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FEDERAL REGISTER

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades for Sweet Cherries

Correction

In F.R. Doc. 71-6399 appearing at page 8502 in the issue for Friday, May 7, 1971, the word "and" in the fourth line of § 51.2657 should read "any".

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Flag Smut

REMOVAL OF ETHYL MERCURY PHOSPHATE DUST AS APPROVED TREATMENT

Pursuant to sections 5 and 7 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 160), § 319.59-4 of the regulations relating to the Flag Smut Quarantine 59 (7 CFR 319.59) is amended to read as follows to remove ethyl mercury phosphate dust as an approved treatment.

§ 319.59-4 Treatment.

As a condition of entry, all products subject to § 319.59-3(a)(2) and their containers shall be treated upon their arrival in the United States by the application of one of the treatment methods currently approved administratively [1] by the Agricultural Quarantine Inspection Division as effective in eliminating flag smut infection; or shall be processed or utilized as authorized by the inspector in a manner to destroy such infection, at an approved mill or plant under an agreement similar to that provided for in § 319.8-8(a)(2). The schedule of treatment or method of processing or utilization of products under this section shall be according to a method selected by the inspector from administratively authorized procedures known to be effective under the conditions and with due recognition of any health hazards involved. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of any such treatment. Treated seeds should be planted without delay in order to avoid reduced germination. All costs of such treatments, other than the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be paid by the importer.

(Secs. 5 and 7, 37 Stat. 316, 317, 7 U.S.C. 159, 160; 7 CFR 319.59; 29 F.R. 16210, as amended)

This amendment shall become effective upon publication in the FEDERAL REGISTER (5-19-71).

The purpose of this amendment is to remove the approval of the specified chemical treatment for purposes of the regulations in the subpart concerning flag smut because registration of this substance has been suspended under the Federal Insecticide, Fungicide and Rodenticide Act on the basis that the suspension is necessary to prevent an imminent hazard to the public. The amendment must be made effective promptly to coordinate the provisions of the regulations with the requirements under said Act. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this 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 14th day of May 1971.

[SEAL] F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-6979 Filed 5-18-71;8:49 am]

[1] For information concerning currently approved treatment methods write: Agricultural Quarantine Inspection Division, Federal Center Building, Room 557, Hyattsville, MD 20782.

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

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

[Supp. 10]

PART 845—MAINLAND CANE SUGAR AREA

Approved Local Areas for 1970 Crop

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, § 845.12 is added to read as follows:

§ 845.12 Approved local areas for the 1970 crop.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on 1970 crop sugarcane pursuant to paragraph (c) of § 845.2, as amended (23 F.R. 9255), the local parish ASC committees in Louisiana and the Glades County ASC Committee in Florida have determined that the extent of crop damage as specified and provided in subparagraph (1)(iii) of paragraph (c) of § 845.2 has occurred in the following local producing areas:

LOUISIANA

Parishes approved in their entirety:

Avoyelles.
Iberville.
Pointe Coupee.
St. Charles.
St. Mary.

Individual local producing areas approved:

Lafayette: Area 3.
St. James: Area 1; Area 4; Area 5.
St. Landry: Area 2.
St. Martin: Area 2; Area 3.
Terrebonne: Area 2.
West Baton Rouge: Area 1; Area 7.
West Feliciana: Area 1.

FLORIDA

All of Florida.

Statement of bases and considerations. This supplement provides public notice of the local producing areas in Louisiana and Florida where due to drought, flood, storm, freeze, disease, or insects, the 1970 sugarcane crop has been damaged to the extent that farms located in whole or in part therein will be considered (as to location) for abandonment and deficiency payments. Producers on these farms who have not filed application for Sugar Act payments with respect to acreage abandonment or crop deficiencies for which they may otherwise be eligible should apply for such payments before December 31, 1972, as provided in 7 CFR 892.7 (32 F.R. 8413).

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

Effective date: Date of publication (5-19-71).

Signed at Washington, D.C., on May 13, 1971.

CHAS. M. COX,
Acting Deputy Administrator,
State and County Operations,
Agricultural Stabilization and Conservation Service.

[FR Doc.71-6977 Filed 5-18-71;8:49 am]

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Order Amending Order, as Amended, Regulating Handling

§ 910.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each 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) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., on May 13–16, 1970, upon proposed amendments to the marketing agreement, as amended, and to Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of lemons grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of lemons; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The marketing agreement, as amended, regulating the handling of lemons grown in designated production area, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period August 1, 1969, through July 31, 1970, handled not less than 80 percent of the lemons covered by said order, as amended, and as hereby further amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1969, through July 31, 1970) were engaged within the area in the production for market of the lemons covered by the said order, as amended, and as hereby further amended; and

(3) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of lemons produced for market within the designated production area.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Sections 910.9 and 910.10 are revised to read as follows:

§ 910.9 Carton.

"Carton" means standard container number 58 as defined in section 43615 of the Agricultural Code of California, as amended, of a capacity of approximately 38 pounds of lemons, or such other container and capacity as may be established by the committee, with the approval of the Secretary, or the equivalent thereof.

§ 910.10 Fiscal year.

"Fiscal year" means the twelve-month period beginning on August 1 of each year and ending July 31 of the following year, except that the fiscal year ending July 31, 1971, shall begin on November 1, 1970.

§ 910.12 [Deleted]

2. Section 910.12 *Lemons available for current shipment* is deleted.

3. Sections 910.20, 910.21, 910.22, and 910.23 are revised to read as follows:

§ 910.20 Establishment and membership.

(a) There is hereby established a Lemon Administrative Committee consisting of 13 members. For each member there shall be an alternate member, and for each grower member an additional alternate, and the provisions of §§ 910.20 through 910.26, unless they specifically provide otherwise, shall apply to members and alternate members and additional alternates in like manner. Further, references to "member" therein shall be deemed to include alternates and additional alternates unless the context indicates otherwise. Eight of the members shall be growers and shall be referred to in this part as "grower" members; four of the members shall be handlers or employees of handlers or employees of central marketing organizations and shall be referred to in this part as "handler" members. One member of the committee shall be a person who shall not be a grower or handler, or an employee, agent, or representative of a grower or handler (other than an educational institution which is a grower or handler), or of a central marketing organization. Such person shall be referred to in this part as a "nonindustry" member.

(b) Except as otherwise provided pursuant to § 910.22(h), the grower members of the committee shall be nominated, by prorate district and group, in accordance with the following schedule:

	Co-op more than 60 percent	Other co-ops	Independents
District 1 (1)	1	0	0
District 2 (4)	2	2	0
District 3 (3)	1	1	1

(c) Each alternate grower member and each additional alternate grower member shall be from the same group as the member but need not be from the same district.

§ 910.21 Term of office.

The term of office of committee members shall be a period of 2 years beginning on August 1 of each even-numbered year, except that the term ending on July 31, 1972, shall begin on the date designated by the Secretary. Members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 910.22 Nominations.

(a) The time and manner of nominating members of the Lemon Administrative Committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization or the growers affiliated therewith which markets more than 60 percent of the total volume of lemons during the fiscal year during which nominations for members are submitted shall nominate, in conformity with § 910.20, four grower members and two handler members.

(c) All cooperative marketing organizations or the growers affiliated therewith which market lemons and which are not qualified under paragraph (b) of this section shall nominate, in conformity with § 910.20, three grower members and one handler member.

(d) All growers of the group identified as independents in § 910.20 who are not affiliated with a cooperative marketing organization which markets lemons shall nominate, in conformity with § 910.20, one grower member and one handler member.

(e) When voting for nominees each grower shall be entitled to one vote only which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. Votes of marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of lemons handled during the current fiscal year to the end of the month preceding the month in which such nominations are made.

(f) The members of the Lemon Administrative Committee selected by

the Secretary pursuant to § 910.23 shall, by concurring vote of at least seven members, nominate the nonindustry member.

(g) The grower members nominated under paragraphs (b), (c), and (d) of this section shall be in such number and from such districts and groups as provided pursuant to § 910.20.

(h) The Secretary, upon recommendation of the Lemon Administrative Committee, or other information, may reapportion the number of grower members or handler members, or both, to be nominated pursuant to § 910.22 and may realign the number of grower members in any district. Any such change shall be based, insofar as practicable, upon the proportionate amounts of lemons handled by the respective groups and production within any district: *Provided,* That each district shall be entitled to at least one grower member and each marketing group described in § 910.22 shall be entitled to at least one handler member and one grower member, and no district shall have more than four grower members.

§ 910.23 Selection.

The Secretary shall select members of the Lemon Administrative Committee from persons nominated pursuant to § 910.22 or, at his discretion, from other qualified persons.

§ 910.27 [Amended]

4. Section 910.27 *Alternate members* is amended by inserting at the end of the first sentence, the following: "If another alternate member is not so designated by a grower member, his alternate shall act for the member and, in the absence of such alternate, the additional alternate shall so act."

§ 910.28 [Amended]

5. Paragraph (a) of § 910.28 *Procedure* is amended by deleting the second sentence thereof.

6. Section 910.29 *Expenses and compensation* is revised to read as follows:

§ 910.29 Expenses and compensation.

The members of the committee, and their respective alternates when acting as members, or when in attendance pursuant to committee authorization, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under § 910.30, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $25 for each day, or portion thereof, spent in attending meetings of the committee.

7. Paragraph (k) of § 910.31 *Duties* is revise dto read as follows:

§ 910.31 Duties.

* * * * *

(k) With the approval of the Secretary, to reapportion pursuant to § 910.22 (h) the number of members on the Lemon Administrative Committee who are nominated pursuant to § 910.22.

8. Section 910.40 *Expenses* is revised to read as follows:

§ 910.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as provided in § 910.41.

§ 910.41 [Amended]

9. Paragraph (a) of § 910.41 *Assessments* is amended as follows:

A. The first sentence is revised to read: "Each handler who first handles lemons shall, with respect to the lemons so handled by him, pay to the committee upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning, during each fiscal year, including the accumulation and maintenance of a reserve fund equal to approximately one-half of 1 fiscal year's expenses."

B. The following sentence is added at the end thereof: "If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be subject to an interest charge at a rate prescribed by the committee with the approval of the Secretary.

10. Paragraph (a) of § 910.42 *Accounting* is revised to read as follows:

§ 910.42 Accounting.

(a) If, at the end of the fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, or used to defray necessary expenses of liquidation, it shall be refunded proportionately to the persons from whom it was collected: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operational monetary reserve in an amount not to exceed approximately one-half of a fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee (i) for all expenses authorized pursuant to § 910.40 and (ii) to cover necessary expenses of liquidation in the event of termination of this part. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

11. Section 910.53 *Prorate bases* is revised to read as follows:

§ 910.53 Prorate bases.

(a) As used in this section, "handler" means the person who is, or proposes to be, the person who handles lemons as the first handler thereof; and each such handler shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 910.56, such application to be substantiated by such information as the committee may require.

(b) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and may make such compensating adjustments as are appropriate or necessary, and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(c) Each week the committee shall compute a prorate base or bases for each handler who has made application in accordance with the provisions of this section.

(d) Each prorate base for a handler of lemons shall be computed as follows:

(1) Compute the total quantity of lemons grown in a particular prorate district which has been picked and delivered to the handler, hereinafter at times referred to as "pick," during the applicable prorate base period immediately preceding the week in which the prorate base is computed. The applicable number of weeks in the prorate base period for a prorate district shall be as provided in paragraph (e) of this section. Such quantities of lemons picked and so delivered in such period shall then be divided by the number of weeks in the applicable prorate base period for the purpose of arriving at an average weekly pick.

(2) For any handler of lemons produced in District 1 or 3, for the initial number of consecutive weeks after the beginning of such handler's new season, equal to the number of weeks in the applicable prorate base period, the average weekly pick computed for the first week of picks and succeeding weeks shall be computed as follows:

(i) The total quantity picked and delivered to the handler in the first week;

(ii) The total quantity picked and delivered to the handler in the first and second weeks divided by 2.

(iii) The total quantity picked and delivered to the handler in the first 3 weeks and succeeding weeks (until such number of weeks equals the total weeks in such handler's applicable prorate base period) divided by the total weeks so included.

On the basis of the computation of the handler's average weekly pick, the committee shall fix a prorate base for each handler who is entitled thereto. Each

such prorate base shall represent the ratio between the average weekly pick for each applicant handler and the total of such average weekly picks for all applicant handlers.

(e) In recognition of the differences between the several prorate districts in production and marketing conditions, the number of weeks in a prorate base period shall be specified by district and such respective base periods shall apply to lemons produced in such district, even though packed or handled in another district. Until changed in the manner provided in paragraph (h) of this section, the prorate base periods for the several districts shall be: District 1, 8 weeks; District 2, 16 weeks; and District 3, 4 weeks.

(f) (1) At the request of any handler of lemons produced in Districts 1 or 3, the committee shall adjust the average weekly pick of such handler by increasing it in the amount requested by the handler, but not exceeding 50 percent of such average. Such adjustment may be requested for any one or more weeks, not to exceed 8 weeks, during the period beginning with the first week of the initial prorate base period of a season for which such handler's average weekly pick is computed and ending not later than the middle week of such handler's picking season, as determined by the committee, based upon the historical picking performance of such handler. Any adjustment so added shall be deducted from such handler's average weekly picks as computed for subsequent weeks beginning in the week following such middle week and continuing in successive weeks to assure full repayment of all prior upward adjustments. To the extent practicable, the amounts and sequences of repayments shall conform to the amounts and sequences in which upward adjustments were effected: *Provided, however,* That if the committee determines that an accelerated rate of repayment is necessary to effect full repayment, or the handler requests an accelerated rate of repayment, actions to effect repayment on such basis shall be in accordance with rules and regulations prescribed by the committee with the approval of the Secretary. Adjusted average weekly picks shall be used in lieu of the average weekly picks in computing the handler's prorate base as provided in paragraph (d) of this section. If the handler fails to receive sufficient allotment during the balance of the season to offset the upward adjustment, deductions from allotment received in the following season shall not be required to effect such repayment.

(2) Any handler of lemons produced in District 2 whose picks are interrupted for a period of 8 successive weeks or more, may upon application to the committee begin a new prorate base period with the initial week of picks after such interruption, and with the average weekly picks being computed in accordance with the applicable provisions of paragraph (d) of this section for the initial number of consecutive weeks in such new prorate base period. Any such handler upon application to the committee shall also receive adjustments of a character similar to those described in subparagraph (1) of this paragraph (f), subject to such conditions with respect to dates and periods of upward adjustment and payback as may be necessary or appropriate to avoid or mitigate undue hardship and to preserve equity among handlers.

(3) During the first 2 consecutive weeks beginning with the first picks of a new season for handlers of lemons produced in District 1 and for handlers of lemons produced in District 3 and with the first week of picks for a handler of lemons produced in District 2 authorized to begin a new prorate base period as provided in subparagraph (2) of this paragraph, a handler may upon application to the committee be granted allotment to handle such lemons in anticipation of future allotments based on such picks, subject to such future allotments being reduced by the amount equal to such allotment.

(g) Any handler of lemons produced in any district under production or marketing conditions substantially differing from those generally prevailing in the same district, may apply to the committee for a different prorate base period, shorter or longer, than that specified for the district, but in no event less than 4 weeks nor more than 16 weeks. Such application shall be granted to the extent necessary or appropriate to give due recognition to such differences.

(h) The committee, with the approval of the Secretary, may change the number of weeks in the several time periods, the dates referred to in this § 910.53, and the percentage of adjustment specified in subparagraph (1) of paragraph (f) of this section; and in like manner may establish rules and regulations to effectuate the provisions of this section and may modify the method or manner of making the prescribed computations.

12. Section 910.50 *Marketing policy* is amended to read as follows:

§ 910.50 Marketing policy.

Each year not later than August 15 of the fiscal year (or such later date as the committee may establish with the approval of the Secretary) the committee shall hold a marketing policy meeting and shall thereafter submit to the Secretary its marketing policy for such fiscal year, to continue in force until revised, or superseded by the adoption of a new marketing policy. The marketing policy shall contain the following information: (a) The available supplies of lemons in each prorate district, including estimated quality and composition of sizes; (b) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and byproduct channels, together with quantities otherwise to be disposed of; (c) a schedule of estimated weekly shipments to be recommended to the Secretary during the fiscal year; (d) level and trend of consumer income; (e) estimated supplies of competitive citrus commodities; and (f) any other pertinent factors bearing on the marketing of lemons. In the event that it becomes advisable to substantially modify the marketing policy the committee shall submit to the Secretary a revised marketing policy or a new marketing policy setting forth the information as required in this section.

§ 910.51 [Amended]

13. Section 910.51 *Recommendations for regulations* is amended by deleting from the end of the second sentence of § 910.51(a) the words "in each district defined in § 910.64."

§ 910.52 [Amended]

14. Section 910.52 *Issuance of regulations* is amended by deleting "in each district, as aforesaid" and "in each such district" in the first sentence of the section.

§ 910.56 [Amended]

15. Section 910.56 *Allotments* is amended by deleting the phrase "in a district" from the first sentence, and deleting the phrase "in such district" from the second sentence.

§ 910.57 [Amended]

16. Section 910.57 *Overshipments* is amended as follows:

A. By inserting the following after the first proviso of such section: *"And provided further,* That if allotment is forfeited with respect to lemons grown in any prorate district during such week, such forfeiture shall be used to reduce the amount of maximum permissible overshipments made during such week unless the forfeiting handler shall have made a bona fide and timely offer to the committee to lend his undershipment, and such forfeitures shall be first applied to permissible overshipments of handlers of lemons grown in the district with respect to which the forfeiture occurred and second to permissible overshipments of handlers of lemons grown in the other districts. Allocation of forfeiture credit to handlers who have overshipped shall be made in proportion to, but not in excess of, the quantity overshipped by each such handler. However, no handler who has overshipped more than the maximum permissible under this section shall participate in the credits allowed by this provision."

B. By adding the following at the end of such section: *"Provided,* That any overshipments outstanding at the end of a season in District 1 or 3 shall not be required to be offset by deductions from allotments issued in the following season. The committee, with the approval of the Secretary, shall adopt procedural rules and regulations to effectuate the provisions of this section."

17. Section 910.59 *Allotment loans* is revised to read as follows:

§ 910.59 Allotment loans.

(a) A handler for whom a prorate base has been established may lend allotment to other handlers: *Provided,* That such loan is reported to the committee not later than 48 hours after the loan agreement has been entered into, and provides for repayment within 1 year of the

date of the loan. If on the date of repayment specified in the loan agreement the borrower has insufficient allotment to repay such loan, he shall repay such loan as soon after such date as he has allotment available to him for that purpose.

(b) Allotments shall be loaned only during the week in which such allotments are issued and can be used by the borrower only during the week in which the loan is secured. Handlers securing repayment of allotment loans shall use such allotments only during the week in which the repayment is made.

(c) A handler desiring to loan all or part of his allotment to other handlers of lemons produced within the same district may do so direct or may request the committee to act in his behalf. A handler desiring to loan allotment to handlers of lemons produced in another district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to handlers of lemons grown within the same district who have previously filed requests for such loans; and failing to so arrange may then offer the loan to handlers of lemons grown in other districts in an equitable manner.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after repayment thereof.

(e) The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 910.59.

18. Section 910.61a *Early availability allotments* is deleted and a new section is inserted in lieu thereof reading as follows:

§ 910.61a **Off-bloom allotment.**

Notwithstanding the provisions in § 910.53 and elsewhere in this part applicable to allotments, the committee may, prior to the time lemons generally are available in District 1 or District 3, issue special allotments to handlers for handling lemons which result from an off-bloom condition existing in such district or districts. Such handlers may apply to the committee, not later than 30 days prior to the anticipated picking of such off-bloom lemons, on forms prescribed by the committee, and shall furnish to the committee such information as it may require to certify the off-bloom condition. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b), the committee shall certify the quantity of each handler's off-bloom lemons and determine the extent to which off-bloom allotment shall be granted. Such allotments shall be allocated to all handlers who have certified off-bloom in proportion to the respective quantities so certified. Any off-boom allotment may be loaned only to other handlers to whom off-bloom allotments have been allocated. The total quantity of a handler's certified off-bloom lemons picked for handling pursuant to off-bloom allotment shall not be used in the computation of such handler's average weekly pick pursuant to § 910.53(d)(1). The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this section.

19. Section 910.64 *Districts* is revised to read as follows:

§ 910.64 **Districts.**

For the purpose of administration of this part and in recognition of the fact that there are general differences in maturity and keeping quality of lemons produced in different geographical sections of the production area, the production area is divided into three prorate districts as follows:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the present post office in Turlock, Calif., and north of a line drawn due east and west through the present post office in Gorman, Calif., and west of the extension of a line drawn due north and south through the present post office in White Water, Calif., but excluding San Luis Obispo and Santa Barbara Counties.

(b) "District 2" shall include that part of the State of California west of a line drawn due north and south through the present post office in White Water, Calif., and south of a line drawn due east and west through the present post office in Gorman, Calif., but including San Luis Obispo and Santa Barbara Counties.

(c) "District 3" shall include the State of Arizona and that part of the State of California east of a line drawn due north and south through the present post office in White Water, Calif.

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

Dated May 13, 1971, to become effective July 1, 1971, except for §§ 910.12, 910.28, 910.40, 910.41, 910.42, 910.50, 910.51, 910.52, 910.56, 910.57, 910.59, 910.61a, and 910.64, which are to become effective August 1, 1971.

RICHARD E. LYNG,
Assistant Secretary.

MAY 13, 1971.

[FR Doc.71-6949 Filed 5-18-71;8:49 am]

Title 12—BANKS AND BANKING

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

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

Correction

In F.R. Doc. 71-6579 appearing at page 8723 in the issue for Wednesday, May 12, 1971, the following words should be added immediately after the second line of § 1.308(c): "School Authority School Revenue Bonds,".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-CE-100]

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

Alteration of Transition Area

On March 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4788) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the International Falls, Minn., transition area.

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

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

In § 71.181 (36 F.R. 2140) "International Falls, Minn." is amended to read:

That airspace extending upward from 700 feet above the surface within 4½ miles northeast and 9½ miles southwest of the International Falls VORTAC 140° and 320° radials, extending from 6 miles southeast to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls VORTAC 129° and 309° radials extending from 6 miles northwest to 18½ miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the International Falls VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls ILS southeast localizer course extending from the 20-mile-radius area to 18½ miles southeast of the outer marker, excluding the portions outside the United States.

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

Issued in Washington, D.C., on May 7, 1971.

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

[FR Doc.71-6929 Filed 5-18-71;8:47 am]

[Airspace Docket No. 70-EA-44]

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

Extension of Federal Airways; Correction

On March 26, 1971, F.R. Doc. 71-4180 was published in the FEDERAL REGISTER (36 F.R. 5676) effective May 27, 1971.

This document amended Part 71 of the Federal Aviation Regulations in part by realigning VOR Federal airway No. 139 segment from the Skipper, Mass., intersection to Kennebunk, Maine.

Inadvertently, this amendment retained in the description of V–139, the intersection of Manchester 130° and Boston 015° radials, whereas it should have deleted this intersection. Accordingly, action is taken herein to delete this intersection from the airway description.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (5–19–71), F.R. Doc. 71–4180 (36 F.R. 5676) is amended as hereinafter set forth.

In Item 1. "INT Manchester 117° and Boston 015° radials." is deleted and "INT Manchester 130° and Boston, Mass, 015° radials; INT Manchester 117° and Boston 015° radials." is substituted therefor.

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

Issued in Washington, D.C., on May 6, 1971.

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

[FR Doc.71–6930 Filed 5–18–71;8:47 am]

[Airspace Docket No. 71–SO–40]

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

Alteration of Transition Area

On March 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5855), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vidalia, 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, 1971, as hereinafter set forth.

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

VIDALIA, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vidalia Municipal Airport (lat. 32°11'45" N., long. 82°22'15" W.).

(Sec. 370(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 May 5, 1971.

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

[FR Doc.71–6932 Filed 5–18–71;8:47 am]

[Airspace Docket No. 71–SO–90]

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

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tampa, Fla. (International Airport), MacDill AFB, Fla., and St. Petersburg, Fla. (Albert-Whitted Airport), control zones.

The above-named control zones are described in § 71.171 (36 F.R. 2055).

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the above-named control zone descriptions.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the following control zones are amended to read:

TAMPA, FLA. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Tampa International Airport (lat. 27°58'29" N., long. 82°31'38" W.); excluding the portion within St. Petersburg control zone and the portion southeast of a line 2 miles north of and parallel to MacDill AFB ILS localizer northeast course.

MACDILL AFB, FLA.

Within a 5-mile radius of MacDill AFB (lat. 27°50'57" N., long. 82°31'18" W.); within 1.5 miles each side of MacDill AFB TACAN 216° radial, extending from the 5-mile-radius zone to 6 miles southwest of the TACAN; within a 5-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); excluding the portion within Tampa, Fla. (International Airport), control zone.

In § 71.171 (36 F.R. 2055), the St. Petersburg, Fla. (Albert-Whitted Airport) control zone is amended as follows: "* * * lat. 27°45'51" N. long. 82°37'46" W. * * *" is deleted and "* * * lat. 27°45'53" N., long. 82°37'39" 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 May 10, 1971.

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

[FR Doc.71–6933 Filed 5–18–71;8:47 am]

[Airspace Docket No.71–SO–92]

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

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Pensacola, Fla. (NAS Pensacola-Forrest Sherman Field and Municipal Airport), control zone.

The above-named control zones are described in § 71.171 (36 F.R. 2055).

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of these revised criteria, it is necessary to alter the above-named control zone descriptions.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Pensacola, Fla. (NAS Pensacola-Forrest Sherman Field and Municipal Airport), control zones are amended to read:

PENSACOLA NAS, FLA.

Within a 5-mile radius of Forrest Sherman Field (lat. 30°20'53" N., long. 87°19'04" W.); within 3 miles each side of the 134° bearing from NAS Pensacola LF RBN, extending from the 5-mile-radius zone to 8.5 miles Southeast of the RBN; within 3 miles each side of the 174° bearing from NAS Pensacola UHF RBN, extending from the 5-mile-radius zone to 8.5 miles south of the RBN; within 1.5 miles each side of NAS Pensacola TACAN 214° and 235° radials, extending from the 5-mile-radius zone to 6.5 miles Southwest of the TACAN.

PENSACOLA, FLA.

Within a 5-mile radius of Pensacola Municipal Airport (lat. 30°28'25" N., long. 87°11'20" W.); within 3 miles each side of the ILS localizer south course, extending from the 5-mile-radius zone to 8.5 miles south of Pickens LOM, and within the portion of a 4-mile radius of NAS Ellyson Field (lat. 30°31'30" N., long. 87°12'00" W.), extending clockwise from a line 2 miles northeast of and parallel to the 331° bearing from Brent LOM to the 5-mile-radius zone.

(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 May 5, 1971.

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

[FR Doc.71-6934 Filed 5-18-71;8:47 am]

[Airspace Docket No. 71-WE-19]

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. 5708) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Hanksville, Utah, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 22, 1971.

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

Issued in Los Angeles, Calif., on May 7, 1971.

LEE E. WARREN,
Acting Director, Western Region.

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

HANKSVILLE, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hanksville (FAA Site 54) Airport (latitude 38°25'01" N., longitude 110°41'57" W.), and within 3.5 miles each side of the Hanksville VORTAC 106° radial, extending from the 5-mile radius area to 11.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9.5 miles south of the Hanksville VORTAC 236° and 106° radials, extending from 7.5 miles west to 18.5 miles east of the VORTAC.

[FR Doc.71-6935 Filed 5-18-71;8:47 am]

[Airspace Docket No. 71-WE-10]

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

Alteration of Control Zone and Transition Area

On April 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6436) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Douglas, Arizona, control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., July 22, 1971.

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

Issued in Los Angeles, Calif., on May 11, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Douglas, Ariz., control zone is amended to read as follows:

DOUGLAS, ARIZ.

Within a 5-mile radius of Bisbee-Douglas International Airport (latitude 31°28'00" N., longitude 109°36'10" W.) and within 2 miles each side of the Douglas VORTAC 333° radial, extending from the 5-mile-radius zone to 11.5 miles northwest of the VORTAC.

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

DOUGLAS, ARIZ.

That airspace extending upward from 700 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the Douglas VORTAC 333° radial extending from the VOR to 18.5 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 9-mile radius of the Douglas VORTAC, within a 23-mile radius of the Douglas VORTAC extending clockwise from the southwest edge of V-66 to the southeast edge of V-66, and within 5 miles east and 8.5 miles west of the Douglas VORTAC 347° radial extending from the 23-mile-radius area to the Cochise VORTAC, excluding the portion within the Cochise, Ariz., transition area.

[FR Doc.71-6936 Filed 5-18-71;8:48 am]

[Airspace Docket No. 71-WE-21]

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

Alteration of Control Zone

On April 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6437) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Denver, Colorado, control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 22, 1971.

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

Issued in Los Angeles, Calif., on May 10, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Denver, Colo., control zone is amended to read as follows:

DENVER, COLO.

Within a 9-mile-radius of Stapleton International Airport (latitude 39°46'30" N., longitude 104°52'40" W.), within a 9-mile-radius of Buckley ANGB Airport (latitude 39°42'05" N., longitude 104°45'10" W.), and within 4 miles each side of the Buckley ANGB VOR 152° radial extending from the 9-mile-radius zone to 14 miles southeast of the VOR, excluding the portion within a 1-mile-radius of Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

[FR Doc.71-6937 Filed 5-18-71;8:48 am]

[Airspace Docket No. 71-NE-1]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Continental Control Area and Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to alter the Continental Control Area and the No Man's Land Island, Mass., Restricted Area R-4105.

The Department of the Navy has requested that the designated altitude of R-4105 be lowered from 20,000 feet MSL to 18,000 feet MSL. This would eliminate the need to include R-4105 in the Continental Control Area. Accordingly, action is taken herein to show these changes.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days' notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER (5-19-71), as hereinafter set forth.

1. In § 71.151 (36 F.R. 2045) Restricted Area R-4105 is revoked.

2. Section 73.41 (36 F.R. 2345) is amended as follows: In R-4105 No. Man's Land Island, Mass., the phrase "Surface to 20,000 feet MSL." is deleted and the phrase "Surface to but not including 18,000 feet MSL." 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 Washington, D.C., on May 6, 1971.

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

[FR Doc.71-6931 Filed 5-18-71;8:47 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.637]

PART 51—PASSPORTS

Subpart F—Procedures for Review of Adverse Action

APPEARANCE AT HEARINGS

Foreign attorneys are now permitted to represent U.S. citizens abroad. Accordingly, § 51.84 is amended to read as follows:

§ 51.84 Appearance at hearing.

The person adversely affected may appear at the hearing in person or with his attorney, or by his attorney. The attorney must possess the qualifications prescribed for practice before the Board of Appellate Review or be admitted to practice before the courts of the country in which the hearing is to be held.

(Sec. 1, 44 Stat. 887; sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 211a, 2658; E.O. 11295; 3 CFR, 1966 Comp.)

Effective date. This revision shall be effective upon publication in the FEDERAL REGISTER (5–19–71).

For the Secretary of State.

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

MAY 5, 1971.

[FR Doc.71–6986 Filed 5–18–71;8:50 am]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Subpart C—Notices to Employees, Applicants for Employment and Union Members

NOTICES TO BE POSTED

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Subpart C, § 1601.27 of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. section 1003, for public notice and delay in effecitve date are inapplicable. This amendment shall become effective immediately and shall be applicable with respect to charges presently pending before or hereafter filed with the Equal Employment Opportunity Commission.

Section 1601.27(a) is revised to read as follows:

§ 1601.27 Notices to be posted.

