—$20.75 per hour.

(iv) The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour shall be $8.50.

(3) *Type III—Miscellaneous Inspection and Consultative Service.* When any inspection or related service, such as, but not limited to, initial and final establishment surveys, appeal inspection, sanitation evaluation, sampling, product evaluation, and label and product specification review rendered is such that charges based on the forgoing sections are clearly inapplicable, charges will be based on time consumed by the inspector in performance of such inspection related service at the rates set forth in subparagraph (2) of this paragraph for lot inspection.

(c) Fees to be charged and collected for lot, miscellaneous, and consultative inspection service furnished on an hourly basis shall be based on the actual time required to render such service including, but not limited to, the travel, sampling, and waiting time required of the inspector or inspectors, in connection therewith.

(d) A surcharge of two (2) percent of each monthly charge for any type of inspection service, except analytical service, will be charged to cover expenses incurred for relief and reassignment of inspectors.

(e) Analytical services: Fees for various laboratory analyses are set forth below.

Type of analysis	Fee per individual analysis
Hydrogen ion concentration	$2.85
Moisture (drying method)	4.60
Fat	6.90
Protein	17.10
Salt	11.50
Bacteriological plate count	4.60
Bacteriological direct count	4.60
E. coli (presumptive)	6.90
Yeast and mold count	4.60
Staphyococcus	13.80
Salmonella [1]:	
Step 1	9.20
Step 2	4.60
Step 3	9.20
Coliform	4.60
Species determination	20.00

[1] Salmonella test may be in three steps as follows: Step 1—growth through differential agars; Step 2—growth and testing through triple-sugar-iron agar; Step 3—confirmatory test through biochemicals.

(1) Applicants requesting specific analysis will be charged on the basis of these fees. Charges based on these fees will be in addition to any hourly rates charged to applicants for lot miscellaneous and consultative inspection service as well as to any hourly rates charged for inspection services provided under a contract at official establishments.

(2) Fees to be charged for any analysis performed at a government laboratory not specifically shown in paragraph (d) of this section will be based on the time required to perform such analysis at an hourly rate of $11.00.

(3) A surcharge of 10 percent of the total charges for analytical services will be charged for administrative purposes.

7. Section 260.71 is deleted and is replaced by a new § 260.71, as follows:

§ 260.71 Fee for inauguration of inspection service on a contract basis.

A fee of $100 will be charged and collected from an official establishment, following completion of the final establishment survey and approval of it as an official establishment, prior to inauguration of inspection service.

§ 260.76 [Deleted]

8. Section 260.76 is deleted.

9. Section 260.80 *Charges for inspection service on a contract basis,* is amended as follows:

§ 260.80 Charges for inspection service on a contract basis.

Irrespective of fees and charges prescribed in the foregoing sections, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with any administrative agency charged with the administration of a marketing order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as revised (16 U.S.C. 661 et seq.) for the making of inspections pursuant to said agreement or order on such basis as will reimburse the National Marine Fisheries Service of the Department for the full cost of rendering such inspection service as may be determined by the Secretary. Likewise, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with an administrative agency charged with the administration of a similar program operated pursuant to the laws of any State.

Requirements for Official Establishments Under Fishery Products Inspection on a Contract Basis [5]

10. Section 260.97 *Plant survey,* through § 260.103 *Personnel; health,* are deleted and are replaced by § 260.96 *Application for Fishery Products Inspection Service on a contract basis,* through § 260.104 *Personnel,* as follows:

§ 260.96 Application for Fishery Products Inspection Service on a contract basis at official establishments.

Any person desiring to process and pack products in an establishment under fishery products inspection service on a contract basis, must receive approval of such buildings and facilities as an official establishment prior to the inauguration of such service. An application for inspection service to be rendered in an establishment shall be approved according to the following procedure:

(a) Initial survey: When application has been filed for inspection service as aforesaid, NMFS inspector(s) shall examine the buildings, premises, and facilities according to the requirements of the fishery products inspection service and shall specify any additional facilities required for the service.

(b) Drawings and specifications shall be furnished in advance of new construction or when alterations of an official establishment are contemplated in a manner prescribed by the Director for approval.

(c) Final survey and establishment approval: Prior to the inauguration of the fishery products inspection service, a final survey of the buildings, premises, and facilities shall be made to verify that the buildings are constructed and facilities are in accordance with the approved drawings and the regulations in this part.

§ 260.97 Conditions for providing fishery products inspection service at official establishments.

(a) The determination as to the inspection effort required to adequately provide inspection service at any establishment will be made by NMFS. The manhours required may vary at different official establishments due to factors such as, but not limited to, size and complexity of operations, volume and variety of products produced, and adequacy of control systems and cooperation. The inspection effort requirement may be re-evaluated when the contracting party or NMFS deems there is sufficient change in production, equipment and change of quality control input to warrant re-evaluation. Inspectors will not be available to perform any of employee or management duties, however, they will be available for consultation purposes.

[5] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such establishments and operations.

NMFS reserves the right to reassign inspectors as it deems necessary.

(b) NMFS shall not be held responsible:

(1) For damages occurring through any act of commission or omission on the part of its inspectors when engaged in performing services.

(2) For production errors, such as processing temperatures, length of process, or misbranding of products; or

(3) For failure to supply enough inspection effort during any period of service.

(c) The contracting party will;

(1) Use only wholesome raw material which has been handled or stored under sanitary conditions and is suitable for processings; maintain the official establishment(s), designated on the contract in such sanitary condition and to employ such methods of handling raw materials for processing as may be necessary to conform to the sanitary requirements prescribed or approved by NMFS;

(2) Adequately code, as required by NMFS, each primary container and master cases of all products packaged so that it may be identifiable in the warehouse or storage area, and also after shipment is made;

(3) Not permit any labels on which reference is made to Federal inspection, to be used on any product which is not packed under fishery products inspection service nor permit any labels on which reference is made to any U.S. Grade to be used on any product which has not been officially certified as meeting the requirements of such grade; nor supply labels bearings reference to Federal inspection to another establishment unless the products to which such labels are to be applied have been packed under Federal inspection at an official establishment;

(4) Not affix any label on which reference is made to Federal inspection to any container of processed foods, produced in any designated official establishment, with respect to which the grade of such product is not certified because of adulteration due to the presence of contaminants in excess of established limits;

(5) Not, with respect to any product for which U.S. Grade Standards are in effect, affix any label on which reference is made to Federal inspection to any container of processed food which is substandard: *Provided*, That such label may be affixed to any container of such substandard quality product if such label bears a statement to indicate the substandard quality;

(6) Not, with respect to any product for which U.S. Grade Standard are not in effect, affix any label on which reference is made to the Federal inspection to containers of processed foods, except with the approval of NMFS;

(7) Furnish such reports of processing, packaging, grading, laboratory analyses, and output of products inspected, processed, and packaged at the designated official establishment(s) as may be requested by NMFS, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942;

(8) Make available for use by inspectors, adequate office space in the designated official establishment(s) and furnish suitable desks, office equipment, and files for the proper care and storage of inspection records;

(9) Make laboratory facilities and necessary equipment available for the use of inspectors to inspect samples of processed foods and/or components thereof;

(10) Furnish and provide laundry service, as required by NMFS, for coats, trousers, smocks, and towels used by inspectors during performance of duty in official establishment(s);

(11) Furnish stenographic and clerical assistance as may be necessary in the typing of certificates and reports and the handling of official correspondence, as well as furnish the labor incident to the drawing and grading of samples and other work required to facilitate adequate inspection procedures whenever necessary;

(12) Submit to NMFS, three (3) copies of new product specifications in a manner prescribed by NMFS, and three (3) end-product samples for evaluation and/or laboratory analyses on all products for approval, for which U.S. Grade Standards are not available, when inspection is to be applied to such products.

(13) Submit, as required by NMFS, for approval, proofs prior to printing and thereafter four (4) copies of any finished label which may or may not bear official identification marks, when such products are packed under Federal inspection on a contract basis;

(14) Not make deceptive, fraudulent, or unauthorized use in advertising, or otherwise, of the fishery products inspection service, the inspection certificates or reports issued, or the containers on which official identification marks are embossed or otherwise identified, in connection with the sale of any processed products; and submit to NMFS for approval prior to use, any proposed advertising in which reference is made to the U.S. Department of Commerce and its inspection service.

(15) Submit to NMFS, four (4) copies of each label which may or may not bear official identification marks, when such labels are to be withdrawn from inspection as when approved labels are disapproved for further use under inspection.

(16) Notify NMFS in advance of the proposed use of any labels which require obliteration of any official identification marks, and all reference to the inspection service on approved labels which have been withdrawn or disapproved for use.

(17) Accord representatives of NMFS at all times free and immediate access to establishment(s) and official establishment(s) under applicant's control for the purpose of checking codes, coded products, coding devices, coding procedures, official identification marks obliteration, and use of withdrawn or disapproved labels.

(d) Termination of inspection services:

(1) The fishery products inspection service, including the issuance of inspection reports, shall be rendered from the date of the commencement specified in the contract and continue until suspended or terminated (i) by mutual consent; (ii) by either party giving the other party sixty (60) days' written notice specifying the date of suspension or termination; (iii) by one (1) days' written notice by NMFS in the event the applicant fails to honor any invoice within ten (10) days' after date of receipt of such invoice covering the full costs of the inspection service provided, or in the event the applicant fails to maintain its designated plants in a sanitary condition or to use wholesome raw materials for processing as required by NMFS, or in the event the applicant fails to comply with any provisions of the regulations contained in this part, (iv) by automatic termination in case of bankruptcy, closing out of business, or change in controlling ownership.

(2) In case the contracting party wishes to terminate the fishery products inspection service under the terms of subparagraph (1) (i) or (ii) of this paragraph, either the service must be continued until all unused containers, labels, and advertising material on hand or in possession of his supplier bearing official identification marks, or reference to fishery products inspection service have been used, or said containers, labels, and advertising material must be destroyed, or official identification marks, and all other reference to the fishery products inspection service on said containers, labels, advertising material must be obliterated, or assurance satisfactory to NMFS must be furnished that such containers, labels, and advertising material will not be used in violation of any of the provisions of the regulations contained in the part.

(3) In case the fishery products inspection service is terminated for cause by NMFS under the terms of subparagraph (1)(iii) of this paragraph, or in case of automatic termination under terms of subparagraph (1)(iv) of this paragraph, the contracting party must destroy all unused containers, labels, and advertising material on hand bearing official identification marks, or reference to fishery products inspection service, or must obliterate official identification marks, and all reference to the fishery products inspection service on said containers, labels, and advertising material.

After termination of the fishery products inspection service, NMFS may, at such time or times as it may determine to be necessary, during regular business hours, enter the establishment(s) or other facilities in order to ascertain that the containers, labels, and advertising material have been altered or disposed of in the manner provided herein, to the satisfaction of NMFS.

§ 260.98 Premises.

The premises shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

(b) Litter, waste, and refuse (e.g. garbage, offal, and damaged containers) within the immediate vicinity of the buildings or structures;

(c) Excessively dusty roads, yards, or parking lots;

(d) Poorly drained areas; and

(e) Improper storage of pallets.

§ 260.99 Buildings and structures.

The buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not limited to, the following requirements:

(a) Lighting: There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to provide for efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation. (3) All lighting units shall be designed to prevent broken glass from falling into processing equipment and products.

(b) Ventilation: There shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Director may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) Drains and gutters: All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick runoff of all water from official establishment buildings, and surface water around buildings and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard. Tanks or other equipment whose drains are connected to the waste system must have such screens and vacuum breaking devices affixed so as to prevent the entrance of waste water, material, and the entrance of vermin to the processing tanks or equipment.

(d) Water supply: There shall be ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout buildings, and (2) protection against contamination and pollution. Sea water of safe suitable and sanitary quality may be used in the processing of various fishery products when approved by NMFS prior to use.

(e) Construction: Roofs shall be weathertight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material, shall have good surface drainage, and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Processing rooms: Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Prevention of animals and insects in official establishment(s): Dogs, cats, birds, and other animals (including, but not being limited to rodents and insects) shall be excluded from the rooms from which processed products are being prepared, handled, or stored and from any rooms from which ingredients (including, but not being limited to, salt, sugar, spices, flour, batter, breading, and fishery products) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of chemical compounds such as cleaning agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product. The use of such compounds shall be limited to those circumstances and conditions as approved by NMFS.

(h) Inspector's office: Furnished suitable and adequate office space, including, but not being limited to, light, heat, and janitor service shall be provided rent free in official establishments for use for official purposes by the inspector and NMFS representatives. The room or rooms designated for this purpose shall meet with the approval of NMFS and shall be conveniently located, properly ventilated and provided with lockers or cabinets suitable for the protection and storage of inspection equipment and supplies and with facilities suitable for inspectors to change clothing.

(i) Adequate parking space, conveniently located, for private or official vehicles used on connection with providing inspection services, shall be provided.

§ 260.100 Facilities.

Each official establishment shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) Containers approved for use as containers for processed products shall not be used for any other purpose.

(b) No product or material not intended for human food or which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any fishery product is manufactured, processed, handled or stored.

(c) Suitable facilities for cleaning and sanitizing equipment (e.g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers) shall be provided at convenient locations throughout the plant.

§ 260.101 Lavatory accommodations.

Modern lavatory accommodations, and properly located facilities for cleaning and sanitizing utensils and hands, shall be provided.

(a) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water (135° F. or more) and cold water, soap, and single service towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places as may be essential to the cleanliness of all personnel handling products.

(b) Sufficient containers with covers shall be provided for used towels and other wastes.

(c) An adequate number of handwashing facilities serving areas where edible products are prepared shall be operated by other than hand-operated controls, or shall be of a continuous flow type which provides an adequate flow of water for washing hands.

(d) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash hands before returning to work.

(e) Toilet facilities shall be provided according to the following formula:

Number of Persons:	Toilet bowls required
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 80, inclusive	[1] 4
For each additional 30 persons in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls required.

All toilet equipment shall be kept operative, in good repair, and in a sanitary condition.

§ 260.102 Equipment.

All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of smooth impermeable corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition. Such equipment shall

be cleaned and sanitized at least every 4 hours or less as is necessary to maintain such equipment in a clean sanitary condition.

§ 260.103 Operations and operating procedures shall be in accordance with an effective sanitation program.

(a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging, and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as possible and at temperatures that will inhibit and retard the growth of bacterial and other microorganisms and prevent any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products, raw materials, ingredients, and components thereof shall be subject to inspection during each manufacturing or processing operation. To assure a safe, wholesome finished product, changes in processing methods and procedures as may be required by the Director shall be effectuated as soon as practicable. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 260.96 to 260.104 or are unwholesome or otherwise not fit for human food shall be removed and segregated prior to any further processing operation.

(c) Official establishments operating under Federal inspection should have an effective quality control program as appropriate for the nature of the products and processing operations.

(d) All ingredients used in the manufacture or processing of any processed product shall be wholesome and fit for human food.

(e) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in official establishment(s) shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to, the following requirements:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products.

(f) Retention tags:

(1) Any equipment such as, but not limited to, conveyors, fillers, sorters, choppers, and containers which fail to meet NMFS sanitation requirements will be identified by the inspector in an appropriate and conspicuous manner with the word "Retained." Following such identification, the equipment shall not be used until the discrepancy has been resolved, the equipment reinspected and approved by the inspector and the "Retained" identification removed by the inspector.

(2) Lot(s) of processed products that may be considered to be mislabeled and/or unwholesome by reason of contaminants or which may otherwise be in such condition as to require further evaluation or testing to determine that the product is properly labeled and/or wholesome will be identified by the inspector in an appropriate and conspicuous manner with the word "Retained." Such lot(s) of product shall be held for reinspection or testing. Final disposition of the lot(s) shall be determined by NMFS and the removal of the "Retained" identification shall be performed by the inspector.

§ 260.104 Personnel.