(a) Every employer, employment agency, labor organization, and joint labor-management committee controlling an apprenticeship or other training program, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, members, and trainees are customarily posted the following notice:

EQUAL EMPLOYMENT OPPORTUNITY

is the Law

DISCRIMINATION IS PROHIBITED

By The Civil Rights Act of 1964
And By Executive Order Number 11246

Title VII of the Civil Rights Act of 1964—Administered by The Equal Employment Opportunity Commission Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin By Employers with 25 or more employees, by Labor Organizations with a hiring hall of 25 or more members, by Employment Agencies, and by Joint Labor-Management Committees for Apprenticeship or Training.

ANY PERSON
who believes he or she has
been discriminated against
SHOULD CONTACT

The Equal Employment Opportunity Commission, 1800 G Street NW., Washington, DC 20506.

OR ANY OF ITS
FIELD OFFICES

Executive Order Number 11246 [1]—Administered by The Office of Federal Contract Compliance Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment. By all Federal Government Contractors and Subcontractors, and by Contractors and Subcontractors Performing Work Under a Federally Assisted Construction Contract, regardless of the number of employees in either case—

ANY PERSON
who believes he or she has
been discriminated against
SHOULD CONTACT

The Office of Federal Contract Compliance, U.S. Department of Labor, Washington, DC 20210.

* * * * *

(Sec. 713, 78 Stat. 265, 42 U.S.C. sec. 2000e–12)

Effective date: Date of publication (5–19–71).

Signed at Washington, D.C., this 13th day of May 1971.

[SEAL] WILLIAM H. BROWN III,
Chairman.

[FR Doc.71–6950 Filed 5–18–71;8:49 am]

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[1] As amended by Executive Order 11375.

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM–28; Amdts. 173–41A, 177–15A]

PART 173—SHIPPERS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Removal of Label Exemption

On January 30, 1970, amendments to the Hazardous Materials Regulations of the Department of Transportation were published in the FEDERAL REGISTER (Docket No. HM–28; Amendments Nos. 173–41, 177–15, 36 F.R. 1473), concerning the removal of certain exemptions from the requirements for labeling of packages containing specified classes of hazardous materials. The preamble to these amendments explained the Board's reasons for removing the exemptions.

In accordance with 49 CFR 170.35, the Compressed Gas Association and the National LP-Gas Association, representing more than 2,000 member companies, have petitioned the Board for reconsideration of the amendments as they pertain to shipments of compressed gasses by motor vehicle. In their petitions, the Associations recommended that the Board adopt an alternate proposal for shipments of compressed gases by highway. The proposals appear to have considerable merit as they would pertain to contract and private motor carriage.

Essentially, the Associations proposed a standardized marking system that would consist of a red or green diamond centered within a marking area having a contrasting white background. The marking area to the left would be designated for marking the name of contents as listed in § 172.5. The marking area to the right, designated and outlined by a dotted line would be reserved for proprietary and precautionary information as desired by the shipper and would not be a mandatory part of the standard.

Included in the diamond would be the word "flammable" or "nonflammable", as appropriate. The most practical manner to apply the marking would be the use of decals of durable quality. The Compressed Gas Association has identified its standard as "CGA Pamphlet C–7, Appendix A," dated May 15, 1971.

The Board member representing the Federal Highway Administration believes that provision for this alternative system is warranted in the private and contract motor carriage sector, where personnel are more experienced in handling the materials they carry than are the handling personnel and drivers of common carriers. In the common carrier sector, even when truckload lots are involved, it is essential that a uniform and consistent labeling system be maintained in order to assure its maximum

effectiveness. Also, there are occurrences which necessitate the "breaking up" of truckload lots even though not intended at the time of shipment. The petitioners' request that truckload quantities by common carriers be included in this amendment are hereby denied.

The alternative marking system is responsive to the statement made in the earlier amendment concerning the degree of hazard of the gas contained in the cylinder. The Board stated that the cylinder itself signifies to some degree the presence of a hazard. This system distinguishes between flammable and nonflammable compressed gases. Another convincing contention is the likelihood that the alternative markings will be maintained on cylinders more than labels following delivery, and will thus improve safety in many sectors perhaps not subject to the Department's regulations.

Additional time will be needed to apply the alternative markings to millions of cylinders. Therefore, the effective date of these amendments as they apply to the transportation of compressed gases classed as "flammable" or "nonflammable" by contract and private motor carriage, is extended to October 1, 1971. Otherwise, the amendments are effective on June 10, 1971, as specified in the earlier amendment. Only those portions of amendments 173–41 and 177–15 pertaining to transportation of compressed gases by contract and private motor carrier are being amended. However, to avoid confusion, all amendments made under Docket No. HM–28 are set forth in this document.

In consideration of the foregoing, amendments 173–41 and 177–15, originally published in the FEDERAL REGISTER January 30, 1971 are amended as follows:

I. Part 173:

(A) In § 173.402, paragraph (c) is amended; paragraph (d) is added; paragraph (e) is canceled, as follows:

§ 173.402 **Labeling of hazardous materials.**

* * * * *

(c) Labels are not required on packages containing hazardous materials when the packages are—

(1) Loaded and unloaded under the supervision of Department of Defense personnel, and

(2) Under escort by Department of Defense personnel in a separate vehicle.

(d) Labels are not required on cylinders containing compressed gases classed as flammable or nonflammable when the cylinders—

(1) Are carried by private and contract motor carriers,

(2) Are not overpacked, and

(3) Are durably and legibly marked in accordance with CGA Pamphlet C–7,[1] Appendix A, dated May 15, 1971 entitled "A Guide for the Preparation of Precautionary Markings for Compressed Gas Containers."

(e) [Canceled]

(B) In § 173.404, paragraph (h) is canceled as follows:

§ 173.404 **Labels.**

* * * * *

(h) [Canceled]

II. Part 177:

In § 177.815, paragraphs (a) and (b) are amended; paragraph (c) is added; paragraph (d) is canceled, as follows:

§ 177.815 **Labels.**

(a) Labels prescribed in §§ 173.402 through 173.414 of this chapter must have been applied to packages by the shipper, unless exempted from the labeling requirements, the exemption being noted on the shipping papers.

(b) Labels are not required on packages containing hazardous materials when the packages are—

(1) Loaded and unloaded under the supervision of Department of Defense personnel, and

(2) Under escort by Department of Defense personnel in a separate vehicle.

(c) Labels are not required on cylinders containing compressed gases classed as flammable or nonflammable when the cylinders—

(1) Are carried by private and contract motor carriers,

(2) Are not overpacked, and

(3) Are durably and legibly marked in accordance with CGA Pamphlet C–7,[1] Appendix A, dated May 15, 1971, entitled "A Guide for the Preparation of Precautionary Markings for Compressed Gas Containers."

(d) [Canceled]

* * * * *

(Secs. 831–835, Title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on May 14, 1971.

KENNETH L. PIERSON,
Acting Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc.71–6989 Filed 5–18–71;8:50 am]

[1] Copies of CGA Pamphlet C–7, Appendix A, may be obtained from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036, and the National LP-Gas Association, 79 West Monroe Street, Chicago, IL 60603.

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. FRA–LI–3; Notice 1]

PART 230—LOCOMOTIVE INSPECTION

Reporting and Recordkeeping Requirements

On March 31, 1971, the Federal Railroad Administration published a proposed amendment to Part 230 (36 F.R. 5919) to remove certain reporting and recordkeeping requirements for locomotive specifications that are no longer considered necessary to administer the Locomotive Inspection Act, as amended (45 U.S.C. 22–34).

Interested parties were invited to submit written data, views, or arguments. No comments on the proposed amendment have been received.

In consideration of the foregoing, Part 230 is amended as follows:

Sections 230.328 and 230.449 are revoked and the entries for these sections in the table of contents are deleted.

(Secs. 2 and 5, 36 Stat. 913, 914; 45 U.S.C. 23, 28; sec. 6 (e) and (f), 80 Stat. 939, 940; 49 U.S.C. 1655)

Effective date. This amendment is effective 30 days after publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on May 13, 1971.

CARL V. LYON,
Acting Administrator.

[FR Doc.71–6988 Filed 5–18–71;8:50 am]

[1] Copies of CGA Pamphlet C–7, Appendix A, may be obtained from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036, and the National LP-Gas Association, 79 West Monroe Street, Chicago, IL 60603.

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends Motor Vehicle Safety Standard No. 108 to delete the 300-candlepower limitation on motorcycle amber rear turn signals, to adopt an interlamp spacing of 9 inches for motorcycle rear turn signal lamps, and to extend to January 1, 1973, the effective date by which passenger cars and vehicles less than 80 inches in overall width must be manufactured with self-canceling turn-signal units.

In response to petitions for reconsideration of Motor Vehicle Safety Standard No. 108 (35 F.R. 16840), certain amendments to the standard were published on February 3, 1971 (36 F.R. 1896). Action was deferred on other petitions pending further reconsideration. The National Highway Traffic Safety Administration has concluded its review of these petitions and is further amending Standard No. 108. General Motors, Japan Automobile Manufacturers Association, Inc., and Kawasaki Motors Corp. objected that the 300-candlepower limitation on motorcycle amber rear turn signals is unduly restrictive. Since the candlepower limitation would not have become effective until January 1, 1973, and since the Administration has not proposed similar restrictions on amber rear turn signals for other motor vehicles, these petitions are granted, and S4.1.1.11 is deleted. The NHTSA will address the overall problem of candlepower limitations, along with that of rear turn signal color, in a proposal currently under formulation.

Motorcycle Industry Council, Harley-Davidson, and Kawasaki objected to the spacing requirements for motorcycle turn signal lamps and requested that the spacing recommended by the SAE, 9 inches front and rear, be adopted instead. The Administration has decided to grant the petitions insofar as they concern spacing of rear turn signals. Petitioners are concerned about the durability and injury potential of turn signal lamps spaced 12 inches apart at the rear of a motorcycle. While it appears true that wider spacing of turn signals at the rear create a greater likelihood of damage to the units should the motorcycle fall, this is not considered significant justification for spacing less than 12 inches. Rather, the crash injury problem appears of greater importance. While spacing of rear turn signal lamps at 12 inches does not appear to present a significant injury threat to pedestrians, it may present a hazard to operators and passengers when the vehicle is involved in a collision or falls over. This agency intends to evaluate motorcycle rear turn signal lamp spacing for injury potential in its motorcycle crash injury research program for the current fiscal year, and to reinstate the 12-inch requirement if such spacing does not appear to present a significant potential hazard. Table IV is hereby amended to specify 9 inches as the minimum horizontal separation distance for motorcycle turn signal lamps at the rear.

The motorcycle industry has also expressed its concern about the durability and injury potential of front turn signal lamps spaced 16 inches apart, as well as whether the spacing is justified by available data. Tests conducted by the Road Research Laboratory and SAE provide adequate support, not only for the 16-inch spacing at the front but also for the 12-inch spacing at the rear. Since front turn signal lamps are generally protected by handlebars and durability and injury potential do not appear to be significant, the Administration has decided to retain the 16-inch spacing for motorcycle front turn signal lamps.

In addition, Citroen has brought to the attention of the Administration the facts that its vehicles exported to the United States are not equipped with, and are not currently designed to be equipped with, self-canceling turn signals. Because of the modifications required in the panel control, dashboard, and steering column, it avers that it cannot comply until January 1, 1973, and has petitioned that the effective date of S4.1.1.5 be extended. Since virtually all other motor vehicle manufacturers presently comply with this requirement, the granting of this petition would not cause a significant degradation of motor vehicle safety, and S4.1.1.5 is amened accordingly.

Finally, the word "red" inadvertently was included in the first sentence of S4.1.1.7 and is hereby deleted.

In consideration of the foregoing, § 571.21 is amended as follows:

1. S4.1.1.5 is amended to read:

S4.1.1.5 The turn signal operating unit on each passenger car, and multipurpose passenger vehicle, truck, and bus less than 80 inches in overall width manufactured on or after January 1, 1973, shall be self-canceling by steering wheel rotation and capable of cancellation by a manually operated control.

2. In S4.1.1.7 the word "red" appearing between "Class A" and "turn signal lamps" is deleted.

3. S4.1.1.11 is deleted, in S4.1.1 the reference to "S4.1.1.16" is changed to "S4.1.1.15," and S4.1.1.12, S4.1.1.13, S4.1.1.14, S4.1.1.15, and S4.1.1.16 are renumbered S4.1.1.11, S4.1.1.12, S4.1.1.13, S4.1.1.14, and S4.1.1.15 respectively.

4. In Table IV, under Motorcycles Column 3 for turn signal lamps, the dimension "2 inches" for turn signals at or near the rear is changed to "9 inches."

Effective date: January 1, 1972.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator (49 CFR 1.51))

Issued on May 13, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-6944 Filed 5-18-71;8:48 am]

Chapter X—Interstate Commerce Commission

PART 1202—ELECTRIC RAILWAYS

PART 1208—MARITIME CARRIERS

Correction

MAY 14, 1971.

The Water-line Operating and Expense Statement properly appearing in Part 1208 of Chapter X at page 419 of the 1971 Code of Federal Regulations, was inadvertently reproduced in Part 1202 at page 129 of said publication.

This statement should be stricken from Part 1202 and copies of the Code of Federal Regulations corrected accordingly.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6970 Filed 5-18-71;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 22]

FOREIGN-BUILT JET AIRCRAFT ENGINES PROCESSED IN UNITED STATES WITH IMPORTED MERCHANDISE

Proposed Drawback Regulations

Section 313 of the Tariff Act of 1930, as amended (19 U.S.C. 1313), was further amended by section 3(a) of Public Law 91-692, approved January 12, 1971, to redesignate subsections (h), (i), and (j) as (i), (j), and (k), respectively, and to add a new subsection (h).

Subsection (h) of section 313 provides that upon the exportation of jet aircraft engines manufactured or produced abroad that have been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, the duties paid thereon shall be refunded in amounts not less than $100. Refund is conditioned upon satisfactory proof that such imported merchandise has been so used.

Notice is hereby given that under the authority of section 313 of the Tariff Act of 1930, as amended, it is proposed to prescribe regulations applicable to drawback entries filed under subsection (h) of said section 313.

The amendments are set forth in tentative form as follows:

Part 22 is amended to add a new centerhead and section to read:

FOREIGN-BUILT JET AIRCRAFT ENGINES PROCESSED IN THE UNITED STATES

§ 22.26a **Drawback allowance.**

(a) Upon the exportation of jet aircraft engines manufactured or produced abroad that have been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, there shall be refunded, upon satisfactory proof that such imported merchandise has been so used, the duties which have been paid thereon, in amounts not less than $100.[1a]

(b) Drawback entries shall be filed on Customs Form 7575-A appropriately modified to show that the entry covers jet aircraft engines processed under section 1313(h), Tariff Act of 1930, as amended. The entry shall show the country in which each engine was manufactured and describe the processing performed thereon in the United States.

(c) Drawback of duties found due shall be refunded in aggregate amounts of not less than $100 in accordance with the regulations in this part covering manufactured articles except that there shall be no deduction of 1 percent from the amount of the duties paid.

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U.S.C. 1313, 1624)

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

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

Approved: May 10, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6984 Filed 5-18-71;8:50 am]

[1a] "(h) Upon the exportation of jet aircraft engines manufactured or produced abroad that have been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, there shall be refunded, upon satisfactory proof that such imported merchandise has been so used, the duties which have been paid thereon, in amounts not less than $100." (Subsection (h), section 313, Tariff Act of 1930, as amended (19 U.S.C. 1313(h).)

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 814]

1971 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) the Secretary of Agriculture has, after due notice (35 F.R. 17953) and hearing, found that allotment of the 1971 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and has established preliminary allotments of a portion of such quota, until the date allotments of the 1971 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed on the basis of a subsequent hearing.

Notice is hereby given that a public hearing will be held in Pensacola, Fla., at Rodeway Inn, Palafox and Cervantes on June 9, 1971, at 10 a.m., e.d.t., for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the entire calendar year 1971 among persons who process and market sugar produced from surgarcane grown in the Mainland Cane Sugar Area. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or change the finding which has been made with respect to necessity for allotment and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as well as the need for establishing allotments as may be necessary to avoid unreasonable carryover of sugar, as provided in section 205(a) of the Act; (2) the manner in which marketings within allotments shall be restricted; and (3) a provision for the transfer of allotments.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) alloting any increase or decrease in the quota; (2) prorating any deficit in the allotment for any allottee; and (3) substituting revised estimates or final data for estimates of such data wherever estimates are used in the formulation of an allotment of the quota.

Signed at Washington, D.C., on May 13, 1971.

CARL C. FARRINGTON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-6978 Filed 5-18-71;8:49 am]

Consumer and Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Limitation of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of limes grown in Florida by establishing grades and sizes, pursuant to § 911.52 *Issuance of regulations*, which was recommended by the Florida Lime Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. 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 recommendations by the Florida Lime Administrative Committee reflect its appraisal of the Florida lime crop and the current and prospective market conditions. While shipments of limes for the current season are currently underway a heavier volume of shipments is expected to begin on or about June 1, 1971. The size and grade requirements specified herein are necessary to prevent the handling, on and after June 1, 1971, of limes that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 911.332 Lime Regulation 30.

(a) Order: During the period June 1, 1971, through April 30, 1972, no handler shall handle:

(1) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Turning: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) limes shall apply; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirements.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title).

Dated: May 17, 1971.

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

[FR Doc.71-7013 Filed 5-17-71;12:35 pm]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

[32A CFR Ch. VI]

COPPER AND COPPER-BASE ALLOYS

Proposed Domestic Refined Copper Set-Aside

Notice is hereby given that the Director, Bureau of Domestic Commerce, pursuant to section 704 of the Defense Production Act of 1950, as amended and extended (50) U.S.C. App. 2154), and Executive Order 10480, as amended, is proposing the issuance of a Direction to DMS Order 4 (formerly BDSA Order M–11A) Copper and Copper-Base Alloys for the establishment of set-asides on domestic refined copper.

Interested persons who desire to file written views or comments on the proposed direction should file them, in triplicate, with the Director, Bureau of Domestic Commerce, Attention: Executive Secretary, U.S. Department of Commerce, Washington, D.C. 20230, within 30 days from date of publication of this notice in the FEDERAL REGISTER.

The proposed direction is presented below:

Section 1 What this direction does.

This direction applies to producers of domestic refined copper. It contains rules pertaining to the opening of order books, the acceptance and rejection of rated orders, and establishes a set-aside for the required acceptance of such orders by producers of domestic refined copper on an equitable basis.

Sec. 2 Definitions.

As used in this direction:

(a) "Person" means any individual, corporation, partnership, association, or other organized group of persons, and includes any agency of the U.S. Government or any other government.

(b) "BDC" means the Bureau of Domestic Commerce of the U.S. Department of Commerce.

(c) "Domestic refined copper" means copper metal made from ores mined in the continental United States which has been refined by any process of electrolysis, electrowinning, or firerefining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. It does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, powdermill products, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products, or refined copper produced from secondary metal.

(d) "Producer of domestic refined copper" means any person who produces domestic refined copper for his own account in his own facility or who contracts for its production elsewhere from his own raw materials for his account under toll arrangements.

(e) "Controlled material" means steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of DMS Reg. 1, as amended.

(f) "Controlled material producer" means any person who produces a controlled material. For purposes of this direction only, the term "controlled material producer" includes a producer of an intermediate shape as such shape is defined in section 2(m)(11) of DMS Order 4, as amended.

(g) "Rated order" means any purchase order, contract, or other form of procurement for materials or services bearing an authorized rating and the certification required by DPS Reg. 1 (formerly BDSA Reg. 2), DMS Reg. 1 or any other applicable regulation or order of BDC.

(h) "Mandatory acceptance order" means any authorized controlled material order, rated order, or any other purchase or delivery order, which a person is required to accept pursuant to any regulation or order of BDC, or pursuant to a specific authorization or directive of BDC.

(i) "Average monthly production of domestic refined copper" means the monthly average quantity of domestic refined copper produced by a producer of domestic refined copper in calendar year 1970, including any domestic refined copper produced for his account by another person under toll arrangements.

Sec. 3 Use of rated orders for domestic refined copper.

A controlled material producer (as defined in section 2(f) of this direction) must use the rating DO–D1 or DX–D1, as the case may be, to obtain domestic refined copper needed to fill mandatory acceptance orders or to replace in inventory domestic refined copper used by him to fill such orders: *Provided*, That such ratings shall not be used to obtain a quantity of domestic refined copper in excess of the quantity of copper contained in the controlled material or intermediate shape produced or to be produced therefrom.

Sec. 4 Leadtime requirements for the acceptance of rated orders for domestic refined copper.

Notwithstanding the provisions of any BDC regulation or order, a producer need not accept a rated order for domestic refined copper which he receives less than 40 days before the beginning of the month in which delivery is called for in such order: *Provided however*, That this limitation shall not apply to DX rated orders nor to directives issues by BDC requiring acceptance after that date.

Sec. 5 Acceptance of rated orders.

(a) Each producer of domestic refined copper shall, after receipt of any rated order tendered to him, promptly accept or reject such order. Receipt of a rated order shall not be deemed to have occurred until the order is received at the place where the producer usually processes such an order. Upon such acceptance or rejection, he shall promptly notify, by letter or telegram, the person who tendered the order, of such acceptance or rejection. For the purpose of this paragraph, the word "promptly" shall mean as soon as possible, but in no event later than 5 consecutive calendar days after receipt.

(b) Each producer of domestic refined copper must comply with such production and other directives as may be issued from time to time by BDC and with the provisions of DPS Reg. 1 and of all other applicable regulations and orders of BDC.

Sec. 6 Rejection of rated orders.

A producer of domestic refined copper must accept all mandatory acceptance orders: *Provided, however,* He may reject rated orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is received from a person other than a controlled material producer.

(2) If the order is received after the 40th day preceding the month of delivery requested in the order: *Provided,* That a DX order must be accepted without regard to this provision unless it is impracticable for him to make delivery within the required delivery month, in which event, he must accept such order for the earliest practicable delivery date: *Provided further,* That acceptance of a DX order by a producer of domestic refined copper prior to the date he opens his order books shall not effect an opening of his books so as to require acceptance of other orders for domestic refined copper.

(3) If the order is one for less than 20,000 pounds.

(4) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(5) If the order calls for delivery of a quantity of domestic refined copper which, together with the quantity of that material for which he had previously accepted rated orders for delivery during the same month, would exceed the quantity of that material which he is required to reserve pursuant to section 8 of this direction: *Provided, however,* That a DX order must be accepted even though the set-aside has been or will be exceeded by such acceptance.

Sec. 7 Priority status of delivery orders.

Each producer of domestic refined copper who accepts rated orders for domestic refined copper pursuant to this direction shall make delivery pursuant to such orders in preference to any other delivery order for domestic refined copper which is not a rated order. However, a delivery order for domestic refined copper pursuant to a directive issued by BDC shall take precedence over any other delivery order (including rated orders) previously or subsequently received.

Sec. 8 Reserved portion of production (set-aside).

From the date of opening his books for the acceptance of rated orders for domestic refined copper for shipment in any month, each producer of domestic refined copper shall reserve at least 13 percent of his average monthly production of domestic refined copper (as defined in section 2(i) of this direction) for the acceptance of such rated orders until the quantity of domestic refined copper for which he has accepted such rated orders is equal to at least the quantity thereof he is required to reserve, as indicated above: *Provided, however,* That DX rated orders must be accepted in accordance with the provisos contained in section 6 (2) and (5) above.

Sec. 9 Records and reports.

(a) Producers of domestic refined copper shall make and preserve for at least 3 years thereafter, accurate and complete records of production, receipts, sales, and deliveries of domestic refined copper. Such records shall include, but shall not be limited to, all rated orders received by such producers. Records shall be maintained in sufficient detail to permit the determination after audit whether each transaction involving rated orders complies with the provisions of this direction. This direction does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided the records required herein are maintained. Records may be retained in the form of microfilm, or other photographic copies or in the storage devices of automatic data processing equipment, instead of the originals by the producer of domestic refined copper who, at the time such microfilm or other photographic copies or magnetic tapes are made, maintains such types of record information in the regular and usual course of business.

(b) All records required by this direction shall be made available for inspection and audit by duly authorized representatives of the Bureau of Domestic Commerce at the usual place of business where maintained.

(c) Producers of domestic refined copper subject to this direction shall make such records and submit such reports to BDC as it shall require subject to the terms of the Federal Reports Act of 1942 (5 U.S.C. 139–139f).

Sec. 10 Communications.

All communications concerning this direction shall be addressed to the Bureau of Domestic Commerce, Washington, D.C. 20230. Ref: DMS Order 4.

BUREAU OF DOMESTIC COMMERCE,
HUDSON B. DRAKE,
Director.

[FR Doc.71-6952 Filed 5-18-71;8:49 am]

[32A CFR Ch. VI]

BASIC RULES OF THE PRIORITIES SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that the Director, Bureau of Domestic Commerce, pursuant to section 704 of the Defense Production Act of 1950, as amended and extended (50 U.S.C. App. 2154), and Executive Order 10480, as amended, is proposing to amend the provisions of DPS Reg. 1, Amendment 5, by excluding domestic refined copper from the category of items not subject to ratings, thereby making domestic refined copper subject to ratings.

Interested persons who desire to file written views or comments on the proposed amendment should file them, in triplicate, with the Director, Bureau of Domestic Commerce, Attention: Executive Secretary, U.S. Department of Commerce, Washington, D.C. 20230, within 30 days of publication of this notice in the FEDERAL REGISTER.

The proposed amendment is presented below:

Item 1 of List A of DPS Regulation 1 is hereby amended to read as follows:

1. The following items are not presently subject to ratings issued by or under the authority of BDC, and therefore no rating shall be effective to obtain any of them:

Communications services.
Copper raw materials as that term is defined in DMS Order 4 (formerly BDSA M–11A), except intermediate shapes (as defined in that order), and domestic refined copper (which means copper metal made from ores mined in the continental United States which has been refined by any process of electrolysis, electrowinning or fire-refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. It does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, powdermill products, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products, or refined copper produced from secondary metal).
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.
Wood pulp.

Item 2 of List A of DPS Reg. 1 (formerly BDSA Reg. 2) is hereby amended by changing paragraph (e) thereunder to read as follows:

(e) Radioisotopes, stable isotopes, source, and fissionable materials, produced by Government-owned plants or facilities operated by or for the Atomic Energy Commission.

and by deleting footnote 2 therefrom.

BUREAU OF DOMESTIC COMMERCE,
HUDSON B. DRAKE,
Director.

[FR Doc.71-6953 Filed 5-18-71;8:49 am]

National Oceanic and Atmospheric Administration

[50 CFR Part 258]

FISHERMEN'S PROTECTIVE ACT PROCEDURES

Notice of Proposed Rule Making

MAY 14, 1971.

Pursuant to the authority contained in section 7 of the Fishermen's Protective Act of 1967 (Public Law 90–482; 22 U.S.C. 1977), and Reorganization Plan No. 4 of 1970, appearing in 35 F.R. 15627 (1970), it is proposed to amend the Fishermen's Protective Act Procedures to reflect the provisions of Reorganization Plan No. 4 of 1970 and to provide for new fee schedules and procedures in connection therewith.

Section 7 of the Fishermen's Protective Act of 1967 and Reorganization Plan No. 4 of 1970, among other things, authorized the Secretary of Commerce to set fees to be charged for the furnishing of a guarantee agreement. The Fishermen's Protective Act Procedures, which became effective February 9, 1969, established fees, based on anticipated losses, to provide for payment of the administrative costs and at least one-third of the estimated claims to be paid from the Fishermen's Protective Fund. Experience to date in the payment of claims under this program indicates that a change in the existing fee schedule is not warranted at this time. However, to allow for (i) adjustment of fees for guarantee agreements executed on or after July 1, 1971, and (ii) credits for fees paid on guarantee agreements executed after January 1, 1971, certain revisions in the regulations are required.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed procedures to the Director, National Marine Fisheries Service, Attention: Chief, Division of Financial Assistance (F224), 1801 North Moore Street, Arlington, VA 22209, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sec.

AUTHORITY: The provisions of this Part 258 issued under section 7 of the Fishermen's Protective Act of 1967 (Public Law 90–482; 22 U.S.C. 1977) and Reorganization Plan No. 4 of 1970.

§ 258.1 Definition of terms.

For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of Commerce or his authorized representative.

(b) *Owner.* The registered owner or owners of a commercial fishing vessel, or a bareboat charterer of a commercial fishing vessel.

(c) *Act.* The Fishermen's Protective Act of 1967 (22 U.S.C. 1971–1977, as amended).

(d) *Fishermen's Protective Fund.* The account established in the Treasury of the United States under the provisions of section 7(c) of the Act.

(e) *Commercial fishing vessel.* A vessel licensed or enrolled and licensed as a fishing vessel of the United States engaged in catching, or catching and processing, fish and/or shellfish.

(f) *Seized.* Placed under arrest and detained by a foreign country for alleged illegal fishing.

§ 258.2 Purposes of Fishermen's Protective Fund.

The broad objective of the Fishermen's Protective Fund is to provide for reimbursement of losses and costs (other than fines, license fees, registration fees, and other direct costs which are reimbursable through the Secretary of State) incurred as a result of the seizure of a U.S. commercial fishing vessel by a foreign country on the basis of rights or claims in territorial waters or on the high seas which are not recognized by the United States.

§ 258.3 Eligibility.

Any Owner of a commercial fishing vessel documented or certified in the United States is eligible to apply for an agreement with the Secretary providing for a guarantee in accordance with section 7(a) of the Act.

§ 258.4 Applications.

Any Owner desiring to enter into an agreement with the Secretary under the authority of section 7(a) of the Act shall make application to the National Marine Fisheries Service, Attention: Chief, Division of Financial Assistance (F224), 1801 North Moore Street, Arlington, VA 22209, upon application form furnished by that Service. The application shall be accompanied by a fee in the amount prescribed in the paragraph immediately below.

§ 258.5 Fees.

(a) The fees are established to provide for payment of the administrative costs and at least one-third of the estimated claims to be paid from the fund. They are set on the basis of anticipated losses and prior experience. The fees may be adjusted from time to time by amendment to this part at any time, after appropriate notice, in order to meet the requirements of the Act.

(b) Fees to be paid by an applicant for guarantee agreements terminating on June 30, 1972, shall be as follows: For each vessel $60 plus $1.80 per gross ton as listed on the vessel's documents. Fractions of a ton are not included.

(c) Any applicant covered by a guarantee agreement executed between January 1 and March 31, 1971, desiring to execute a new guarantee agreement, shall be entitled to a credit of $15 for each vessel plus $0.45 per gross ton as listed on the vessel's documents. Fractions of a ton are not included. To obtain such credit the application and balance of fee must be received as herein prescribed prior to September 1, 1971.

(d) Any applicant covered by a guarantee agreement executed between April 1 and June 30, 1971, desiring to execute a new guarantee agreement, shall be entitled to a credit of $45 for each vessel plus $1.35 per gross ton as listed on the vessel's documents. Fractions of a ton are not included. To obtain such credit the application and balance of fee must be received as herein prescribed prior to September 1, 1971.

(e) No return of a fee or portion of a fee will be made after a guarantee agreement is executed by the Secretary. Failure to pay increased fees within 30 days of adjustment shall constitute a basis for termination of the guarantee agreement.

(f) A guarantee agreement may, with the consent of the Secretary, be assigned to a new Owner of a vessel if the ownership of the vessel is transferred during the period in which the agreement is in force.

§ 258.6 Insurance required.

In order to qualify for an agreement executed under this part, the vessel must be insured during the period of the agreement with hull and machinery insurance and protection and indemnity insurance in an amount and form satisfactory to the Secretary.

§ 258.7 Approval of applications.

The approval of an application shall be evidenced by the execution of the agreement by the Secretary and the agreement shall be in effect from the time of its effective date.

§ 258.8 Payment of claims.

(a) In case of a cost or loss resulting in a claim under an agreement, the claim shall be filed in duplicate with the Director, National Marine Fisheries Service, Attention: Chief, Division of Financial Assistance (F224), 1801 North Moore Street, Arlington, VA 22209. The Director will obtain verification of certain essential facts regarding the seizure from the Department of State. Payments shall be made as promptly as practicable but may at times be delayed pending appropriation of necessary funds.