The establishment management shall be responsible for taking all precautions to assure the following:

(a) *Disease control.* No person affected by disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contamination, shall work in a food plant in any capacity in which there is a reasonable possibility of food ingredients becoming contaminated by such person, or of disease being transmitted by such person to other individuals.

(b) *Cleanliness.* All persons, while working in direct contact with food preparation, food ingredients, or surfaces coming into contact therewith shall:

(1) Wear clean light-colored outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty, to the extent necessary to prevent contamination of food products.

(2) Wash and sanitize their hands thoroughly to prevent contamination by undesirable microorganisms before starting work, after each absence from the work station, and at any other time when the hands may have become soiled or contaminated.

(3) Remove all jewelry, badges, or rings before entering processing area.

(4) If gloves are used in food handling, maintain them in an intact, clean, and sanitary condition. Such gloves shall be of an impermeable material except where their usage would be inappropriate or incompatible with the work involved.

(5) Wear hair nets, caps, masks, or other effective hair restraints. Other persons that may incidentally enter the processing areas shall comply with this requirement.

(6) Not store clothing or other personal belongings, eat food, drink beverages, chew gum, or use tobacco in any form in areas where food or food ingredients are exposed or in areas used for washing equipment or utensils.

(7) Take any other necessary precautions to prevent contamination of foods with microorganisms or foreign substances including, but not limited to perspiration, hair, cosmetics, tobacco, chemicals, and medicants.

(c) *Education and training.* Personnel responsible for identifying sanitation failures or food contamination should have a background of education or experience, or a combination thereof, to provide a level of competency necessary for production of clean, wholesome food. Food handlers and supervisors should receive appropriate training in proper food-handling techniques and food-protection principles and should be cognizant of the danger of poor personal hygiene and insantiary practices, and other vectors of contamination.

[FR Doc. 71-6549 Filed 5-10-71;8:50 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1904]

OCCUPATIONAL SAFETY AND HEALTH

Recording and Reporting Occupational Injuries and Illnesses

The Williams-Steiger Occupational Safety and Health Act of 1970, in requiring each covered employer to furnish to employees a place of employment free from recognized hazards to their safety and health, provides for the keeping of records by employers covered under the Act as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational accidents and illnesses. It further provides for a program for the collection, compilation and analysis of occupational safety and health statistics.

Accordingly, under the authority of sections 8(c) (1) and (2), 8(g)(2), and 24(a) and (e) of the Occupational Safety and Health Act of 1970 (84 Stat. 1599, 1600, 1615; 29 U.S.C. 657, 673) and after consultation with the Secretary of Health, Education, and Welfare, it is proposed herein to add a new Part 1904 to Chapter XVII of Title 29 of the Code of Federal Regulations governing the manner and form for record keeping under the Act and prescribing forms for maintaining required records. The reporting provisions of the Act under sections 8(c)(2) and 24(e) are not to be implemented at this time. A notice of proposed system of reporting for statistical purposes under sections 8(c)(2) and under section 24 will be issued in the

near future with opportunity for comment.

Interested persons are accorded 20 days from publication of this notice in the FEDERAL REGISTER to submit in writing, data, views, or arguments with respect to the regulation and forms to the Assistant Secretary of Labor for Occupational Safety and Health, 14th Street and Constitution Avenue NW., Washington, DC 20210.

Copies of proposed recordkeeping forms and instructions may be obtained from the Office of the Assistant Secretary, as indicated in the preceding paragraph, from the Office of the Commissioner, Bureau of Labor Statistics, U.S. Department of Labor, General Accounting Office Building, 441 G Street NW., Washington, DC 20212, and from each of the Regional offices of the Bureau of Labor Statistics and the Occupational Safety and Health Administration at the following addresses.

Mr. Wendell D. Macdonald, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, 1603-A Federal Office Building, Boston, Mass. 02203; Mr. Herbert Bienstock, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, 341 Ninth Avenue, New York, NY 10001; Mr. Frederick W. Mueller, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, Penn Square Building, Room 406, 1317 Filbert Street, Philadelphia, PA 19107; Mr. Brunswick A. Bagdon, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, 1371 Peachtree Street NE., Atlanta, GA 30309; Mr. William E. Rice, Regional Director, U.S. Department of Labor; Bureau of Labor Statistics, 219 South Dearborn Street, Chicago, IL 60604; Mr. Jack F. Strickland, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, 1100 Commerce Street, Room 6B7, Dallas, TX 75202; Mr. Elliott A. Browar, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, Federal Office Building, 911 Walnut Street, Kansas City, MO 64106; Mr. Charles A. Roumasset, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, 450 Golden Gate Avenue, Box 36017, San Francisco, CA 94102.

Mr. Donald A. MacKenzie, Acting Regional Administrator, OSHA, John F. Kennedy Federal Building, Government Center, 17th Floor, Boston, MA 02203; Mr. Howard J. Schulte, Acting Regional Administrator, OSHA, Kipling and Sixth Avenue, Room 21-S, Building 53, Denver Federal Center, Denver, CO 80225; Mr. Joseph G. Barkan, Acting Regional Administrator, OSHA, 341 Ninth Avenue, Room 920, New York, NY 10001; Mr. John K. Barto, Acting Regional Administrator, OSHA, Room 730-C, Mayflower Building, 411 North Akard Street, Dallas, TX 75201; Mr. Joseph S. Perzella, Acting Regional Administrator, OSHA, Penn Square Building, Room 410, Juniper and Filbert Streets, Philadelphia, PA 19107; Mr. Joseph A. Reidinger, Acting Regional Administrator, OSHA, 1906 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106; Mr. Basil Needham, Acting Regional Administrator, OSHA, 1371 Peachtree Street NE., Room 311, Atlanta, GA 30309; Mr. Warren H. Fuller, Acting Regional Administrator, OSHA, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, CA 94102; Mr. Edward E. Estkowski, Acting Regional Administrator, OSHA, 848 Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604; Mr. Marl Chain Robbins, Acting Regional Administrator, OSHA, 506 Second Avenue, 1804 Smith Tower Building, Seattle, WA 98104.

The proposed Part 1904 reads as follows:

PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

Sec.
1904.1 Purpose and scope.
1904.2 Log of occupational injuries and illnesses.
1904.3 Period covered.
1904.4 Supplementary record.
1904.5 Annual summary.
1904.6 Retention of records.
1904.7 Access to records.
1904.8 Reporting of serious accidents.
1904.9 Initials—falsification—failure to keep records or reports.
1904.10 Recordkeeping under approved State plans.
1904.11 New employers.
1904.12 Definitions.
1904.13 Petitions for recordkeeping exceptions.

AUTHORITY: The provisions of this Part 1904 issued under secs. 8(c) (1), (2), 8(g) (2), and 24(e), 84 Stat. 1599, 1600, 1615; 29 U.S.C. 657, 673.

§ 1904.1 Purpose and scope.

The regulations in this part implement sections 8(c) (1), (2), 8(g) (2), and 24(a) and (e) of the Occupational Safety and Health Act of 1970. These sections provide for record keeping and reporting by employers covered under the Act as necessary or appropriate for enforcement of the Act, for developing information regarding the causes and prevention of occupational accidents and illnesses, and for maintaining a program of collection, compilation, and analysis of occupational safety and health statistics.

§ 1904.2 Log of occupational injuries and illnesses.

Every employer subject to the Act shall maintain in each establishment, a log of occupational injuries and illnesses. Employers shall record on the log each recordable occupational injury and illness within 48 hours after receiving information that a recordable case has occurred. Occupational Safety and Health Administration Form OSHA No. 100[1] shall be used for this purpose and shall be completed in the form and detail provided for in the form, the instructions contained therein, and this Part 1904. The log may be maintained in another manner if approved by an Area Director of the Occupational Safety and Health Administration upon consultation with the appropriate Regional Director of the Bureau of Labor Statistics. (See § 1904.13.)

§ 1904.3 Period covered.

Logs shall be established on a fiscal year basis covering the periods July 1 through June 30 of each year. The initial log shall be established and maintained as of July 1, 1971.

[1] Filed as part of the original document.

§ 1904.4 Supplementary record.

In addition to the log of occupational injuries and illnesses provided for under § 1904.2, every employer subject to the Act shall maintain a supplementary record of occupational injuries and illnesses on which he shall record each recordable occupational injury or occupational illness in the detail prescribed in the instructions accompanying Occupational Safety and Health Form OSHA No. 101.[1] Workmen's compensation, insurance, or other reports are acceptable alternative records if they contain the information required by Form OSHA No. 101. If no acceptable alternative record is maintained for other purposes, Form OSHA No. 101 shall be used or the necessary information shall be otherwise maintained.

§ 1904.5 Annual summary.

(a) Every employer subject to the Act shall compile an Annual Summary of Occupational Injuries and Illnesses, based on the information contained in the Log of Occupational Injuries and Illnesses. Occupational Safety and Health Administration Form OSHA No. 102[1] shall be used for this purpose and shall be completed no later than 1 month after the close of each fiscal year in the form and detail provided for in the form, the instructions contained therein, and this Part 1904.

(b) The Summary shall be maintained at the establishment to which the Summary relates and employees or representatives of employees shall have access to the Summary upon request.

§ 1904.6 Retention of records.

Records provided for in §§ 1904.2, 1904.4, and 1904.5 shall be maintained in each establishment for 3 years following the end of the fiscal year to which they relate.

§ 1904.7 Access to records.

Records provided for in §§ 1904.2, 1904.4 and 1904.5 shall be available for inspection and copying by Compliance Safety and Health Officers of the Occupational Safety and Health Administration, U.S. Department of Labor during any occupational safety and health inspection provided for under Part 1903 of this chapter and section 8 of the Act, by any representative of the Bureau of Labor Statistics, U.S. Department of Labor, by any representative of the Secretary of Health, Education, and Welfare during any investigation under section 20(b) of the Act, or by any representative of a State accorded jurisdiction for occupational safety or health inspections or for statistical compilations under sections 18 and 24 of the Act.

§ 1904.8 Reporting of serious accidents.

Within 48 hours after any accident which is fatal to two or more employees or an accident requiring hospitalization of five or more employees at any place of employment, the employer of any employees so injured or killed shall report the accident either orally or in writing to the nearest Area Director of the Occupational Safety and Health Administration.

U.S. Department of Labor. The reporting may be by telephone or telegraph. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The Area Director may require a further report in writing concerning the accident.

§ 1904.9 Initials—falsification—failure to keep records or reports.

Entries in records maintained pursuant to § 1904.2 shall be signed or initialed by the official or employee making the entry. Section 17(g) of the Act provides that "Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 6 months or by both." Failure to maintain records or file reports required by this part, or in the details required by forms and instructions issued under this part may result in the issuance of citations and assessment of penalties as provided for in sections 9, 10, and 17 of the Act.

§ 1904.10 Recordkeeping under approved State plans.

Records maintained by an employer and reports submitted pursuant to, and in accordance with the requirements of an approved State plan under section 18 of the Act shall be regarded as compliance with this Part 1904.

§ 1904.11 New employers.

An employer who is subject to this part for only a portion of a year because the employer first becomes subject to the Act during such year, may consider such portion as the entire year in maintaining records or submitting reports under this part; however, any employer or firm whose name is changed, or who purchases, subsumes or takes over an existing business shall be obligated to maintain records and file reports based on the entire year.

§ 1904.12 Definitions.

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.).

(b) The definitions and interpretations contained in section (2) of the Act shall be applicable to such terms when used in this Part 1904.

(c) "Recordable occupational injuries or illnesses" are any occupational injuries or illnesses which result in:

(1) Fatalities, regardless of the time between the injury and death, or the length of the illness; or

(2) Lost work-day cases, other than fatalities, that prevent the employee from performing his normal assignment during any part of his next regular, or any subsequent workday or shift; or

(3) Non-fatal, non-lost work-day cases which result in transfer to another job or termination of employment, or require medical treatment (other than first aid) or involve: Loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases.

(d) "Medical treatment" includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.

(e) "First Aid" is any one time treatment of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. Such one-time treatment is considered first aid even though provided by a physician or nurse.

(f) "Lost work days:" The actual number of days the employee would have worked but could not because of an occupational injury or illness.

(g) "Establishment:" A unit of one employer which comprises the entire operation of the employer or one of several units of the same employer which is essentially separate from other units because of physical location, function or other reason, and which maintains separate payroll or other personnel records.

§ 1904.13 Petitions for recordkeeping exceptions.

(a) *Submission of petitions for relief.* Any employer who for good cause wishes to maintain records in a manner other than that required in this part may submit a petition in writing to the Regional Director of the Bureau of Labor Statistics wherein the establishment involved is located, requesting such relief, setting forth the reasons therefor, and proposing alternative recordkeeping procedures.

(b) *Action on petitions.* If, on review of a petition and after completion of any necessary appropriate investigation concerning the petition, the Regional Director finds that the alternative procedure proposed, if granted, will not hamper or interfere with the enforcement of the Act and will be of equivalent usefulness in its enforcement, the Regional Director may grant the petition subject to such conditions as he may determine appropriate, and subject to revocation. Whenever any relief granted to an employer is sought to be revoked for failure to comply with the conditions of the Regional Director, the employers shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or any delay by the Regional Director upon acting upon a petition shall not relieve any employer from any obligation to comply with this part. However, the Regional Director shall give notice of the denial of any petition within a reasonable time.

(d) *Consultation.* There shall be appropriate consultation between the Area Directors of the Occupational Safety and Health Administration and the Regional Directors of the Bureau of Labor Statistics in order to insure the effective implementation of this section.

Signed at Washington, D.C., this 7th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-6581 Filed 5-10-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 71-CE-6-AD]

BEECH MODELS B90 AND 65-A90 AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive applicable to Beech Models B90 and 65-A90 airplanes. There have been instances of cracks in the elevator spar web at the outboard hinge attach fitting on these model airplanes, which can result in loss of elevator control. The affected Beech Model 65-A90 airplanes are those which have been altered to incorporate the Beech Model B90 elevators. All Beach Model B90 airplanes are affected.

In order to prevent this condition, an AD is being proposed requiring within 100 hours' time in service after the effective date of the AD, a visual inspection of the elevator spar web adjacent to the outboard hinge bracket on both elevators of airplanes with 500 or more total hours time in service, and thereafter at 200 hour intervals.

In order to conduct the initial inspection, an inspection port must be provided per Beech Service Instructions 0423-133. The proposed AD further requires a one-time hinge alignment check in accordance with said service instructions. If cracks are found as a result of the inspections required by this AD, the elevator must be repaired or replaced with a serviceable part before further flight. When Part No. 50-610000-349 (left) and 50-610000-350 (right) elevators have been installed on these model airplanes, the AD will no longer apply.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Docket Number and be submitted in duplicate to the Director, Central Region, Attention: Regional Counsel, Airworthiness Rules Docket, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available,

both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

BEECH. Applies to the following airplanes with 500 or more hours' time in service, except those airplanes on which Part No. 50-610000-340 (left) and 50-610000-350 (right) elevators have been installed: All Beech Model B90 and those 65-A90 airplanes which have had elevators installed per Beech Kits No. 90-4031 M, 90-4031-1 M or 90-4035 M.

Compliance: Required as indicated.

To prevent loss of elevator control, accomplish the following:

(A) Within 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 200 hours' time in service from the date of the previous inspection, visually inspect the aft face of the elevator spar web adjacent to the outboard hinge bracket on both elevators. If cracks are found as a result of the visual inspection, the elevator must be repaired or replaced with a serviceable part prior to further flight except that the airplane may be flown in accordance with Federal Aviation Regulation 21.197 to a base where the repair or replacement can be performed.

(B) During the initial inspection required herein, incorporate an inspection port and check the alignment of the hinge points on the stabilizer in accordance with Beech Service Instructions 0423-133 or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 29, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-6515 Filed 5-10-71;8:47 am]

[14 CFR Part 39]

[Docket No. 71-CE-8-AD]

CESSNA 172 SERIES AIRPLANES

Advanced Notice of Proposed Airworthiness Directive

The Federal Aviation Administration is considering rulemaking action with respect to Cessna Model 172 series airplanes. This action would involve amending Part 39 of the Federal Aviation Regulations by issuing an Airworthiness Directive which would deal with a problem involving inflight engine power loss in these model airplanes.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the early institution of public rule making proceedings. An "advance" notice is issued when it is found that the resources of the FAA and reasonable inquiry outside of the FAA do not yield a sufficient basis to identify and select a tentative course or alternate courses of action, or where it would be helpful to invite public participation in the identification and selection of a course or alternative courses of action with respect to a particular rule making problem. The subject matter of this notice involves a situation contemplated by that policy.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1548 Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received on or before July 7, 1971, will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Regional Office for examination by interested persons. If it is determined to be in the public interest to proceed further, after consideration of the available data and comments received in response to this notice, a notice of proposed rule making will be issued.

The FAA began receiving reports of inflight engine power loss in Cessna Model 172 airplanes in March 1967. To date approximately 66 such reports have been received, nine of which involved accidents. The typical report indicates that shortly after level cruise is established from a prolonged climb an engine power fluctuation is experienced. This condition is followed by complete loss of engine power. Agency review of these reports reveals that power losses, while occurring at various altitudes, more frequently occur between 8,000 and 10,000 feet MSL. Statistically 80 percent of the reported incidents originated in the Western States of California, Washington, Oregon, Idaho, and Arizona with 50 percent reported in California.

Both the FAA and the manufacturer have devoted considerable time and expense in the investigation of the subject matter of the reports; however, the cause of the engine power loss has not yet been fully defined. As a precautionary measure, the Agency issued a General Aviation Inspection Aids Summary alerting operators of the condition in August 1970. In addition, the manufacturer issued Cessna Service Letter SE69-26, dated December 31, 1969, advising owners that a fuel system modification kit was available at owner's expense (approximately $100), the purpose of which is to prevent the possibility of vapor formation in fuel lines when the airplane is operating at high altitudes under certain unusual conditions of temperature and humidity. This modification incorporates vent lines between the main fuel supply line and the fuel tank vent interconnect to relieve vapor. These vent lines tee into the main fuel lines just above the cabin rear door post. The manufacturer has been installing these kits on production airplanes for over a year with no reports of adverse service.

In view of the potential safety hazard created by engine power loss, but also taking into consideration the small number of reports received in ratio to the number of airplanes produced (66 reports versus 15,000 airplanes), the FAA is interested in opinions from owners and operators as to the desirability of regulatory action by the issuance of an AD to deal with this problem. In that regard the Agency is especially interested in the following:

1. For those owners and operators that have experienced the condition of engine power loss, please furnish details of the incident, including the geographic location, the date engine power loss occurred, fuel on board (gallons), the outside air temperature, the altitude at takeoff, the rate of climb to cruise altitude, airspeed during climb, approximate lapse time during climb, the altitude at which engine power loss was experienced, the altitude when engine restarted, and the action taken to regain engine power, airplane serial number and registration number.

2. Do you have any information concerning: (a) Carburetor icing symptoms; (b) vent malfunctions in the fuel system; or (c) any reports and/or tests by your aviation refuelers or his agent regarding proper octane rating, vapor pressure, or contamination content such as water, kerosene, etc.?

3. For those owners and operators that have installed the manufacturer's fuel system modification kit, please advise whether you have, subsequent to installation, experienced any engine power loss not otherwise explained.

4. Do you favor installation of the kit?

5. As an operator of these model aircraft, would you favor or oppose limiting the operation of the airplane to certain altitudes and/or geographic locations?

Since the purpose of an advance notice is to obtain public participation in the identification or selection of a course or courses of action, the Agency asks that comments contain sufficient supporting statements and data to justify all recommendations and conclusions.

This advance notice of proposed rule making was authorized under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 28, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-6516 Filed 5-10-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-18]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter

controlled airspace in the Las Vegas, N. Mex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (36 F.R. 2055), the Las Vegas, N. Mex., control zone is amended to read:

LAS VEGAS, N. MEX.

Within a 5-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial extending beyond the 5-mile-radius zone to a point 11 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial extending beyond the 5-mile radius zone to a point 10 miles southwest of the VORTAC.

(2) In § 71.181 (36 F.R. 2140), the Las Vegas, N. Mex., transition area is amended to read:

LAS VEGAS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial, extending beyond the 9-mile radius area to 11.5 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial, extending beyond the 9-mile radius area to 11.5 miles southwest of the VORTAC.

Alteration of controlled airspace in the Las Vegas terminal area is necessary to conform to terminal instrument procedures (TERPS) criteria for aircraft executing instrument approach/departure procedures at Las Vegas Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655 (c)].

Issued in Fort Worth, Tex., on April 29, 1971.

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

[FR Doc.71-6517 Filed 5-10-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-77]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Gainesville, Fla., control zone and the Gainesville and Lakeland, Fla., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region Room 724, 3400 Whipple Street, East Point, GA.

The Gainesville control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

Within a 5-mile radius of Gainesville Municipal Airport (lat. 29°41'22" N., long. 82°16'28" W.); within 1.5 miles each side of Gainesville VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC.

The following transition areas described in § 71.181 (36 F.R. 2140) would be redesignated as:

GAINESVILLE, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gainesville Municipal Airport (lat. 29°41'22" N., long. 82°16'28" W.); excluding the portion within a 1-mile radius of Stengel Field Airport (lat. 29°37'30" N., long. 82°23'00" W.).

LAKELAND, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lakeland Municipal Airport (lat. 27°59'15" N., long. 82°00'55" W.); within 5 miles each side of Lakeland VORTAC 235° radial, extending from the 8.5-mile radius area to 9.5 miles southwest of the VORTAC.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Gainesville and Lakeland terminals in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in East Point, Ga., on April 29, 1971.

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

[FR Doc.71-6513 Filed 5-10-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-80]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Fitzgerald, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Fitzgerald transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fitzgerald Municipal Airport (lat. 31°41'00" N., long. 83°16'00" W.); within 3 miles each side of the 200° bearing from Fitzgerald RBN (lat. 31°41'06" N., long. 83°16'00" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Fitzgerald Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing

the Fitzgerald (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transtition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 29, 1971.

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

[FR Doc.71-6514 Filed 5-10-71;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[45 CFR Part 1201]

NEW MOTOR VEHICLES AND ENGINES

Proposed Definition of "Useful Life" and Requirements for Maintenance Instructions

The Clean Air Amendments of 1970 (Public Law 91-604) provide that the emission standards, established under section 202(a)(1) of the Clean Air Act, for the control of air pollution from new motor vehicles and engines "shall be applicable to such vehicles or engines for their useful life." Section 202(d) of the Act directs the Administrator to by regulation define "useful life", and specifies that for light duty vehicles the period shall be 5 years or 50,000 miles, whichever first occurs. The Administrator is given the discretion to prescribe a period of greater duration or mileage for heavy duty vehicles.

The current regulations (45 CFR Part 1201) relating to the control of air pollution from new motor vehicles and engines provide for testing for a specific number of miles or for a specified number of hours to determine the average lifetime emissions of such vehicles or engines in public use. It is now proposed to amend the regulations in order to define "useful life" for the several classifications of new motor vehicles and engines. The definitions would require the same duration of testing as under the current regulations.

The proposed definition of "useful life" for light duty vehicles is that required by the Act. For gasoline fueled heavy duty engines, the same definition is proposed with the 50,000 miles being equivalent to 1,500 hours of dynamometer operation. For heavy duty diesel engines, the definition proposed is 5 years or 100,000 miles with the latter being equivalent (in terms of fuel consumption) to 1,000 hours of dynamometer operation.

It is further proposed to amend 45 CFR Part 1201 to establish a new subpart M, prescribing procedures for review and approval by the Administrator of the maintenance instructions which manufacturers are required by section 207(c)(3) of the Act to provide to the ultimate purchasers of vehicles and engines. That section requires the manufacturer to supply "such written instructions for the maintenance and use of the vehicle or engine * * * as may be reasonable and necessary to assure the proper functioning of emission control devices and systems."

This proposal would be effective on republication and would be applicable to 1972 and subsequent model year vehicles and engines. The current regulations which appear at 45 CFR Part 1201 would remain in effect for the purpose of their applicability to earlier model year vehicles and engines.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Administrator, Environmental Protection Agency, Attention: Air Pollution Control Office, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

This notice of proposed rule making is issued under the authority of section 202(d) of Public Law 91-604 (84 Stat. 1692), and section 301(a), 42 U.S.C. 1857g(a), as amended by section 15(c)(2), Public Law 91-604 (84 Stat. 1713).

Dated: May 5, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

1. In § 1201.1, a new definition is proposed to be added as follows:

§ 1201.1 Definitions.

(a) * * *

(33) "Useful life" means:

(i) In the case of light duty vehicles, a period of use of 5 years or of 50,000 miles, whichever first occurs;

(ii) In the case of gasoline fueled heavy duty engines, a period of use of 5 years or of 50,000 miles of vehicle operation (or an equivalent period of 1,500 hours of dynamometer operation), whichever first occurs;

(iii) In the case of heavy duty diesel engines, a period of use of 5 years or of 100,000 miles of vehicle operation (or an equivalent period of 1,000 hours of dynamometer operation), whichever first occurs.

2. Section 1201.3(b)(2) is proposed to be revised to read as follows:

§ 1201.3 General Standards: Increase in emissions, unsafe conditions.

* * * * *

(b) * * *

(2) Every manufacturer of new motor vehicles or new motor vehicle engines subject to any of the standards imposed by this part shall, prior to taking any of the actions specified in section 203(a)(1) of the Act test or cause to be tested motor vehicles or motor vehicle engines in accordance with good engineering practice to ascertain that such test vehicles or engines will meet the requirements of this section for the useful life of the vehicle or engine.

3. In § 1201.12, the first sentence is proposed to be revised. As amended, § 1201.12 would read as follows:

§ 1201.12 Test Procedures.

Every manufacturer of new motor vehicles or new motor vehicle engines subject to the standard prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles or motor vehicle engines in accordance with good engineering practice to ascertain that such test vehicles or engines, with proper maintenance, will meet the requirements of § 1201.11 for the useful life of the vehicle or engine. * * *

4. In § 1201.92, paragraphs (a) and (b) are proposed to be revised. As amended, § 1201.92 would read as follows:

§ 1201.92 Compliance with emission standards.

(a) The exhaust and fuel evaporative emission standards in §§ 1201.21 and 1201.22 apply to the emissions of vehicles in public use for their useful life.

(b) Since emission control efficiency decreases with mileage accumulated on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

* * * * *

5. In § 1201.113, paragraphs (a) and (b) are proposed to be revised. As amended, § 1201.113 would read as follows:

§ 1201.113 Compliance with emission standards.

(a) The exhaust emission standards in § 1201.31 apply to the emissions of engines in public use for their useful life.

(b) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,500 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

* * * * *

6. In § 1201.133, paragraphs (a) and (b) are proposed to be revised. As amended, § 1201.133 would read as follows:

§ 1201.133 Compliance with emission standards.

(a) The emission standards in § 1201.41 apply to the emissions of engines in public use for their useful life.

(b) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

* * * * *

7. A new subpart, Subpart M, is proposed to be added as follows:

Subpart M—Performance of New Motor Vehicles and New Motor Vehicle Engines in Public Use

Sec.
1201.160 Maintenance instructions.
1201.161 Review of maintenance instructions.

§ 1201.160 Maintenance instructions.

(a) The manufacturer shall furnish to the ultimate purchaser of each new motor vehicle or engine subject to any of the standards prescribed in this part, written instructions on the maintenance necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for each of the vehicle or engine systems listed in Appendix F to this part, where applicable, and for any other applicable systems or components.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(3) Such instructions shall include a description of maintenance necessary to correct possible major malfunctions which could reasonably be expected to affect emissions, and a description of symptoms of such malfunctions to assist the vehicle operator in identifying such malfunctions.

(b) The maintenance instructions required by this section shall contain a description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

§ 1201.161 Review of maintenance instructions.

(a) The manufacturer shall provide to the Administrator a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 1201.160. For model years subsequent to the 1972 model year, this material shall be supplied no later than the submission required by § 1201.53. The Administrator will review such instructions and approve or disapprove them based on his determination as to whether they are reasonable and necessary to assure the proper functioning of the vehicle's or engine's emission control devices and systems. He will notify the manufacturer in writing of his determination and, where the proposed instructions are disapproved, such notification will specify the reasons for disapproval.

(b) No certification shall be granted under § 1201.55(a) unless a copy of the instructions required by § 1201.160 has been approved by the Administrator.

(c) Any revision to the maintenance instructions must be approved by the Administrator before being supplied to the ultimate purchaser.

8. Appendix F is proposed to be added as follows:

APPENDIX F—VEHICLE AND ENGINE SYSTEMS

A. Gasoline-Fueled Light-Duty Vehicles and Heavy-Duty Engines.

I. Basic Mechanical System—Engine:
1. Intake and exhaust valves.
2. Drive belts.
3. Manifold and cylinder head bolts.
4. Engine oil and filter.
5. Engine coolant.
6. Cooling system hoses and connections.
7. Vacuum fittings, hoses and connections.

II. Fuel System:
1. Carburetor—idle r.p.m., mixture ratio.
2. Choke mechanism.
3. Fuel system filter and fuel system lines and connections.
4. Choke plate and linkage.

III. Ignition System:
1. Ignition timing and advance systems.
2. Distributor breaker points.
3. Spark plugs.
4. Ignition wiring.
5. Distributor breaker points and condensor.
6. Operating parts of distributor.

IV. Crankcase Ventilation System:
1. PCV valve.
2. Ventilation hoses.
3. Oil filler breather cap.
4. Manifold inlet (carburetor spacer, etc.).

V. External Exhaust Emission Control System:
1. Secondary air injection system hoses.
2. Air system manifolds.
3. Control valves and air pump.
4. Manifold reactors.
5. Catalytic mufflers.
6. Exhaust recirculation.
7. Water injection.

VI. Evaporative Emission Control System:
1. Engine compartment hose connections.
2. Carbon storage media.
3. Fuel tank pressure-relief valve operation.
4. Fuel vapor control valves.

VII. Air Inlet System:
1. Carburetor air cleaner filter.
2. Hot air control valve.

B. Heavy-Duty Diesel Engines.

I. Engine Mechanical System:
1. Valve train.
2. Cooling system:
a. Coolant.
b. Thermostat.
c. Filter.
3. Lubrication:
a. Filter.
b. Lubricant.

II. Fuel System:
1. Fuel pump.
2. Fuel filters.
3. Injectors.
4. Governor.

III. Air Inlet System:
1. Air cleaner.
2. Inlet ducting.

IV. Fxternal Exhaust Emission Controls:
1. Rac.: limiting devices (aneroid, throttle delay, etc. .
2. Manifold reactor.
3. Catalytic mufflers.
4. Exhaust recirculation.
5. Water injection.

[FR Doc.71-6518 Filed 5-10-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Dockets Nos. 16004, 18052; FCC 71-422]

FIELD STRENGTH CURVES AND MEASUREMENTS FOR FM AND TV BROADCAST STATIONS

Further Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-5624 appearing at page 7689 in the issue of Friday, April 23, 1971, the "Grade B" values for UHF channels in the table at the bottom of the center column on page 7689 should be transposed so that the "present" value should read "64" and the "proposed" value should read "60".

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

HAND PALLET TRUCKS FROM FRANCE

Antidumping Proceeding Notice

On March 22, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that hand pallet trucks from France are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

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

[FR Doc.71-6556 Filed 5-10-71;8:51 am]

Internal Revenue Service

NOEL GATEWOOD DALTON

Notice of Granting of Relief

Notice is hereby given that Noel Gatewood Dalton, Route 4, Gretna, VA 24557, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 26, 1969, in the U.S. District Court for the Western District of Virginia, Danville Division, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Noel Gatewood Dalton because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Noel Gatewood Dalton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Noel Gatewood Dalton's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Noel Gatewood Dalton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 21st day of April 1971.