(b) The burden of proving all damages shall be upon the guaranteed party.

(c) No payment shall be made on a claim caused by negligence of the owner, captain or crew.

(d) No payment shall be made on a claim unless all fees due have been paid in full.

(e) Each claim filed shall contain an authorization to all International, Federal, State, or local government agencies to furnish the National Marine Fisheries Service with any data or information relating to the operation of the vessel involved in the claim which the Secretary

deems necessary for adjudication of the claim.

(f) No claim shall be paid unless the vessel involved and covered by a guarantee agreement is properly documented as a vessel of the United States at the time of the seizure.

(g) No claim of any crew member who is not a citizen or an alien legally domiciled in the United States will be considered.

(h) In case of the loss or confiscation of a vessel or gear resulting in a claim, the value of the vessel or gear for the purpose of settling the claim shall be the market value as determined by the Secretary.

(i) The value used in determining claims involving the catch of the vessel will be that paid in the port and on the date of the first arrival of the vessel in the United States as determined by the Secretary. If the vessel does not return to a port of the United States, the value used will be determined by the Secretary after consideration of the circumstances involved.

(j) Original documents or certified copies of receipts and other documents required as verification of losses must be provided.

(k) All assureds shall pursue any claim under commercial insurance covering identical loss or losses as the Secretary may determine to be necessary prior to application for payment under this part.

§ 258.9 Records.

The Secretary shall have the right to inspect such books and records of the owner as the Secretary may deem necessary in processing a claim under this part.

PHILIP M. ROEDEL,
Director.

[FR Doc.71-7035 Filed 5-18-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-71]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 12, 37, and 276.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. Realign V-12 segment from Newcomerstown, Ohio, direct Allegheny, Pa.; direct Johnstown, Pa.

2. Realign V-37 segment from Morgantown, W. Va., via the intersection of Morgantown 337° T (342° M) and Ellwood City, Pa., 177° T (182° M) radials; Ellwood City; direct to Erie, Pa.

3. Extend V-276 airway from Clarion, Pa., via Franklin, Pa., to Erie, Pa.

The proposed realignments of V-12 and V-37 segments will provide a basic airway structure for instrument flight rule air traffic overflying the Pittsburgh area. The proposed extension of V-276 will provide a replacement route for V-37 presently designated between Clarion and Erie.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on May 12, 1971.

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

[FR Doc.71-6938 Filed 5-18-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 79-SO-81]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Hopkinsville, Ky., control zone and 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 21 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 Hopkinsville control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

Within a 5-mile radius of Campbell AAF (lat. 36°40'23" N., long. 87°29'27" W.); within 1.5 miles each side of Campbell TACAN 053° radial, extending from the 5-mile-radius zone to 5.5 miles northeast of the TACAN; within 1.5 miles each side of the 224° bearing from Campbell RBN, extending from the 5-mile-radius zone to 0.5 mile southwest of the RBN; within a 5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15" N., long. 87°24'52" W.); within 3 miles each side of Clarksville VOR 171° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR.

The Hopkinsville transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Campbell AAF (lat. 36°40'23" N., long. 87°29'27" W.); within 3 miles each side of the 044° bearing from Campbell RBN, extending from the 8.5-mile-radius area to 8.5 miles northeast of the RBN; within an 8.5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15" N., long. 87°24'52" W.).

The proposed alterations are required to provide controlled airspace protection for IFR operations at Campbell AAF and Outlaw Field in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria.

The Commander, Campbell Army Air Field, to eliminate the requirement for excessively long control zone and transition area extensions, has agreed to revise the following:

1. AL-679 NDB(ADF)-1 Runway 22 Instrument Approach Procedure to eliminate the holding pattern approach by establishing a procedure turn within 10 nautical miles of the NDB at 2,100 feet MSL.

2. JAL-679 NDB(ADF)-2 Runway 22 Instrument Approach Procedure to raise the altitude over the NDB on final approach to 2,100 feet MSL.

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 May 7, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-6939 Filed 5-18-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-82]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Raleigh, N.C., 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 may 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 Raleigh transition area described in § 71.181 (36 F.R. 2140) would be amended as follows: "* * * 18.5 miles southwest of the VORTAC * * *." would be deleted and "* * * 18.5 miles southwest of the VORTAC; within a 5-mile radius of Raleigh Municipal Airport (lat. 35°44'05" N., long. 78°39'23" W.) * * *." would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Raleigh Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Raleigh-Durham VORTAC, is proposed in conjunction with the alteration of this transition 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 May 5, 1971.

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

[FR Doc.71-6940 Filed 5-18-71;8:48 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 71-SW-9]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Parts 71 and 73 of the Federal Aviation Regulations that would alter Restricted Area R-2403 and the Continental Control Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, 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. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Restricted Area R-2403 at Little Rock, Ark., presently encompasses an area 6¼ by 4¼ statute miles, from the surface to 6,000 feet MSL.

Because of a requirement to establish an acceptable degree of realism for high angle artillery firing training, the existing R-2403 no longer meets the needs of the Arkansas Army National Guard. In conjunction with this, alleviation of restrictions on air traffic in the Little Rock terminal area is also a requirement.

This proposal would expand the southern boundary of the present area by one-fourth NM and increase the altitude from 6,000 feet MSL to 16,000 feet MSL. Also, the area will be divided into two areas, identified as R-2403A and R-2403B. Use of the combined A and B areas will be required approximately three to four weekends annually. Other weekends will require only the northern portion of the area (R-2403A) thus releasing the southern portion (R-2403B) for air traffic use.

If the proposal contained in this docket is adopted, R-2403 would be altered and renumbered as follows:

R-2403A LITTLE ROCK, ARK.

Boundaries: Beginning at lat. 34°57'00" N., long. 92°15'00" W.; to lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to lat. 34°57'00" N., long. 92°19'30" W.; to point of beginning.

Designated altitudes: Surface to 16,000 feet MSL.

Time of designation: 0700 Saturday to 1700 Sunday.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Arkansas Army National Guard.

R-2403B LITTLE ROCK, ARK.

Boundaries: Beginning at lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°15'00 W.; to lat. 34°51'45" N., long. 92°19'30" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to point of beginning.

Designated altitudes: Surface to 16,000 feet MSL.

Time of designation: 0700 Saturday to 1700 Sunday. Activated only by NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Arkansas Army National Guard.

The Continental Control Area would be altered by adding the Little Rock, Ark., Restricted Areas R-2403 A and B.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 6, 1971.

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

[FR Doc.71-6941 Filed 5-18-71;8:48 am]

[14 CFR Parts 71, 75]

[Airspace Docket No. 71-WE-7]

FEDERAL AIRWAYS AND JET ROUTES

Proposed Alterations and Designation

The Federal Aviation Administration is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would provide shorter, more direct and alternate routes and provide greater flexibility in the handling of air traffic arriving/departing the Phoenix, Ariz., area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW.,

Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

To implement these amendments, the following actions would be taken:

1. Redesignate VOR Federal airway No. 190 segment to include a north alternate from Phoenix to St. Johns, Ariz., via the intersection of Phoenix 051° T (037° M) and St. Johns 263° T (249° M) radials.

2. Realign VOR Federal airway No. 264 segment from Prescott, Ariz., to St. Johns via Winslow, Ariz.

3. Extend J–102 from Alamosa, Colo., to Phoenix via Gallup, N. Mex.

4. Designate J–161 from Phoenix via the intersection of Phoenix 066° T (052° M) and Gallup 214° T (200° M) radials; Gallup to Farmington, N. Mex.

5. Designate J–157 from St. Johns to Alamosa.

6. Designate J–163 from St. Johns to Farmington via Gallup.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 12, 1971.

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

[FR Doc.71-6942 Filed 5-18-71;8:48 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545, 555]

[No. 71-448]

FEDERAL SAVINGS AND LOAN SYSTEM

Servicing of Loans by Federal Savings and Loan Associations for Others

MAY 13, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 545 and 555 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 545, 555) for the purposes of adding specific regulatory provisions governing the servicing of loans by Federal savings and loan associations and rescinding a ruling relating thereto. Accordingly, the Federal Home Loan Bank Board proposes to amend said Parts 545 and 555 as follows:

1. Amend Part 545 by adding a new § 545.11, immediately after § 545.10 thereof, to read as follows:

§ 545.11 Servicing of loans.

A Federal association may service any loan which it owns and any loan in which it has a participation interest. In addition, a Federal association may service for others any loan in which—

(a) Such association has owned any interest at any time;

(b) The Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association has owned any interest at any time;

(c) A member of such association owns any interest; or

(d) An institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation owns any interest if such loan was originated or purchased pursuant to any of the provisions of § 563.9(a) of this chapter.

§ 555.4 [Amended]

2. Amend Part 555 by rescinding paragraph (b) of § 555.4 thereof.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by June 7, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-6985 Filed 5-18-71;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6208]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Post Office Department, Denver, Colo., has filed an application, Serial No. A 6208, for the withdrawal of certain land near Bullhead City, Ariz., from all forms of location, sale, or entry under the mineral and nonmineral public land laws, subject to valid existing rights. The lands have been continuously withdrawn for Reclamation purposes since October 16, 1931.

The Post Office Department desires the land to construct a post office near Bullhead City, Ariz.

Any person wishing to submit comments, suggestions, or objections in connection with the proposed withdrawal may present his views in writing to the State Director of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, AZ 85025, until June 21, 1971.

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

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.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 20 N., R. 22 W.,
Sec. 20, N. 140' of W. 290' (except W. 50') of the S½NW¼;

The area described aggregates approximately 0.77 of an acre.

JOE T. FALLINI,
State Director.

MAY 12, 1971.

[FR Doc.71-6958 Filed 5-18-71;8:45 am]

[OR 7308 (Wash)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MAY 12, 1971.

In F.R. Doc. 71-6236 of the issue for Wednesday, May 5, 1971, page 8408, under Cene Rock Pit No. 2765-0.0, the following change should be made so that the land description reads: "sec. 18" instead of "sec. 16."

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71-6971 Filed 5-18-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PAWNEE NATIONAL GRASSLANDS, COLO.

Transfer of Administration of Certain Lands From Forest Service to Agricultural Research Service

Pursuant to the authority vested in me by section 32(c) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011), as amended, and the delegation of authority and assignment of functions by the Secretary of Agriculture dated November 27, 1964 (29 F.R. 16210), the SW¼NW¼ of sec. 28, T. 10 N., R. 65 W., 6th Principal Meridian, Pawnee National Grasslands, Colo., is transferred from the Forest Service to the Agricultural Research Service for use, administration or disposition in connection with the Central Plains Experimental Range.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER (5-19-71).

T. K. COWDEN,
Assistant Secretary.

MAY 14, 1971.

[FR Doc.71-6980 Filed 5-18-71;8:50 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 30-3B]

PATENT OFFICE

Organization and Functions

This material supersedes the material appearing at 35 F.R. 18553 of December 5, 1970.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Patent Office.

SEC. 2. *Organization Structure.* The principal organization structure and line of authority of the Patent Office shall be as depicted in the attached organization chart. (A copy of the Organization Chart is on file with the original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Commissioner.* The Commissioner determines the policies and directs the programs of the Patent Office and is responsible for the conduct of all activities of the Patent Office. He is principally assisted by five Assistant Commissioners who shall have the main duties as specified below:

a. The Deputy Commissioner (First Assistant Commissioner under 35 U.S.C. 3) shall assist the Commissioner in the direction of the Patent Office and shall perform the duties and functions of the Commissioner in the latter's absence.

b. The Assistant Commissioner for Patent Examining (an assistant commissioner under 35 U.S.C. 3) shall provide administrative and policy direction to the patent examining operations which consist of the organizational elements enumerated in section 5. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who, among other duties, shall perform the functions of this Assistant Commissioner during the latter's absence.

c. The Assistant Commissioner for Appeals, Legislation, and Trademarks (an assistant commissioner under 35 U.S.C. 3) shall provide administrative and policy directions to the Board of Appeals, the Office of Legislation and International Affairs, the Trademark Trial and Appeal Board, and the Trademark Examining Operation.

d. The Assistant Commissioner for Search Systems Development shall provide technical, administrative, and policy direction to the Office of Research and Development and the Office of Search Systems and Documentation. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who, among other duties, shall perform the functions of this Assistant Commissioner during the latter's absence.

e. The Assistant Commissioner for Administration shall provide administrative and policy direction to certain administrative, public and internal support services which consist of the organizational elements enumerated in section 8. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who, among other duties, shall perform the functions of this Assistant Commissioner during the latter's absence.

SEC. 4. Offices reporting to the Commissioner. .01 The Director of Planning, Budget, Evaluation, and Forecast shall be the principal assistant and advisor to the Commissioner in planning and developing the major programs of the Patent Office, in formulating and executing budgetary and fiscal policies, appraising the effectiveness of operations in attaining program objectives, and in assessing and forecasting technological activities and invention developments in the United States and other nations. He shall direct the activities of the following offices:

a. The Office of Planning shall develop and recommend major plans and programs for accomplishing the objectives of the Patent Office; direct and coordinate the development and maintenance of internal program planning for support of officewide objectives; and analyze proposed programs for consistency and effective integration with organization responsibility, for pertinence to goals

and objectives, for measurability of accomplishment, and validity and usefulness of workload parameters as indicators of expected accomplishment.

b. The Office of Budget shall formulate, interpret, and execute budgetary and fiscal policies; establish and maintain a comprehensive Planning-Programming-Budgeting System collaborating with operating officials in developing budget and fiscal plans; develop and present budget requests; allocate and maintain budgetary control of available funds; and maintain external liaison in budgetary matters.

c. The Office of Evaluation shall review and evaluate the performance of operating units to determine their effectiveness in accomplishing previously established goals and objectives; review and evaluate cost/benefit and cost/effectiveness analyses of alternatives for program accomplishment; and conduct or initiate the submission of such studies as needed for evaluation purposes.

d. The Office of Technology Assessment and Forecast shall continually assess the status of technological activity in all countries, compare inventive activity in the United States relative to other nations, and forecast technological developments on a worldwide basis.

.02 The Office of the Solicitor shall comprise the Solicitor, who is the chief legal officer for the Patent Office, and his professional associates. This Office shall handle all litigation to which the Commissioner is a party and provide other legal services, including drafting of legislation and advice and assistance on legislative matters. Other than in connection with the issuance of patents or the registration of trademarks, the Office shall be subject to the overall authority of the Department's General Counsel, as provided in Department Organization Order 10-6.

.03 The Office of Information Services shall advise and represent the Commissioner on information matters; conduct programs fostering public understanding of the American patent system and the functions, services and administrative publications of the Patent Office; develop publication policies; provide direction and assistance in developing new and revised publications; and assure conformity with policies, regulations, and standards concerning publications and publication practices.

.04 The Office of Data Systems shall be responsible for providing data processing services to other elements of the Patent Office. This shall include the conduct of systems analysis and equipment evaluation studies directly related to the design and development of systems and programs for applications of computer techniques, except systems for printing patents; preparation or procurement and testing of computer programs and supplemental data processing services; operation of all general purpose ADP equipment, except that which may be approved for use within another organization unit as an integral part of its operations; and maintenance of a comprehensive library of programs, including those developed or procured by other organizational units.

.05 The Office of Government Inventions and Patents shall administer Executive Order 10096, as amended by Executive Order 10930 and related regulations, including the rendering of final decisions on the ownership of patents and the rights to inventions made by Government employees, and advise the Commissioner on matters involving the Committee on Government Patent Policy (of the Federal Council for Science and Technology). It shall also conduct research, liaison, and coordinative functions needed to carry out Executive Order 10096 and to advise the Commissioner on Committee matters; provide executive secretariat support to the Committee; and assist in the development and formulation, to the extent appropriate, of a uniform Government-wide patent policy.

SEC. 5. *Offices reporting to the Assistant Commissioner for Patent Examining.* .01 The Board of Patent Interferences shall conduct patent interference proceedings and make final determination in the Patent Office as to priority of invention. The Board shall also decide questions concerning property rights in inventions in the atomic energy and space fields brought before it under the provisions of 42 U.S.C. 2182 and 2457 (d) and (e).

.02 The Office of Examining and Documentation Control shall develop procedures, quality and quantity standards relating to the conduct of the examination and documentation functions; evaluate compliance with examination and documentation standards; and train new examiners in patent practice and procedure.

.03 The Office of Support Services shall provide direct administrative and clerical support to the Examining Groups in the examination of patent applications and attend to the processing of applications both in advance of examination and after allowance by the examiners for patent issuance. Its duties include the review of incoming applications for compliance in matters of form; the origination and maintenance of application inventory documentation and status; preparation, routing, movement, and maintenance of files; liaison with other organization units in obtaining and processing documents; and the provision of other logistical and administrative support.

.04 The Examining Groups, specified below, shall examine applications for patent to ascertain if the applicants are entitled to patents under the law and grant patents to those so entitled. Each examining group shall perform this function for patent applications falling within the generic category indicated by the title of the group. The Examining Groups are:

General Chemistry and Petroleum Chemistry;
General Organic Chemistry;
High Polymer Chemistry, Plastics and Molding;
Coating and Laminating, Bleaching, Dyeing and Photography;
Specialized Chemical Industries and Chemical Engineering;
Industrial Electronics and Related Elements;
Security and Designs;
Information Transmission, Storage and Retrieval;
Electronic Component Systems and Devices;
Physics;
Handling and Transportation Media;
Material Shaping, Article Manufacturing, Tools;
Amusement, Husbandry, Personal Treatment, Information;
Heat Power and Fluid Engineering; and
Constructions, Supports, Textiles, and Cleaning.

SEC. 6. *Offices reporting to the Assistant Commissioner for Appeals, Legislation and Trademarks.* .01 The Board of Appeals shall conduct hearings and render decisions on appeals from adverse decisions of examiners rejecting claims in patent applications.

.02 The Office of Legislation and International Affairs shall make studies and advise the Commissioner on policy and action concerning matters which may require legislation and on international patent and trademark matters; develop and direct the implementation of related programs; maintain liaison with the Office of the Secretary, the Department of State, and appropriate congressional committees; and conduct negotiations in technical patent and trademark matters in establishing or implementing international agreements.

.03 The Trademark Trial and Appeal Board shall be responsible for hearing and deciding adversary proceedings involving interfering applications, oppositions to registration, cancellation petitions, and concurrent use proceedings; and for hearing and deciding appeals from final refusals of the trademark examiners to allow the registration of trademarks.

.04 The Trademark Examining Operation shall be responsible for the classification and examination of applications for the registration of trademarks and service marks and the maintenance of the principal and supplemental registers of trademarks.

SEC. 7. *Offices reporting to the Assistant Commissioner for Search Systems Development.* .01 The Office of Research and Development shall identify areas of needed research, formulate approaches to research problems, and conduct research (or monitor research carried out under contract); and design and install experimental systems, new equipment, or other products of research, and evaluate their effectiveness after installation. Major research and development efforts are aimed at development of automated search and retrieval systems and more effective dissemination of stored information to Patent Office examiners, the patent profession, and the scientific community.

.02 The Office of Search Systems and Documentation shall develop, improve, and maintain subject matter classification systems; improve and maintain the

examiner's search file; develop, improve, and maintain operational search systems both manual and electronic, for the storage and identification of patents and patent related literature so that examiners and the public may readily retrieve particular technical information.

SEC. 8. *Offices reporting to the Assistant Commissioner for Administration.*

.01 The Office of Finance shall develop and maintain the financial accounting system of the Patent Office; perform accounting operations for the revenue, trust funds, and appropriation of the Patent Office, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, audit and certification of vouchers for payment, issuance of deposit account statements, initiation of action to collect amounts due the Patent Office, and administration of the payroll system and related employee accounts; and provide financial advice and opinions.

.02 The Office of Personnel shall administer activities relating to recruitment, placement, employee relations, training and career development, incentive awards, performance rating, position classification and wage administration, group-management relations and various employee benefit programs.

.03 The Office of Administrative Services shall provide officewide services including the procurement and supply of equipment, furnishings, and consumable items; space and facilities management; communications; travel and transportation services; mail, messenger, and general correspondence services; and procurement and supply of graphic services and administrative printing, including office forms and publications. This Office shall also be responsible for carrying out a comprehensive paperwork management program in the Patent Office, embracing forms, reports, directives and records.

.04 The Office of Public Services shall provide the materials and services offered directly to the public many of which are provided on a fee basis. These shall include recording instruments that transfer property rights to patents and trademarks; furnishing copies of patents and office records; providing drafting services; and maintaining collections of pertinent technical and scientific information such as United States and foreign patents, periodicals, books, and other publications for use by patent and trademark examiners and the public.

.05 The Office of Patent Publications shall schedule and manage the processing and movement of allowed patent application files in procuring the creation of full patent text machine language data base and the composition and printing of weekly patent issues and related announcements in the Official Gazette; monitor the quality of performance by contributing sources; provide technical direction and advice in contract administration; and maintain close liaison with the U.S. Government Printing Office; and prepare and issue patent grants.

.06 The Office of Organization and Systems Analysis shall plan and conduct studies designed to improve organization, methods, procedures, workflow, managerial techniques, resource utilization, or otherwise increase efficiency, effectiveness and economy of operations; participate in implementing approved recommendations; counsel and assist program managers in developing and instituting systems changes to enhance effectiveness in meeting operational objectives, but not including computer systems; have responsibility for design and development of systems for printing patents, whether computerized or not, including reproduction subsystems; have responsibility for design and development of micrographic systems; provide data research and statistical analytical services, including mathematical modeling; develop and manage a system for the issuance of internal administrative orders and instructions; promote development of the Patent Office management improvement program and coordinate the collection, review, and submission of reportable plans and accomplishments thereon; maintain a program for the management and control of reports; and make special studies as required.

Effective date: May 4, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-6957 Filed 5-18-71;8:45 am]

NEW YORK STATE MUSEUM AND SCIENCE SERVICE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 70-00682-88-74000. Applicant: New York State Museum and Science Service—Geological Survey, Room 973, State Education Building Annex, Albany, NY 12224. Article: Portable seismograph, shot box, battery recharger, and cable reel, Models FS-3. Manufacturer: Huntec, Ldt., Canada.

Intended use of article: The article will be used for a continuing study of the preglacial drainage patterns in the Hudson-Mohawk Lowlands. The study attempts to locate buried stream and river channels beneath glacial overburden. A network of points in the area has been established and seismic bedrock data has been obtained. For the next two seasons, the buried preglacial drainage systems in the Hudson Basin will be traced.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The captioned application is a resubmission of Docket No. 69-00633-88-74000 which was denied without prejudice to resubmission on January 23, 1970. In the notice of denial without prejudice to resubmission, the applicant was informed that the Model GT-2B seismograph manufactured by the Geo Space, Inc. (Geo Space), should have been compared with the foreign article as the most closely comparable domestic instrument. In the captioned application, the applicant states that a number of experiments will be conducted in places that are close to schools, factories, or farmyards. In such areas, the use of blasting caps is precluded for safety reasons. Instead, the signal is produced by a hammer blow. We are advised by the National Bureau of Standards (NBS) in its memorandum of August 14, 1970, that the Geo Space Model GT-2B is considered to be superior to the foreign article when using blasting caps. When using hammer blows to generate signals, however, the domestic instrument would require more highly specialized technical skills than would be needed when the foreign article is used for recording hammer-blow generated signals. In this connection, the applicant alleges: "The use of an assistant with the more specialized skills necessary to use the converted GT-2B for hammer use would require a higher personnel budget than we've traditionally needed." The applicant further alleges that the Model GT-2B, when used with hammer-blow generated signals, posed to one skilled and one unskilled workers and one skilled worker as opposed to one skilled and one unskilled worker when using the foreign article.

Section 602.1(b)(7) in defining "pertinent specifications", provides in part: "* * * The term does not extent to such characteristics as size, durability, complexity or ease of operation, ease of maintenance and versatility, unless the applicant can demonstrate that they are necessary for accomplishing the purposes for which the article is intended to be used." The applicant's allegations regarding the complexity of the domestic instrument as opposed to the simplicity of the foreign article are based on budgetary savings. The budgetary savings resulting from the use of the foreign article, however, are not pertinent to the intended purposes for which the article is intended to be used. Thus, the applicant has not demonstrated that the intended purposes of the article cannot be accomplished with the Model GT-2B.

For the foregoing reasons, we find that the Geo Space Model GT–2B is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71–6921 Filed 5–18–71;8:46 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, DC.

Docket No. 70–00633–75–77040. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Mass spectrometer, Model CH7. Manufacturer: Varian MAT, West Germany.

Intended use of article: The primary application of the article is for identification of failed nuclear reactor fuel assemblies. This is accomplished by tagging each fuel assembly with xenon gas comprised of a mixture of stable xenon isotopes in a unique combination whose isotopic ratios are accurately known at the time of fuel fabrication. Other studies include determination of trace amounts of oxygen in sodium and analysis of gas samples.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The captioned application is a resubmission of Docket No. 69–00364–75–77040 which was denied without prejudice to resubmission on August 18, 1969 due to informational deficiencies. In the captioned application, the applicant alleged that the foreign article has the following pertinent specifications: (1) dual collector for precise isotopic measurement, (2) resolution in excess of 2,500 using the 10 percent valley definition, (3) mass range of 1 through 3,600 and (4) versatile input system permitting the use of three thermally independent parts; none of which, the applicant alleged, were possessed by the domestic instrument which the applicant compared with the foreign article. The domestic instrument that the applicant compared with the article was the same domestic model considered in the initial application. In that application, manufacturers of other comparable domestic instruments, such as the Nuclide Corp. (Nuclide), were not contacted. Instead the applicant alleged that "No other manufacturers are known that are capable of producing an instrument to meet our specifications." However, the National Bureau of Standards (NBS) advised in its memorandum dated April 15, 1969, relating to the initial application, that there were several domestic instruments, including Nuclide's Model 12–90G mass spectrometer, which had all of the specifications described above. The applicant was accordingly advised in the notice of denial without prejudice to resubmission of the existence of the models cited by NBS in its review of the initial application, as well as the relevant capabilities of these instruments. In addition, the applicant was informed, in the notice that such instruments should be considered in determining the availability of domestic instruments of equivalent scientific value to the foreign article. The captioned application, however, does not provide any basis for the allegation that the additional models cited in the denial without prejudice to resubmission could not meet the applicant's technical requirements. Instead the applicant alleged "The Department of Commerce letter dated August 18, 1969, referenced certain additional models for consideration. We have relied on the manufacturers to quote on their model which will most closely fulfill our needs. Consideration was not given to models which were not quoted." Section 602.1(e) of the regulations provides in pertinent part:

> If the Administrator finds that at least one domestic instrument or reasonable combination of domestic instruments does possess all the pertinent specifications of the foreign article, he shall find that there is being manufactured in the United States an instrument of equivalent scientific value to the foreign instrument for such purposes as described in the response to Question 7 of form BDSAF–768.

We note that the domestic Nuclide Model 12–90G mass spectrometer has the following pertinent specifications:

Dual Collector. The dual collector capability of the Nuclide Model 6–60 RMS mass spectrometer (see 6–60 RMS specifications dated March 1965) can be incorporated into the 12–90G. (See 6–60/12–90G brochure received by the Department of Commerce Apr. 11, 1966.)

Resolution. The 12–90G has a guaranteed resolving power of 3,000 using the 10 percent valley definition. (See 12–90G specifications dated January 1967.)

Mass Range. The 12–90G has a mass range of 1–6500. (See 12–90G specifications dated January 1967.)

Inlet system. In the 1290G, four inlets can be connected to the source for simultaneous use. This provision for the simultaneous connection of a wide variety of inlet systems to the ion source permits such operations as switching between modes of sample introduction and provides such features as a convenient means of simultaneously introducing a calibrating gas with a gas-liquid chromatography sample for mass determinations and/or sensitivity calibrations. In addition, samples can be introduced without breaking the vacuum. Inlet systems offered include the Model 150S single or 150D dual inlet systems for the quantitative and qualitative analysis of gases, liquids and volatile solids with continuously variable temperature from ambient to 150° C.; the all glass Model 350G high temperature inlet system for the quantitative analysis of low volatility liquids or solids; the Model CP–2 direct insertion crucible probe for the study of high viscous liquids or low volatility solids with continuously variable temperature control to 500° C. and the Model GLC–N2 chromatograph inlet and detection system. All of these systems can be modified to increase capabilities by the addition of optional features and accessories, e.g., the variable temperature range of the crucible probe system can be extended to 1,000° C.

In its recommendation of June 23, 1970, NBS refers to its memorandum of April 15, 1969, relating to the initial application. The cited memorandum concurs in the above comparison of the Nuclide 12–90G mass spectrometer with the foreign article.

For the foregoing reasons, we find that the Nuclide 12–90G mass spectrometer is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71–6920 Filed 5–18–71;8:46 am]

UNIVERSITY OF TENNESSEE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 70–00524–89–43000. Applicant: The University of Tennessee, Knoxville, Tenn. 37916. Article: Portable magnetometer, Model GM–102. Manufacturer: Barringer Research Ltd., Canada.

Intended use of article: The article will be used for instructing students in the Geography Department in geophysical surveys. Students will use this instrument in the field for locating anomalies in the earth's magnetic field.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the forcign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The captioned application is a resubmission of Docket No. 70-00301-89-4300 which was denied without prejudice to resubmission. In the notice of denial without prejudice to resubmission dated May 5, 1970, the applicant was advised that the Model G806 portable proton magnetometer manufactured in the United States by Geometrics, Palo Alto, Calif., was comparable to the foreign article in regard to its pertinent characteristics. In the captioned application, the applicant omitted any reference to the cited domestic instrument. In reply to Question 13 the applicant listed the following as pertinent characteristics of the foreign article: (1) It is not required to level the article which results in considerable savings in labor; (2) the article measures the external magnetic field only; and (3) the article measures the absolute value of the magnetic field rather than the change relative to some reference point. The National Bureau of Standards (NBS) advised in a memorandum dated May 18, 1970 that for the applicant's intended purposes, the ability to measure the total magnetic field and absolute value of the total magnetic field are pertinent characteristics. NBS also advised that the Geometrics Model G806 is a portable proton magnetometer with a standard sensitivity of plus or minus one gamma. This domestic instrument also has the capability for measuring the total magnetic field and provide an absolute value of the total magnetic field. In regard to these characteristics, NBS advised that the domestic instrument is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. With respect to the leveling characteristic, we find that this is not pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that the Geometric Model G806 portable proton magnetometer is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-6922 Filed 5-18-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

MAY 13, 1971.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during April 1971:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6421	Shippers registered with this Board for shipments of fissile and large quantities of radioactive materials in package identified as the Analytical Sample Cask, Model No. CMB-14.	Rail, Highway Cargo-only Aircraft.
6425	Shippers registered with this Board for shipments of large quantities of radioactive materials, n.o.s. in package identified as Model No. TSC-ND-1 Cask.	Rail, Highway, Water, Cargo-only Aircraft.
6426	Gulf Cryogenics, Incorporated to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10 year hydrostatic retest.	Rail, Highway.
6428	Rhodia, Incorporated to ship arsenic acid in proposed DOT specification 115A60W tank cars.	Rail.
6429	E. I. du Pont de Nemours & Co. to ship high explosives with no liquid explosive ingredient in DOT-12H fiberboard boxes each having a polyethylene bag in lieu of specification 2L liner.	Rail, Highway.
6430	Irish Welding Supply Corporation to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10 year hydrostatic retest.	Rail, Highway.
6431	U.S. Department of Defense to ship hand signal devices comingled with other articles in the same package.	Rail, Highway.
6432	Chemetron Corporation to ship pressurized liquid nitrogen or argon in non-DOT specification cryogenic cargo tanks made of aluminum.	Highway.
6433	Shippers registered with this Board for shipment of whiskey in non-DOT specification steel portable tanks having nominal water capacity of 6,000 gallons.	Rail, Highway, Water.
6434	Shippers registered with this Board for shipments of organic phosphate compound mixtures, dry, containing not more than 12% by weight active ingredients in non-DOT specification 5-ply paper bags of extensible kraft construction.	Rail, Highway.
6435	Lubbock Equipment and Supply Co. to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10 year hydrostatic retest.	Rail, Highway.
6438	Rite-Weld Supply Co. to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10 year hydrostatic retest.	Rail, Highway.
6441	Shippers registered with this Board for shipments of fissile radioactive materials in package identified as the D1G power unit shipping container.	Rail, Highway.
6442	United States Department of Defense to ship explosive projectiles containing a corrosive liquid.	Rail, Highway.
6443	Montana Sulphur and Chemical Co. to ship hydrogen sulfide in a specification MC-331 cargo tank under specified operating conditions.	Highway.
6444	Christy's Welding Supply Co. to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6446	Welders Supply and Equipment to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6447	Ohio Welding Products, Incorporated to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6448	General Fire Extinguisher, Inc. to ship fire extinguisher cylinders made to DOT specification 3A and 3AA but with prescribed testing performed outside the United States at the company's plant in Canada. The permit is issued pending resolution of certain questions raised in Docket No. HM-74 (36 F.R. 838) and expires December 31, 1971.	Rail, Highway, Water.
6449	Shippers registered with this Board to ship sulfur dioxide in spec. 105A-500W tank cars made of TC-128, Grade B steel with steel insulation jackets 0.1196 inch thick.	Rail.
6450	Shell Oil Company to ship liquefied petroleum gas in two tank cars having safety relief valves overdue for retest.	Rail.
6451	American Oil Company to ship propane in a tank car having safety relief valve overdue for retest.	Rail.
6453	Shippers registered with this Board to ship compressed air or nitrogen in Non-DOT specification cylinders made of specification K-55 or 1035 steel tubing and equipped with a gas generating device containing smokeless powder.	Highway.
6454	National Compressed Gases, Inc., to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10 year hydrostatic retest.	Rail, Highway.