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

[FR Doc.71-6523 Filed 5-10-71;8:48 am]

VINCENT D. FIORE

Notice of Granting of Relief

Notice is hereby given that Vincent D. Fiore, 634 Rosemont Place, Utica, NY 13501, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 28, 1961, in the Supreme Court for the county of Oneida, N.Y., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Vincent D. Fiore because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Vincent D. Fiore to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Vincent D. Fiore's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Vincent D. Fiore be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 21st day of April 1971.

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

[FR Doc.71-6524 Filed 5-10-71;8:48 am]

WALTER ROBERT GOOCH

Notice of Granting of Relief

Notice is hereby given that Walter Robert Gooch, 8115 Margaret, Taylor, MI 48180, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 5, 1954, in the District Court in and for the county of Weld, Colo., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Walter R. Gooch because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of

such conviction, it would be unlawful for Walter R. Gooch to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Walter R. Gooch's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Walter R. Gooch be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1971.

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

[FR Doc.71-6525 Filed 5-10-71;8:48 am]

JAMES FREEMAN HULL

Notice of Granting of Relief

Notice is hereby given that James Freeman Hull, 1435 Ninth Street, Baker, OR 97814, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 12, 1967, in the Circuit Court for the State of Oregon for the County of Baker, Oreg., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James F. Hull because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for James F. Hull to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James F. Hull's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That James F. Hull be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of April 1971.

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

[FR Doc.71-6526 Filed 5-10-71;8:48 am]

DENNIS H. JEWELL

Notice of Granting of Relief

Notice is hereby given that Dennis H. Jewell, 1429 North 30th Street, Milwaukee, WI 53208, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 8, 1966, in the Milwaukee County Court, Milwaukee, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dennis H. Jewell because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Dennis H. Jewell to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dennis H. Jewell's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Dennis H. Jewell be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of April, 1971.

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

[FR Doc.71-6527 Filed 5-10-71;8:48 am]

WALTER KUCHAR

Notice of Granting of Relief

Notice is hereby given that Walter Kuchar, 24356 Carlysle Street, Dearborn, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on August 7, 1957, in the Recorder's Court of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Walter Kuchar because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Walter Kuchar to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Walter Kuchar's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Walter Kuchar be, an he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1971.

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

[FR Doc.71-6528 Filed 5-10-71;8:48 am]

PAUL A. LEACH

Notice of Granting of Relief

Notice is hereby given that Paul A. Leach, 2450 North Fratney, Milwaukee, WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 24, 1961, in the Milwaukee Municipal Court, Milwaukee County, Milwaukee, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Paul A. Leach because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Paul A. Leach to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Paul A. Leach's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Paul A. Leach be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1971.

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

[FR Doc.71-6529 Filed 5-10-71;8:48 am]

HARRY W. LILLEY

Notice of Granting of Relief

Notice is hereby given that Harry W. Lilley, Ace High Trailer Court, Space 30, 1730 Soquel Drive, Santa Cruz, CA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of his conviction on February 9, 1961, in Recorder's Court for the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harry W. Lilley because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Harry W. Lilley to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harry W. Lilley's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Harry W. Lilley be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 21st day of April 1971.

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

[FR Doc.71-6530 Filed 5-10-71;8:48 am]

DONALD GLEN PRICE

Notice of Granting of Relief

Notice is hereby given that Donald Glen Price, 903 16th Street, Sioux City, IA 51105, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 5, 1964, in and for the Northern District of Iowa, Sioux City, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Donald G. Price because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Donald G. Price to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Donald G. Price's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144; *It is ordered*, That Donald G. Price be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1971.

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

[FR Doc.71-6531 Filed 5-10-71;8:48 am]

ARCHER HERMAN SHIVELY

Notice of Granting of Relief

Notice is hereby given that Archer Herman Shively, Ferrum, Va. 24088, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on July 9, 1935, and May 23, 1936, in the U.S. District Court, Roanoke, Va., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Archer Herman Shively because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such

convictions, it would be unlawful for Archer Herman Shively to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Archer Herman Shively's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Archer Herman Shively be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 22d day of April, 1971.

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

[FR Doc.71-6532 Filed 5-10-71;8:48 am]

JACK ORMAN SPACKMAN

Notice of Granting of Relief

Notice is hereby given that Jack Orman Spackman, 9333 North Lombard, Apt. No. 27, Portland, OR 97203, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 25, 1948, in the Oregon Circuit Court, Portland, Oreg., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Jack Orman Spackman because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Jack Orman Spackman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Jack Orman Spackman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Jack Orman Spackman be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1971.

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

[FR Doc.71-6533 Filed 5-10-71;8:49 am]

JOHN EMMERT TRIESH

Notice of Granting of Relief

Notice is hereby given that John Emmert Triesh, Box 343, Mount Alto, PA 17237, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 22, 1960, in the Franklin County Court of Quarter Sessions at Chambersburg, Pa., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Emmert Triesh because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John Emmert Triesh to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Emmert Triesh's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That John Emmert Triesh be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of April 1971.

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

[FR Doc.71-6534 Filed 5-10-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 7878]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 30, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 7878, for the withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for use as the Balm Creek Dam, Reservoir, and Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2965 (729 Northeast Oregon Street), Portland, OR 97208.

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

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

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

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

The lands involved in the application are:

WHITMAN NATIONAL FOREST

WILLAMETTE MERIDIAN

Balm Creek Dam, Reservoir and Recreation Area

T. 7 S., R. 42 E.,
Sec. 1, SE¼SE¼SE¼;
Sec. 12, E½NE¼NE¼ and NE¼SE¼NE¼.
T. 7 S., R. 43 E.,
Sec. 6, lot 7, NW¼SE¼SW¼, S½SE¼SW¼, and S½SW¼SW¼SE¼;
Sec. 7, lots 2, 3, and 4, W½NE¼, N½SE¼SW¼, N½NW¼SE¼, and SW¼NW¼SE¼.

The area described aggregates 383.62 acres in Baker County, Oreg.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71-6496 Filed 5-10-71;8:45 am]

[Utah 670]

UTAH

Order Providing for Classification and Opening of Public Lands

1. In exchange of land made under the provisions of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 39 S., R. 24 E.,
Sec. 17, S½;
Sec. 18, SE¼;
Sec. 20, NE¼;
Sec. 21, NE¼, S½;
Sec. 22, S½;
Sec. 27, W½;
Sec. 28, NE¼.

Containing 1,920 acres in San Juan County.

2. Minerals in these lands were not reconveyed to the United States as the minerals were previously reserved to the United States when the original patents were issued.

3. These lands are surrounded by lands withdrawn for the Navajo Indian Reservation and were acquired for the benefit of the Indians. They are located along an unnamed canyon on McCracken Mesa, 30 miles southeast of Blanding. Topography is level to undulating on the mesa and in the canyon bottom, the canyon rims and walls are rough and rocky. Two permanent springs and livestock reservoirs are located on these lands. Vegetation consists of sagebrush, blackbrush, greasewood, curly grass, cheat grass, matchweed, and scattered scrub junipers, with a grazing capacity of 15 acres per AUM. The mesa and canyon bottoms have deep sandy loam soils, the canyon rims and walls are rocky. The lands are semiarid in character and not suitable for farming.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, these lands are hereby classified under the authority of section 7 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315f), as amended, as suitable for disposal by exchange or public sale under appropriate authority; and the lands are hereby opened to application only for exchange or public sale. All valid applications received at or prior to 10 a.m., June 14, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Publication of this notice will segregate the lands from all appropriation including location under the mining laws, except applications for exchange or public sale. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

6. No application for an exchange will be accepted until it has first been determined that it is in the public interest for the United States to acquire the proposed offered lands, and that the value of the offered lands equals or exceeds that of the selected lands. Then all applications for exchange must be accompanied by a statement from the Bureau of Land Management, Monticello District Manager, that the proposal is feasible, in accordance with 43 CFR 2202.1.

7. Inquiries or comments concerning the lands should be addressed to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[FR Doc.71-6497 Filed 5-10-71;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-262]

STATES STEAMSHIP CO.

Notice of Review

Notice is hereby given that a review is being made of the existing written permission presently held by States Steamship Co. under section 805(a) of the Merchant Marine Act, 1936, as amended, which permission provides that vessels operated on States' subsidized Trade Route 29 services may carry cargo between California and Hawaii on not to exceed 26 calls westbound and 26 calls eastbound per year, as authorized by the Secretary of Commerce on July 6, 1965, extended by Maritime Subsidy Board action of March 11, 1969, and continued by Maritime Subsidy Board action of August 24, 1970.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in, and desiring to be heard on, issues pertinent to section 805 (a) or desiring to submit comments or views concerning States' written permission must, by close of business on May 21, 1971, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no requests for hearing and petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

Dated: May 6, 1971.

By order of the Acting Assistant Secretary of Commerce for Maritime Affairs/Maritime Subsidy Board.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.71-6577 Filed 5-10-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from July 1, 1970 to December 31, 1970, inclusive.

A complete listing of licensed establishments and products as of January 1, 1971, may be obtained by writing to the Division of Biologics Standards, National Institutes of Health, Bethesda, MD 20014.

ESTABLISHMENT LICENSES ISSUED

Establishment	City and State	License No.
Hoffmann-La Roche, Inc	Nutley, N.J	136
Raleigh Blood Center, Division North Carolina State Blood Centers, Inc.	Raleigh, N.C	432
"Biotest"-Serum-Institut GmbH	Frankfurt, West Germany	433

ESTABLISHMENT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER

Establishment	City and State	License No.
Ohio Biomedical, Inc	Cincinnati, Ohio	424
Regional Blood Components, Ltd	Los Angeles, Calif	426
St. Luke's Hospital Blood Bank	Aberdeen, S. Dak	250
Specific Serums, Inc	Hoboken, N.J	343

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE AND REISSUED

Establishment	City and State	License No.	Action
Armour Pharmaceutical Co	Chicago, Ill., and Kankakee, Ill	149	Name change.
Beverly Blood Center, Inc	Chicago, Ill., and Glenview, Ill	269	Location added: Glenview, Ill.
Dow Chemical Co. (The)	Zionsville, Ind	110	Name change.
Mount Sinai Hospital Medical Center Blood Center.	Chicago, Ill	168	Do.
Pfizer Inc	New York, N.Y., and Philadelphia, Pa.	164	Do.
Porro Biological Laboratories, Inc	Tacoma, Wash	107	Do.
South Bend Medical Foundation, Inc	South Bend, Ind	248	Do.

PRODUCT LICENSES ISSUED

Product	Establishment	License No.
Anthrax Vaccine Adsorbed	Michigan Department of Public Health Bureau of Laboratories.	99
Anti-A Blood-Grouping Serum	"Biotest"-Serum-Institut G.m.b.H	433
Do	North American Biologicals, Inc	413
Anti-B Blood Grouping Serum	"Biotest"-Serum-Institut G.m.b.H	433
Antihemophilic Factor (Human)	Parke, Davis and Co	1
Anti-Human Gonadotropic Serum	Hoffmann-La Roche, Inc	136
Anti-Rh Typing Serum Anti-Rh_0'' (Anti-DE)	North American Biologicals, Inc	413
Cryoprecipitated Antihemophilic Factor (Human)	Stanford University Hospital Blood Bank	402
Factor IX Complex (Human)	Travenol Laboratories, Inc	140
Normal Serum Albumin (Human)	Lederle Laboratories Division, American Cyanamid Co.	17
Do	Oesterreichisches Institut Fuer Haemoderivate, G.m.b.H.	258
Reagent Red Blood Cells (Human)	Abbott Laboratories	43
Do	Metabolic, Inc	415
Red Blood Cells (Human)	Coffee Memorial Blood Center, Inc	246
Do	Community Blood and Plasma Service, Inc., of Texas.	241
Do	Regional Blood Components, Ltd	426
Do	Stanford University Hospital Blood Bank	402
Rubella and Mumps Virus Vaccine, Live	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Single Donor Plasma (Human)	Coffee Memorial Blood Center, Inc	246
Single Donor Plasma (Human)	Stanford University Hospital Blood Bank	402
Tetanus Immune Globulin (Human)	Armour Pharmaceutical Co	149
Tetanus Toxoid Adsorbed	Swiss Serum and Vaccine Institute Berne	21
Whole Blood (Human)	Raleigh Blood Center, Division North Carolina Blood Centers, Inc.	432

PRODUCT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER

Product	Establishment	License No.
Allergenic Extracts	Cutter Laboratories, Inc	8
Anti-A Blood Grouping Serum	do	8
Do	Specific Serums, Inc	343
Anti-B Blood Grouping Serum	Cutter Laboratories, Inc	8
Do	Specific Serums, Inc	343
Anti-A, B Blood Grouping Serum	do	343
Anti-Fy^a Serum (Anti-Duffy)	do	343
Antihemophilic Globulin (Human)	Cutter Laboratories, Inc	8
Antihemophilus Influenzae Type b Serum	Travenol Laboratories, Inc	140
Anti-Human Serum	Specific Serums, Inc	343
Anti-k Serum (Anti-Cellano)	do	343
Anti-K Serum (Anti-Kell)	do	343
Anti-M Serum	do	343
Anti-N Serum	do	343
Anti-Rh Typing Serums:		
Anti-Rh_0 (Anti-D)	do	343
Anti-Rh_0' (Anti-CD)	do	343
Anti-Rh_0'' (Anti-DE)	do	343
Anti-$Rh_0rh'rh''$ (Anti-CDE)	do	343
Anti-rh' (Anti-C)	do	343
Anti-rh'' (Anti-E)	do	343
Anti-hr' (Anti-c)	do	343
Anti-hr'' (Anti-e)	do	343
Anti-rh_w (Anti-C_w)	do	343
Bacterial Vaccines made from:		
Acne bacillus	Cutter Laboratories, Inc	8
Friedlander bacillus	do	8
Gonococcus	do	8
Influenza bacillus	do	8
Micrococcus catarrhalis	do	8
Pneumococcus	do	8
Pseudodiphtheria bacillus	do	8
Staphylococcus albus	do	8
Staphylococcus aureus	do	8
Staphylococcus citreus	do	8
Streptococcus	do	8
Cholera Vaccine	do	8
Diphtheria Antitoxin	do	8
Diphtheria Toxin for Schick Test	do	8
Do	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Diphtheria Toxoid	Cutter Laboratories, Inc	8
Diphtheria Toxoid Alum Precipitated	Pfizer Inc	164
Diphtheria Toxoid Aluminum Hydroxide Adsorbed.	Cutter Laboratories, Inc	8
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.	do	8
Diphtheria Toxoid Precipitated and Pertussis Vaccine Combined.	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Diphtheria Toxoid and Pertussis Vaccine Combined.	Cutter Laboratories, Inc	8
Diphtheria and Tetanus Toxoids Combined	do	8
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Diphteria and Tetanus Toxoids Combined Aluminum Hydroxide Adsorbed.	Cutter Laboratories, Inc	8
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.	do	8
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.	do	8

Product	Establishment	Licens No.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitate.	Cutter Laboratories, Inc	8
Equine Encephalomyelitis Vaccine (Eastern)	do	8
Equine Encephalomyelitis Vaccine (Western)	do	8
Fibrinogen with Antihemophilic Factor (Human)	do	8
Influenza Virus Vaccine	Pfizer Inc	164
Measles Virus Vaccine, Inactivated	do	164
Measles Virus Vaccine, Live, Attenuated	do	164
Pertussis Vaccine	Cutter Laboratories, Inc	8
Pertussis Vaccine Aluminum Hydroxide Adsorbed	Cutter Laboratories, Inc	8
Poliomyelitis Immune Globulin (Human)	Armour Pharmaceutical Co	149
Do	Cutter Laboratories, Inc	8
Do	Merck Sharp & Dohme, Division of Merck & Co., Inc	2
Do	Parke, Davis and Co	1
Do	Travenol Laboratories, Inc	140
Poliomyelitis Vaccine	Pfizer Inc	164
Reagent Red Blood Cells (Human)	Specific Serums, Inc	343
Red Blood Cells (Human)	Ohio Biomedical, Inc	424
Do	Regional Blood Components, Ltd	426
Do	Western Pennsylvania Blood Center, Inc	276
Resuspended Red Blood Cells (Human)	Belle Bonfils Memorial Blood Bank	166
Scarlet Fever Streptococcus Toxin for Dick Test	Wyeth Laboratories, Inc	3
Scarlet Fever Streptococcus Toxin for Immunization.	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Schick Test Control	Cutter Laboratories, Inc	8
Do	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Single Donor Plasma (Human)	Ohio Biomedical, Inc	424
Do	Western Pennsylvania Blood Center, Inc	276
Tetanus Antitoxin	Cutter Laboratories, Inc	8
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).	Pfizer Inc	164
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).	Cutter Laboratories, Inc	
Tetanus Toxiod Alum Precipitated	Pfizer Inc	164
Tetanus Toxoid Aluminum Hydroxide Adsorbed	Cutter Laboratories, Inc	8
Tetanus Toxoid and Pertussis Vaccine Combined	do	8
Thrombin	do	8
Tuberculin	do	8
Typhoid Vaccine	do	8
Typhoid and Paratyphoid Vaccine	do	8
Do	Istituto Sieroterapico Vaccinogeno Toscano Sclavo	238
Typhus Vaccine	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Whole Blood (Human)	Ohio Biomedical, Inc	424
Do	Regional Blood Components, Ltd	426
Do	St. Luke's Hospital Blood Bank	250

LICENSES FOR PRODUCTS PREPARED FROM DIPHTHERIA TOXOID, TETANUS TOXOID, PERTUSSIS VACCINE, POLIOMYELITIS VACCINE, AND COMBINATIONS OF THESE PRODUCTS REVOKED WITHOUT PREJUDICE AND REISSUED UNDER NEW PROPER NAMES

Product	Establishment	License No.
Diphtheria Toxoid Adsorbed	Behringwerke A G	97
Do	Istituto Sieroterapico Vaccinogeno Toscano Sclavo	238
Do	Michigan Department of Public Health Bureau of Laboratories.	99
Do	Parke, Davis and Co	1
Do	Texas State Department of Health	121
Do	Wyeth Laboratories, Inc	3
Diphtheria and Tetanus Toxoids	Eli Lilly and Co	56
Do	Parke, Davis and Co	1
Diphtheria and Tetanus Toxoids Adsorbed	Dow Chemical Co. (The)	110
Do	Eli Lilly and Co	56
Do	Lederle Laboratories Division, American Cyanamid Co.	17
Do	Massachusetts Public Health Biologic Laboratories	64
Do	Michigan Department of Public Health Bureau of Laboratories.	99

Product	Establishment	License No.
Diphtheria and Tetanus Toxoids Adsorbed	Parke, Davis and Co	1
Do	Texas State Department of Health	121
Do	Wyeth Laboratories, Inc	3
Diphtheria and Tetanus Toxoids and Pertussis Vaccine.	Eli Lilly and Co	56
Do	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Do	Parke, Davis and Co	1
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed.	Dow Chemical Co. (The)	110
Do	Eli Lilly and Co	56
Do	Lederle Laboratories Division, American Cyanamid Co.	17
Do	Massachusetts Public Health Biologic Laboratories	64
Do	Merck Sharp & Dohme, Division of Merck & Co., Inc	2
Do	Michigan Department of Public Health Bureau of Laboratories.	99
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed.	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Do	Parke, Davis and Co	1
Do	Texas State Department of Health	121
Do	Wyeth Laboratories, Inc	3
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Adsorbed.	Parke, Davis and Co	1
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed and Poliomyelitis Vaccine.	Eli Lilly and Co	56
Do	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Do	Parke, Davis and Co	1
Diphtheria Toxoid and Pertussis Vaccine Adsorbed.	Dow Chemical Co. (The)	110
Poliomyelitis Vaccine Adsorbed	Parke, Davis and Co	1
Tetanus Toxoid Adsorbed	Behringwerke A G	97
Do	Dow Chemical Co. (The)	110
Do	Eli Lilly and Co	56
Do	Istituto Sieroterapico Vaccinogeno Toscano Sclavo.	238
Do	Lederle Laboratories Division, American Cyanamid Co.	17
Do	Massachusetts Public Health Biologic Laboratories.	64
Do	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Do	Michigan Department of Public Health Bureau of Laboratories.	99
Do	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Do	Parke, Davis and Co	1
Do	Texas State Department of Health	121
Do	Wyeth Laboratories, Inc	3
Tetanus and Diphtheria Toxoids Adsorbed (For Adult Use).	Eli Lilly and Co	56
Do	Lederle Laboratories Division, American Cyanamid Co.	17
Do	Massachusetts Public Health Biologic Laboratories	64
Do	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Do	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Do	Texas State Department of Health	121
Do	Wyeth Laboratories, Inc	3

Approved:

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

IRVIN J. GOLDBERG,
Director of Information, For the Director, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

[FR Doc.71-6435 Filed 5-10-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Petition No. 32]

BURLINGTON NORTHERN, INC., ET AL.

Joint Petition for Exemption From Requirements for Passenger Train Movements

By petition[1] filed April 8, 1971, as perfected later, the Burlington Northern, Inc., Chicago, Milwaukee, St. Paul and Pacific Railroad Co., and AMTRAK seek relief from the requirements of the power brake rules so as to perform the interchange inspection at the Minneapolis passenger station, rather than at Daytons Bluff, St. Paul, Minn., the actual point of interchange between the Milwaukee and the Burlington Northern. The distance between the actual point of interchange at Daytons Bluff and the Minneapolis passenger station is 10.8 miles through St. Paul and Minneapolis. But there is no street or highway crossing in the 10.8-mile segment between the physical interchange point and the Minneapolis station.

No stop is scheduled for the involved passenger train at St. Paul whereas the train is scheduled to stop at Minneapolis station and 30 minutes is now allowed, in the schedule, for the inspections and tests at that station while passenger loading and unloading is also being accomplished.

Preliminary investigations and studies are convincing that the proposed interchange inspection and tests at Minneapolis station, rather than at the actual interchange point would be in the public interest and at the same time in the interest of safety. Accordingly, the sought relief should be, and it is hereby, granted, subject however to the condition that this relief is subject to further order and to an oral hearing should any interested person seek oral hearing and show good cause for further proceedings herein. And subject to the further condition that the certificate of inspection and test set forth below be accomplished at each time the inspection and test are performed at the Minneapolis station. Copies of the certificate are to be placed on the locomotive and handled administratively as otherwise directed by the Bureau of Railroad Safety.

This order shall be effective May 1, 1971, unless stayed by the Railroad Safety Board or by the Administrator.

This order shall also be subject to further handling and review at any time for good cause shown.

[1] The Director, Office of Hearings and Proceedings was given authority to handle this petition by memorandum from the Acting Administrator dated Apr. 12, 1971.

Dated this 29th day of April in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings, and Hearing Examiner.

Carrier ______________________

AIR BRAKE INSPECTION AND TEST CERTIFICATE (FOR RUN-THROUGH TRAINS)

Place ________________ Date ___________
Train __________ Number of cars __________
Locomotive No. ____ Caboose No. ____ Train made complete ____________ Train brakes applied ____________.

I certify the train brake system of this train received an initial terminal train brake test and inspection [ ], 500-mile test and inspection [ ] as required by the Power Brake Law including each of the following checked [ ] items:

1. All air brake hoses are properly coupled and are in condition for service. ------
2. All angle cock handles are properly positioned for service. ------
3. The air brakes on each car are cut in and operative. ------
4. Brake rigging does not bind or foul and all parts of brake equipment are properly secured. ------
5. Piston travel is within prescribed limits. ------
Initial terminal 7–9'' *
500-mile 10'' *
* or as indicated on car.
6. Brake pipe leakage does not exceed 5 pounds per minute. ------
7. Air brakes on each car applied from a 20-pound service brake pipe reduction. ------
8. All defective cars were repaired or set out. ------

This certificate was completed (date) ____________, (time) ____________.

____
Signature

____
Title

NOTICE: This certificate is required by the Federal Railroad Administration for each initial terminal train brake test and inspection given run-through trains. It must be prepared in duplicate and signed by the supervisor when available, or other employee responsible for the train brake test and may be prepared from information supplied by employees who made the test. One copy to be retained for 1 year at the terminal where the inspection and test was made and one copy to be retained in cab of locomotive of run-through train until train arrives at final terminal. This is an official form. False execution may subject the offender to criminal prosecution under title 17, section 1001, United States Code.

[FR Doc.71-6580 Filed 5-10-71;8:51 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1277]

COMMERCIAL AIRWAYS AGENCY, INC.

Order of Revocation

By letter dated April 9, 1971, Commercial Airways Agency, Inc., 3240 Northwest 27th Avenue, Miami, FL 33142, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1277 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 7, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Commercial Airways Agency, Inc., has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 7.04 (g) (dated 9-29-70):

It is ordered, That the Independent Ocean Freight Forwarder License of Commercial Airways Agency, Inc., be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Commercial Airways Agency, Inc., be and is hereby revoked effective May 7, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Commercial Airways Agency, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.71-6550 Filed 5-10-71;8:50 am]

[Docket No. 71-37]

MATSON NAVIGATION CO. ET AL.

Purchase of Ships; Enlargement of Filing Dates

MAY 5, 1971.

Purchase of ships—Matson Navigation Co., Sea-Land Service, Inc., Reynolds Leasing Corp.

Upon request of counsel for Sea-Land, with which all parties concur, the following revisions are made for filing dates in this proceeding:

(1) Affidavits of fact, memoranda of law, and requests for hearing shall be filed on or before May 14, 1971.

(2) Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, on or before May 24, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6551 Filed 5-10-71;8:50 am]

[Docket No. 71-52]

SEA-FREIGHT EXPRESS, INC.

General Increases in Rates in U.S. Atlantic and Puerto Rico Trade; Order of Investigation and Suspension

Sea-Freight Express, Inc., has filed with the Federal Maritime Commission

Supplement No. 1 to its Tariff FMC–F No. 1 to become effective May 9, 1971. This supplement generally increases the rates and charges in the subject trade.

Upon consideration of said supplement, the Commission is of the opinion that the above-designated tariff matter may be unjust, unreasonable, or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing; therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and section 3 and 4 cf the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Supplement No. 1 to Tariff FMC–F No. 1 is suspended and the use thereof deferred to and including September 8, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Freight Express, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state the aforesaid matter is suspended and may not be used until September 9, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Sea-Freight Express, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary*.

[FR Doc.71-6552 Filed 5-10-71;8:50 am]

[Docket No. 71-30; Special Permission No. 5336]

TRANSAMERICAN TRAILER TRANSPORT, INC.

Increases in Rates in U.S. Atlantic/Puerto Rico Trade; First Supplemental Order

By the original order in this proceeding served March 31, 1971, the Commission placed under investigation a general rate increase of the subject carrier, and suspended to and including August 24, 1971, Supplement No. 8 to Tariff FMC–F No. 1. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 49, filed by Transamerican Trailer Transport, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to the extent necessary to permit the filing, upon less than statutory notice, of revised pages as enumerated, which will change tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the Order in Docket No. 71-30 to make the changes in rates and provisions as set forth in Special Permission Application No. 49, said changes to become effective on full statutory notice, be and it is hereby granted. The short notice authority requested by Special Permission Application No. 49, is hereby denied.

2. Publications issued and filed under this authority shall bear the following notation: "Authority to depart from the terms of the Order in I & S Docket No. 71-30 granted under Federal Maritime Commission Special Permission No. 5336."

3. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned reduced rates to become effective, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission:

[SEAL] FRANCIS C. HURNEY, *Secretary*.

[FR Doc.71-6553 Filed 5-10-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. G-3894 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

APRIL 29, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 26, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3894 C 4-8-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Texas Eastern Transmission Corp., Tom Lyne, North Field, Live Oak County, Tex.	[1] 16.0	14.65
G-7648 D 4-9-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	United Gas Pipe Line Co., White Point, Saxet et al. Fields, San Patricio and Nueces Counties, Tex.	Assigned	
G-11863 D 4-14-71	Mobil Oil Corp. (Operator) et al., (partial abandonment).	Lone Star Gas Co., Graham Area, Carter County, Okla.	Depleted	
G-11950 D 4-14-71	Mobil Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., San Salvador Field, Hidalgo County, Tex.	Assigned	
G-12657 D 4-14-71	do	Texas Eastern Transmission Corp., San Manuel Field, Hidalgo County, Tex.	Assigned	
CI63-1049 D 4-14-71	Northern Natural Gas Producing Co., Post Office Box 1774, Houston, TX 77001.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Assigned	
CI63-1050 D 4-14-71	do	do	Assigned	
CI63-1051 D 4-14-71	do	do	Assigned	
CI64-106 D 2-8-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221 (partial abandonment).	Northern Natural Gas Co., Hunt-Baggett Field, Crockett County, Tex.	Depleted	
CI64-670 C 4-19-71	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Arkansas Louisiana Gas Co., Wilburton Field, Haskell, Latimer, LeFlore, and Pittsburg Counties, Okla.	16.015	14.65
CI66-828 C 4-12-71	Atlantic Richfield Co.	El Paso Natural Gas Co., Jicarilla Field, Rio Arriba County, N. Mex.	14.0	15.025
CI68-299 [2] B 4-15-71	Texaco, Inc., Post Office Box 430, Bellaire, TX 77401.	South Texas Natural Gas Gathering Co., Encinitas (V-7) Field, Brooks County, Tex.	Depleted	
CI71-219 C 4-16-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Florida Gas Transmission Co., Jay Field, Santa Rosa County, Fla.	30.0	14.65
CI71-522 C 4-15-71	Commonwealth Gas Corp., 801 Union Bldg., Charleston, W. Va. 25325.	United Fuel Gas Co., Ravenswood District, Jackson County, W. Va.	32.0	15.325
CI71-559 C 4-5-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	United Fuel Gas Co., Kentland Coal & Coke No. 1 Well, Pike County, Ky.	32.0	15.325
CI71-694 [3] A 3-22-71 4-14-71 [4]	Schaefer Oil & Gas Co., Inc., 841 Carondelet St., New Orleans, LA 70130.	Southern Natural Gas Co., Big Point Field, St. Tammany Parish, La.	18.5 26.0	14.73
CI71-711 (G-8816) F 3-29-71	G. E. Kadane & Sons (Operator) et al. (successor to Humble Oil & Refining Co.), Post Office Drawer 1740, Wichita Falls, TX 76307.	United Gas Pipe Line Co., Maxie Field, Forrest County, Miss.	20.0	15.025
CI71-728 B 4-5-71	Amoco Production Co., Post Office Box 591, Tulsa, OK 74102.	Kansas-Nebraska Natural Gas Co., Inc., Kirby Draw Field, Fremont County, Wyo.	Assigned	
CI71-729 (G-12721) 4-2-71 [5]	Anadarko Production Co. (successor to Petroleum Property Management, Inc., agent for Ambassador Oil Corp. et al.), Post Office Box 9317, Fort Worth, TX 76107.	Texas Gas Transmission Corp., South Elton Field, Jefferson Davis Parish, LA.	19.75	15.025
CI71-731 B 4-5-71	Afroma Oil & Gas Co. Inc. (Operator), et al., c/o Keys, Russell, Watson & Seaman, Driscoll Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields; San Patricio County, Tex.	Depleted	
CI71-732 B 4-5-71	Ben D. Marks, c/o Keys, Russell, Keys & Watson, Corpus Christi, Tex. 78403.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan Field, San Patricio County, Tex.	Depleted	
CI71-733 B 4-5-71	W. J. Riley, c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields; San Patricio County, Tex.	Depleted	
CI71-734 B 4-5-71	Ben D. Marks et al., d.b.a. Tri Mark Oil Co.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Odem and Spartan Fields; San Patricio County, Tex.	Depleted	
CI71-735 B 4-5-71	W. J. Riley, d.b.a. W. J. Riley, Petroleum Co., 716 Wilson Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields; San Patricio County, Tex.	Depleted	
CI71-736 B 4-5-71	Fred Bowman,[6] Post Office Box 1391, Corpus Christi, TX 78403.	do	Depleted	
CI71-737 B 4-5-71	Lee S. Carter (Operator) et al., c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, Tex. 78401.	do	Depleted	
CI71-738 B 4-5-71	W. J. Riley, d.b.a. W. J. Riley Petroleum Co.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., North Odem Field; San Patricio County, Tex.	Depleted	
CI71-739 B 4-5-71	Logue and Patterson, Operator et al., c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth and East Taft Fields; San Patricio County, Tex.	Depleted	
C-71-740 B 4-5-71	Ramada Oil & Gas Co., agent for B. C. Garnett et al., c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields; San Patricio County, Tex.	Depleted	
CI71-741 B 4-5-71	M. E. Cassidy, Jr., trustee (Operator) et al., 1200 Vaughn Plaza, Corpus Christi, Tex. 78401.	do	Depleted	
CI71-742 B 4-5-71	Minnie Belle Heep et al., c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, TX. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth and East Taft Fields; San Patricio County, Tex.	Depleted	
CI71-743 B 4-5-71	Frank A. Morrison, operator, c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, TX. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields; San Patricio County, Tex.	Depleted	
CI71-744 B 4-5-71	John C. Worley,[7] 316 Wilson Tower, Corpus Christi, TX. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth and East Taft Fields; San Patricio County, Tex.	Depleted	
CI71-745 B 4-5-71	L. L. Logue et al., c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, TX. 78401.	do	Depleted	
CI71-746 B 4-5-71	Hunter Bros. & Wallace, Inc., c/o John C. Beasley, attorney, Post Office Box 490, Beeville, TX 78102.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., West Taft, San Patricio County, Tex.	Depleted	
CI71-747 B 4-5-71	Huisache Operating Co. (Operator) et al., 2010 The 600 Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth-Taft Field; San Patricio County, Tex.	Depleted	
CI71-748 B 4-5-71	Ramada Oil & Gas Co., agent for B. C. Garnett et al., Oil Industries Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields, San Patricio County, Tex.	Depleted	
CI71-750 A 4-9-71	Bass Enterprises Production Co., Operator et al., 12th Floor, Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Transcontinental Gas Pipe Line Corp., Cooke and Washburn Fields, North Storey Area, La Salle County, Tex.	[8] 24.25	14.65
CI71-751 A 4-8-71	Phillips Petroleum Co., Bartlesville, Okla. 74004.	United Gas Pipe Line Co., Merit Field, Simpson County, Miss.	[8] 28.0	15.025
CI71-752 A 4-9-71	Getty Oil Co., Post Office Box 1404, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., East Bay City Field, Matagorda County, Tex.	25.0	14.65
CI71-753 A 4-8-71	Crystal Oil Co., Operator et al., 411 Ray P. Oden Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	17.0	14.65
CI71-754 B 4-9-71	John W. Herndon (Operator) et al, Post Office Drawer 6160, Corpus Christi, TX 78411.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Odem and Taft Fields; San Patricio County, Tex.	Depleted	