ALAN I. ROBERTS, *Secretary.*

[FR Doc.71-6943 Filed 5-18-71;8:48 am]

Office of the Secretary

CURRENT RAIL STRIKE

Notice of Delegation of Authority and Allocations and Priorities for Transportation

Notice is hereby given that the Secretary of Transportation, in carrying out the directions of the President in Executive Order 11594 of May 17, 1971 (36 F.R. 8995), dealing with the transportation emergency created by the current rail strike, has made certain requests of, and delegation of authority to, the Secretary of Commerce, the Chairman of the Interstate Commerce Commission, and the Chairman of the Civil Aeronautics Board. The requests and delegations are set forth in the following documents.

This notice is issued under the authority of section 101(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071(a)); Executive Order 10480; Executive Order 11594; and section 4(a) of the Department of Transportation Act (80 Stat. 933).

Issued in Washington, D.C., on May 17, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

TRANSPORTATION PRIORITY LIST

In the event of a nationwide rail shutdown the following categories of essential items are designated to receive transportation priority. The list has been prepared as guidance and instructions to Federal agencies, to shippers and to carriers during the first few days of a transportation shortage. There is no significance in the order of listing.

Food or kindred products, canned, preserved or otherwise prepared, including fresh, frozen or chilled meats and poultry; fresh eggs and milk; fresh or frozen fruits and vegetables; fresh or frozen fish and shell fish; feeds for animals and fowls.
Fuels required for the production of electric power and those used directly for heating residences and institutions essential for the public welfare.
Hospital and sick room supplies and equipment, including diagnostic devices and essential support utilities.
Pharmaceuticals, biologicals, surgical textiles and instruments.
Electrical power and communication systems repair materials and equipment required for the supply of essential electric power and communications.
Medical laboratory supplies and equipment.
Professional dental supplies and equipment.
Material moving on Government or commercial bills of lading specifically certified as essential by defense or atomic energy contract administrators.
All material moving on Government bills of lading issued by transportation officers of the military services.
U.S. Mail in accordance with emergency orders issued by the Postmaster General.
Water and sewage processing and handling supplies and equipment, including chlorine, alum, lime, sulphate or iron, soda ash, and similar chemicals and equipment essential to the continuity of operation of water and sewage installations.
Items necessary to the continued smooth functioning of the financial system, i.e., movement of checks, currency and coins.
Essential personnel traveling on Government Transportation Requests, and personnel traveling in support of items contained in this priority list.

Hon. MAURICE H. STANS,
Secretary of Commerce,
Washington, D.C. 20230.

MAY 17, 1971.

DEAR MR. SECRETARY: I enclose a copy of Executive Order 11594, signed today by the President to deal with the transportation emergency created by the current rail strike. Pursuant to section 2 of the Order and section 201(a)(4) of Executive Order 10480, the Secretary of Commerce is expected to carry out the functions delegated with respect to maritime transportation and to implement the priorities established pursuant to section 3 of Executive Order 11594.

This Department and the Office of Emergency Preparedness have established a list of categories of materials and passengers to be accorded priority movement on the operating transportation facilities within your jurisdiction. This list has been prepared with the concurrence of the Department of Defense and the other interested Executive Departments. I request that you take the necessary steps to assure the prompt and efficient movement of these priority categories.

Materials and passengers not included in the enclosed list may be moved on a space-available basis after all priority items have been accommodated; however, nonpriority materials and passengers once loaded should not be displaced by priority movements, nor should allowable nonpriority baggage accompanying passengers be displaced by priority cargo.

I have designated Carl V. Lyon, Acting Federal Railroad Administrator, to coordinate this Department's efforts during the present emergency. I request that you report to Mr. Lyon your activities pursuant to Executive Order 11594, as well as such information as he may require to carry out the functions of this Department pursuant to that Order.

I assure you that this Department will support your efforts in this emergency and will work with and assist you to the fullest extent of our abilities.

Sincerely,

JOHN A. VOLPE.

Hon. SECOR D. BROWNE,
Chairman,
Civil Aeronautics Board,
Washington, D.C. 20428.

MAY 17, 1971.

DEAR MR. CHAIRMAN: In view of the current railroad strike, the President has today issued Executive Order 11594, a copy of which is enclosed. Pursuant to this Order and further pursuant to section 201(a)(4) of Executive Order 10480, as modified by the assignment of responsibility to this Department under section 4(a) of the Department of Transportation Act of 1966 and the transfer of functions to this Department pursuant to that Act, the Chairman of the Civil Aeronautics Board is hereby delegated authority for the effective duration of Executive Order 11594 to exercise the allocation and priorities powers of the Defense Production Act of 1950, as amended, vested in the Secretary of Transportation with respect to air transport.

This Department and the Office of Emergency Preparedness have established a list of categories of materials and passengers to be accorded priority movement on the operating transportation facilities within your jurisdiction. This list has been prepared with the concurrence of the Department of Defense and the other interested Executive Departments. Pursuant to section 3 of Executive Order 11594, enclosed, I request that you take the necessary steps to assure the prompt and efficient movement of these priority categories.

Materials and passengers not included in the enclosed list may be moved on a space-available basis after all priority items have been accommodated; however, nonpriority materials and passengers once loaded should not be displaced by priority movements, nor should allowable nonpriority baggage accompanying passengers be displaced by priority cargo.

I have designated Carl V. Lyon, Acting Federal Railroad Administrator, to coordinate this Department's efforts during the present emergency I request that you report to Mr. Lyon your activities pursuant to Executive Order 11594, as well as such information as he may require to carry out the functions of this Department pursuant to that Order.

I assure you that this Department will support your efforts in this emergency and will work with and assist you to the fullest extent of our abilities.

Sincerely,

JOHN A. VOLPE.

Hon. GEORGE M. STAFFORD,
Chairman,
Interstate Commerce Commission,
Washington, D.C. 20423.

MAY 17, 1971.

DEAR MR. CHAIRMAN: I enclose a copy of Executive Order 11594, signed today by the President to deal with the transportation emergency created by the current rail strike. Pursuant to section 2 of the Order, the Commissioner of the Interstate Commerce Commission referred to in section 201(a)(3) of Executive Order 10480 is expected to carry out the functions delegated and to implement the priorities established pursuant to section 3 of Executive Order.

This Department and the Office of Emergency Preparedness have established a list of categories of materials and passengers to be accorded priority movement on the operating transportation facilities within your jurisdiction. This list has been prepared with the concurrence of the Department of Defense and the other interested Executive Departments. I request that you take the necessary steps to assure the prompt and efficient movement of these priority categories.

Materials and passengers not included in the enclosed list may be moved on a space-available basis after all priority items have been accommodated; however, nonpriority materials and passengers once loaded should not be displaced by priority movements, nor should allowable nonpriority baggage accompanying passengers be displaced by priority cargo.

I have designated Carl V. Lyon, Acting Federal Railroad Administrator, to coordinate this Department's efforts during the present emergency. I request that you report to Mr. Lyon your activities pursuant to Executive Order 11594, as well as such information as he may require to carry out the functions of this Department pursuant to that Order.

I assure you that this Department will support your efforts in this emergency and will work with and assist you to the fullest extent of our abilities.

Sincerely,

JOHN A. VOLPE

[FR Doc.71-7041 Filed 5-18-71;10:52 am]

CIVIL AERONAUTICS BOARD

[Order 71-5-66]

CERTAIN UNAUTHORIZED INDIRECT AIR CARRIERS

Order Granting Temporary Relief To Perform Household Goods Services for Department of Defense

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of May 1971.

At the request of the Department of Defense (DOD), the Board, by Orders 69-10-60, October 13, 1969, 70-10-45, October 8, 1970, and 71-2-82, February 17, 1971, granted temporary relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit 25 unauthorized indirect air carriers[1] to transport

[1] American Ensign Van Service, Inc., Asiatic Forwarders, Inc., CTI—Container Transport International, Inc., Four Winds Forwarding, Inc., HC&D Moving & Storage, Imperial Household Shipping Co., Inc., International Sea Van, Inc., North American Van Lines, Inc., Aero Mayflower Transit Co., Inc., Allied Van Lines, Inc., Astron Forwarding Company, Davidson Forwarding Company, Fernstorm Storage and Van Co., Home-Pack Transport, Inc., King Van Lines, Inc., Richardson Transfer & Storage Co., Inc., Smyth Worldwide Movers, Inc., Air Van Lines., Burnham Van Service, Inc., Suddath Van Lines, Inc., United Van Lines, Inc., Von der Ahe Van Lines, Inc., Door to Door International, Inc., Republic Van & Storage Co., Inc., and Trans-American Van Service, Inc.

by air used household goods [2] of Department of Defense personnel. The relief will expire October 14, 1971.

By letter lated April 20, 1971, the Department of the Army, acting on behalf of DOD, stated that, in addition to the 25 carriers already exempted, it now has a requirement for the services of three additional unauthorized indirect air carriers and requests that those three carriers be similarly relieved from the requirements of the Act, such relief to terminate no later than October 14, 1971. The carriers whose services are requested by DOD are listed in Appendix A hereto.[3]

In view of the foregoing circumstances, the Board finds that it is in the public interest to temporarily relieve from the provisions of the Act those carriers whose services have been requested by DOD to transport by air used household goods of personnel of DOD.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the persons listed in Appendix A are hereby relieved from the provisions of title IV and section 610(a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department;

2. That the relief granted herein shall expire October 14, 1971, unless sooner terminated by the Board;

3. That this order may be amended or revoked at any time in the discretion of the Board, without hearing, and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and all persons listed in Appendix A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6983 Filed 5-18-71;8:50 am]

[Docket No. 20398]

MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned for May 19, 1971, is postponed to June 2, 1971, 10 a.m., e.d.s.t., Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 13, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6981 Filed 5-18-71;8:50 am]

[Docket No. 22908; Order 71-5-68]

TRANS WORLD AIRLINES, INC., ET AL.

Order Regarding Capacity Reduction Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of May 1971.

By Order 71-3-71, March 11, 1971, the Board authorized TWA and other interested carriers to conduct preliminary discussions to identify the markets in which multilateral reductions of capacity might be achieved. Such discussions were held in Washington, D.C., on March 22, 1971, as a result of which applications have been presented to the Board for approval of further discussions regarding 18 specific city-pair markets as follows:

Market	*Carrier*
New York-Los Angeles [0 1]	American, United, and TWA.
New York-San Francisco [0 1 2A]	American, United, and TWA.
Chicago-Los Angeles [0 1]	American, United, TWA, and Continental.
Chicago-San Francisco [0 1 2A]	American, United, and TWA.
Washington/Baltimore-Los Angeles [0 1]	American, United, and TWA.
New York-Chicago [0 1]	American, United, and TWA.
Philadelphia-Los Angeles [0 1]	American, United, and TWA.
Boston-Los Angeles [0 1]	American, United, and TWA.
Los Angeles-Hawaii [0 1 2]	United, TWA, Continental, and Pan American.
San Francisco-Hawaii [0 2 2A]	United and Pan American.
New York-San Juan [0 1 2]	American, Pan American, and Eastern.
New York-Miami [0 1 2]	Eastern, National, and Northeast.
Dallas-Los Angeles [0]	American and Continental.
Boston-Miami [0]	Eastern.
Philadelphia-Miami [0 2]	Eastern.
Chicago-Miami [0 2]	Eastern.
Seattle-Hawaii [2]	Pan American.
Miami-Los Angeles [2]	Northeast.

[0] Opposed by Braniff.
[1] Opposed by Northwest.
[2] Opposed by Department of Justice in whole or in part.
[2A] Opposed by city of San Jose if meant to include it.

Comments have been filed wholly or partially opposing the applications by Braniff, Northwest, Department of Justice, and the city of San Jose. Comments supporting the applications have been filed by the Port of New York Authority (PONYA) and the Southern Florida Hotel and Motel Association (SFHMA). The National Air Carrier Association (NACA), and Puget Sound Traffic Association have requested that they be made parties to the proceeding and that they be permitted to participate to the same degree as any other party. The SFHMA requests additionally that it be allowed to make its views known at any discussions granted, and that it be allowed to offer appropriate proposals for the airlines' consideration. Delta requests that as a certificated air carrier, it be authorized to participate in all discussions respecting any market, whether served by Delta or not, in order that Delta might submit suggestions therein regarding unleashed capacity.

We have decided to grant the carriers' requests for further discussions pertaining to the following markets: New York-Los Angeles, New York-San Francisco, Chicago-Los Angeles, Chicago-San Francisco, Washington/Baltimore-Los Angeles, New York-Chicago, Philadelphia-Los Angeles, Boston-Los Angeles, Los Angeles-Hawaii, San Francisco-Hawaii, New York/Newark-Miami/Fort Lauderdale, Dallas-Los Angeles, and New York/Newark-San Juan.

These 13 markets conform with the Board's previous statements that such markets be of substantial size, be served by three or more carriers, be characterized by low load factors, and be subject of the showing that excessive, unneeded capacity is presently being offered and projected to continue. In terms of revenue passenger miles all but the Dallas-Los Angeles market rank in the top 12 domestic markets; and that market ranks 28th.[3] Based on the requesting carriers' figures, for most of these markets the average load factors during 1970 ranged from 37 to 51 percent.[4] Each market is authorized to receive service from at least three carriers. And in such markets the carriers who have requested permission to discuss capacity reduction have demonstrated that there is room for capacity reduction. Of course, we are not yet dealing with the actual service reductions affecting such markets which may result from any agreements produced by such discussions. We expect to give careful scrutiny to any such agreements to assess their impact on the traveling public and other affected persons.

[2] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[3] Appendix A filed as part of original document.

[3] Origin-Destination Survey of Domestic Airlines' Passenger Traffic, Fourth Quarter 1969. New York/Newark-San Juan is not included in that summary, but would rank second.

[4] The Los Angeles and San Francisco-Hawaii markets averaged 59 percent. The New York/Newark-San Juan market averaged 68 percent. However, for such markets,

Of these 13 markets the Department of Justice does not oppose further discussions except in the following markets: New York-San Juan, New York-Miami, Los Angeles-Honolulu, and San Francisco-Honolulu. We take a different view.

In the New York/Newark-Miami/Fort Lauderdale market, Northeast and Eastern reported average 1971 load factors of 43 percent and 61 percent. National did not report, contending that the strike it suffered during the first half of 1970 precluded the accumulation of meaningful statistics.[6] This market ranked second among domestic city-pair markets for 1969, and receives a substantial amount of service. Adjustments in the ratio of seats to traffic in this market, if properly accomplished, may provide meaningful economic benefits to the carriers who serve it without depriving the public of needed service.

The New York/Newark-San Juan and the Los Angeles- and San Francisco-Hawaii markets pose a much closer question. Although DOJ does not oppose discussions affecting service at Hilo, it feels that service to Honolulu is not an appropriate subject for such discussions. The markets in question are of substantial size (ranking sixth and seventh in terms of revenue passenger miles for 1969), and receive service from numerous carriers. Average 1970 load factors for the proposed discussants (United and Pan American) in the San Francisco-Hawaii markets were respectively 58 and 66 percent; in the Los Angeles-Hawaii market, TWA, United, Pan American, and Continental had respective average load factors of 62 percent, 55 percent, 66 percent, and 50 percent. However, these averages are in most instances substantially higher than the carriers' monthly figures for the last quarter of 1970. For example, in the Los Angeles-Hawaii markets, TWA, United, Pan America, and Continental recorded November load factors of 52 percent, 40 percent, 38 percent, and 36 percent, respectively. In the San Francisco-Hawaii markets, the November load factors of United and Pan American were 45 percent and 54 percent.

Analagous circumstances exist in the New York/Newark-San Juan market. The load factors of Eastern, Trans Caribbean (now American) and Pan American, while very high at peak months, sank dramatically in off-peak months (e.g., from an average 82 percent in July to 47 percent in October). In view of the low yields in this market (see footnote 4, supra) we believe that room may exist for some meaningful capacity reductions which can aid the carriers without prejudicing the adequacy of service.

Recapitulating, we view all of the above-mentioned California-Hawaii markets, and the New York-Miami and New York-San Juan markets as appropriate for capacity reduction discussions. The California-Hawaii and New York-San Juan markets, especially, have noticeable peaks and valleys, which somewhat belie the average load-factor figures. While capacity reduction discussions may be of little utility or desirability in terms of relieving needed peak traffic capacity, the low traffic valleys do significantly affect the carriers' financial fortunes and yet appear to offer flexibility for capacity reductions without depriving the public of needed services. Moreover, these are all markets in which wide-bodied 747 aircraft have been and will continue to be introduced into service, thereby infusing substantial capacity increases. For these reasons, we conclude that the considerations advanced by DOJ as to these markets' characteristics are more appropriately indicative of the close scrutiny which any resultant agreements should be given, and that the above-mentioned markets are appropriate subjects for further discussions.

We note that of these 13 authorized markets there are four in which some but not all carriers providing nonstop service have requested a second round of discussions. These markets and the nonrequesting or opposing carriers are as follows: New York-Chicago (Northwest); Los Angeles-Hawaii (Northwest, Braniff and Western); San Francisco-Hawaii (Northwest and Western); and Dallas-Los Angeles (Delta).[6] Since we have concluded that these are markets for which based upon the Board's previous stated guidelines further discussions appear to be appropriate, we do not regard the absence of some of the carriers as being a sufficient ground for denying the remaining carriers' request to attempt to reach an agreement. The carriers who have submitted requests to discuss are major competitors in the markets they seek to talk about. Thus, if through their discussions they can reach agreement then such agreements may achieve the benefits sought despite the absence of other carriers. However, in order that the other authorized carriers' rights may be fully protected, we shall not exclude from any of the discussions authorized herein those carriers who are certificated to provide single-plane service in the markets under discussion but who have not filed a specific request to discuss capacity reductions in such markets.[7]

In reaching our determination we have recognized the merit of many of the specific objections and have taken them into account in determining the specific markets in which further discussions may be held and in establishing the ground rules and climate under which such discussions will be held and agreements submitted. Thus, for example, we have determined that no discussions should be authorized in such markets as Miami-Boston, Philadelphia, Chicago, and Los Angeles; and Seattle-Hawaii. In such markets only one carrier has made the specific request contemplated in Order 71-3-71. This being the case, we perceive no need for, or useful purpose served by, present authorization for discussions as to these markets; the individual carrier requests will therefore be dismissed without prejudice.

Furthermore, we note the concern of several parties about the use of freed resources in other markets. While this is not a matter for agreement, we expect that the carriers will exercise restraint in the use of freed equipment. For the carriers to do otherwise would be contrary to the purposes of the Board's action herein, and would furnish a basis for reconsideration of the Board's approval. In addition, for the reasons stated in Order 70-11-35, we do not contemplate that any such agreements will effect a reduction of services at satellite airports.[8]

Finally, we recognize that there is some merit in the assertions expressed, e.g., by Braniff, Northwest, and the Department of Justice, that the authorization

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the bare load-factor figure does not tell the complete story. These markets have substantially lower fares on a per mile basis than the others for which we are authorizing discussions. In these lower-yield markets, over capacity as it relates to carrier profitability is a function of the difference between the break-even load factor for the flight and the actual load factor (rather than the actual load factor standing alone without qualification). Despite the relatively high load factors achieved, the New York-San Juan market, for example, because of its low fares, has been less profitable than many low-load factor domestic markets. Accordingly, to assure that fares can remain as low as possible, we will allow capacity discussions in low-fare markets even though these have experienced higher load factors than the higher fare markets. We would expect that any agreements reached as to such markets contain data along the above lines as part of the necessary support and justification.

[6] Presumably this strike also caused an inflation of Eastern's and Northeast's figures. For whatever reason, both Eastern and Northeast reported substantially reduced load factors for the second half of 1970.

[6] Delta has indicated that it wishes to participate in discussions in any authorized market, but it does not affirmatively seek authority to do so and accordingly has not filed any supporting data. We do not treat Delta's pleading as an affirmative request in accordance with Order 71-3-71 for the purposes of determining the markets in which discussions will be authorized.

Northwest and Braniff oppose such discussions. Western has not indicated any view.

[7] We do not find it necessary to expand the scope of the discussants to include persons other than the scheduled air carriers authorized to provide single plane service between each market under discussion. Other interested persons will be allowed to attend such discussion in the role of observer, to purchase a copy of the transcript of such discussion, and to file comments on any agreement ultimately reached and submitted to the Board. By so doing, we believe that we accommodate the need of the involved air carriers for speedy, uncomplicated discussions and the need for those affected by those discussions to be aware of the substance of the discussions and to make their views on resulting agreements known to the Board. We shall therefore dismiss the requests of such persons, e.g., as the City of Chicago, to participate in the discussions.

[8] The subject of some comments, i.e., such matters as notice, service, observers, etc. is dealt with in the various ordering paragraphs below.

of further discussions would tend to discourage an individual carrier from taking its own steps toward reducing its own excess capacity. Nevertheless, we think that this possibility is outweighed by the hard reality that the industry still faces a severe slump in both traffic and revenues. It does not appear likely that most of the carriers can or will effect self-help in the form of scheduling restraint in competitive markets in order to pull out of the adverse financial circumstances they experience. Although our recent fare decisions provide one avenue of relief, we are unwilling to foreclose the carriers from seeking other solutions. Thus, in our view, the necessity for hewing capacity more closely to demand in these major competitive markets warrants the discussions which we are authorizing.[9]

Accordingly, it is ordered, That:

1. Applications for approval of discussions regarding capacity reductions in the below-specified city pairs[10] be and they hereby are approved subject to the following conditions:

(a) Discussions shall be held in Washington, D.C.; each city-pair market shall be discussed consecutively, the hour and date of such meetings to be determined by the carriers involved in each particular market. A notice of such meetings shall be served upon the Civil Aeronautics Board and the persons stated in ordering paragraph 2 at least 7 calendar days prior to such meetings;

(b) Participation in each city-pair discussion shall be limited to carriers certificated to provide single-plane scheduled service in the market under discussion;

(c) Representatives of the Civil Aeronautics Board and any other local, State, or Federal Government agency; civic, trade, or consumer association, group or representative; or air carrier expressing an interest shall be permitted to attend and view the discussions as observers;

(d) A full transcript shall be maintained of all meetings, at the expense of the carriers, and a copy of said transcript shall be filed with the Board within 10 days after the conclusion of each day's meeting, and shall be available for purchase by any person;

(e) Any agreement reached as a result of the discussions authorized herein shall be filed with the Board for approval under section 412 of the Act within 15 days of consummation thereof, accompanied by an explanatory statement and a statement of justification, and shall be served on the persons listed in ordering paragraph 2 within the same period: *Provided,* That no agreement shall be implemented without having been previously approved by the Board: *And provided further,* That where the same carriers have, in the separate discussions, agreed upon capacity reductions in more than one market pair, such agreements may be consolidated into one document for filing purposes;

(f) Comments pertaining to any agreements filed pursuant to subparagraph (e) shall be filed within 15 days from the date of the filing of such agreements with the Board: *Provided,* That a consolidated comment may be filed as to more than one agreement if such comment is filed within 15 days after the filing of the latest filed agreement to which it is directed, and no later than 30 days after the filing of the first filed agreement to which it is directed;

(g) Comments in reply to any previously filed document authorized to be filed in subparagraphs (e) and (f) shall be filed within 10 days of the date of filing of such document;

(h) The relief granted herein shall expire within 90 days of the date of this order and may be revoked or amended at any time in the discretion of the Board; and

(i) This authorization does not extend to discussions of rates, fares, charges, or inflight or other services pertaining to air transportation;

2. Copies of this order shall be served on the persons named in the attached appendix;[11] and

3. To the extent not granted herein all outstanding requests be and they hereby are dismissed without prejudice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[12]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6982 Filed 5-18-71;8:50 am]

[9] We continue to believe that agreements of 6-month duration, or at most 1-year upon proper justification, are all that should be countenanced.

[10] The authorized city pairs are: New York/Newark-Los Angeles, New York/Newark-San Francisco, Chicago-Los Angeles, Chicago-San Francisco, Washington / Baltimore - Los Angeles, New York/Newark-Chicago, Philadelphia-Los Angeles, Boston-Los Angeles, Los Angeles-Hawaii, San Francisco-Hawaii, New York/Newark-Miami/Fort Lauderdale, Dallas-Los Angeles, and New York/Newark-San Juan.

[11] Appendix filed as part of original document.

[12] Concurring and dissenting statement of Members Minetti and Murphy filed as part of original document.

DELAWARE RIVER BASIN COMMISSION

[Docket No. D-62-2]

KITTATINNY MOUNTAIN PUMPED STORAGE ELECTRIC POWER PROJECT

Notice of Availability of Draft Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules of practice and procedure (section 2-3.5.2), notice is hereby given of the availability of a draft statement dated March 19, 1971, which discusses the environmental impact of the proposed Kittatinny Mountain project, a pumped storage electric generating facility in Warren County, N.J. The draft environmental statement has been prepared jointly by Jersey Central Power & Light Co., New Jersey Power & Light Co., and Public Service Electric & Gas Co., as part of an amended application filed with the Commission for approval of the proposed Kittatinny Mountain project pursuant to the provisions of Public Law 91-282 and the Delaware River Basin Compact.

The subject project would be located at Tocks Island Dam on the Delaware River and Kittatinny Mountain. It would consist of a single set of underground hydroelectric facilities to develop the pumped storage power potential of Tocks Island Reservoir project and Kittatinny Mountain and the conventional power potential of the Tocks Island Reservoir project. The pumped storage feature would be an extension of the existing pumped storage development on Kittatinny Mountain, and would produce 1.3 million kilowatts of electricity.

Copies of the amended application (including the draft environmental statement as a part thereof) may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, NJ; in the offices of the Water Resources Association of the Delaware River Basin, 21 South 12th Street in Philadelphia; and in the offices of the Tocks Island Regional Advisory Council, 612 Monroe Street, Stroudsburg, PA. Copies of the application and draft environmental statement are available for distribution to persons or agencies upon request.

Comments on the subject draft environmental statement may be submitted to the Delaware River Basin Commission by public or private agencies or individuals concerned with environmental quality. In order to be considered by the Commission, comments must be submitted no later than June 18, 1971.

W. BRINTON WHITALL,
Secretary.

MAY 7, 1971.

[FR Doc.71-6923 Filed 5-18-71;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

INTERIOR BOARD OF CONTRACT APPEALS

Designation To Hear and Determine Appeals Under EPA Contracts

1. The Interior Board of Contract Appeals is hereby designated the authorized representative of the Administrator of the Environmental Protection Agency in hearing, considering, and determining as fully and finally as might the Administrator, appeals by contractors from decisions on disputed questions taken pursuant to the provisions of contracts

requiring the determination of such appeals by the Administrator or his duly authorized representative or Board.

2. In acting under this designation, the Interior Board of Contract Appeals will follow such rules and procedures as it follows and as are or may be prescribed for the determination of the Department of the Interior contract appeals cases (43 CFR Part 4).

3. The General Counsel of the Environmental Protection Agency will assure representation of the interest of the Government in proceedings before the Interior Board of Contract Appeals.

4. All officers and employees of the Environmental Protection Agency will cooperate with the Interior Board of Contract Appeals and Government counsel in the processing of appeals so as to assure their speedy and just determination.

5. This designation will apply to all appeals pending under contracts let by the Environmental Protection Agency and not finally determined by the Administrator as of its date and to all appeals which may thereafter arise under Environmental Protection Agency contracts.

THOMAS E. CARROLL,
Acting Administrator.

MAY 14, 1971.

[FR Doc.71-6990 Filed 5-18-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19223; FCC 71-488]

TRA-MAR COMMUNICATIONS, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In the matter of application of Tra-Mar Communications, Inc. for a license for a new public coast Class III-B radiotelephone station to be located at Alpine, N.J.; Docket No 19223, File No. 493-M-P-69.

1. The above-captioned application seeks a license for a new Class III-B public coast station to be located at Alpine, N.J. This class of station provides ship-shore radiotelephone common carrier service, primarily of a local character, on VHF channels. The applicant seeks authority to serve the Hudson River from the George Washington Bridge to Kingston, N.Y.

2. The New York Telephone Co. (New York) has filed a petition to deny the subject application alleging inter alia substantial and unnecessary duplication with its existing station, KEA693, in New York City. The applicant has filed an opposition to the petition to deny.

3. Except for the issues otherwise specified herein, the applicant is qualified to become a licensee of the Commission. On the basis of its status as the licensee of KEA693, New York is found to be a party in interest. The Safety and Special Radio Services Bureau and the Common Carrier Bureau of the Federal Communications Commission are parties to this proceeding.

4. It is evident from an analysis of the application and pleadings that overlap in service areas will be substantial if the Tra-Mar application is granted. In addition, the application and associated pleadings do not conclusively establish whether, or to what extent, there is now an unfilled need for public radio maritime communication service facilities to serve the area here involved. In view of these substantial and material questions of fact, the Commission is unable to make a determination that it would be in the public interest to grant the application; therefore, an evidentiary hearing is required to resolve the questions of fact and to determine if the public interest would be served by the grant of this application.

5. *Accordingly, it is ordered*, That the above-captioned application of Tra-Mar Communications, Inc. is designated for hearing at a time and place to be specified in a subsequent order on the following issues:

a. To determine the facts with respect to the proposed facility, rates, practices, and services of the applicant, including areas to be served.

b. To determine the nature, source, and amount of traffic to be handled by the proposed facility.

c. To determine whether unnecessary duplication of service with KEA693 would result from the grant of the application.

d. To determine if there is a need for the proposed facility, taking into account existing stations.

e. To determine, in light of the evidence adduced on all the foregoing issues, whether the public interest, convenience and necessity will be served by the grant of any or all of the subject applications.

6. *It is further ordered*, That the petition to deny, discussed herein by New York Telephone Co., is granted to the extent indicated herein and is otherwise denied.

7. *It is further ordered*, That coverage areas will be computed on the basis of the information in Commission Notice of Proposed Rule Making, Docket No. 18944.

8. *It is further ordered*, That the burden of proof and the burden of proceeding with the introduction of evidence on issue (c) is on New York Telephone Co. and on the applicant with respect to all other issues except issue (e) which is conclusory.

9. *It is further ordered*, That to avail themselves of an opportunity to be heard, Tra-Mar Communications, Inc. and New York Telephone Co., pursuant to § 1.221(c) of the rules of the Commission, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

Adopted: May 5, 1971.

Released: May 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6954 Filed 5-18-71;8:49 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice is hereby given that the following vessel owners and/or operators have requested voluntary revocation of their Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01895---	Victoria Maritime & Shipping Co., Inc.: Judy K.
03451---	Kowa Shosen K.K.: Eiwa Maru.
01344---	Reeder Union Ag: Cap Colorado.
04391---	Columbia Steamship Co., Inc.: Columbia Fox. Columbia Owl.
01755---	Hugo Stinnes Zweigniederlassung Hamburg: Barbara.
01074---	Firm of Sigval Bergesen & Associated Co.: Stolt Vestfonn.
03438---	Inui Kisen Kabushiki Kaisha: Hoyo-Maru.
02959---	Kokuyo Kaiun Kabushiki Kaisha: Malacca.
02262---	Ocean Marine, Ltd.: Gold Star.
02338---	Central Gulf Steamship Corp.: Green Cove.
01343---	Hamburg-Sudamerikanische Dampfschifffahrts Gelsellschaft Eggert & Amsinck: Cap Blanco.
02458---	The China Navigation Co., Ltd.: Yunnan.
02122---	Wolsey Shipping Co.: World Unity.
05103---	Imperial Oil, Ltd.: I.O.L. No. 6.
01108---	Hvalfangeraktieselskapet "Rosshavet" & "Vestfold" ("Rosshavet" Whaling C). Ltd. & "Vestfold" Whaling Co., Ltd.: Ross Mount.
01910---	Deutsche Dampfschifffahrts-Gesellschaft "Hansa": Stahleck.
01055---	Farrell Lines, Inc.: African Rainbow.
03661---	Overseas Carriers Corp., New York: Overseas Dinny. Overseas Natalie. Oversea Eva.

[1] Commissioners Robert E. Lee and Wells absent.

Certificate No.	Owner/Operator and Vessels
02163---	Rederiet "Ocean" A/S, Copenhagen:
	Perla Dan.
03139---	Offshore Marine, Ltd.:
	West Shore.
01574---	Fearnley & Eger:
	Ferncastle.
01754---	Blue Peter Steamships, Ltd.:
	Blue Trader.
04597---	Hobart Shipping Co., Ltd.:
	Ore Regent.
04219---	Allied Tankers, Inc.;
	Hans Isbrandtsen.
03468---	Nihonkai Kisen Kabushiki Kaisha:
	Port Louis Maru.
03534---	Nederlandse Norness Scheepvaart Maatschapij N.V.:
	Carbo Tiger.
05048---	F. Laeisz:
	Pongal.
03331---	Japan Line, K.K.:
	Japan Maple.
03632---	A/S Turid:
	Hovin.
03501---	Osaka Shosen Mitsui Senpauku K.K.:
	Taio Maru.
04186---	Flensburger Dampfercompagnie:
	Glucksburg.
	Ratzeburg.
04077---	Fritzen Schiffsagentur und Bereederungs-G.M.B.H.:
	Darius.
02889---	Showa Kaiun K.K.:
	Hirstsuka Maru.
03889---	Iron Ore Transport Co., Ltd.:
	Sept Isles.
05147---	Arne Presthus Rederi A/S:
	Anna Presthus.
04776---	International Cruising Co., Ltd.:
	Elmdale.
	Grovedale.
	Westdale.
	Pinedale.
	Nordale.
02590---	Velvientos Compania Naviera S.A.:
	Ulysses.
03720---	Global Marine:
	Western Explorer.
	Wychem 107.
	Wychem 108.
	Wychem 109.
	Wychem 110.
	Wychem 111.
	Wychem 112.
	Wychem 113.
	Wychem 114.
	Wychem 115.
	Wychem 116.
	Wychem 117.
	Wychem 118.
	Wychem 119.
02858---	Intermarine, Inc.:
	Henna.
04289---	Dixie Carriers, Inc.:
	APW-101.
05158---	Kyrispring Corp.:
	Kyrka.
05160---	Astra Carriers Corporation Monrovia:
	Narcea.
	Nervion.
03487---	Sanwa Kisen K.K.:
	Asahigawa Maru.
03508---	Taiyo Gyogyo K.K.:
	Hayashikane Maru No. 2.
	Edogawa Maru.
	Tonegawa Maru.
	Kakogawa Maru.
	Abugawa Maru.
	Tamagawa Maru.
	Taiyo Gyogyo K.K.
02829---	Sociedad Naviera Pan-Europea, S.A.:
	Folaga.
03733---	Great Lakes Dredge & Dock Co.:
	No. 30.
	G.L. 3.
	G.L. 1.
	B-29.
	No. 29.
	G.L. 15.
	G.L. 2.
03057---	British India Steam Navigation Co., Ltd.:
	Juna.
04357---	Koninklijke Nedlloyd N.V.:
	Arendskerk.
	Senegalkust.
	Congokust.
03730---	Brown & Root, Inc.:
	Carl Burkhart.
	Sheik No. 1.
03919---	Mobil Tankers, Ltd.:
	Mobil Enterprise.
03920---	Nocos Tankers, Inc.:
	Mobil Aladdin.
03627---	Igert (a corporation):
	Arkansas.
02022---	C. T. Gogstad & Co.:
	Stolt Lady.
02332---	Lykes Bros. Steamship Co., Inc.:
	Almeria Lykes.
05036---	Companhia Nacional de Navegacao:
	Angoche.
	Chinde.
03294---	Companhia de Navegacao Lloyd Brasileiro:
	Marolia.
01306---	Shaw Savill & Albion Co., Ltd.:
	Saracen.
03322---	Daiichi Chuo Kisen Kabushiki Kaisha:
	Alaska Maru.
02546---	Service Shipping S.A.:
	North River Ex Thunderbird.
03076---	M. L. Crochet Towing Co., Inc.:
	Eau Claire.
01464---	Christian Salvesen, Ltd.:
	Salmeda.
03945---	Liberian Distance Transports, Inc.:
	World Standard.
02282---	Park Steamships, Ltd.:
	Holland Park.
04936---	Alaska Steamship Co.:
	Tatalina.
02870---	Isthmian Lines, Inc.:
	Steel Age.
02594---	Transeas Tankers, Inc.:
	Sirius.
01935---	Interessentskab Mellem Aktieselskabet Dampskibsselskabet Svendborg & Damp AF 1912 Aktieselskab:
	Nicoline Maersk.
01465---	Scottish Ship Management, Ltd.:
	Cape Rodney.
02445---	Random, Ltd.:
	Leslie Conway.
	Elizabeth Conway.
02275---	Marsud Compania di Navigazione Per Azioni:
	Potestas.
02273---	Tito Campanella Navigazione S.P.A.:
	Ninny Figari.
05047---	PPG Industries, Inc.:
	PPG-10.
	PPG-11.
	PPG-150.
	PPG-151.
	PPG-152.
	PPG-153.
	PPG-155.
	PPG-156.
	PPG-157.
	PPG-158.
	CSCC 200.
	CSCC 201.
	CSCC 202.
	PPG-205.
	PPG-227.
	PPG-226.
	CSCC 301.
	PPG-400.
	PPG-401.
	PPG-402.
	PPG-403.
	PPG-404.
	PPG-405.
	PPG-406.
	ATLAS 329.
	ATLAS 703.
	ABL 294.
	ABL 296.
	ABL 319.
01305---	Royal Mail Lines, Ltd.:
	Pacific Envoy.
01330---	Shell Tankers (U.K.) Ltd.:
	Lidia.
	Gena.
04833---	Warren Petroleum Corp.:
	Cities Service Barge No. 1.
04007---	Egon Oldendorff:
	Imme Oldendorff.
	Anna Oldendorff.
02444---	Cosmopolitan Tankers, Inc.:
	Nelson Conway.
02851---	West Pacific Steamship Co.:
	Pacrobin.
03841---	American Export Isbrandtsen Lines, Inc.:
	Flying Hawk.
01185---	Aksjeselskapet Kosmos:
	Kosmos IV.
01716---	Achille Lauro—Napoli:
	Napoli.
05488---	Chung Shek Enterprises Co., Ltd.:
	Purple Dolphin.
01054---	Wilhelm Wilhelmsen:
	Trafalgar.
01305---	Royal Mail Lines, Ltd.:
	Pacific Reliance.
	Loch Loyal.
03301---	Skipsreder Kristian Ravn:
	Newberry Victory.
03219---	Whitwill, Cole & Co. Ltd.:
	Baltic Ore.
04460---	International Gas Shipping. S.A.:
	Arquimedes.
01425---	Johnston Warren Lines, Ltd.:
	African Prince.
01318---	Aug. Bolten, Wm. Miller's Nachfolger:
	Steinberg.
04770---	Texaco Panama, Inc.:
	Texaco Caribbean.
02370---	Arginusae Maritime Corp. Panama S.A.:
	Stavros T.
04451---	Venus International Corp.:
	Pheras.
03501---	Osaka Shosen Mitsui Senpaku K.K.:
	Suez Maru.
03914---	Mobil Carrier, Ltd.:
	Mobil Libya.
04564---	Yamashita-Shinnihon Kisen Kaisha:
	Yamaharu Maru.
03478---	Nitta Kisen K.K.:
	Chiyokawa Maru.
02129---	Ore Carriers, Ltd.:
	Oredian.
	Orepton.
	Orelia.
	Oreosa.
01353---	Rederi A.B. Fredrika:
	Gudmundra.
01995---	Rederi Ab Disa:
	Lisa Brodin.
03593---	Socoa Shipping Co., Ltd.:
	Sokorri.

Certificate No.	Owner/Operator and Vessels
04605---	Glory Shipping Corp.: Oriental Glory.
03137---	The Cunard Steam-Ship Co., Ltd.: Matra.
01894---	Miramar Shipping Co., Inc.: Dagny K.
02355---	Van Nievelt, Goudriaan & Co. S. Stoomvaart Maatschappij N.V.: Beyerland. Bellatrix.
02901---	Dominion Navigation Co., Ltd.: Francis Drake. George Anson.
01860---	Insco Lines, Ltd.: Insco Producer.
03430---	Hasshin Senpaku Yugen Kaisha: Shin-Ei Maru No. 8.
05298---	Erich Drescher: Ede Wilstorf.
03611---	Villain & Fassio E Compagnia Internazionale Di Genova Societa Riunite Di Navigazione S.p.A.: Novia.
03473---	Nippon Shoun K.K.: Tohnanmaruno 8.
01730---	Rosador Compania Naviera S.A. Panama: Soanna.
03530---	Yashima Kaiun K.K.: Oshima Maru.
03915---	Mobil Oil Corp.: Mobil New York. Barge Mobil 128.
03340---	Lloyds Africa, Ltd.: Centerport.
03057---	British India Steam Navigation Co., Ltd.: Bamora. Warina.
01600---	Theodossios Compania Naviera S.A.: Theo.
02448---	Rederiaktiebolaget Nordstjernan: Guayana.
02659---	Partenreederei MS "Erato" Korrespondentreeder Hans Kruger G.m.b.H.: Erato.
05509---	Samsa Compania Naviera S.A.: Prodromas.
01014---	Robert Bornhofen Reederei: Mia Maurer.
02439---	Bereederungs—Alliance Flensburg G.m.b.H.: Gisela Vennmann.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc.71-6890 Filed 5-18-71;8:45 am]

[Docket No. 71-58; Independent Ocean Freight Forwarder License 626]

COLAMERICA CO., INC.

Order of Investigation and Hearing

Colamerica Co., Inc., was issued independent ocean freight forwarder license No. 626 by the Federal Maritime Commission on June 11, 1970. Colamerica Co., Inc., is a successor in interests to Edward Currea doing business as Colamerica Co., Inc., the previous licensee under FMC No. 626. An application for transfer of the license issued in the name of Edward Currea doing business as Colamerica Co., was received from Colamerica Co., Inc., on April 9, 1970 by the Commission. The application indicates that Colamerica Co., Inc., was incorporated under the laws of the State of New York on September 16, 1969.

It has come to the attention of the Commission that Colamerica Co., Inc., is not promptly paying over to the oceangoing common carrier, sums advanced it by its principals as required by § 510.23 (f) of the Commission's General Order 4. That section provides that "each licensee shall promptly pay over to the oceangoing common carrier or its agent within seven (7) days after the receipt thereof, * * * or written five (5) days after departure of the vessel from each port of loading * * * whichever is later, all sums advanced the licensee by its principal for freight and transportation charges, * * *. The licensee appears to be in violation of that section.

It further appears that Colamerica no longer qualifies as an independent ocean freight forwarder. According to Colamerica Co., Inc.'s, application of April 6, 1970, two persons listed therein qualified it from the standpoint of experience to properly carry out the business of forwarding as one of the requirements for licensing. Subsequent to the filing of the application it appears that both of these parties have left that corporation. No other qualifying employee or officer has replaced those persons. Section 510.9(f) of General Order 4, provides that a license may be revoked after notice and hearing for "change of circumstances whereby the licensee no longer qualifies as an independent ocean freight forwarder." It appears that the remaining officers and/or employees of Colamerica do not have the qualifying experience to properly engage in the business of an ocean freight forwarder.

Now, therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether: (1) Colamerica Co., Inc., in failing to properly pay over to the ocean going common carrier within the period stipulated under § 510.23(f) has violated such section of General Order 4; and (2) Colamerica Co., Inc.'s, circumstances have so changed that it no longer qualifies as an independent ocean freight forwarder.

It is further ordered, That this proceeding determine whether, because of the foregoing violations the Federal Maritime Commission's independent ocean freight forwarder license No. 626, issued to Colamerica Co., Inc., should be revoked.

It is further ordered, That Colamerica Co., Inc., 136 Liberty Street, New York, N.Y., be named respondent in this proceeeding and that the matter be assigned for a hearing before an Examiner in the Commission's Office of Hearing Examiners at a date and place to be announced by the presiding examiner.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of the order and notice of hearing be served upon respondent.

It is further ordered, That any person other than respondent, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copies to respondent.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6973 Filed 5-18-71;8:46 am]

[Docket Nos. 69-23, 71-49]

GULF-PUERTO RICO LINES, INC.

General Increases in Rates in U.S. Gulf/Puerto Rico Trades; Order of Remand and Consolidation

On April 30, 1971, the Commission served its Order of Investigation and Suspension in Docket No. 71-49, directed toward the examination of the lawfulness of general increases in rates in the U.S. Gulf/Puerto Rico trade proposed by Gulf-Puerto Rico Lines, Inc. (GPRL). These increases will be in addition to those placed under investigation by the Commission in Docket No. 69-23, which was instituted to investigate the reasonableness of GPRL's prior general increase of approximately 10 percent. An Initial Decision was rendered in Docket No. 69-23 on December 7, 1970, based upon GPRL's breakbulk vessel services, in which the Examiner concluded that GPRL's 10 percent general rate increase was just and reasonable. However, since GPRL's operation is being converted to a containerized one, and since in fact it has at this time actually instituted container operations in the subject trade, it appears that the determination of the reasonableness of GPRL's rate increase must realistically be based upon factors other than those which were before the Examiner at the time of the hearing. Furthermore, actual operating experience in 1970, which is now available, indicates substantially different results with respect to costs than that projected in Docket No. 69-23.

Therefore, it is ordered, That Docket No. 69-23 is remanded for a determination of the reasonableness of the rate increases there under investigation; and

It is further ordered, That Docket No. 69-23 be and it hereby is consolidated for hearing and decision with Docket No. 71-49.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6974 Filed 5-18-71;8:46 am]

[Docket No. 71-59]

SEATRAIN LINES, CALIFORNIA

General Increases in Rates in U.S. Pacific Coast/Hawaiian Trade; Order of Investigation

Seatrain Lines, California, has filed with the Federal Maritime Commission

various Revised Pages (see appendix)[1] to its Tariff FMC–F No. 1 to become effective May 15, 1971. These revised pages increase rates and charges in the subject trade.

Upon consideration of said revised pages and protest filed thereto, the Commission is of the opinion that the above designated tariff matter should be placed under investigation to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to 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 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 Seatrain Lines, California, 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, the petitioner, State of Hawaii, and published in the FEDERAL REGISTER; and (II) the said respondent and petitioner be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

[1] Appendix filed as part of original document.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71–6975 Filed 5–18–71;8:46 am]

[Docket No. 71–57; Agreement 8760–5]

WEST COAST UNITED STATES & CANADA/INDIA, PAKISTAN, BURMA & CEYLON RATE AGREEMENT

Order of Approval and Investigation and Hearing Regarding Modification

The Commission has been requested to approve, pursuant to section 15 of the Shipping Act, 1916, Federal Maritime Commission Agreement No. 8760–5, between members of the West Coast United States & Canada/India, Pakistan, Burma & Ceylon Rate Agreement.

Agreement No. 8760–5 amends the basic agreement (No. 8760–4) by (1) incorporating therein specific grants of authority with respect to overland rates, brokerage, equalization and absorption, and transshipment arrangements;[1] (2) clarifying the parties' ratemaking authority; and (3) updating the terms of the self-policing system under the agreement to conform to the requirements of the Commission's General Order 7 (Revised).

Based upon the information and data submitted by the members with respect to point (1) above,[2] the Commission is unable to approve, disapprove, or modify Agreement No. 8760–5 pursuant to section 15, nor is it able to determine whether, and to what extent, the members have been operating beyond the scope of authority of their approved agreement.

Now therefore, by virtue of the authority vested in the Commission:

It is ordered, That Article 2(a) clarifying the members' ratemaking authority, and Article 5 conforming to General Order 7 (Revised), are hereby approved pursuant to section 15 of the Shipping Act, 1916; and

It is further ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), that an investigation be hereby instituted to determine:

(1) Whether the Preamble and Article 2(b) (1), (2), and (3) of Agreement No. 8760–5 should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916; and

(2) Whether, and to what extent the carriers' activities, as reflected in their tariffs, with respect to overland rates, brokerage, equalization, and absorption, and transshipment arrangements are beyond the authority granted by the presently approved agreement and therefore in violation of section 15; and

It is further ordered, That the carriers comprising the membership of the West Coast United States & Canada/India, Pakistan, Burma & Ceylon Rate Agreement, as listed below, be made respondents in this proceeding; and

It is further ordered, That a public hearing be held before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the presiding Examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person other than respondents named below, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

And it is further ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX

H. P. Blok, Secretary, West Coast United States & Canada/India, Pakistan, Burma & Ceylon Rate Agreement, 417 Montgomery Street, San Francisco, CA 94104.
American Mail Line, Ltd., 601 California Street, San Francisco, CA 94108.
American President Lines, Ltd., 601 California Street, San Francisco, CA 94108.
Great Eastern Shipping Co., Ltd., General Steamship Corp., Ltd., General Agents, 400 California Street, San Francisco, CA 94104.
Nedlloyd & Hoegh Lines, Nedlloyd Lines, Inc., General Agents, 30 Church Street, New York, NY 10007.
The Shipping Corporation of India, Ltd., Norton Lilly & Co., Inc., General Agents, 90 West Street, New York, NY 10006.
The Scindia Steam Navigation Co., Ltd., United States Navigation Inc., General Agents, 17 Battery Place, New York, NY 10004.

[FR Doc.71–6972 Filed 5–18–71;8:46 am]

[1] Preamble to Agreement No. 8760–5 and Article 2(b) (1), (2), and (3).

[2] Agreement No. 8760–5, Article 2(a) clarifying members' ratemaking authority, and Article 5 conforming to General Order 7 (Revised) may be approved without being made subject of an evidentiary proceeding.

FEDERAL POWER COMMISSION

[Docket No. CP71–257]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 11, 1971.

Take notice that on April 26, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79999, filed in Docket No. CP71–257 an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission permitting and approving

the abandonment of certain facilities and deliveries of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to authorization granted in Docket No. CP61–92, applicant constructed and operated facilities for the exchange with and delivery of natural gas to Northern Natural Gas Co. (Northern). Applicant states that the J. W. Daniel "B" Unit No. 1 well, located in Ochiltree County, Tex., was used for a portion of this delivery of natural gas to Northern and that this well is no longer capable of production. Accordingly, applicant seeks permission and approval to abandon the facilities previously employed to take gas from this well and the service rendered thereby.

Pursuant to authorization granted in Docket No. G–15243, applicant constructed and operated facilities for the exchange with and delivery of natural gas to Northern in the Vinegarone area of Val Verde County, Tex. Among the wells employed to meet this delivery were the Western A. Cauthorn 1, the Western A. Cauthorn 2, and the Humble H. Whitehead 2 wells. Each of these wells are no longer capable of production and have been abandoned. Accordingly, applicant seeks permission and approval to abandon the facilities previously employed to take gas from these wells and the service rendered thereby.

Pursuant to budget-type authorization granted in Docket No. CP69–54, applicant constructed certain facilities for the sale and delivery of natural gas to Arizona Public Service Co. (Arizona) for resale and distribution to the Calvin Wright Trailer Park located in Yuma County, Ariz. Applicant states that the facilities for service to the trailer park were never placed in operation and that the park has ceased to exist. Accordingly, applicant seeks permission and approval to abandon the facilities installed for this service to Arizona.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are 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.71–6961 Filed 5–18–71;8:45 am]

[Docket No. RP71–31]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Motion for Approval of Amendment to Agreement as to Rates

MAY 11, 1971.

Take notice that on April 29, 1971, Transcontinental Gas Pipe Line Corp. (Transco), filed a motion for approval of an amendment to its presently effective "Agreement As To Rates of Transcontinental Gas Pipe Line Corporation", which was approved by Commission order December 30, 1970 in Docket No. RP70–31.

Transco states that the purpose of the proposed amendment is to permit Transco, from time to time prior to January 1, 1972, to file and place into effect increases in jurisdictional rates to give effect to inclusion in rate base of advance payments. Transco further states that the amendment is necessary in order to allow Transco to compete effectively with other pipeline companies, which are currently making such advance payments and including such advance payments in their rate bases.

Copies of the filing were served on Transco's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to this filing should on or before May 24, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or 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. 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.71–6960 Filed 5–18–71;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCSHARES, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of American Bancshares, Inc., North Miami, Fla., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Second National Bank of North Miami, North Miami; Second National Bank of North Miami Beach, North Miami Beach; and The National Bank of St. Petersburg, St. Petersburg, all in Florida.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by American Bancshares, Inc., North Miami, Fla., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of three banks in Florida: The Second National Bank of North Miami, North Miami; Second National Bank of North Miami Beach, North Miami Beach; and The National Bank of St. Petersburg, St. Petersburg.

As required by section 3(b) of the Act, the Board gave written notice to the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Acting Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 13, 1971 (36 F.R. 4917), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] May 13, 1971.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[FR Doc.71-6924 Filed 5-18-71;8:46 am]

COMMERCIAL TRUST COMPANY OF NEW JERSEY

Order Approving Application for Acquisition of Assets and Assumption of Liabilities Under Bank Merger Act

In the matter of the application of Commercial Trust Company of New Jersey, Jersey City, N.J., for approval of acquisition of assets and assumption of liabilities of Bergen County National Bank of Hackensack, Hackensack, N.J.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Commercial Trust Company of New Jersey, Jersey City, N.J. (Commercial Trust), a member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Bergen County National Bank of Hackensack, Hackensack, N.J. (Bergen Bank), by means of the purchase of assets and assumption of liabilities of Bergen Bank; as an incident to the merger, the present office of Bergen Bank would become a branch of Commercial Trust. Notice of the proposed merger, in form approved by the Board, has been published as required by said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Commercial Trust ($175 million deposits) operates six offices in Jersey City and five additional offices elsewhere in Hudson County. During 1970 Commercial Trust opened three branch offices in Bergen County. The principal area served by Commercial Trust is Jersey City and the southeastern part of Hudson County from which it derives over 90 percent of its deposits, and wherein it ranks as the second largest of the 12 area banks, controlling approximately 17 percent of area deposits. (All banking data are as of June 30, 1970).

Bergen Bank ($24 million deposits) maintains its sole office, and is the smallest of four banks, in the city of Hackensack (Bergen County). Commercial Trust holds 5.5 percent of the deposits in the combined Hudson-Bergen County area. Its share of such deposits would increase to 6.3 percent upon consummation of the proposed merger. Approval of the proposed transaction would not increase substantially the concentration of banking resources in any area.

The competitive effect of this proposal would be confined principally to the city of Hackensack. Commercial Trust has recently opened three offices in Bergen County that are situated 9, 7, and 5 miles from Hackensack in areas which serve mainly as a base for those who commute to New York City for employment. Neither Bergen Bank nor Commercial Trust derives any significant portion of its business from the areas served by the other bank, and the banks serve essentially separate banking markets. Consequently, there is no substantial existing competition between Commercial Trust and Bergen Bank. Moreover, it does not appear that significant potential competition would be eliminated by consummation of this proposal since under the home office protection afforded by State law Commercial Trust could not be permitted to branch de novo into the city of Hackensack. Bergen Bank is not an aggressive competitor to the three larger Hackensack banks, and consummation of this merger could serve to enhance the ability of the resulting banking office to compete in the area.

On the basis of the foregoing, the Board concludes that consummation of the proposal would not eliminate significant existing or potential competition. Considerations pertaining to the financial and managerial resources and future prospects of the banks are consistent with approval of the application.. Although the banking needs of the residents of Hackensack are being adequately served at the present time by many banking offices of large corporations, it appears that the proposed acquisition would replace a conservatively operated institution with a more aggressive competitor in the Hackensack area, enlarge present services offered to Bergen Bank's customers, and provide another source of specialized services now being offered only by the larger Hackensack banks. Therefore, convenience and needs considerations are consistent with and lend some support to approval of the application. It is the Board's judgment that consummation of the proposed merger would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved: *Provided,* That the merger so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] May 13, 1971.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[FR Doc. 71-6925 Filed 5-18-71;8:47 am]

FIRST UNION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Union, Inc., St. Louis, Mo., for approval of the acquisition of 80 percent or more of the voting shares of The First National Bank of Cape Girardeau, Cape Girardeau, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Union, Inc., St. Louis, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The First National Bank of Cape Girardeau, Cape Girardeau, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 18, 1971 (36 F.R. 5259), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the third largest banking organization and third largest bank holding company in Missouri, has six subsidiary banks with aggregate deposits of $778 million, representing 7.6 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions and formations approved by the Board through Apr. 30, 1971.) Consummation of the proposal herein would increase Applicant's share of commercial bank deposits in the State to 7.8 percent, and Applicant would become the State's second largest banking organization and its second largest bank holding company.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

Bank ($24 million deposits), located in the southeast portion of Cape Girardeau County, 125 miles south of St. Louis, is the second largest of the nine banks in the Cape Girardeau banking market, which is approximated by Cape Girardeau County and the northern half of Scott County, and holds 25.9 percent of that market's deposits. It does not appear that Bank occupies a dominant position in its market; Bank's rate of deposit growth during the last 5 years has been the slowest of the nine banks in the market. Affiliation with Applicant should improve Bank's ability to compete more effectively. Applicant's subsidiary closest to Bank is located 90 miles northwest, and neither it nor any other of Applicant's subsidiaries compete with Bank to a significant extent. Moreover, in light of the distances separating Bank from Applicant's subsidiaries and Missouri's restrictive branching law, the development of such competition appears unlikely. Consequently, it does not appear that existing competition would be eliminated, or significant potential competition foreclosed, by consummation of Applicant's proposal, or that there would be undue adverse effects on any bank in the area involved.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Although the present banking needs of the Cape Girardeau area appear to be adequately served by the existing banking institutions, the area is expected to experience continued economic growth. In order to make Bank more responsive to the needs of the area, Applicant plans to expand and to improve many of Bank's services, including its lending program. These considerations relating to the convenience and needs of the area lend some weight toward approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period shall be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] May 13, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-6926 Filed 5-18-71;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-102]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Virginia State Corporation Commission in a proceeding (Case No. 18965) involving rates for telecommunciations services provided by The Chesapeake and Potomac Telephone Company of Virginia.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 13, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc.71-6956 Filed 5-18-71;8:45 am]

[Federal Property Management Regs.; Temporary Reg. F-103]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Rhode Island Public Utilities Commission in a regulatory proceeding involving intrastate rates for telecommunications services provided by the New England Telephone and Telegraph Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 13, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-6955 Filed 5-18-71;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

HAZEL DELL COAL CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Electric Face Equipment Standard specified in the Federal Coal Mine Health and Safety Act of 1969 has been received as follows:

(1) ICP Docket No. 3045 000, Hazel Dell Coal Corp., USBM ID NO. 11 00567 0, New Windsor, Mercer County, Ill., ICP Permit No. 3045 008 [Dooley Bros. Drill Coal, Ser. No. 20 (welded on)].

In accordance with the provisions of section 305(a)(7) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

Copies of renewal applications are available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Eighth Floor, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MAY 12, 1971.

[FR Doc.71-6945 Filed 5-18-71;8:48 am]

ISLAND CREEK COAL CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard specified in the Federal Coal Mine Health and Safety Act of 1969 have been received as follows:

(1) ICP Docket No. 3048 000, Island Creek Coal Co., North Branch Mine, USBM ID No. 46 01309 0, Bayard, Grant County, W. Va.:
ICP Permit No. 3048 001 (Galis Manufacturing Co. Roof Bolter, Serial No. 1).
ICP Permit No. 3048 008 (Lee Norse Continuous Miner, Serial No. 4476).
ICP Permit No. 3048 009 (Lee Norse Continuous Miner, Serial No. 4265).
ICP Permit No. 3048 010 (Lee Norse Continuous Miner, Serial No. 4477).
ICP Permit No. 3048 011 (Acme Roof Bolter, Serial No. 5).
ICP Permit No. 3048 012 (Acme Roof Bolter, Serial No. 1032).
ICP Permit No. 3048 013 (Acme Roof Bolter, Serial No. 1033).

In accordance with the provisions of section 305(a)(7) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

Copies of renewal applications are available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Eighth Floor, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MAY 14, 1971.

[FR Doc.71–6948 Filed 5–18–71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5016]

COLUMBIA HYDROCARBON CORP. AND COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Installment Notes to Holding Company and Retirement of Common Stock by Subsidiary Company

MAY 13, 1971.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), 20 Montchanin Road, Wilmington, DE 19807, a registered holding company, and its wholly owned subsidiary company, Columbia Hydrocarbon Corp. (Hydrocarbon), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 42 and 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Hydrocarbon is engaged in the fractionation of a mixed stream of liquid hydrocarbons purchased from United Fuel Gas Co., another wholly owned subsidiary of Columbia, into its component heavier hydrocarbons (natural gasoline, normal butane, propane, and iso-butane) and the sale of such components. It is proposed that Hydrocarbon acquire, for cancellation, 110,000 shares of its common stock, $25 par value, from Columbia in consideration of the issuance of Hydrocarbon of $600,000 principal amount of 8.4 percent installment promissory notes to Columbia and a cash payment of $2,150,000. The notes are to be unsecured, nonregistered, and will be dated as of the date of their issue. The principal amounts will be due in 25 equal annual installments on May 31 of each of the years 1973 to 1997, inclusive, and interest is to be paid semiannually. The interest rate of 8.4 percent per annum is approximately equal to the cost of money to Columbia with respect to its last sale of debentures, and such interest will accrue from the date of issuance.