See footnotes at end of table

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-755........ (G-13633) F 4-6-71	Texas Oil & Corp. (successor to Pennzoil Producing Co.,) Fidelity Union Tower Bldg., Dallas, Tex. 75201.	United Gas Pipe Line Co., North McFaddin Field, Victoria County, Tex.	[9] 16.9313	14.65
CI71-756........ B 4-9-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp., High Island Block 10, Offshore Jefferson, Texas.	Depleted	....
CI71-757........ A 4-12-71	Davis Oil Co. et al., 340 Oil & Gas Bldg., New Orleans, La. 70112.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bully Camp Field, Lafourche Parish, La.	[8] 28.0	15.025
CI71-758........ A 4-14-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	United Fuel Gas Co., Lake Sand Field St. Mary and Iberia Parishes, La.	26.0	15.025
CI71-759........ A 4-16-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Panhandle Eastern Pipe Line Co., Buffalo Wallow Area, Hemphill County, Tex.	[8] 26.0	14.65
CI71-760........ A 4-14-71	Midhurst Oil Corp., Post Office Box 18695, Oklahoma City, OK 73118.	Valley Gas Transmission, Inc., South Monte Christo Field, Hidalgo County, Tex.	15.05625	14.65
CI71-761........ A 4-20-71	Jack E. Webber, agent for Midstates Gas, Route No. 4, West Union, WV 26456	Equitable Gas Co., West Union, Doddridge County, W. Va.	32.0	15.325
CI71-762........ A 4-19-71	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Natural Gas Pipeline Co., of America, Block 144, West Cameron Area, Offshore, Louisiana	28.0	15.025
CI71-763........ A 4-19-71	Texaco, Inc., Post Office Box 2420, Tulsa, OK 74102.	Texas Eastern Transmission Corp., Wampum Field, Oktibbeha County, Miss.	[8] 29.0	15.025
CI71-764........ A 4-19-71	Amoco Production Co., Post Office Box 50879, New Orleans, LA 70150.	Natural Gas Pipeline Co. of America, West Cameron Block 144 Field, Offshore, Louisiana.	28.0	15.025
CI71-766........ A 4-16-71	Basin Petroleum Corp., 545 First National Bldg., Oklahoma City, OK 73102.	Northern Natural Gas Co., Section 30, Block, JT AB&M Survey, Ochiltree County, Tex.	20.5	14.65

[1] Contract provides for total rate of 18.3779 cents per Mcf; however, applicant will accept certificate conditioned to initial rate of 16 cents.
[2] No permanent certificate issued—temporary authorization granted only.
[3] Application previously noticed Apr. 12, 1971, in Docket No. G-6437 et al., at a total initial rate of 18.5 cents per Mcf.
[4] Amendment to application filed to reflect rate of 18.5 cents per Mcf for gas produced from shallow sands and 26 cents per Mcf for gas produced from deep sands in lieu original proposed rate of 18.5 cents; and to change pressure base to read 15.025 in lieu of 14.73.
[5] Applicant proposes to continue the sale heretofore authorized in Docket No. G-12721 to be made pursuant to its FPC Gas Rate Schedule No. 125. Said sale was authorized to be abandoned in Docket No. CI71-115 due to lack of gas production. Applicant states that the subject lease is now capable of producing gas.
[6] Successor to Jenney Manufacturing Co.
[7] Successor to Wiley W. Singleton.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Rate in effect subject to refund in Docket No. RI70-282.

[FR Doc.71-6387 Filed 5-10-71;8:45 am]

[Docket No. RP71-109]

FLORIDA GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

MAY 5, 1971.

Take notice that Florida Gas Transmission Co. (Florida Gas), on April 26, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on June 1, 1971. The proposed rate changes would increase charges for jurisdictional sales by approximately $64,746 annually based on volumes for the 12-month period ended December 31, 1969, as adjusted. The proposed increase would be applicable to Florida Gas' Rate Schedules G and I.

Florida Gas states that the reason for the proposed increase is to reflect the effect of the jurisdictional portion of increases in its cost of purchased gas, resulting from increases in the rates of several of its suppliers. The cost of gas on which its proposed rates are based also reflects three producer rate decreases filed to comply with the level of South Louisiana area rates specified by the Commission in order issued December 24, 1970, in Docket No. R-394 and an adjustment to eliminate an error in the design of the company's presently effective rates in Docket No. RP71-67.

Copies of the proposed tariff changes were served on all of Florida Gas' jurisdictional customers and the Florida Public Service Commission.

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

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6540 Filed 5-10-71;8:49 am]

[Docket No. CP71-254]

METROPOLITAN UTILITIES DISTRICT OF OMAHA AND NORTHERN NATURAL GAS CO.

Notice of Application

MAY 4, 1971.

Take notice that on April 23, 1971, the Metropolitan Utilities District of Omaha (applicant), 1723 Harney Street, Omaha, NE 68102, filed in Docket No. CP71-254 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (respondent) to construct facilities and establish a new delivery point for the benefit of applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant, the sole natural gas distributing company serving the city of Omaha and environs in Douglas, Sarpy, and Washington Counties, Nebr., obtains its entire supply of natural gas from respondent. Applicant requests that respondent be directed to construct 1.2 miles of 12-inch pipeline and provide a new delivery point to applicant at the end of this pipeline to enable it to sell natural gas to Omaha Public Power District (Public Power) for use as fuel for electric generators. Applicant states that any volumes of natural gas sold to Public Power will be on an interruptible basis during the months of May through September of each year and that these volumes will be within the amounts available under applicant's presently effective contract demand.

The estimated cost of the facilities requested herein is $131,000. Applicant states that it will reimburse respondent for the cost of this construction. Public Power will in turn reimburse applicant for this expense. The application states that the only alternative available whereby service could be brought to Public Power would require an expansion of applicant's distribution system at an estimated cost of $318,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6541 Filed 5-10-71;8:49 am]

[Docket No. CP71-255]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MAY 5, 1971.

Take notice that on April 26, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-255 an application pursuant to

section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas compression facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes the construction and operation of one additional 3,500 horsepower compressor unit at its Compressor Station No. 342 located in Cameron Parish, La., and two additional 4,000 horsepower compressor units at its Compressor Station No. 3↓J located in Liberty County, Tex. Applicant states that these units are necessary to receive increased volumes of natural gas through its Louisiana extension to meet the requirements of the 1971–72 heating season. The estimated cost of the facilities proposed herein is $3,032,000, which cost applicant states will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1971, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6542 Filed 5-10-71;8:49 am]

[Project No. 2685]

POWER AUTHORITY OF THE STATE OF NEW YORK

Order Granting Hearing and Petition To Intervene and Setting Prehearing Conference

MAY 4, 1971.

On June 6, 1969, the Commission granted a license to the Power Authority of the State of New York (Authority or Licensee) to construct and operate the Blenheim-Gilboa Pumped Storage Project No. 2685 (41 FPC 712). In accordance with Article 34 of the license, the Authority filed for Commission approval exhibits showing the proposed location and design of the three 345 kv. transmission lines of the project. Notice of the application was given on December 11, 1969, and published on December 18, 1969 (34 F.R. 19838). By order of April 10, 1970, the Commission approved exhibits relating to two of the three lines. However, the Commission reserved decision as to the Gilboa-Leeds transmission line, including its route from the project switchyard in Schoharie County to the Leeds substation to be constructed near Catskill, N.Y. (43 FPC 521, 522).

The Authority filed with the Commission on December 4, 1970, two alternative proposals for routing the Gilboa-Leeds line. A notice of application, describing the two alternative routes, was issued on January 13, 1971, and published on January 22, 1971 (36 F.R. 1074). In its environmental statement, filed March 26, 1971, the Authority designates these routes as Routes A and B and points out possible modifications (Routes C, D and E).

On March 15, 1971, the town of Greenville, Greene County, N.Y. filed a petition to intervene. A petition to intervene was also filed March 12, 1971, by the Greene County Planning Board. However, the Greene County Planning Board was granted intervention as to the Gilboa-Leeds transmission line by the Commission's order of May 19, 1970.

Applicant's environmental statement was filed with the Commission on March 26, 1971, and was distributed by the Applicant to various Federal, regional, State, and local agencies with the statement that the Commission would ask for comments from such agencies. Comments by said agencies may be submitted to the Federal Power Commission by June 18, 1971.

The Commission finds:

(1) It is appropriate and in the public interest to hold a public hearing as hereafter provided.

(2) Participation by the town of Greenville, N.Y., may be in the public interest.

The Commission orders:

(A) The Town of Greenville, Greene County, N.Y., is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of the intervener shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene: *And provided, further,* That admission of the intervener shall not be construed as recognition by the Commission that intervener may be aggrieved by any order entered in this proceeding.

(B) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in a hearing room of the Commission at 441 G Street NW., Washington, DC, at a time to be specified by the Presiding Examiner, concerning the matters involved and the issues presented.

(C) A prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.d.s.t., on June 22, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, for the purpose of defining the issues and receiving stipulations, and if necessary, prescribing the hearing procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6547 Filed 5-10-71;8:50 am]

[Docket No. CP70-224]

SEA ROBIN PIPELINE CO.

Notice of Petition To Amend

MAY 5, 1971.

Take notice that on April 26, 1971, Sea Robin Pipeline Co. (petitioner), Post Office Box 1407, Shreveport, LA 71102, filed in Docket No. CP71-224 a petition to amend the Commission's order issued on June 1, 1970 (43 FPC 814), issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, by authorizing the transportation of additional volumes of natural gas for United Fuel Gas Co. (United), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of June 1, 1971, authorized, inter alia, the transportation of up to 15,300 Mcf of natural gas per day for United from the outer continental shelf, offshore Louisiana, to the terminus of petitioner's pipeline near Erath, Vermilion Parish, La. Petitioner requests

herein, authorization to transport up to 30,600 Mcf of natural gas per day through the facilities heretofore authorized in this proceeding.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 25, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc. 71-6543 Filed 5-10-71;8:50 am]

[Docket No. RP71-100]

TRUNKLINE GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

APRIL 28, 1971.

Take notice that on April 9, 1971, Trunkline Gas Co. (Trunkline) tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1,[1] to become effective on May 13, 1971. The proposed tariff revisions provide for: (1) A single tariff sheet, Original Sheet No. 3-A, containing the rates applicable to the different rate schedules of Trunkline's FPC Gas Tariff; (2) an addition to the general terms and conditions of Trunkline's FPC Gas Tariff of two new sections, section 16, Priority in Service and section 17, Curtailment and Interruption.

Trunkline states that the first proposed change listed above is to introduce simplicity and administrative ease in subsequent proceedings involving changes of rates.

Trunkline states that the addition of the two new sections 16, and 17 described above is to bring its tariff in line with the practice generally followed in the natural gas industry to have priority of service specified in the pipeline tariff, and also to provide an established method for effecting curtailments or interuptions of gas deliveries under varying types of circumstances including force majeure, gas supply deficiency and operating or remedial conditions.

Trunkline states that copies of the above-listed tariff sheets were mailed to all customers and interested State regulatory commissions.

Any person desiring to be heard or to make any protest with reference to this filing should on or before May 17, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6545 Filed 5-10-71;8:50 am]

[1] Tenth Revised Sheet No. 1; Original Sheet No. 3-A; 13th Revised Sheet No. 4; 9th Revised Sheet No. 5-A; 12th Revised Sheet No. 6-A; 11th Revised Sheet No. 6-B; 8th Revised Sheet No. 6-C; 12th Revised Sheet No. 7; 11th Revised Sheet No. 9; 10th Revised Sheet No. 9-D; 10th Revised Sheet No. 9-F; 11th Revised Sheet No. 9-G; 9th Revised Sheet No. 9-P; 7th Revised Sheet No. 9-R; 7th Revised Sheet No. 9-AE; 5th Revised Sheet No. 9-AF; 4th Revised Sheet No. 21; Original Sheet No. 21-A; Original Sheet No. 21-B and Original Sheet No. 21-C.

[Docket No. E-7627]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Proposed Rate Schedule Changes

MAY 4, 1971.

Take notice that on April 27, 1971, Wisconsin Public Service Corp. (Wisconsin) tendered for filing proposed changes in its wholesale for resale rate schedules. The proposed changes are requested to be made effective July 1, 1971.

According to Wisconsin, the proposed changes are to increase the demand and energy charges to permit an increase in revenues of about 30 percent. Additionally, the existing coal clause is retitled "Fuel Clause" and revised to conform with the requirements of § 35.14 of our regulations under the Federal Power Act. Based on the test year 1970, the proposed changes will produce added revenues in the amount of $606,728.54.

In justification for its proposed changes, Wisconsin states that it has decreased its wholesale rates on four different occasions since 1952 and that there has been no increases in those rates during that period. In the face of rapidly rising financial and operating costs experienced in recent years, Wisconsin states that it is now unable to satisfactorily meet the cumulative effect of those increased costs.

Copies of the filing have been served on customers and interested State regulatory agencies.

Any person desiring to be heard or make protest with reference to said application should on or before May 26, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate in any hearing therein, must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6546 Filed 5-10-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1543]

AMERICAN ENTERPRISE DEVELOPMENT CORP.

Order Granting Application for Certification

MAY 3, 1971.

American Enterprise Development Corp. (American Enterprise), 200 Berkeley Street, Boston, Mass. 02116, a closed-end nondiversified, management investment company registered under the Investment Company Act of 1940 (Act), has filed an application for an order of the Commission certifying to the Secretary of the Treasury, pursuant to section 851(e) of the Internal Revenue Code of 1954, as amended (Code), that, for the year ended December 31, 1970, American Enterprise was principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available. The certification requested is a prerequisite to qualification by American Enterprise as a "regulated investment company" under section 851(e) of the Code, pursuant to the provisions of section 851(e) thereof, for the year ended December 31, 1970.

The following table shows the composition of the total assets of American Enterprise as of the end of each of the quarters in the year 1970:

Assets	Mar. 31, 1970 (Value)	June 30, 1970 (Value)	Sept. 30, 1970 (Value)	Dec. 31, 1970 (Value)
Investments (at value) representing capital furnished:				
To corporations believed to be principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available	$16,631,320	$12,011,580	$13,506,647	$13,084,735
To other corporations believed not so engaged	1,556,801	1,956,800	1,956,800	2,156,800
Total investments	18,188,121	13,968,380	15,463,447	15,241,535
Cash awaiting permanent investment or temporarily invested:				
(Corporate short-term notes)	18,431,887	17,557,552	17,111,180	15,834,487
Other assets	332,839	482,436	562,722	437,953
Total assets	36,952,847	32,008,368	33,137,349	31,513,975

American Enterprise is a wholly owned subsidiary of American Research and Development Corp. (American Research), a closed-end, nondiversified, management investment company registered under the Act.

American Enterprise has submitted in support of its application, which incorporates by reference similar applications made by American Enterprise in 1967, 1968, and 1969 and by American Research in 1955 and subsequent years, a detailed description of each of the companies whose securities are held in its portfolio and which it alleges to be development corporations. American Enterprise represents that there has been no material change in the nature of the business of any of the presently owned portfolio companies for the purposes of this application since their businesses were described in the past applications.

On the basis of an examination of the reports and information filed by American Enterprise with the Commission pursuant to the provisions of the Act and the rules and regulations promulgated thereunder, as well as the data and information contained in the application, it appears to the Commission that, during the 12 months ending December 31, 1970, American Enterprise was principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available within the intent of section 851(e) of the Code.

It is therefore certified to the Secretary of the Treasury, or his delegate, pursuant to section 851(e) of the Internal Revenue Code of 1954, as amended, that American Enterprise Development Corporation, a closed-end, nondiversified, management investment company registered under the Investment Company Act of 1940 was, for the 12 months ending December 31, 1970, principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available.

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

[SEAL]

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6430 Filed 5-10-71;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 6]

ASSISTANT ADMINISTRATOR (COMPTROLLER)

Delegation of Financial Activities

Notice is hereby given that Delegation of Authority No. 6, 34 F.R. 6631, is hereby rescinded in its entirety without prejudice to actions taken under such delegations of authority prior to the date hereof. These delegations have been superseded by Delegation of Authority No. 7 (Rev. 2) given by the Administrator to the new position of Assistant Administrator for Administration, which replaced the positions of Assistant Administrator (Comptroller) and Assistant Administrator for Management.

Effective date: February 23, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6502 Filed 5-10-71;8:46 am]

[Delegation of Authority No. 7, Rev. 2]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Administrative and Financial Activities

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; there is hereby delegated to the Assistant Administrator for Administration the following authority:

A. *Administrative services.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the heads of executive agencies.

3. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

B. *Financial management.* To assign, endorse, transfer, deliver, or release (but in all cases without representation, recourse, or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

C. *Claims under the Federal Tort Claims Act.* To give final approval on actions resulting from any claims subject to the provisions of 28 U.S.C. 2672.

II. The authority delegated herein may be redelegated with the exception of Item I.C.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Assistant Administrator for Administration.

IV. All authority previously delegated by the Administrator to the Assistant Administrator for Management and the Assistant Administrator (Comptroller) is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: February 23, 1970.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6503 Filed 5-10-71;8:46 am]

[Delegation of Authority No. 9]

ASSISTANT ADMINISTRATOR FOR MANAGEMENT

Delegation of Administrative Activities

Notice is hereby given that Delegation of Authority No. 9, 34 F.R. 6632, is hereby rescinded in its entirety without prejudice to actions taken under such delegations of authority prior to the date hereof. These delegations have been superseded by Delegation of Authority No. 7 (Rev. 2) given by the Administrator to the new position of Assistant Administrator for Administration, which replaced the positions of Assistant Administrator for Management and Assistant Administrator (Comptroller).

Effective date: February 23, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6504 Filed 5-10-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 6, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42191—*Soda ash from West Lake Charles, La.* Filed by Southwestern

Freight Bureau, Agent (No. B-232), for interested rail carriers. Rates on ash, soda (other than modified soda ash), in bulk or in bulk in bags, barrels, boxes or pails, in carloads, as described in the application, from West Lake Charles, La., to specified points in Illinois.

Grounds for relief—Market competition.

Tariff—Supplement 262 to Southwestern Freight Bureau, Agent, tariff ICC 4668.

By the Commission.

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

[FR Doc.71-6539 Filed 5-10-71;8:49 am]

[Notice 291]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 4, 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 3252 (Sub-No. 74 TA), filed April 26, 1971. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04103. Applicant's representative: Francis E. Barretty, Jr., 536 Granite Street, Braintree, MA 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bennington, Vt., to Petersburg and Johnsville, N.Y., and Williamstown, Mass., for 180 days. Supporting shipper: Paul J. Martin, Inc., Post Office Box 437, Bennington, VT 05201. Send protests to: District Supervisor Donald G. Weiler, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 44639 (Sub-No. 34 TA), filed April 27, 1971. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lynhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials and supplies used in the manufacture of wearing apparel*, between Roxobel, N.C., on the one hand, and, on the other, Emporia, Va., and New York, N.Y., for 150 days. NOTE: Applicant states it intends to tack this authority with carrier's existing authority. Supporting shipper: Petite Frocks Inc., 85 Tenth Avenue, New York, NY 10011. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, Room 902, 970 Broad Street, Newark, NJ 07102.

No. MC 59117 (Sub-No. 36 TA), filed April 26, 1971. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box 1, Vinita, OK 74301. Applicant's representative: Vincent Elliott, 101 East Excelsior, Vinita, OK 74301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, dry, from Military, Kans., to points in Arkansas, Iowa, Nebraska, Missouri, Oklahoma, and that portion of Texas east of Interstate Highway 35 and U.S. 281, for 150 days. Supporting shipper: J. J. Stefanec, Transportation Manager, Gulf Oil Chemicals Co., Dwight Building, Kansas City, MO 64105. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 118535 (Sub-No. 44 TA), filed April 26, 1971. Applicant: JIM TIONA, JR., 111 South Prospect, Butler, MO 64730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, from Military, Kans., to points in Arkansas, Iowa, Missouri, Nebraska, Oklahoma, and that portion of Texas on and east of Route Interstate Highway 35W (via Fort Worth) to San Antonio, and U.S. Highway 281 from San Antonio to McAllen, Tex., for 150 days. Supporting shipper: Gulf Oil Chemicals Co., Agricultural Chemical Division, Dwight Building, Kansas City, MO 64105. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 133014 (Sub-No. 3 TA), filed April 26, 1971. Applicant: WOODCREST L & S CO., 1301 West 22nd Street, Suite 509, Oakbrook, IL 60521. Applicant's representative: Arnold L. Burke, Suite 2220, Brunswick Building, 69 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by retail mail-order houses*, between Chicago, Ill., on the one hand, and, on the other, Wisconsin and Pennsylvania, under a continuing contract or contracts with Spiegel, Inc., for 180 days. Supporting shipper: Frank J. Schultz, Spiegel, Inc., 2511 West 23rd Street, Chicago, IL 60608. Send protests to: District Supervisor William J. Gray, Jr., Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 134282 (Sub-No. 3 TA), filed April 26, 1971. Applicant: ENNIS TRANSPORTATION CO., INC., Post Office Box 447, 106 Knight Hurst, Ennis, TX 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products*, and when moving in the same vehicle and at the same time as gypsum products, *materials used in connection with the installation of gypsum products*, from the plantsite of the Celotex Corp. 7 miles southwest of Hamlin, Fisher County, Tex., to points in Colorado and Missouri, for 180 days. Supporting shipper: The Celotex Corp., Box 22602, Tampa, FL 33622. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 134599 (Sub-No. 17 TA), filed April 26, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORP., Post Office Box 16407, Stockyard 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: *Candy and confectionery and advertising and promotional materials*, when moving in the same vehicle and at the same time with the aforementioned commodities, from Centralia and Ashley, Ill., to points in North Dakota, South Dakota, Minnesota, Iowa, Missouri, Arkansas, Delaware, Pennsylvania, New Jersey, and New York, for 180 days. Supporting shipper: Hollywood Brands, Inc., 836 South Chestnut Street, Centralia, IL 62801. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 135541 TA, filed April 27, 1971. Applicant: C. E. LORD, doing business as LORDS AUTO SALES, 513 Urquhart Drive, Beech Island, SC 29814. Applicant's representative: John H. Lumpkin, Jr., Barringer Building, Columbia, SC 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cars*, in secondary movements, between points in South Carolina, North Carolina, Virginia, Tennessee, Georgia, Florida, and Alabama, for 180 days. Supporting shipper: There are approximately 12 statements of supports 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: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, 300 Columbia Building, Bureau of Operations, 1200 Main Street, Columbia, SC 29201.

No. MC 135543 TA, filed April 27, 1971. Applicant: ROBERT D. BOWEN, doing business as BOWEN TRUCKING, 100 16th Street NW., Watertown, SD 57201. Applicant's representative: Irving A. Hinderaker, Post Office Box 766, 25 First Avenue SW., Watertown, SD 57201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Sioux City, Iowa, to Fargo, N. Dak., and from Fargo, N. Dak., to Watertown, S. Dak., for 180 days. Supporting shipper: Swift & Co., Fargo, N. Dak., J. R. Dougan, manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

By the Commission.

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

[FR Doc.71-6538 Filed 5-10-71;8:49 am]

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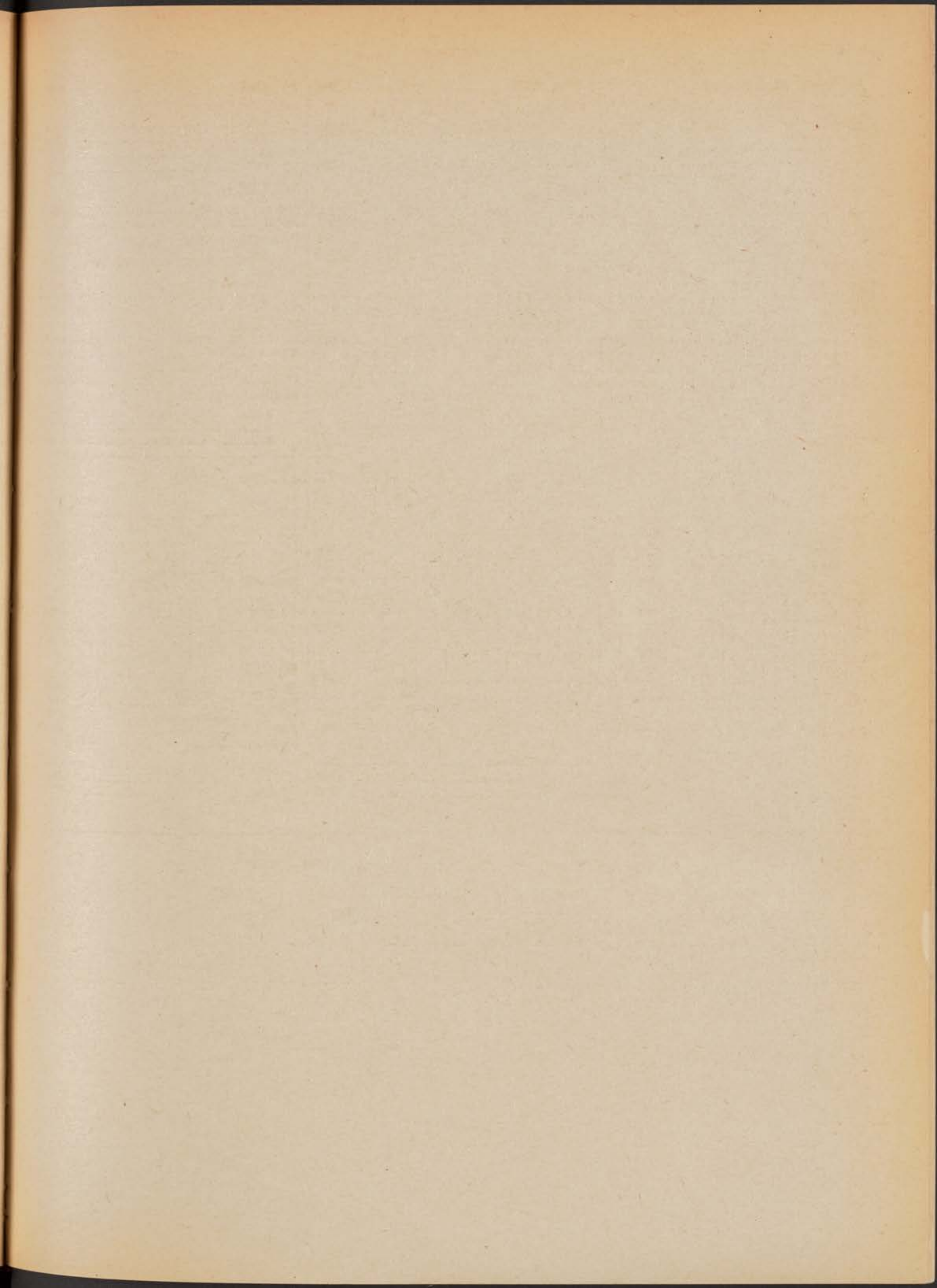