It is stated that consummation of the proposed transactions, together with a contemplated payment by Hydrocarbon of a special dividend of $1,150,000, will bring Hydrocarbon's capital ratio in line with the capital ratios of the Columbia System, eliminate excess cash not required by Hydrocarbon in future years, and decrease Hydrocarbon's share of System Federal income taxes. As of December 31, 1970, the capitalization ratio of the System on a consolidated basis was approximately 55-percent debt and 45-percent equity. As of the same date, Hydrocarbon's capitalization consisted of $1,036,000 principal amount of long-term debt securities (excluding current maturities) and $5,146,245 of common stock and retained earnings, or a ratio of approximately 17-percent debt and 83-percent equity. It is anticipated that cash generated by Hydrocarbon from depreciation will exceed current estimates of cash requirements for construction and debt maturities and that Hydrocarbon will accumulate excess cash even though dividends are paid equivalent to its net income.

It is stated that the expenses to be incurred in connection with the proposed transactions are estimated at $150 for Columbia and $350 for Hydrocarbon. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 7, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–6927 Filed 5–18–71;8:47 am]

[812–2550]

COMRESS, INC.

Notice of Filing of Application for Order Declaring Company Is Not an Investment Company

MAY 13, 1971.

Notice is hereby given that Comress, Inc. (Comress), Two Research Court, Route 70S and Shady Grove Road, Rockville, Md. 20850, a Maryland corporation, has filed an application pursuant to Section 3(b)(2) of the Investment Company Act of 1940 (Act) for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly or through majority-owned subsidiaries, or through controlled companies conducting similar types of business. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

A summary of Comress' assets as of December 31, 1970, on the basis of the values assigned by Comress, is set forth in Table I below:

TABLE I

	Percent of voting securities owned	Comress' assets	
		Amount	Percent
Securities of wholly owned and majority owned subsidiaries:			
Commed, Inc.	100	$25,000	0.3
Complex Systems, Inc.	80	639,175	7.4
Data Art Corp.	76	128,921	1.5
Total wholly owned and majority-owned subsidiaries		793,096	9.2
Securities of Companies less than majority-owned:			
Comcet, Inc.	43	2,511,309	29.0
Computer Intelligence, Inc.	43	42,218	.5
Computer Microtechnology, Inc.	13	480,000	5.6
Computer Network Corp.	4	444,445	5.1
Total Companies less than majority-owned		3,477,972	40.2
Assets other than securities, cash, and cash items (current and fixed assets, computer programs, and miscellaneous assets)		4,373,799	50.6
Total assets less Government securities and cash items		8,644,867	100.0
Government securities and cash items		682,184	

Section 3(a)(3) of the Act defines as an investment company any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Table I indicates that investment securities represented by Comress' holdings of less than majority-owned subsidiaries aggregate $3,477,972 or slightly more than 40 percent of its total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Accordingly, it appears that Comress is an investment company as defined in section 3(a)(3) of the Act.

Section 3(b)(2) of the Act, however, excepts from the definition of an investment company in section 3(a)(3) any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses. Comress contends that it is entitled to an order of exemption under section 3(b)(2) of the Act.

Comress states that it is primarily engaged in the following businesses: computer technology directly and through Comcet; and in developing computer programs through Complex Systems, Inc., and Data Art Corp.

Notice is further given that any interested person may, not later than June 1, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Comress at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6928 Filed 5-18-71;8:47 am]

TARIFF COMMISSION

[TEA-W-92, etc.]

D'ANTONIO SHOE CORP. ET AL.

Workers' Petitions for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigations

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of—

TEA-W-92	D'Antonio Shoe Corp., New York, N.Y.
TEA-W-93	Knapp King Size Corp., Brockton, Mass.
TEA-W-94	Bernardo Sandals, Inc., New York, N.Y.
TEA-W-95	Commonwealth Shoe & Leather Co., Inc., Whitman, Mass.

the U.S. Tariff Commission, on the 13th day of May 1971, instituted investigations under 301(c)(2) of the said act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear produced by the aforementioned firms are being imported into the United States in such increased quantities as to cause, or to threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firms.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigations, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petitions filed in this case are available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: May 14, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6991 Filed 5-18-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

[Notice 39]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 14, 1971.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 126514 (Sub-No. 25) (Republication), filed June 30, 1970, published in the FEDERAL REGISTER issue of July 23, 1970, republished this issue. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, AZ 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 1, decided April 28, 1971, and served May 10, 1971, finds; that the present and future public convenience and necessity require

operation by applicants, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of envelopes (1) from New York, N.Y., to Knoxville, Tenn., and (2) from Knoxville, Tenn., to Los Angeles, San Francisco, and Livermore, Calif.; Indianapolis, Ind.; Detroit, Mich.; Minneapolis, Minn.; St. Louis and Kansas City, Mo.; Portland, Oreg.; Dallas, Tex.; and Seattle, Wash. Because it is possible that other persons who may have relied upon notice of the application as published, may have an interest in and would be prejudiced by lack of proper notice of the authority actually granted herein, a notice of the authority actually granted to applicant will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been prejudiced.

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

No. MC 109633 (Sub-No. 16), filed April 21, 1971. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60637. Applicant's representative: Arnold L. Burke, 69 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular/irregular routes, transporting: Irregular route: (1) *Machinery*, between points in Illinois; Regular routes: (2) *General commodities*, between Morris and Chicago, Ill., over U.S. Highway 6 to Joliet; alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, and return over the same route, serving all intermediate points; and (3) *general commodities*, between Morris and Chicago, Ill., over Illinois Highway 47 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, and return over the same routes, serving all intermediate points. NOTE: This matter is directly related to MC-F-11065, published in the FEDERAL REGISTER issue of January 27, 1971. Applicant states that it intends to tack its irregular route authority with its existing authority. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-11135. (Correction) (ALAN MOTOR LINES, INC.—Purchase (Portion)—WILLIAM S. RIGGS) (LILLIAN RIGGS—ADMINISTRATRIX), published in the April 14, 1971, issue of the FEDERAL REGISTER, on page 7089. Prior notice should exclude *pipe and machinery over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and points in New Jersey and the District of Columbia.*

No. MC-F-11168. Authority sought for merger into HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055, of the operating rights and property of ACCELERATED TRANSPORT—PONY EXPRESS, INC., also of Mechanicsburg, PA 17055, and for acquisition by JOHN N. HALL, RAYMOND BUCH, SONDELL COLEMAN, and W. LEROY HALL, all of Mechanicsburg, Pa. 17055, of control of such rights and property through the transaction. Applicants' attorneys: John E. Fullerton, 407 North Front Street, Harrisburg, PA 17101, and Russell R. Sage, 421 King Street, Alexandria, VA 22314. Operating rights sought to be merged: *General commodities*, with specified exceptions as a *common carrier*, over regular routes, between Hagerstown, Md., and Washington, D.C., serving all intermediate points, and the off-route points of State Sanatorium, Silver Spring, Libertytown, Mount Airy, Camp Ritchie, Cascade, Motters, Le Gore, Graceham, Rocky Ridge, and Walkersville, Md., and Rosslyn and Alexandria, Va., between Hagerstown, Md., and Gettysburg, Pa., serving all intermediate points, and the off-route points of Greenstone and Fairfield, Pa., between Hagerstown, Md., and Baltimore, Md., serving all intermediate points, and the off-route points of Blue Ridge Summit, Greenstone, Fairplay, and Greencastle, Pa., and Towson, Cavetown, Smithsburg, Williamsport, Boonsboro, Tilghamton, Ringgold, Eldersburg, Downsville, Reid, Sykesville, Silver Run, and Funkstown, Md., between Washington, D.C., and Baltimore, Md., serving no intermediate points, except that trucks may be dispatched with or without lading, from either of the said termini to the other for pickup or delivery of traffic moving to or from Hagerstown, Md., between Waynesboro, Pa., and New York, N.Y., serving the intermediate points of Passaic, Patterson, Jersey City. Newark, and Harrison, N.J., those between Waynesboro and Gettysburg, Pa., not including Gettysburg, those between Gettysburg, Pa., and Harrisburg, Pa., not including Gettysburg and Harrisburg, and the off-route point of Hagerstown, Md., and those in Maryland and Pennsylvania within 10 miles of Waynesboro, Pa., not including Greencastle, Pa., with restriction;

Between Berkeley Springs, W. Va., and Hagerstown, Md., serving the intermediate and off-route points of Clear Springs and Hancock, Md., and Great Cacapon, W. Va., unrestricted and Paw Paw, W. Va., restricted against the transportation of livestock, from New Market, Va., to Winchester, Va., serving all intermediate points, and the off-route points of Harrisonburg and Shenandoah, Va., and Middleway, W. Va., between Hagerstown, Md., and New Market, Va., serving all intermediate points, and the off-route points of Harrisonburg and Shenandoah, Va., and Middleway, W. Va., between Winchester, Va., and Berkeley Springs, Harpers Ferry, and Burlington, W. Va., serving all intermediate points, and the off-route points of Moorefield, Petersburg, and Middleway, W. Va. between Gettysburg, Pa., and Taneytown, Md., serving all intermediate points, between Schuylkill Haven, Pa., and Lancaster, Pa., serving no intermediate points, between Reading, Pa., and Downingtown, Pa., serving no intermediate points, between Harper's Ferry, W. Va., and Frederick, Md., for operating convenience only, serving no intermediate points, from Newville, Pa., to Winchester, Va., serving no intermediate points, from Winchester, Va., to Newville, Pa., serving no intermediate points, between Baltimore, Md., and Philadelphia, Pa., serving no intermediate points, from Washington, D.C., to Winchester, Va., for operating convenience only, serving no intermediate points, nor the termini, from Winchester, Va., to Washington, D.C., for operating convenience only, serving no intermediate points, nor the termini, with restriction, between Washington, D.C., and Trenton, N.J., serving the intermediate points of Baltimore, Md., and Camden, N.J., between junction U.S. Highway 11 and West Virginia Highway 9 at or near Martinsburg, W. Va., and Berkeley Springs, W. Va., serving no intermediate points, between Hancock, Md., and Huntington, W. Va., serving the intermediate point of Charleston, W. Va., between Charleston, W. Va., and Parkersburg, W. Va., serving no intermediate points, between Winchester, Va., and Parkersburg, W. Va., serving the intermediate point of Clarksburg, W. Va., with restriction, between Clarksburg, W. Va., and junction West Virginia Highways 20 and 2, serving no intermediate points, and serving the junction of West Virginia Highways 20 and 2 for the purposes of joinder only;

General commodities, with specified exceptions, over irregular routes, from New York, N.Y., to Martinsburg, W. Va., and Winchester, Va., from Greenstone, Pa., to Wilmington, Del., Asbury Park and Camden, N.J., and Allentown, Bethlehem, Chester, Harrisburg, Lansdale, Norristown, Reading, and Scranton, Pa., from Hightstown, N.J., to Hagerstown, Md., from Swedesboro, N.J., to Hagerstown, Md., from Hagerstown, Md., to Camden, N.J., from Hagerstown, Md., to Martinsburg, W. Va., from Hagerstown, Md., to Broad Top, Harrisburg and Lock Haven, Pa., Cumberland, Md., and Riverton, Va., from Hagerstown, Md., to Riverton, Va., between Hagerstown, Md.,

and Middletown, Pa., between Frederick, Md., and points in Maryland within 10 miles of Frederick, on the one hand, and, on the other, Frederick, Md., and points in that part of Maryland, Pennsylvania, and West Virginia within 50 miles of Frederick, from Harrisburg, Lancaster, and York, Pa., to Frederick and Walkersville, Md., from Pottsville and Six Mile Run, Pa., and points in Pennsylvania within 10 miles of each, to points in Frederick County, Md., from points in Jefferson and Berkeley Counties, W. Va., to Bellaire, Cincinnati, Orville, and W. Va., to points in North Carolina, from points in North Carolina to Halltown, W. Va., from Berryville and Winchester, Va., to New York, N.Y., and points in Maryland and Pennsylvania, between points in Berkeley and Jefferson Counties, W. Va., and Hagerstown, Md., on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia;

Between points in New Jersey, on the one hand, and, on the other, New York, N.Y., points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., and those in Bucks, Carbon, Chester, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, and Schuylkill Counties, Pa., except that the commodities specified immediate above shall not be transported between points in Atlantic, Cape May, Cumberland, Gloucester, and Salem Counties, N.J., on the one hand, and, on the other, New York, N.Y., with restriction, between Hagerstown, Md., on the one hand, and, on the other, points in Pennsylvania and West Virginia within 100 miles of Hagerstown, between points within 5 miles of Parkersburg, W. Va., on the one hand, and, on the other, points in Pennsylvania, from Parkersburg, W. Va., and points within 5 miles of Parkersburg, to points in Pennsylvania, from Newark, N.J., to Chambersburg, Pa., from Peach Glen, Pa., to Winchester, Va., and Atlantic City, N.J., from Harrisburg, Pa., to Highfield, Leitersburg, Ringgold, and Smithsburg, Md., from New York, N.Y., to Baltimore, Md., Chambersburg, Pa., and Thomas, W. Va., from Vineland, N.J., to Hagerstown, Md., from Hagerstown, Md., to Martinsburg, W. Va., Winchester, Va., and Camp Hill, Carlisle, Chambersburg, Greencastle, Harrisburg, Mechanicsburg, Mercersburg, and New Cumberland, Pa., between Hagerstown, Md., New York, N.Y., and Bayway, Irvington, and Warners, N.J., on the one hand, and, on the other, Bridgeton and Moorestown, N.J., Boyertown, Chambersburg, Doylestown, Hershey, Johnstown, Leesport, Newton, Shamokin, Shippensburg, Tunkhannock, and Weatherly, Pa., Cumberland, Hancock, and Tonoloway, Md., Dry Run, Hedgesville, Inwood, Martinsburg, Mount Vernon, Paw Paw, Piedmont, and Sleepy Creek, W. Va., and Winchester, Va., except that the commodities specified immediately above shall not be transported between New York, N.Y., and Bridgeton, N.J., with restriction, between points within 8 miles of Fairview, on the one hand, and, on the other, points in Maryland and Pennsylvania within 50 miles of Fairview. HALL's MOTOR TRANSIT COMPANY, is authorized to operate as a *common carrier* in Pennsylvania, New York, Virginia, Connecticut, New Jersey, Ohio, Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11169. Authority sought for purchase by INTERNATIONAL CARTAGE, INC., 1020 18th Street, Detroit, MI 48216, of a portion of the operating rights of MOHAWK MOTOR, INC., 3399 East McNichols Road, Detroit, MI 48212, and for acquisition by INDUSTRIAL CARTAGE COMPANY, INC., and in turn by MARY L. SHEARER, WILLIAM T. SHEARER, ROBERT B. SHEARER, MARY CHRISTINE SCHOOLENBERG, and EVON A. ADAMS all of Detroit, Mich. 48216, of control of such rights through the purchase. Applicants' attorneys: Robert A. Sullivan and Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226 and Jack Goodman, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, except those of unusual value, dangerous explosives, livestock, furs, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Toledo, Ohio, and Fort Wayne, Ind., between Cleveland, Ohio, and Tiffin, Ohio, between Tiffin, Ohio, and Toledo, Ohio, between Toledo, Ohio, and Detroit, Mich., between Clyde, Ohio, and Toledo, Ohio, serving the site of the Ford Motor Co. plant, in Brownhelm Township, Lorain County, Ohio, near the intersection of U.S. Highway 6 and Baumhart Road, as an off-route point in connection with carrier's regular route operations between Cleveland, Ohio, and Detroit, Mich., serving the site of the Brush Beryllium plant located about 4.5 miles east of Elmore, Ohio, in Harris Township, Ottawa County, Ohio, as an off-route point in connection with carrier's regular route operations between Cleveland, Ohio, and Detroit, Mich. INTERNATIONAL CARTAGE, INC., holds no authority from this Commission. However, it is affiliated with INTERNATIONAL CARTAGE, LIMITED, 712 Huron Line, Windsor, ON Canada, which is authorized to operate as a *common carrier* in Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11170. Authority sought for control by HYMAN FREIGHTWAYS, INC., 2690 Prior Avenue North, St. Paul, MN 55113, of TRI-D TRUCK LINE, INC., 450 Professional Building, Kansas City, MO 64106, and for acquisition by EUGENE PIKOVSKY, also of St. Paul, Minn. 55113, of control of TRI-D TRUCK LINE, INC., through the acquisition by HYMAN FREIGHTWAYS, INC. Applicants' attorney: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Nortonville, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Winchester, Easton, Kansas City, and Potter, Kans., between Winchester, Kans., and St. Joseph, Mo., serving the intermediate and off-route points of Potter, Easton, and Nortonville, Kans.; *livestock*, over irregular routes, between Easton, Kans., and points in Kansas within 20 miles of Easton, on the one hand, and on the other, Kansas City, Kans., and Kansas City and St. Joseph, Mo. HYMAN FREIGHTWAYS, INC., is authorized to operate as a *common carrier* in South Dakota, Minnesota, North Dakota, Iowa, Wisconsin, Illinois, Nebraska, and Missouri. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–11159. Authority sought for purchase by SOUTHERN KANSAS GREYHOUND LINES, INC., 124 North Cheyenne Street, Tulsa, OK 74103, of a portion of the operating rights of ARKOMO COACH LINES, INC., also of Tulsa, Okla. 74103, and for acquisition by CONTINENTAL TRAILWAYS, INC., 315 Continental Avenue, Dallas, TX 75207 and GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, IL 60606, of control of such rights through the purchase. Applicants' attorney: C. Zimmerman, Post Office Box 730, Wichita, KS 67201. Operating rights sought to be transferred: Passengers and their baggage, and express, and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Tulsa, Okla., and junction U.S. Highway 66 and Oklahoma Highway 33, between junction U.S. Highway 66 and Oklahoma Highway 33, approximately 10 miles east of Tulsa, Okla., and Gravette, Ark., between Gravette, Ark., and Rogers, Ark., between Grove, Okla., and Jay, Okla., between Rogers, Ark., and Fayetteville, Ark., between Tulsa, Okla., and Springdale, Ark., serving all intermediate points; incidental chartered party service from all points on the above described routes, except Rogers, Ark. Vendee is authorized to operate as a common carrier in Missouri, Oklahoma, and Kansas. Application has not been filed for temporary authority under section 210a(b). NOTE: Applicant requests that this matter be handled concurrently with MC–109780 Sub 66.

No. MC–F–11158. Authority sought for purchase by CONTINENTAL TRAILWAYS, INC., 315 Continental Avenue, Dallas, TX 75207, of a portion of the operating rights of ARKOMO COACH LINES, INC., 124 North Cheyenne Avenue, Tulsa, OK 74103, and for acquisition by TCO INDUSTRIES, INC., 1500 Jackson Street, Dallas, TX 75201, of control of such rights through the purchase.

Applicants' attorney: C. Zimmerman, Post Office Box 730, Wichita, KS 67201. Operating rights sought to be transferred: Passengers and their baggage, and express, and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Springfield, Mo., and the Missouri-Arkansas State line, between Rogers, Ark., and the Missouri-Arkansas State line, serving all intermediate points; incidental chartered party service from all points on the above described routes, except Rogers, Ark. Vendee is authorized to operate as a common carrier in Illinois, Missouri, Kansas, California, Texas, Utah, Arizona, New Mexico, Colorado, Nebraska, Oklahoma, Arkansas, Iowa, and Louisiana. Application has not been filed for temporary authority under section 210a(b).

NOTE: Applicant requests that this matter be handled concurrently with MC-109780 Sub. 66.

By the Commission.

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

[FR Doc.71-6966 Filed 5-18-71;8:45 am]

[Notice 41]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 14, 1971.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC-99695 (Sub-No. 6) (Clarification), filed March 15, 1971, published in the FEDERAL REGISTER of April 15, 1971, and republished in part in this issue: Applicant: ATLAS TRANSIT, INC., Post Office Box 707, Little Rock, AR 72203. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, TN 38103. "Applicant further states that the instant application seeks to convert the certificate of registration under MC-99695 Subs 1 and 2 into a certificate of public convenience and necessity." The word "solely" was omitted because Route No. 25 is an extension between Magnolia, Ark., and Cullen, La.

HEARING: Remains assigned June 14, 1971, in Room 978, New Federal Building, Memphis, Tenn., before a hearing examiner to be later designated.

By the Commission.

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

[FR Doc.71-6967 Filed 5-18-71;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 14, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 7.530 M, Route No. 134, filed April 29, 1971. Applicant: ANDREW J. PRICE, doing business as PRICE TRUCK LINE, 312 South Mosley, Wichita, Kans. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, dangerous explosives, household goods as defined by Interstate Commerce Commission and commodities injurious or contaminating to other lading, between Wichita, Kans., and Strother Field, Kans., serving Wichita and Strother Field and a 4-mile radius thereof, and serving the intermediate points of Augusta, Douglas, Rock, Akron and Winfield, Kans., and a 4-mile radius thereof, and serving the off-route point of Rose Hill, Kans., and a 4-mile radius thereof; from Wichita over U.S. Highway 54 to Augusta, Kans., thence south over U.S. Highway 77 to Strother Field and return over the same route; also, as an alternate route for operating convenience only, from Wichita over Kansas Highway 15 to Udall, thence east on Kansas Highway 55 6 miles to U.S. Highway 77, thence south to Strother Field and return over the same route. Both intrastate and interstate authority sought.

HEARING: Monday, June 28, 1971 and Tuesday, June 29, 1971, at Holiday Inn, 1000 North Broadway, Wichita, KS. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission, Fourth Floor, State Office Building, Topeka, KS 66612, and should not be directed to the Interstate Commerce Commission.

State Docket No. 71-63-MF/A, filed February 19, 1971. Applicant: PARCEL DELIVERY & TRANSFER, INC., 1300 Post Road, Anchorage, AK 99501. Applicant's representative: John M. Stern, Jr., Post Office Box 1672, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between points in Zone 2 as defined by the Alaska Transportation Commission, and between points in Zone 2 on the one hand, and all points in Alaska on the other. Zone 2 is defined as that portion of Alaska: All of Alaska lying west of imaginary line commencing at the mouth of the Susitna River, thence northerly to Tanana and continuing to the north coast of Alaska to Barrow. Both intrastate and interstate authority sought.

HEARING: Time and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Alaska Department of Commerce, Alaska Transportation Commission, 750 Mackay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

State Docket No. 71-72-MP/0, filed March 10, 1971. Applicant: INSIDE ALASKA TOURS, INC., doing business as American Sightseeing of Alaska, 1001 Southwest Fifth Avenue, Portland, OR 97204. Applicant's representative: Andrew E. Hoge, 921 West Sixth Avenue, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate a bus service as follows: Transportation of *passengers and their baggage;* (a) interurban common carrier by bus service between Anchorage, Alaska, and a 10-mile radius thereof on the one hand, and Alyeska or Portage, Alaska on the other hand, in closed door service; (b) charter service between points in the State of Alaska; (c) sightseeing in or within a 40-mile radius of the cities of Valdez, Alaska, and Seward, Alaska; (d) tour service along the following routes: East of a line extending from Barrow to the mouth of the Susitna River, including Cordova, along State Highways Nos. 1, 2, 3, 4, 5, 6, 8, 9, and 10, or any combination thereof, originating at or destined to any point on the regular highway system north of Cordova, including Cordova, and including the new Anchorage-Fairbanks Highway, Route 3, but excluding the State highway system west of a line drawn from Barrow to the mouth of the Susitna River, but including any highway system in or connected to Mount McKinley National Park; and (e) limousine service transporting passengers and their baggage between the Anchorage International Airport, ferry terminals, and railroad terminals, on the one hand, and within a 20-mile radius of Anchorage, Alaska, including Anchorage, Alaska, on the other hand. Both intrastate and interstate authority sought.

Hearing: Time and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Alaska Department of Commerce, Alaska Transportation Commission, 750 Mackay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4479 (Sub-No. 11), filed by May 3, 1971. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 1910 University Avenue, Knoxville, TN. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, household goods, commodities in bulk, and those requiring special equipment, between Knoxville and Jellico, Tenn., over U.S. Highway 25W, and also over Interstate Highway 75, serving all intermediate points on both routes not presently authorized. Said authority to be used in conjunction with all of applicant's other authority. No duplicating authority sought. Both intrastate and interstate authority sought.

HEARING: June 17, 1971, 9:30 a.m., at the Holiday Inn., Caryville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 71204-CCT (amendment), filed April 20, 1971, published in the FEDERAL REGISTER issue of May 5, 1971 and republished as amended this issue. Applicant: YOUNGLOVE TRANSFER COMPANY, INC., 4803 Hesperides, Tampa, FL 33614. Applicant's attorney: John W. McWhiter, Jr., Cason, McWhiter, Henderson & Stokes, Post Office Box 2150, Tampa, FL 33601. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except the following: Commodities in bulk; cement; salt; fertilizer and fertilizer material in bags; petroleum products in packages, cases, cans or drums; class A explosives; household goods; malt beverages; beer; sodium; hypochlorite; building and construction materials and supplies in truckload lots; sugar in truckload lots; empty glass containers and bottles and closures therefor; and lumber; on regular routes and regular schedules between Tampa, all points in Pinellas County, all points in Pasco, Hernando, Citrus, and Sumter Counties, west of Interstate 75 and along U.S. Highways 19, 41, and 98, and State Highways No. 50, 44, 490, 491, 495, and 488; applicant also seeks to serve Ocala and all points south and west of Ocala along State Roads 40, 200, and 484 using Interstate 75 as an alternate close door route between Tampa and Ocala NOTE: The purpose of this republication is to change east of Interstate Highway 75 to west of Interstate Highway 75. Both intrastate and interstate authority sought.

HEARING: 1 p.m., Wednesday, May 26, 1971, at State Office Building, 800 Twigg Street, Tampa, FL. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6965 Filed 5-18-71;8:45 am]

[Notice 691]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 14, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72794. By order of May 12, 1971, the Motor Carrier Board approved the transfer to Carolina Dispatching Service, Inc., Post Office Box 552, Charleston, SC 29402, of the operating rights in certificates Nos. MC-35719, and MC-35719 (Sub-No. 1), issued July 1, 1955, and December 17, 1969, respectively, to Ace Van & Storage Co., Inc., 821 Howard Road SE., Washington, DC 20020, authorizing the transportation of household goods, between Washington, D.C., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, West Virginia, Maryland, and Virginia; and between points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, points in New York, Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, and Rhode Island.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6968 Filed 5-18-71;8:45 am]

[Notice 691-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 14, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72862. By application filed May 13, 1971, DEPENDABLE TRANSPORT, INC., 114 Bell Street, Post Office Box FF, Warner Robins, GA 31093, seeks temporary authority to lease the operating rights of GRANTHAM TRUCKING COMPANY, 301 Pine Valley Drive, Warner Robins, GA 31093, under section 210a(b). The transfer to DEPENDABLE TRANSPORT, INC., of the operating rights of GRANTHAM TRUCKING COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6969 Filed 5-18-71;8:45 am]

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federal register

WEDNESDAY, MAY 19, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 97

PART II

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

■

National Poultry and Turkey Improvement Plans and Auxiliary Provisions

■

Notice of Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 145, 147]

NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS AND AUXILIARY PROVISIONS

Notice of Proposed Rule Making

Notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Department of Agriculture has under consideration proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions recommended by the 1970 Conference of representatives of the State agencies cooperating in the administration of the Plans, and by the General Conference Committee, and that, pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), it is proposed to revise Parts 145, 146, and 147 of Title 9, Chapter I, Subchapter F, Code of Federal Regulations, to incorporate such recommended amendments and to make incidental changes for clarity and consistency.

The recommendations included the general revision of Parts 145, 146, and 147 into one Plan, with the consolidation of the general provisions applicable to all classes of fowl and providing for special provisions applicable to problems and conditions peculiar to particular classes of fowl. To comply with these recommendations, it is proposed to consolidate the general requirements for participation and administration of the National Poultry Improvement Plan (Part 145) and the National Turkey Improvement Plan (Part 146) in Subpart A, and to transfer the special provisions for four classes of fowl: (1) Egg type chickens, (2) meat type chickens, (3) turkeys, and (4) waterfowl, exhibition poultry, and game birds to Subparts B, C, D, and E, respectively, of Part 145, which would be designated as National Poultry Improvement Plan. The procedures for conducting random sample performance tests would be transferred to Part 147, which would be designated as Auxiliary Provisions of the National Poultry Improvement Plan. Said Subchapter F, Poultry Improvement, would be revised to read as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

Subpart A—General Provisions

Sec.

Subpart B—Special Provisions for Egg Type Chicken Breeding Flocks and Products

Subpart C—Special Provisions for Meat Type Chicken Breeding Flocks and Products

Subpart D—Special Provisions for Turkey Breeding Flocks and Products

Subpart E—Special Provisions for Waterfowl, Exhibition Poultry, and Game Bird Breeding Flocks and Products

Subpart A—General Provisions

§ 145.1 Definitions.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. Except where the context otherwise requires, for the purposes of this part the following terms shall be construed, respectively, to mean:

(a) *Plan.* The provisions of the National Poultry Improvement Plan contained in this part.

(b) *Person.* A natural person, firm, or corporation.

(c) *Department.* The U.S. Department of Agriculture.

(d) *ASR Division.* The Animal Science Research Division of the Agricultural Research Service of the Department.

(e) *State.* Any State, the District of Columbia, or Puert Rico.

(f) *Official State Agency.* The State authority recognized by the Department to cooperate in the administration of the Plan.

(g) *State Inspector.* Any person employed or authorized under § 145.11(b) to perform functions under this part.

(h) *Authorized Agent.* Any person designated under § 145.11(a) to perform functions under this part .

(i) *Affiliated flockowner.* A flockowner who is participating in the Plan through an agreement with a participating hatchery.

(j) *Flock*—(1) *As applied to breeding.* All poultry of one kind of mating (breed and variety or combination of stocks) and of one classification on one farm;

(2) *As applied to disease control.* All of the poultry on one farm except that, at the discretion of the Official State Agency, any group of poultry which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

(k) *Hatchery.* Hatchery equipment on one premises operated or controlled by any person for the production of baby poultry.

(l) *Poultry.* Domesticated fowl, including chickens, turkeys, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

(m) *Domesticated.* Propagated and maintained under the control of a person.

(n) *Products.* Poultry breeding stock and hatching eggs, baby poultry, and started poultry.

(o) *Baby poultry.* Newly hatched poultry (chicks, poults, ducklings, goslings, keets, etc.) that have not been fed or watered.

(p) *Started poultry.* Young poultry (chicks, pullets, cockrels, capons, poults, ducklings, goslings, keets, etc.) that have been fed and watered and are less than 6 months of age.

(q) *Strain.* Poultry breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

(r) *Stock.* A term used to identify the progeny of a specific breeding combination within a species of poultry. These breeding combinations may include pure strains, strain crosses, breed crosses, or combinations thereof.

(s) *Primary breeding flock.* A flock composed of one or more generations that is maintained for the purpose of establishing, continuing, or improving parent lines.

(t) *Multiplier breeding flock.* A flock that originated from a primary breeding flock and is intended for the production of hatching eggs used for the purpose of producing progeny for commercial egg or meat production or for other nonbreeding purposes.

(u) *Trade name or number.* A name or number compatible with State or Federal laws and regulations applied to a specific stock or product thereof.

(v) *Franchise breeder.* A breeder who normally sells products under a specific strain or trade name and who authorizes other hatcheries to produce and sell products under this same strain or trade name.

(w) *Franchise hatchery.* A hatchery which has been authorized by a franchise breeder to produce and sell products under the breeder's strain or trade name.

(x) *Pullorum Disease or Pullorum.* A disease of poultry caused by Salmonella pullorum.

(y) *Fowl Typhoid or Typhoid.* A disease of poultry caused by Salmonella gallinarum.

(z) *S. Typhimurium Infection or Typhimurium.* A disease of poultry caused by Salmonella typhimurium or S. typhimurium var. copenhagen.

§ 145.2 Administration.

(a) The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan.

(b) The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and the Memorandum of Understanding. An Official State Agency may accept for participation an affiliated flock located in another State under a mutual understanding and agreement, in writing, between the two Official State Agencies regarding conditions of participation and supervision.

(c) The Official State Agency of any State may, except as limited by § 145.3(d), adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

§ 145.3 Participation.

(a) Any person producing or dealing in poultry products may participate in the Plan when he has demonstrated, to the satisfaction of the Official State Agency, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan, and has signed an agreement with the Official State Agency to comply with the general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under § 145.2. Affiliated flockowners may participate without signing an agreement with the Official State Agency.

(b) Each participant shall comply with the Plan throughout the operating year of the Official State Agency, or until released by such Agency.

(c) A participant in any State shall participate with all of his poultry hatching egg supply flocks and hatchery operations within such State.

(d) No person shall be compelled by the Official State Agency to qualify products for any of the other classifications described in § 145.10 as a condition of qualification for the U.S. Pullorum-Typhoid Clean classification.

(e) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced below:

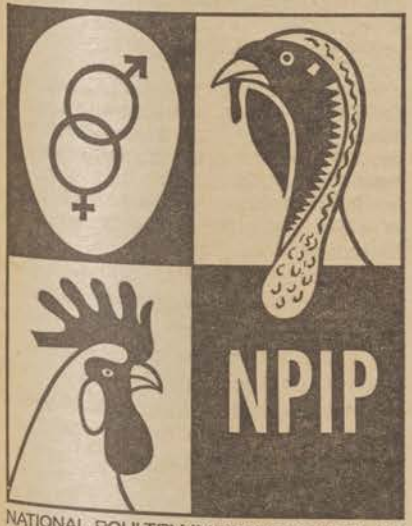

FIGURE 1.

§ 145.4 General provisions for all participants.

(a) Records of purchases and sales and the identity of products handled shall be maintained in a manner satisfactory to the Official State Agency.

(b) Products, records of sales, and purchase of products, and material used to advertise products shall be subject to inspection by the Official State Agency at any time.

(c) Advertising must be in accordance with the Plan, and applicable rules and regulations of the Official State Agency and the Federal Trade Commission. A participant advertising products as being of any official classification may include in his advertising reference to associated or franchised hatcheries only when such hatcheries produce the same kind of products of the same classification.

(d) Participants may not buy or receive for any purpose products from nonparticipants, or sell products of nonparticipants, except with the permission of the Official State Agency for use in breeding flocks or for experimental purposes.

(e) Each shipment of products to points outside the United States and its territories and possessions shall be accompanied by a properly executed NPIP Form 15F, Report of Sales of Hatching Eggs, Chicks, and Poults (For Shipment Outside the United States).

§ 145.5 Specific provisions for participating flocks.

(a) Poultry equipment, and poultry houses, and the land in the immediate vicinity thereof, shall be kept in sanitary condition, and the participating flock, its eggs, and all equipment used in connection with the flock shall be separated from nonparticipating flocks, in a manner acceptable to the Official State Agency. The procedures outlined in §§ 147.21 and 147.22 (a) and (e) of this chapter shall be considered as a guide in determining compliance with this provision.

(b) All flocks shall consist of healthy, normal individuals characteristic of the breed, variety, cross, or other combination which they are stated to represent.

(c) A flock shall be deemed to be a participating flock at any time only if, within the past 12 months, it has qualified for the U.S. Pullorum-Typhoid Clean classification, as prescribed in Subpart B, C, D, or E of this part.

(d) Each bird shall be identified with a sealed and numbered band obtained through or approved by the Official State Agency: *Provided,* That exception may be made at the discretion of the Official State Agency.

§ 145.6 Specific provisions for participating hatcheries.

(a) Hatcheries, including brooder rooms, shall be kept in sanitary condition, acceptable to the Official State Agency. The procedures outlined in §§ 147.22 through 147.25 of this chapter shall be considered as a guide in determining compliance with this provision. The minimum requirements with respect to sanitation shall include the following:

(1) Incubator walls, floors, and trays shall be kept free from broken eggs and eggshells.

(2) Tops of incubators and hatchers shall be kept clean (not used for storage).

(3) Entire hatchery, including sales room, shall be kept in a neat, orderly condition, and free from accumulated dust.

(4) Hatchery residue, such as eggshells, infertile eggs, and dead germs, shall be disposed of promptly and in a manner satisfactory to the Official State Agency.

(5) Hatchers and hatching trays shall be cleaned and fumigated or disinfected after each hatch, preferably using the procedures outlined in §§ 147.24(b) and 147.25(e) of this chapter.

(b) A hatchery which keeps started poultry must keep such poultry separated from the incubator room in a manner satisfactory to the Official State Agency.

(c) All baby and started poultry offered for sale under Plan terminology shall be normal and typical of the breed, variety, cross, or other combination represented.

(d) Eggs incubated shall be sound in shell, typical for the breed, variety, strain, or cross thereof, and reasonably uniform in shape. Hatching eggs shall be trayed and the baby poultry boxed with a view to uniformity of size.

(e) All hatcheries within a State which are operated under the ownership or management of the same person or persons or related corporations, or in which the same person or persons have a substantial financial interest as partners or otherwise, shall participate in the Plan if any of them are to participate.

§ 145.7 Specific provisions for participating dealers.

Dealers in poultry breeding stock, hatching eggs, or baby or started poultry shall comply with all provisions in this part which apply to their operations.

§ 145.8 Terminology and classification; general.

(a) The official classification terms defined in §§ 145.9 and 145.10 and the various designs illustrative of the official classifications reproduced in § 145.10 may be used only by participants and to describe products that have met all the specific requirements of such classifications.

(b) Products produced under the Plan shall lose their identity under Plan terminology when they are purchased for resale by or consigned to nonparticipants.

(c) Participating flocks, their eggs, and the baby and started poultry produced from them may be designated by their strain or trade name. When a

breeder's trade name or strain designation is used, the participant shall be able by records to substantiate that the products so designated are from flocks that are composed of either birds hatched from eggs produced under the direct supervision of the breeder of such strain, or stock multiplied by persons designated and so reported by the breeder to each Official State Agency concerned.

§ 145.9 Terminology and classification; hatcheries and dealers.

Participating hatcheries and dealers shall be designated as "National Plan Hatchery" and "National Plan Dealer", respectively. Each participating hatchery or dealer may be assigned a permanent approval number by the ASR Division. This number may appear on each invoice and shipping label for each separate sale of products. The approval number shall be withdrawn when the hatchery or dealer no longer qualifies for participation in the Plan. All Official State Agencies shall be notified by the ASR Division of additions, withdrawals, and changes in classification.

§ 145.10 Terminology and classification; flocks and products.

Participating flocks, and the products produced from them, which have met the respective requirements specified in Subpart B, C, D, or E of this part may be designated by the following terms or illustrative designs:

(a) *U.S. Record of Performance.* (See § 145.23(a).)

FIGURE 2.

(b) *U.S. Performance Tested Parent Stock.* (See §§ 145.23(b) and 145.33(a).)

FIGURE 3.

(c) *U.S. Certified for Eggs.* (See § 145.23(c).)

FIGURE 4.

(d) *U.S. Certified for Meat.* (See § 145.33(b).)

FIGURE 5.

(e) *U.S. Approved.* (See §§ 145.23(d), 145.33(c), 145.43(a), and 145.53(a).)

FIGURE 6.

(f) *U.S. Pullorum-Typhoid Clean.* (See §§ 145.23(e), 145.33(d), 145.43(b), and 145.53(b).)

FIGURE 7.

(g) *U.S. M. Gallisepticum Clean.* (See §§ 145.23(f), 145.33(e), 145.43(c), and 145.53(c).)

FIGURE 8.

(h) *U.S. Typhimurium Controlled.* (See § 145.43(d).)

FIGURE 9.

§ 145.11 Supervision.

(a) The Official State Agency may designate qualified persons as Authorized Agents to do the blood collecting and blood testing provided for in §§ 145.5 and 145.14, and the selecting required for the U.S. approved classification provided for in § 145.10(e).

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform or supervise the performance of the selecting and testing of participating flocks, and to perform the official inspections necessary to verify compliance with the requirements of the Plan.

§ 145.12 Inspections.

(a) Each participating hatchery shall be inspected a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan.

(b) Each year at least 15 percent of the flocks selected or tested by each Authorized Agent shall be inspected by a State Inspector. This must include the inspection of some flocks of each hatchery. Each flock inspection shall include the examination of a sufficient number of males and females and, in flocks qualified for participation by the whole-blood test, the blood testing of a sufficient number of birds to determine whether the work of the Authorized Agent was satisfactory and that the flock is qualified for participation.

§ 145.13 Debarment from participation.

Noncompliance with the provisions of the Plan, or regulations of the Official State Agency under § 145.2, not corrected within the time specified by the Official State Agency, shall be grounds for the Official State Agency to bar a participant from further participation for a period to be determined in each case by the Official State Agency. Such action shall not be taken until a thorough investigation has been made by the Official State Agency and the participant has been given an opportunity for a hearing.

§ 145.14 Blood Testing.

Blood samples for official tests shall be drawn by an Authorized Agent or State Inspector and tested by an authorized laboratory, except that the stained-antigen, rapid whole-blood test for pullorum-typhoid may be conducted by an Authorized Agent or State Inspector.

(a) *For Salmonella.* (1) The Official blood tests for pullorum-typhoid shall be the standard tube agglutination test or the rapid serum test for all classes of poultry, or the stained-antigen, rapid whole-blood test for all classes of poultry except turkeys. The recommended procedures for conducting such tests are described in §§ 147.1, 147.2, and 147.3 of this chapter. Each lot of antigen used for the whole-blood test shall be approved by the Department and shall be of the polyvalent type.

(2) The official blood test for typhimurium shall be the standard tube agglutination test as described in § 147.4 of this chapter: *Provided,* That, if the following conditions are fulfilled, the tests for pullorum-typhoid and typhimurium may be combined:

(i) The flock is located in a State where an adequate surveillance program for pullorum-typhoid and typhimurium exists;

(ii) A single combination antigen composed of equal quantities of pullorum antigen and typhimurium antigen is used in a screening test in accordance with the procedures described in § 147.1 of this chapter;

(iii) All serum showing suspicious and positive reactions to the combination antigen are reset with individual antigens. Final determination of the status of each flock is determined by bacteriological examination of representative birds showing suspicious or positive reactions;

(iv) If the flock is found to be infected with S. pullorum, S. gallinarum, or S. typhimurium on the basis of bacteriological examinations, retests of the flock are made with separate antigens (pullorum and typhimurium antigens) until the flock is qualified or eliminated.

(3) There shall be an interval of at least 21 days between any official blood test and any previous test with Salmonella antigen.

(4) Turkeys must be more than 4 months of age and chickens and other poultry more than 5 months of age when tested.

(5) The official blood test shall include the testing of a sample of blood from each bird in the flock: *Provided,* That under specified conditions (see applicable provisions of §§ 145.23, 145.33, 145.43, and 145.53) the testing of a portion or sample of the birds may be used in lieu of testing each bird. When partial or sample testing is specified, the birds tested shall be a random or representative sample drawn on a pro rata basis from all pens or units of the flock. When reactors are found in any flock, or S. pullorum or S. gallinarum isolations are made from baby poultry or fluff samples, the flock may qualify for participation with two consecutive official negative tests. Qualification of this flock, or any other flock on the same premises during the next 12 months, shall be based on the testing of all birds, except that when the flock involved is turkeys, the period during which all birds must be tested shall be 2 years. Such testing shall be conducted by or directly supervised by a State Inspector.

(6) All domesticated fowl, except waterfowl, on the farm of the participant shall either be properly tested to meet the same standards as the participating flock or these birds and their eggs shall be separated from the participating flock and its eggs.

(7) All tests with Salmonella antigens of flocks participating in or candidates for participation in the Plan shall be reported to the Official State Agency within 10 days following the completion of such tests. All reactors shall be considered in determining the classification of the flock.

(8) (i) Reactors shall be submitted to a laboratory for autopsy and bacteriological examination. The laboratory and the number of reactors to be submitted shall be designated by the Official State Agency: *Provided,* That for turkey flocks, all reactors, if four or less, and a minimum of four, if there are more than four, shall be submitted. The recommended minimum procedure for bacteriological examination is described in § 147.11 of this chapter.

(ii) When reactors are submitted within 10 days from date of reading the test and the bacteriological examination fails to demonstrate infection of the serotype for which the test was conducted, the flock shall be deemed to have had no reactors to the specified test. If other members of the Salmonella group or paracolons are isolated, the Official State Agency may disqualify the flock for participation, or require such other action as is deemed necessary with respect to the infection.

(9) Any drug, for which there is scientific evidence of masking the test reaction or hindering the bacteriological recovery of Salmonella organisms, shall not be fed or administered to poultry within 3 weeks prior to a test or bacteriological examination upon which a Salmonella classification is based.

(10) When suitable evidence, as determined by the Official State Agency or the State Animal Disease Control Official, indicates that baby or started poultry produced by participating hatcheries are infected with organisms for which the parent flock received an official control classification and this evidence indicates egg transmission, the Official State Agency may, at its discretion, require additional testing of the flock involved. If infection is found in the parent flock, its classification shall be suspended until the flock is requalified under the requirements for the classification. Furthermore, the Official State Agency may require that the hatching eggs from such flocks be removed from the incubator and destroyed prior to hatching. When Salmonella or Arizona organisms are isolated from a specimen which originated in a participating hatchery, the Official State Agency shall attempt to locate and eliminate the source of the infection. The results of the investigation shall be reported by the Official State Agency to the ASR Division.

(b) *For M. gallisepticum.* (1) The official blood test for M. gallisepticum shall be either the serum plate agglutination test, the tube agglutination test, the hemagglutination inhibition (HI) test, or a combination of two or more of these tests. The HI test shall be used to confirm the results of other serological tests.

(2) The tests shall be conducted using M. gallisepticum antigen approved by the Department or the Official State Agency and shall be performed in accordance with the recommendations of the producer of the antigen.

(3) When reactors are submitted to a laboratory as prescribed by the Official State Agency, the following criteria shall be used to determine if the flock is negative for M. gallisepticum: (i) Active air sac lesions; (ii) recovery of M. gallisepticum; and (iii) supplemental serological tests. If all of these tests are negative, the flock shall be deemed to have had no M. gallisipticum reactors. If M. gallisepticum is recovered, the the flock shall be considered infected. If any of the other tests (subdivision (i) or (iii) of this subparagraph) is positive, the flock shall be considered suspicious, and additional laboratory tests shall be conducted before the final disposition of the flock is determined.

Subpart B—Special Provisions for Egg Type Chicken Breeding Flocks and Products

§ 145.21 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *Egg type chicken breeding flocks.* Flocks that are composed of stock that has been developed for egg production and are maintained for the principal purpose of producing chicks for the ultimate production of eggs for human consumption.

(b) *Baby chicks.* Chicks that have not been fed or watered.

(c) *Started chickens.* Young chickens (chicks, pullets, cockerels, capons) which have been fed and watered and are less than 6 months of age.

(d) *USROP or ROP.* U.S. Record of Performance.

(e) *ROP Supervisor.* The person employed or authorized to perform functions under § 145.23(a).

§ 145.22 Participation.

Participating flocks of egg type chickens, and the eggs and chicks produced from them, shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart B.

(a) The minimum weight of hatching eggs sold shall be $1\frac{11}{12}$ ounces each, except as otherwise specified by the purchaser of the eggs.

(b) Mediterranean breed eggs shall be reasonably free from tints.

(c) All eggs should be fumigated at the hatchery as described in § 147.25 (a) or (b) or (c) of this chapter. All eggs should be refumigated after transfer to the hatcher as described in § 147.25(d) of this chapter.

(d) Started chickens shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

§ 145.23 Terminology and classification.

Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10:

(a) *U.S. Record of Performance.* The ROP classification may be attained

through trapnesting and pedigree breeding under the supervision of an Official State Agency.

(1) Females may qualify as ROP females when they have been trapnested for a period of at least 6 months, and records of egg production and egg weight are maintained by the breeder.

(2) A male may qualify as an ROP male when his pedigree record, maintained by the breeder, shows he was produced from a single-male mating of an ROP female and the son of an ROP female.

(3) When products are sold or offered for sale under the ROP classification, the breeder shall have on file evidence that such products are from single-male matings of ROP males and ROP females.

(4) The ROP Supervisor shall represent the Official State Agency in its supervision of ROP participation. He shall visit and inspect the work of each breeder periodically.

(b) *U.S. Performance Tested Parent Stock.* The Performance Tested Parent Stock classification may be attained by stock represented by an entry in a random sample egg production test for which the records have been included in a combined summary published by the ASR Division. (See §§ 147.31, 147.32, and 147.34 of this chapter.) Application for the classification shall be made to the Official State Agency by the breeder of the parent stock. Such application, if acceptable to the Official State Agency, shall be submitted to the ASR Division.

(1) A stock may qualify as Performance Tested Parent Stock for egg production when the regressed mean of the stock for income above feed and chick cost per pullet housed, as published in the combined summary, exceeds the overall mean for all entries in all tests or is not significantly different, at the 5-percent level of probability, from the stock with the highest regressed mean.

(2) Qualification for the U.S. Performance Tested Parent Stock classification shall be determined by the ASR Division from records published in the combined summary, and that Division shall notify each applicant and his Official State Agency of his qualification or failure to qualify.

(3) Stock classified as Performance Tested Parent Stock may retain that classification for 1 year after qualification, provided the stock is maintained under the supervision of the qualifying breeder and is mated in the same combination, and for 1 more year when, in addition, the stock has been continuously represented by an entry for which the test results have been included in the combined summary. When the entry on which qualification is based is the progeny of a combination of two stocks which are distributed commercially under different strain or trade names, each stock may be designated as Performance Test Parent Stock, but this interrelationship shall be specified when the classification of either stock is referred to in advertising or certification.

(4) When products are sold or offered for sale as Performance Tested Parent Stock, the breeder shall be able to substantiate by records filed with the Official State Agency that such products are qualified for this classification.

(c) *U.S. Certified for Eggs.* All males ROP or all males and females from Performance Tested Parent Stock for egg production mated in the same combination as used in the qualifying parent flock.

(d) *U.S. Approved.* All males and females selected by Authorized Agents or State Inspectors according to standards prescribed by the Official State Agency or the State College of Agriculture.

(e) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated by one of the following criteria (See § 145.14 relating to the official blood test.):

(1) It has been officially blood tested within the past 12 months with no reactors.

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated.

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision; and

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors, or its progeny has been subjected to an approved 10-day chick mortality bacteriological examination monitoring program and bacteriological examination of a fluff sample from selected hatches as prescribed by the Official State Agency: *Provided,* That when the blood testing procedure is used, the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises: *And provided further,* That the sample tested for the qualification of a flock under this subparagraph shall include at least 500 birds the first year, 400 the second year, 300 the third year, 200 the fourth year, and 100 the fifth year.

(3) It is a multiplier breeding flock composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the ASR Division that:

(i) All hatcheries, except turkey hatcheries, within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision.

(ii) All hatchey supply flocks, except turkey flocks, within the State, are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided,* That if other domesticated fowl are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(iii) All shipments of product other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(v) All reports of S. pullorum or S. gallinarum isolations from poultry are promptly followed by an investigation by the Official State Agency to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested, following the procedure for reacting flocks as contained in § 145.14(a)(5), and all birds fail to demonstrate pullorum or typhoid infection;

(vii) All poultry, except turkeys, going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition;

(viii) Discontinuation of any of the conditions or procedures described in subdivisions (i), (ii), (iii), (iv), (v), (vi), and (vii) of this subparagraph, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks, other than turkey flocks, within or originating within the State shall be grounds for revocation of the determination. Such action shall not be taken until a thorough investigation has been made by the ASR Division and the Official State Agency has been given an opportunity for a hearing.

(4) It is a multiplier breeding flock located in a State which has been determined to be in compliance with the provisions of § 145.23(e)(3), and in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks, other than turkey flocks, within the State during the preceding 24 months.

(5) It is a primary breeding flock located in a State determined to be in compliance with the provision of § 145.23(e)(4), and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with no reactors: *Provided,* That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by the ASR Division may be used in lieu of blood testing.

(f) *U.S. M. Gallisepticum Clean.* (1) A flock maintained in compliance with

the provisions of § 147.26 of this chapter and in which freedom from M. gallisepticum has been demonstrated by one of the following procedures:

(i) All birds have been tested as provided in § 145.14(b) when more than 5 months of age: *Provided,* That to retain this classification a random sample of at least 10 percent of the flock shall be tested at intervals of not more than 60 days; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks, and samples comprising at least 10 percent of the birds in the flock have been tested, as provided in § 145.14(b), twice between the ages of 8 weeks and 22 weeks, with an interval of not less than 60 days between the two tests: *Provided,* That to retain this classification, the flock shall be subjected to one of the following procedures:

(*a*) At intervals of not more than 90 days, a random sample of at least 5 percent of the flock shall be tested; or

(*b*) At intervals of not more than 30 days, a sample of 25 cull chicks produced from the flock shall be subjected to approved laboratory procedures for the detection and recovery of M. gallisepticum; or

(*c*) At intervals of not more than 60 days, serum samples obtained from at least 100-day-old chicks produced from the flock shall be examined for M. gallisepticum antibodies.

(2) A participant handling U.S. M. Gallisepticum Clean products shall keep these products separate from other products in a manner satisfactory to the Official State Agency: *Provided,* That U.S. M. Gallisepticum Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under subdivision (i) of subparagraph (1) of this paragraph are set.

(3) U.S. M. Gallisepticum Clean chicks shall be boxed in clean boxes and delivered in clean, disinfected trucks.

Subpart C—Special Provisions for Meat Type Chicken Breeding Flocks and Products

§ 145.31 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *Meat type chicken breeding flocks.* Flocks that are composed of stock that has been developed for meat production and are maintained for the principal purpose of producing chicks for the ultimate production of meat.

(b) *Baby chicks.* Chicks that have not been fed or watered.

(c) *Started chickens.* Young chickens (chicks, pullets, cockerels, capons) which have been fed and watered and are less than 6 months of age.

§ 145.32 Participation.

Participating flocks of meat-type chickens, and the eggs, and chicks produced from them, shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart C.

(a) The minimum weight of hatching eggs sold shall be $1^{9}/_{12}$ ounce each, except as otherwise specified by the purchaser of the eggs.

(b) All eggs should be fumigated at the hatchery as described in § 147.25 (a) or (b) or (c) of this chapter. All eggs should be refumigated after transfer to the hatcher as described in § 147.25(d) of this chapter.

(c) Started chickens shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

§ 145.33 Terminology and classification.

Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10:

(a) *U.S. Performance Tested Parent Stock.* The Performance Tested Parent Stock classification may be attained by a stock represented by an entry in a random sample meat production test for which the records have been included in a combined summary published by the ASR Division. (See §§ 147.31, 147.33, and 147.34 of this chapter.) Application for the classification shall be made to the Official State Agency by the breeder of the parent stock. Such application, if acceptable to the Official State Agency, shall be submitted to the ASR Division.

(1) A stock may qualify as Performance Tested Parent Stock for meat production when the regressed mean of the stock for rate of growth (average live weight at completion of test) and for rate of egg production on a hen-housed basis, as published in the combined summary, exceeds the overall mean for all entries in all tests or is not significantly different, at the 5-percent level of probability, from the stock with the highest regressed mean.

(2) Qualification for the U.S. Performance Tested Parent Stock classification shall be determined by the ASR Division from records published in the combined summary, and that Division shall notify each applicant and his Official State Agency of his qualification or failure to qualify.

(3) Stock classified as Performance Tested Parent Stock may retain that classification for 1 year after qualification, provided the stock is maintained under the supervision of the qualifying breeder and is mated in the same combination, and for 1 more year when, in addition, the stock has been continuously represented by an entry for which the test results have been included in the combined summary. When the entry on which qualification is based is the progeny of a combination of two stocks which are distributed commercially under different strain or trade names, each stock may be designated as Performance Tested Parent Stock, but this interrelationship shall be specified when the classification of either stock is referred to in advertising or certification.

(4) When products are sold or offered for sale as Performance Tested Parent Stock, the breeder shall be able to substantiate by records filed with the Official State Agency that such products are qualified for this classification.

(b) *U.S. Certified for Meat.* All males and females from Performance Tested Parent Stock for meat production mated in the same combination as used in the qualifying parent flock.

(c) *U.S. Approved.* All males and females selected by Authorized Agents or State Inspectors according to standards prescribed by the Official State Agency or the State College of Agriculture.

(d) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated by one of the following criteria (See § 145.14 relating to the official blood test.)

(1) It has been officially blood tested within the past 12 months with no reactors.

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision; and

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors, or its progeny has been subjected to an approved 10-day chick mortality bacteriological examination monitoring program and bacteriological examination of a fluff sample from selected hatches as prescribed by the Official State Agency: *Provided,* That when the blood testing procedure is used, the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises: *And provided further,* That the sample tested for the qualification of a flock under this subparagraph shall include at least 500 birds the first year, 400 the second year, 300 the third year, 200 the fourth year, and 100 the fifth year.

(3) It is a multiplier breeding flock composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision and is located in a State in which it has been determined by the ASR Division that:

(i) All hatcheries, except turkey hatcheries, within the State are qualified as "National Plan Hatcheries" or have

met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All hatchery supply flocks, except turkey flocks, within the State, are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided*, That if other domesticated fowl are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is located;

(v) All reports of S. pullorum or S. gallinarum isolations from poultry are promptly followed by investigation by the Official State Agency to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested following the procedure for reacting flocks as contained in § 145.14(a)(5), and all birds fail to demonstrate pullorum or typhoid infection;

(vii) All poultry, except turkeys, going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition;

(viii) Discontinuation of any of the conditions or procedures described in subdivisions (i), (ii), (iii), (iv), (v), (vi), and (vii) of this subparagraph, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks, other than turkey flocks, within or originating within the State shall be grounds for revocation of the determination. Such action shall not be taken until a thorough investigation has been made by the ASR Division and the Official State Agency has been given an opportunity for a hearing.

(4) It is a multiplier breeding flock located in a State which has been determined to be in compliance with the provisions of § 145.33(d)(3) and in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks, other than turkey flocks, within the State during the preceding 24 months.

(5) It is a primary breeding flock located in a State determined to be in compliance with the provision of § 145.33(d)(4), and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with no reactors: *Provided*, That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by the ASR Division may be used in lieu of blood testing.

(e) *U.S. M. Gallisepticum Clean.* (1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from M. gallisepticum has been demonstrated by one of the following procedures:

(i) All birds have been tested as provided in § 145.14(b) when more than 5 months of age: *Provided*, That to retain this classification, a random sample of at least 10 percent of the flock shall be tested at intervals of not more than 60 days; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks, and samples comprising of at least 10 percent of the birds in the flock have been tested, as provided in § 145.14(b), twice between the ages of 8 weeks and 22 weeks, with an interval of not less than 60 days between the two tests. *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

(*a*) At intervals of not more than 90 days, a random sample of at least 5 percent of the flock shall be tested; or

(*b*) At intervals of not more than 30 days, a sample of 25 cull chicks produced from the flock shall be subjected to approved laboratory procedures for the detection and recovery of M. gallisepticum; or

(*c*) At intervals of not more than 60 days, serum samples obtained from at least 100-day-old chick produced from the flock shall be examined for M. gallisepticum antibodies.

(2) A participant handling U.S. M. Gallisepticum Clean products shall keep these products separate from other products in a manner satisfactory to be Official State Agency: *Provided*, That U.S. M. Gallisepticum Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under subdivision (i) of subparagraph (1) of this paragraph are set.

(3) U.S. M. Gallisepticum Clean chicks shall be boxed in clean boxes and delivered in clean, disinfected trucks.

Subpart D—Special Provisions for Turkey Breeding Flocks and Products

§ 145.41 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *Baby poults.* Poults that have not been fed or watered.

(b) *Broad-breasted.* A term used to describe a type of turkey which, at the time of selection and no later than 30 weeks of age, has a breast width at a point 1¾ inches above the keel of at least 3½ inches, for both toms and hens.

§ 145.42 Participation.

Participating turkey flocks, and the eggs and poults produced from them, shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart D.

(a) All flocks shall consist of birds that have been selected for health, vigor, and freedom from physical deformities of economic importance by an Authorized Agent or State Inspector.

(b) The minimum weight of turkey hatching eggs shipped interstate shall be 2 ounces each for small varieties and 2½ ounces each for other varieties, unless otherwise specified by the purchaser of the eggs.

(c) All eggs set should have been fumigated as described in § 147.25(a) of this chapter, and should be refumigated as described in § 147.25(c) of this chapter or they should be fumigated as soon as possible (preferably within 12 hours) after setting as described in § 147.25(b) of this chapter. All eggs should be refumigated after transfer to the hatcher as described in § 147.25(d) of this chapter.

§ 145.43 Terminology and classification.

Participating flocks, and the eggs and poults produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10.

(a) *U.S. Approved.* All males and females selected by Authorized Agents or State Inspectors according to standards prescribed by the Official State Agency or the State College of Agriculture.

(b) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated by one of the following criteria (See § 145.14 relating to the official blood test.):

(1) It has been officially blood tested within the past 12 months with no reactors.

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarium is isolated;

(ii) The flock is composed entirely of birds that originated from flocks that qualified as U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent blood testing requirements under official supervision; and

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors: *Provided*, That the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises: *And provided further*, That the sample tested for the qualification of a flock under this subparagraph shall include at least 500 birds the first year, 400 the second year, 300 the third year, 200 the fourth year, 100 the fifth year; or

(3) It is a multiplier breeding flock composed entirely of birds that originated from flocks qualified as U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent blood testing requirements under official supervision, and is located in a State in which it has been determined by the ASR Division that:

(i) All chicken and turkey hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All chicken and turkey hatchery supply flocks within the State are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for blood testing under official supervision;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(v) All reports of S. pullorum or S. gallinarum isolations are promptly followed by an Official State Agency investigation to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or subsequently blood tested and all birds in such flocks fail to demonstrate pullorum or typhoid infection;

(vii) All chickens and turkeys going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; and

(viii) A monitoring program, including official blood tests of at least 25 percent of the birds in the hatchery supply flocks in the State, is systematically conducted each year. The samples tested are selected to be representative of all hatchery supply flocks in the State. The minimum requirements as to the percentage of birds tested in the monitoring program may be reduced by 5 percent of the total number of birds in all flocks following each year in which no infected birds are detected.

(c) *U.S. M. Gallisepticum Clean.* (1) A flock maintained in accordance with the conditions and procedures described in § 147.26 of this chapter, and in which no reactors are found when a random sample of at least 10 percent of the birds in the flock is tested when more than 4 months of age, in accordance with the procedures described in § 145.14(b).

(2) A flock qualified as U.S. M. Gallisepticum Clean may retain the classification for 1 year, provided it is maintained in isolation and no evidence of M. gallisepticum infection is revealed. Each flock and premises shall be inspected at least once during the laying period by an Authorized Agent of the Official State Agency or the State Animal Disease Control Official. If a flock proves to be infected with M. gallisepticum, it shall be eliminated as a breeding flock under the supervision of the Official State Agency or the State Animal Disease Control Official.

(3) In order to sell hatching eggs or poults of this classification, all hatching eggs and poults handled by the participant must be of this classification.

(d) *U.S. Typhimurium Controlled.* (1) A flock meeting the following requirements:

(i) (*a*) All birds have been officially blood tested within 12 months for S. typhimurium as provided in § 145.14(a) (2) and no reactors were found on the first test; or

(*b*) All birds are located on premises and originated from premises where U.S. Typhimurium Controlled flocks, tested in accordance with § 145.43(d) (1) (i) (*a*), were maintained for a 2-year period with no evidence of S. typhimurim infection, and no subsequent evidence of infection found. Flocks must be located within a State in which all isolations of S. typhimurium are reported promptly to both the Official State Agency and the State Animal Disease Control Official.