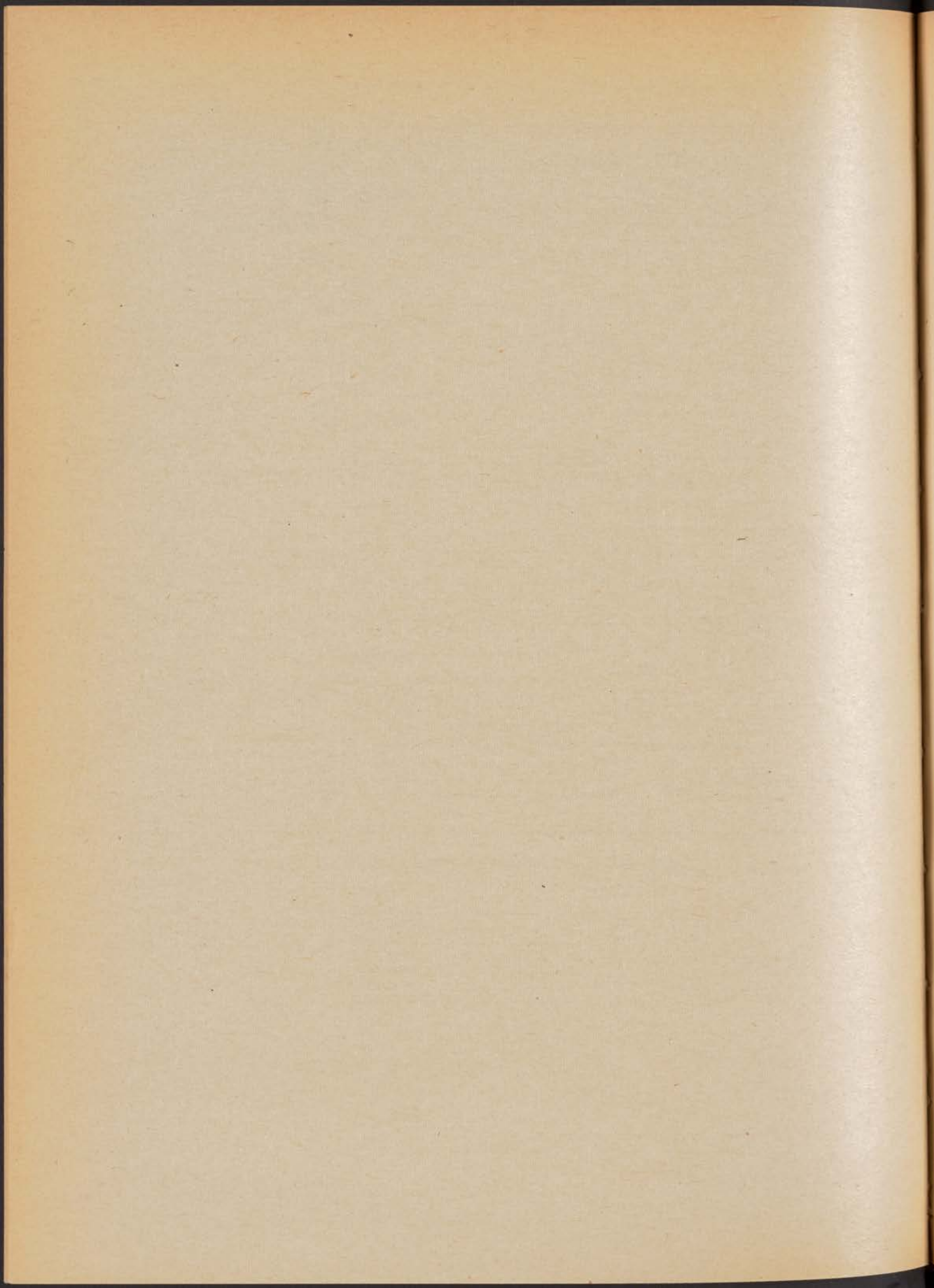

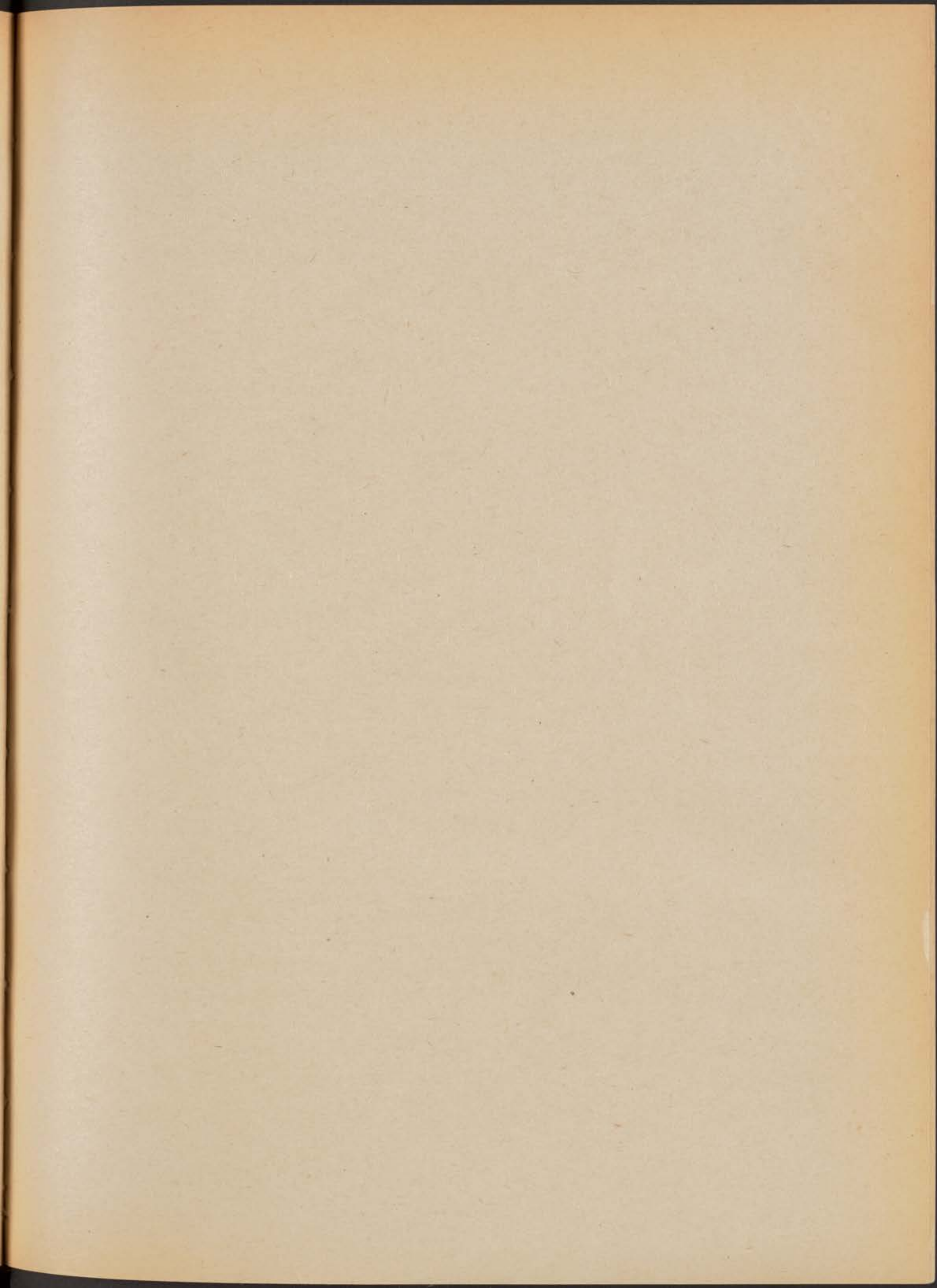

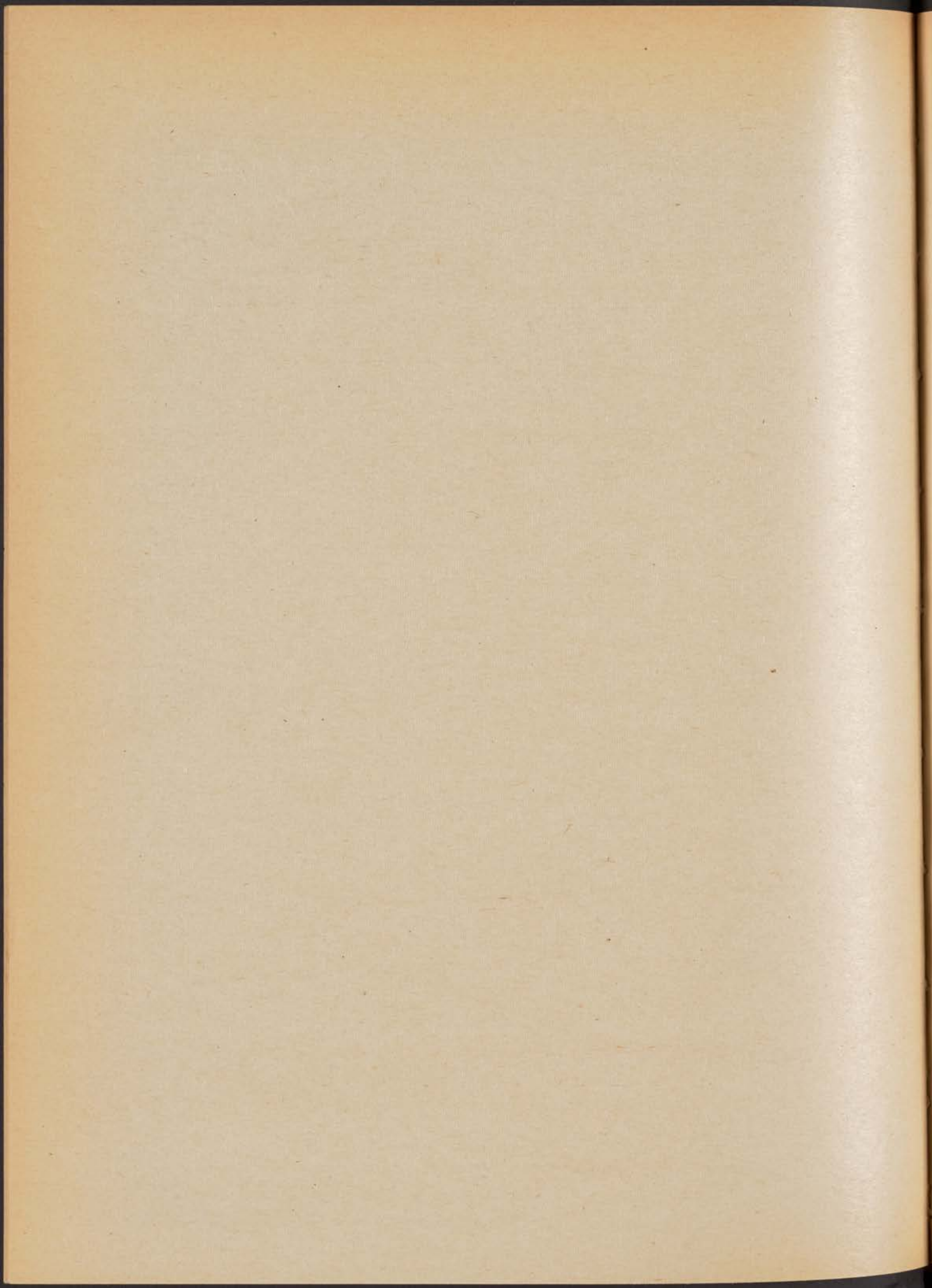

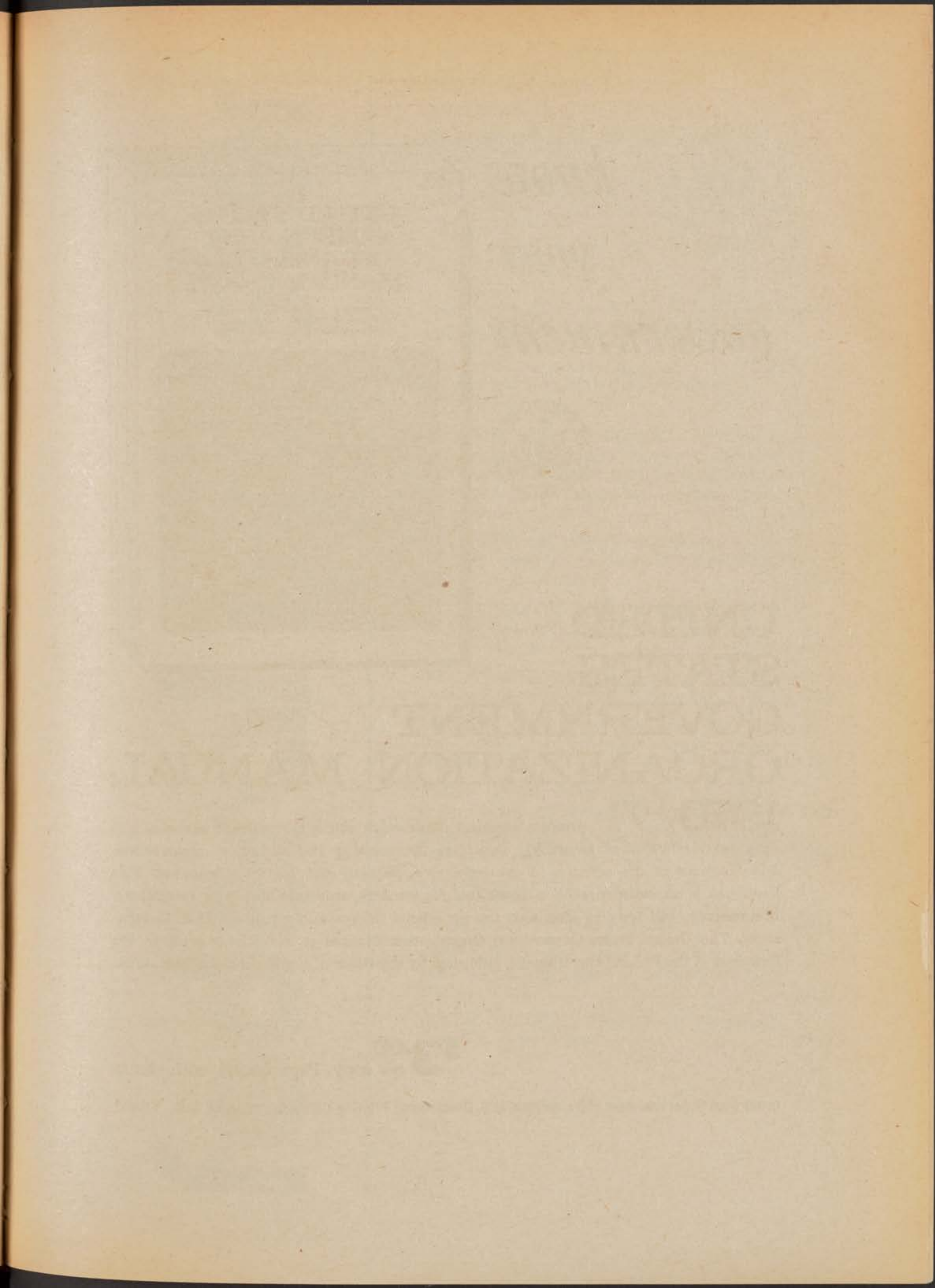

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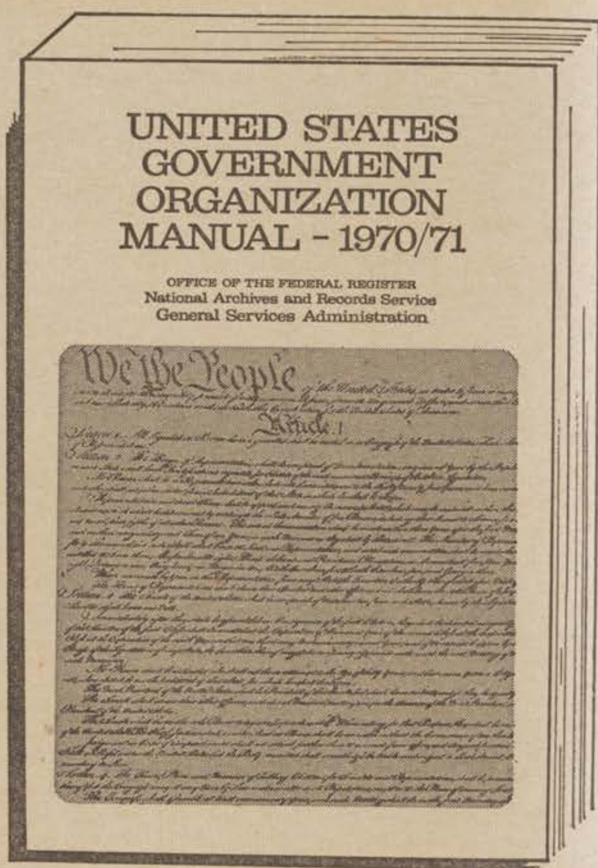

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