(ii) The flock is maintained in compliance with the provisions of § 147.21 of this chapter, and the hatching eggs are handled in compliance with the provisions of § 147.22 of this chapter in a manner satisfactory to the Official State Agency. All eggs used for hatching shall be visibly clean and fumigated as described in § 147.25(a) of this chapter as soon as possible after collection. Each flock and premises shall be inspected at least once during the egg production season by a State Inspector to ascertain that these provisions are being followed. The Official State Agency shall immediately terminate the U.S. Typhimurium Controlled classification of flocks found to be in noncompliance with these provisions.

(2) In order to sell hatching eggs or poults of this classification, all hatching eggs and poults handled must meet the requirements for this classification.

(3) Hatcheries producing products of this classification shall be maintained in compliance with the provisions of §§ 147.23, 147.24, and 147.25 of this chapter in a manner satisfactory to the Official State Agency.

Subpart E—Special Provisions for Waterfowl, Exhibition Poultry, and Game Bird Breeding Flocks and Products

§ 145.51 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *Waterfowl.* Domesticated fowl that normally swim, such as ducks and geese.

(b) *Exhibition poultry.* Domesticated fowl which are bred for the combined purposes of meat or egg production and competitive showing.

(c) *Game birds.* Domesticated fowl such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons.

§ 145.52 Participation.

Participating flocks of waterfowl, exhibition poultry, and game birds, and the eggs and baby poultry produced from them, shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart E.

(a) All eggs should be fumigated at the hatchery as described in § 147.25(a) or (b) or (c) of this chapter. All eggs should be refumigated after transfer to the hatchery as described in § 147.25(d) of this chapter.

(b) Started poultry shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

§ 145.53 Terminology and classification.

Participating flocks, and the eggs and baby poultry produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10.

(a) *U.S. Approved.* All males and females selected by Authorized Agents or State Inspectors according to standards prescribed by the Official State Agency or the State College of Agriculture.

(b) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated by one of the following criteria (See § 145.14 relating to the official blood test.):

(1) It has been officially blood tested within the past 12 months with no reactors.

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision; and

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors, or its progeny has been been subjected to an approved 10-day poultry mortality bacteriological examination monitoring program and bacteriological examination of a fluff sample from selected hatches as prescribed by the Official State Agency: *Provided,* That when the blood testing procedure is used, the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises: *And provided further,* That the sample tested for

the qualification of a flock under this subparagraph shall include at least 500 birds the first year, 400 the second year, 300 the third year, 200 the fourth year, and 100 the fifth year.

(3) It is a multiplier breeding flock composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the ASR Division that:

(i) All hatcheries, except turkey hatcheries, within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All hatchery supply flocks, except turkey flocks, within the State, are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided*, That if other domesticated fowl are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(v) All reports of S. pullorum or S. gallinarum isolations from poultry are promptly followed by an investigation by the Official State Agency to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested, following the procedure for reacting flocks as contained in § 145.14(a)(5), and all birds fail to demonstrate pullorum or typhoid infection;

(vii) All poultry, except turkeys, going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition;

(viii) Discontinuation of any of the conditions or procedures described in subdivisions (i), (ii), (iii), (iv), (v), (vi), and (vii) of this subparagraph, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks, other than turkey flocks, within or originating within the State shall be grounds for revocation of the determination. Such action shall not be taken until a thorough investigation has been made by the ASR Division and the Official State Agency has been given an opportunity for a hearing.

(4) It is a multiplier breeding flock located in a State which has been determined to be in compliance with the provisions of § 145.53(b)(3), and in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks, other than turkey flocks, within the State during the preceding 24 months.

(5) It is a primary breeding flock located in a State determined to be in compliance with the provision of § 145.53(b)(4), and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with no reactors: *Provided*, That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by the ASR Division may be used in lieu of blood testing.

(c) *U.S. M. Gallisepticum Clean.* (1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from M. gallisepticum has been demonstrated by one of the following procedures:

(i) All birds have been tested as provided in § 145.14(b) when more than 5 months of age: *Provided*, That to retain this classification, a random sample of at least 10 percent of the flock shall be tested at intervals of not more than 60 days; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean baby poultry from primary breeding flocks, and samples comprising at least 10 percent of the birds in the flock have been tested, as provided in § 145.14(b), twice between the ages of 8 weeks and 22 weeks, with an interval of not less than 60 days between the two tests: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

(*a*) At intervals of not more than 90 days, a random sample of at least 5 percent of the flock shall be tested; or

(*b*) At intervals of not more than 30 days, a sample of at least 25 cull baby poultry produced from the flock shall be subjected to approved laboratory procedures for the detection and recovery of M. gallisepticum; or

(*c*) At intervals of not more than 60 days, serum samples obtained from at least 100-day-old baby poultry produced from the flock shall be examined for M. gallisepticum antibodies.

(2) A participant handling U.S. M. Gallisepticum Clean products shall keep these products separate from other products in a manner satisfactory to the Official State Agency: *Provided*, That U.S. M. Gallisepticum Clean baby poultry from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under subdivision (i) of subparagraph (1) of this paragraph are set.

(3) U.S. M. Gallisepticum Clean baby poultry shall be boxed in clean boxes and delivered in clean, disinfected trucks.

PART 147—AUXILIARY PROVISIONS OF THE NATIONAL POULTRY IMPROVEMENT PLAN

Subpart A—Blood Testing Procedures

Sec.

Subpart B—Bacteriological Examination Procedure

Subpart C—Sanitation Procedures

Subpart D—Random Sample Performance Testing Procedures

Subpart E—Procedure for Changing National Poultry Improvement Plan

Subpart A—Blood Testing Procedures

§ 147.1 The standard tube agglutination test.[1]

(a) The blood samples should be collected and delivered as follows:

(1) The blood samples should be taken by properly qualified and authorized persons only, and in containers provided by the laboratory. The containers should be stoutwalled test tubes, preferably ⅜ inch by 3 inches, without lip, or small well-selected medicine vials, which have been throughly cleaned and dried in a hot-air drying oven. If stoppers are used, they should be thoroughly cleaned and dried.

(2) Sufficient blood should be procured by making a small incision in the large median wing vein with a small sharp lancet and allowing the blood to run into

[1] The procedure described is a modification of the method reported in the Proceedings of the United States Live Stock Sanitary Association, Nov. 30 to Dec. 2, 1932, pp. 487 to 491.

the tube, or by the use of a small syringe (with 20- or 21-gage needle) which is properly cleansed between bleedings with physiological saline solution. To facilitate the separation of the serum, the tubes should be placed in a slanted position until the blood has solidified. After the blood has completely clotted, they should be packed and shipped by mail (special delivery), rapid express, or by messenger, to the laboratory. All labeling must be clear and permanent, and may be done with a suitable pencil on etched portions of the tube, or by means of fast-gum labels.

(3) The blood samples must reach the laboratory in a fresh and unhemolyzed condition. Hemolyzed samples should be rejected. It is imperative, therefore, to cool the tubes immediately after slanting and clotting, and unless they reach the laboratory within a few hours, to pack them with ice in special containers, or use some other cooling system which will insure their preservation during transportation. In severe cold seasons, extreme precautions must be exercised to prevent freezing and consequent laking. The samples must be placed in cold (5° to 10° C.) storage, immediately upon arrival at the laboratory.

(b) The antigen shall consist of representative strains of S. pullorum which are of known antigenic composition, high agglutinability, but are not sensitive to negative and nonspecific sera. The stock cultures may be maintained satisfactorily by transferring to new sloped agar at least once a month and keeping at 18° to 25° C. (average room temperature) in a dark closet or chest, following incubation for from 24 to 36 hours at 37° C. The antigenic composition and purity of the stock cultures should be checked consistently.

(c) A medium which has been used satisfactorily has the following composition:

Water	1,000 cc.
Difco beef extract	4 gm. (0.4 percent).
Difco Bacto-peptone	10 gm. (1.0 percent).
Difco dry-granular agar.	20 gm. (2.0 percent).
Reaction—pH 6.8 to 7.2.	

(d) Large 1-inch test tubes, Kolle flasks, or Blake bottles should be streaked liberally over the entire agar surface with inoculum from 48-hour slant agar cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles should be incubated 48 hours at 37° C., and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension should be filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(e) Thiosulfate-Glycerin (TG) medium may be used as an alternate medium for the preparation of tube agglutination antigen. The TG medium, formerly used for the preparation of stained, whole-blood antigen, is described in more detail in the article by MacDonald, A.D., Recent Developments in Pullorum Antigen for the Rapid, Whole-Blood Test, Report of the Conference of the National Poultry Improvement Plan, pages 122–127, 1941. This medium provides a tube antigen of excellent specificity and greatly increases the yield of antigen from a given amount of medium. The TG medium has the following composition:

Beef infusion	1,000 cc.
Difco Bacto-peptone	20 gm. (2.0 percent).
Sodium thiosulfate	5 gm. (0.5 percent).
Ammonium chloride	5 gm. (0.5 percent).
Glycerin, U.S.P. (95 percent)	20 cc. (2.0 percent).
Difco dry-granular agar	30 gm. (3.0 percent).
Reaction—pH 6.8 to 7.2.	

Large 1-inch test tubes, Kolle flasks, Blake bottles, or Erlenmeyer flasks should be seeded over the entire agar surface with inoculum from 24-hour beef infusion broth cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles should be incubated 96 hours at 37° C., and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension should be filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigen then should be centrifuged. The mass of bacteria should be removed from the centrifuge tubes or bowl and resuspended in saline (0.85 percent) solution containing 0.5 percent phenol. After the bacterial mass has been uniformly suspended in the diluent, it should be again passed through a cotton pad in a Buchner funnel without the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(f) The diluted antigen to be used in the routine testing should be prepared from the stock antigen by dilution of the latter with physiological (0.85 percent) saline solution containing 0.25 percent of phenol to a turbidity corresponding to 0.75–1.00 on the McFarland nephelometer scale. The hydrogen-ion concentration of the diluted antigen should be corrected to pH 8.2 to 8.5 by the addition of dilute sodium hydroxide. New diluted antigen should be prepared each day and kept cold. The diluted anitgen may be employed in 2 cc. quantities in 4- by ½-inch test tubes, or 1 cc. quantities in smaller tubes, in which the final serum-antigen mixtures are made and incubated. The distribution of the antigen in the tubes may be accomplished by the use of long burettes, or special filling devices made for the purpose.

(g) The maximum serum dilution employed must not exceed 1:50 for chickens, nor 1:25 for turkeys. The available data indicate that 1:25 dilution is the most efficient. In all official reports on the blood test, the serum dilutions shall be indicated. The sera should be introduced into the agglutination tubes in the desired amounts with well-cleaned serological pipettes or special serum-delivery devices which do not permit the mixing of different sera. The antigen and serum should be well mixed before incubation. The serum and antigen mixture must be incubated for at least 20 hours at 37° C.

(h) The results shall be recorded as:

N, or — (negative) when the serum-antigen mixture remains uniformly turbid.
P, or + (positive) when there is a distinct clumping of the antigen, and the liquid between the agglutinated particles is clear.
S, or ? (suspicious) when the agglutination is only partial or incomplete.
M, or missing, when samples listed on the original record sheet are missing.
H, or hemolyzed, when blood samples are hemolyzed and cannot be tested.
B, or broken, when sample tubes are broken and no serum can be obtained.

(Some allowances must always be made for the difference in sensitiveness of different antigens and different setups, and therefore, a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of S. pullorum.)

§ 147.2 The rapid serum test.[2]

(a) The procedure for the collection and delivery of blood samples in the rapid serum test is the same as that described in § 147.1(a).

(b) The selection and maintenance of suitable strains of S. pullorum and the composition of a satisfactory medium are described in § 147.1 (b) and (c).

(c) Large 1-inch test tubes, Kolle flasks, or Blake bottles are streaked liberally from 48-hour slant-agar cultures prepared from stock cultures of the selected strains.

(d) The antigen-growing tubes or bottles should be incubated 48 hours at 37° C., and the surface growth washed off with a very slight amount of 12 percent solution of sodium chloride containing 0.25 to 0.5 percent phenol, filtered through lightly packed sterile absorbent cotton placed in the apex of a sterile funnel.

(e) The washings should be adjusted (using 12 percent sodium chloride containing 0.25 to 0.5 percent phenol) so that the turbidity is 50 times greater than tube 0.75 of McFarland's nephelometer, or to a reading of 7 mm. by the Gates nephelometer.

(f) The individual strain antigens should be tested with negative sera for their insensitivity and with positive sera for high agglutinability in comparison with known satisfactory antigen. The antigens of the separate strains should be combined in equal volume-density

[2] The procedure described is a modification of the method reported by Runnels, Coon, Farley, and Thorpe, Amer. Vet. Med. Assoc. Jour. 70 (N.S. 23): 660–662 (1927).

and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(g) The tests should be conducted on a suitable, smooth plate. The serum-antigen dilution should be made so that the dilution will not exceed 1:50 when compared to the standard tube agglutination test. When testing turkey blood samples, it is desirable to use a serum-antigen dilution equivalent to the 1:25 in the tube method. The serum should be added to the antigen and mixed thoroughly by use of the tip of the serum pipette. Most strong positive reactions will be plainly evident within 15 to 20 seconds. The final reading should be made at the end of 2 or 3 minutes. Heating the plate at approximately 37° C. will hasten agglutination. Before reading, the plate should be rotated several times.

(h) The results shall be recorded in § 147.1(h).

§ 147.3 The stained-antigen, rapid, whole-blood test.[3]

(a) The description of the preparation of antigen is not herein included because the antigen is a proprietary product produced only under license from the Secretary of Agriculture.

(b) A loop for measuring the correct quantity of blood can usually be obtained from the manufacturer of the antigen. A satisfactory loop may be made from a piece of No. 20 gage nichrome wire, 2½ inches long, at the end of which is fashioned a loop three-sixteenths of an inch in diameter. Such a loop, when filled with blood so that the blood appears to bulge, delivers 0.02 cc. A medicine dropper whose tip is adjusted to deliver 0.05 cc. is used to measure the antigen. A glass plate about 15-inches square, providing space for 48 tests, has proved satisfactory for this work. The use of such a plate enables the tester to have a number of successive test mixtures under observation without holding up the work to wait for results before proceeding to the next bird.

(c) A drop of antigen should be placed on the testing plate. A loopful of blood should be taken up from the wing vein. When submerged in the blood and then carefully withdrawn, the loop becomes properly filled. On looking down edgewise at the filled loop, one observes that the blood appears to bulge. The loopful of blood then should be stirred into the drop of antigen, and the mixture spread to a diameter of about 1 inch. The loop then should be rinsed in clean water and dried by touching it to a piece of clean blotting paper, if necessary. The test plate should be rocked from side to side a few times to mix the antigen and blood thoroughly, and to facilitate agglutination. The antigen should be used according to the directions of the producer.

(d) Various degrees of reaction are observed in this as in other agglutination tests. The greater the agglutinating ability of the blood, the more rapid the clumping and the larger the clumps. A positive reaction consists of a definite clumping of the antigen surrounded by clear spaces. Such reaction is easily distinguished against a white background. A somewhat weaker reaction consists of small but still clearly visible clumps of antigen surrounded by spaces only partially clear. Between this point and a negative or homogeneous smear, there sometimes occurs a very fine granulation barely visible to the naked eye; this should be disregarded in making a diagnosis. The very fine marginal clumping which may occur just before drying up is also regarded as negative. In a nonreactor, the smear remains homogeneous. (Allowance should be made for differences in the sensitiveness of different antigens and different setups, and therefore, a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of S. pullorum.)

§ 147.4 The tube agglutination test for S. typhimurium.

(a) The procedure for the collection and delivery of blood samples in the tube agglutination test for S. typhimurium is the same as that described in § 147.1(a).

(b) The "O" antigen should be prepared as follows:

(1) The antigen shall consist of a representative nonmotile strain of S. typhimurium which is of known antigenic composition and high agglutinability but is not sensitive to negative and nonspecific sera. Strain P 10 meets these requirements.

(2) The stock culture is maintained on 1 percent nutrient agar deeps, which have been incubated for 18–24 hours at 37° C. They are stored at room temperature.

(3) A satisfactory medium used for growing the organism is veal infusion agar (Difco). It is dispensed in 50 ml. amounts into 500 ml. medicine bottles, with screw caps, and sterilized at 15 pounds pressure for 20 minutes. The bottles are then laid flat upon an even surface until the medium has solidified.

(4) The inoculum used for preparation of "O" antigen is a nonmotile strain of S. Typhimurium. The organism is grown in veal infusion broth (Difco) for 18–24 hours at 37° C.; then plated, for single colony isolation, on veal infusion agar plates. These plates are incubated for 18–24 hours at 37° C. After incubation, single colonies are picked and transferred to veal infusion agar slants, which are incubated for 18–24 hours at 37° C. After this, the cultures are tested for smoothness by using a 1:500 dilution of acriflavine.

(5) Smooth cultures are inoculated into flasks containing veal or beef infusion broth which is incubated for 18–24 hours at 37° C. The incubated broth suspension of organisms is dispensed into the antigen bottles containing veal infusion agar. The suspension is distributed evenly over the agar surface by gently tilting the bottles from side to side. The inoculated bottles are then laid flat, agar side down, for 10–20 minutes. They are subsequently incubated, agar side upward, for 24–48 hours at 37° C. before harvesting.

(6) The harvesting of the organism consists of washing the growth from each antigen bottle with 0.5 percent phenolized physiological saline. The bacterial suspension from each bottle is filtered through sterile milk pad filters into a large sterile container or through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. To each 100 ml. of the bacterial suspension is added additional phenol to make the final concentration 0.5 percent. The concentrated antigen is tested for sterility at intervals after 24 hours. After sterility is proved, the stock antigen is standardized to determine the density according to the McFarland nephelometer scale.

(7) The diluted antigen to be used in routine testing is prepared from stock antigen, by diluting with 0.25 percent phenolized saline, and is standardized to a turbidity corresponding to 0.75–1.00 of the McFarland nephelometer scale.

(c) The maximum serum dilution employed for the "O" antigen tube test must not exceed 1:25. In all official reports on the blood test, the serum dilutions should be indicated. The sera should be introduced into the agglutination tubes in the desired amounts with well-cleaned serological pipettes or special serum delivery devices which do not permit the mixing of different sera. The antigen and serum should be well mixed before incubation. The serum and antigen mixture must be incubated for at least 20 hours at 37° C.

(d) The results shall be recorded as described in § 147.1(h).

Subpart B—Bacteriological Examination Procedure

§ 147.11 Laboratory procedure recommended for the bacteriological examination of reactors.

(a) The pericardial sac, peritoneum, oviduct, and any visibly pathological tissues should be cultured on beef extract agar or tryptose agar by means of sterile swabs. Sterile technique should be followed. (Primary culture of these organs in a suitable nutrient broth and transfer to a suitable nutrient agar is optional.)

(b) The following organs should be aseptically collected for culture:

(1) Heart (apex, pericardial sac, and contents if present);

(2) Liver (portions exhibiting lesions or, in grossly normal organs, the drained gall bladder and adjacent liver tissues);

(3) Ovary-Testes (entire inactive ovary or testes, but if ovary is active, use own judgment and include any atypical ova);

(4) Oviduct (if active, include any debris and dehydrated ova);

(5) Pancreas; and

(6) Spleen.

(c) A composite sample of the organs listed in § 147.11(b) should be ground in a sterile mortar or suitable blender. Individual organs may be used if desired. Nutrient broth should be added as a

[3] The procedure described is a modification of the method reported by Schaffer, MacDonald, Hall, and Bunyea, Jour. Amer. Vet. Med. Assoc. 79 (M.S. 32); 236–240 (1931).

diluent. Ten cc. of this suspension should be inoculated into 100 cc. of either Selenite F broth or Tetrathionate broth, and into 100 cc. of a suitable noninhibitory nutrient broth.

(d) After 24 hours incubation at 37° C., a loopful of the broth cultures from each flask should be streaked on a suitable noninhibitory solid medium, such as tryptose agar, and one of the following selective media: Salmonella-Shigella (SS), MacConkey, Brilliant Green, Bismuth Sulfite, or Desoxycholate Citrate Lactose Sucrose (D.C.L.S.) agar. (All of these media may be obtained in dehydrated form.) If no suspicious colonies are observed after 24 hours incubation, the enrichment broths should be restreaked on solid media.

(e) A portion of the crop wall and intestine to include the cecal tonsils are put into either Selenite F or Tetrathionate broth and incubated for 24 hours at 37° C. Transfers should be made from the broth onto agar plates as indicated in § 147.11(d).

(f) Suspicious single colonies should be subcultured on nutrient agar or triple sugar iron agar slants and incubated for 24 hours at 37° C.

(g) Cultures should be transferred to the following fermentable media for identification: dextrose, lactose, sucrose (saccharose), mannite (mannitol), maltese, dulcite (dulcitol), and salicin broths. Suitable tests also should be conducted for the detection of indole, hydrogen sulfide, acetylmethylcarbinol, and urease production. Motility or nonmotility is demonstrated by inoculation of a suitable semisolid medium. For the Gram stain, a 24-hour nutrient agar slant culture should be used.

(h) All Salmonella cultures isolated should be serologically typed.

Subpart C—Sanitation Procedures

§ 147.21 Flock sanitation.

To aid in the maintenance of healthy flocks, the following procedures should be practiced:

(a) Baby poultry should be started in a clean brooder house and maintained in constant isolation from older birds and other animals. Personnel that are in contact with older birds and other animals should take precautions, including disinfection of footwear and change of outer clothing, to prevent the introduction of infection through droppings that may adhere to the shoes, clothing, or hands. (See § 147.24(a).)

(b) Range used for growing young stock should not have been used for poultry the preceding year. Where broods of different ages must be kept on the same farm, there should be complete depopulation of brooder houses and other premises following infection of such premises by any contagious disease.

(c) Poultry houses should be screened and proofed against free-flying birds. An active rodent eradication campaign is an essential part of the general sanitation program. The area adjacent to the poultry house should be kept free from accumulated manure, rubbish, and unnecessary equipment. Dogs, cats, sheep, cattle, horses, and swine should never have access to poultry operations. Visitors should not be admitted to poultry areas, and authorized personnel should take the necessary precautions to prevent the introduction of disease.

(d) Poultry houses and equipment should be thoroughly cleaned and disinfected prior to use for a new lot of birds. (See § 147.24(a).) Feed and water containers should be situated where they cannot be contaminated by droppings and should be frequently cleaned and disinfected. Dropping boards or pits should be constructed so birds do not have access to the droppings.

(e) Poultry house floors, other than slats or wire, should be well covered with an absorbent type of litter. Frequent stirring of the litter may be necessary to reduce excess moisture and prevent surface accumulation of droppings. Slat or wire floors should be constructed so as to permit free passage of droppings and to prevent the birds from coming in contact with the droppings. Nesting areas should be kept clean and, where appropriate, filled with clean nesting material.

(f) When an outbreak of disease occurs in a flock, dead or sick birds should be taken, by private carrier, to a diagnostic laboratory for complete examination. All Salmonella and Arizona cultures isolated should be typed serologically, and complete records maintained by the laboratory as to types recovered from each flock within an area. Records on isolations and serological types should be made available to Official State Agencies or other animal disease control regulatory agencies in the respective States for followup of foci of infection. Such information is necessary for the development of an effective Salmonella control program.

(g) Introduction of started or mature birds should be avoided to reduce the possible hazard of introducing infectious diseases. If birds are to be introduced, the health status of both the flock and introduced birds should be evaluated.

(h) In rearing broiler or replacement stock, a sound and adequate immunization program should be adopted. Since different geographic areas may require certain specific recommendations, the program recommended by the State experiment station or other State agencies should be followed.

§ 147.22 Hatching egg sanitation.

Hatching eggs should be collected from the nests at frequent intervals and, to aid in the prevention of contamination with disease causing organisms, the following practices should be observed:

(a) Cleaned and disinfected containers should be used in collecting the eggs, and precautions taken to prevent contamination from organisms that may be present on the hands or clothing of the person making the collection.

(b) Dirty eggs should not be used for hatching purposes and should be collected in a separate container from hatching eggs. Slightly soiled eggs may be dry cleaned by hand or motor driven buffer.

(c) The visibly clean eggs should be fumigated as described in § 147.25(a) as soon as possible after collection.

(d) The fumigated eggs should be stored in a cool place. Eggs should be stored no longer than necessary before setting. Packs used for storing eggs should be properly cleaned and disinfected.

(e) New or clean, fumigated cases should be used to transport eggs to the hatchery. Soiled egg case fillers should be destroyed.

§ 147.23 Hatchery sanitation.

An effective program for the prevention and control of Salmonella and other infections should include the following measures:

(a) The hatchery building should be arranged so that separate rooms, with separate ventilation, are provided for each of the four operations: Egg receiving, incubation and hatching, holding of baby poultry, and disposal of offal and cleaning of trays. These rooms should be placed under isolation so that admission is granted only to specifically authorized personnel who have taken proper precautions to prevent introduction of disease.

(b) The hatchery rooms, and tables, racks, and other equipment in them should be thoroughly cleaned and disinfected frequently. All hatchery wastes and offal should be burned or otherwise properly disposed of, and the containers used to remove such materials should be cleaned and sterilized after each use.

(c) The hatching compartments of incubators, including the hatching trays, should be thoroughly cleaned and fumigated after each hatch.

(d) Only clean eggs should be used for hatching purposes. All eggs set should be fumigated prior to setting or as soon as possible (preferably within 12 hours) after they are placed in the incubator. They should also be fumigated after transfer to a separate hatcher. (See § 147.25(d).)

(e) Only new or clean, fumigated egg cases should be used for transportation of hatching eggs. Soiled egg case fillers should be destroyed.

(f) Day-old chicks, poults, or other newly hatched poultry should be distributed in clean, new boxes. All crates and vehicles used for transporting started or adult birds should be cleaned and disinfected after each use.

§ 147.24 Cleaning and disinfecting.

(a) In the poultry houses and hatchery rooms:

(1) Settle dust by spraying lightly with the disinfectant to be used.

(2) Remove all litter and droppings to an isolated area where there is no opportunity for dissemination of any infectious disease organisms that may be present.

(3) Scrub the walls, floors, and equipment with a hot soapy water solution. Rinse to remove soap.

(4) Spray with a cresylic disinfectant, such as liquor cresolis saponatus,

4 ounces to the gallon of water, or sodium orthophenylphenate, 1⅓ ounces (1 heaping tablespoonful) to a gallon of hot water.

(b) In the hatchers:

(1) Remove trays and all controls and fans for separate cleaning. The ceiling, walls, and floors should be thoroughly wetted with a stream of water; then scrubbed with a hard bristle brush. Rinse until there is no longer any deposit on the walls, particularly near the fan opening.

(2) Replace the cleaned fans and controls. Replace the trays, preferably still wet from cleaning, and bring the incubator to normal operating temperature.

(3) The hatcher should be fumigated as described in § 147.25(e) prior to the transfer of the eggs.

(c) If the same machine is used for incubating and hatching, the entire machine should be cleaned after each hatch. A vacuum cleaner should be used to remove dust and down from the egg trays; then the entire machine should be vaccumed, mopped, and fumigated according to the procedures described in § 147.25(b) (3), (4), and (5).

§ 147.25 Fumigation.

Fumigation is recommended for sanitizing eggs and hatchery equipment as an essential part of a sanitation program.

(a) Fumigation of clean eggs after collection should be done as follows:

(1) Provide a room or cabinet proportionate to the number of eggs to be handled. The room should be relatively tight and must be equipped with a fan to circulate the gas during fumigation and to expel it after fumigation.

(2) The eggs should be placed on wire racks, in wire baskets, or on cup-type egg flats stacked outside of the egg cases (to permit air circulation), and exposed to circulating formaldehyde gas.

(3) Formaldehyde gas is provided by mixing 0.6 gram of potassium permanganate with 1.2 cc. of formalin (37.5 percent) for each cubic foot of space in the room. The ingredients should be mixed in an earthenware or enamelware container having a capacity at least ten times the volume of the total ingredients.

(4) Circulate the gas within the room for 20 minutes; then expel.

(5) The temperature in the cabinet during fumigation should be at least 70° F., and the relative humidity above 70 percent.

(b) Eggs should be fumigated at the hatchery prior to setting or as soon as possible after setting (preferably within 12 hours). Single or repeated fumigation of eggs in the setter may be practiced, but the fumigation schedule should be such that no eggs are fumigated during the period from the 24th to the 84th hour of incubation. The following procedure should be used:

(1) Determine the size of the incubator by multiplying the length times the width times the height.

(2) After setting the eggs and allowing temperature and humidity to regain normal operating levels, release formaldehyde gas into the incubator.

(3) For each cubic foot of space in the incubator, use 0.4 grams of potassium permanganate and 0.8 cc. of formalin (37.5 percent). For mixing the fumigant, use an earthenware or enamelware container having the capacity of at least 10 times the volume of the total ingredients.

(4) Close vents and doors but keep circulating fan operating, and continue fumigation for 20 minutes with normal operating temperature and humidity.

(5) After 20 minutes of fumigation, the vents should be opened to the normal operating positions to release the gas.

(c) Eggs which have not been fumigated in the hatchery as described in paragraph (b) of this section should be fumigated after the 84th hour of incubation. The procedure described in paragraph (b) of this section should be followed.

(d) All eggs should be fumigated after transfer to a separate hatcher, preferably as soon as the temperature and humidity regain normal operating levels. The procedure described in paragraph (b) of this section should be followed.

(e) Empty hatchers should be fumigated between each hatch. After the interior of the hatcher has been thoroughly cleaned and the cleaned trays returned, the following procedure should be followed:

(1) After temperature and humidity are brought to normal operating levels, use 0.6 grams of potassium permanganate and 1.2 cc. of formalin (37.5 percent) per cubic foot of space in the hatcher.

(2) Close the doors and vents and leave closed at least 3 hours, preferably overnight.

(f) The cheesecloth method of fumigation described in this paragraph may be used in lieu of the chemical method described in paragraph (b) of this section, using 0.6 cc. of formalin (37.5 percent) per cubic foot of space in the incubator, or paragraph (e) of this section, using 0.9 cc. of formalin (37.5 percent) for each cubic foot of space in the empty hatcher.

(1) Enough cheesecloth should be used to absorb all of the formalin that is to be used for the fumigation.

(2) The formalin-saturated cheesecloth should be hung in the cabinet in such a manner as to permit the circulating air to evaporate all the formalin. This will require longer than 20 minutes.

(3) Care should be taken to prevent the cheesecloth from blocking the air movement created by the fans.

(4) The cheesecloth method is not suitable for still air machines.

§ 147.26 Procedures for establishing isolation and maintaining sanitation and good management practices for the control of Mycoplasma gallisepticum.

(a) Required procedures:

(1) Allow no visitors except under controlled conditions;

(2) Maintain breeder flocks on farms free from market birds, or follow proper isolation procedures as approved by the Official State Agency;

(3) Eliminate other domesticated fowl from breeder farm;

(4) Dispose of all dead birds by burning, deep burial, or by putting them into special disposal pits.

(b) Recommended procedures:

(1) Avoid the introduction of Mycoplasma gallisepticum infected poultry;

(2) Prevent indirect transmission from outside sources through contaminated equipment, footwear, clothing, vehicles, or other mechanical means;

(3) Provide adequate isolation of breeder flocks to avoid airborne transmission from infected flocks;

(4) Minimize contact of breeder flocks with free-flying birds;

(5) Keep the rodent population and other pests under control;

(6) Tailor vaccination programs to needs of farm and area;

(7) Clean and disinfect equipment after each use;

(8) Provide clean footwear and provide an adequate security program;

(9) Clean and disinfect houses before introducing a new flock;

(10) Use well-drained range;

(11) Use clean, dry litter free of mold;

(12) Keep accurate records of death losses;

(13) Seek services of veterinary diagnostician if abnormal losses or signs of disease occur;

(14) Adopt and maintain a clean-egg program.

§ 147.27 Procedures recommended to prevent the spread of disease by artificial insemination of turkeys.

(a) The vehicle transporting the insemination crew shall be left as far as practical from the turkey pens.

(b) The personnel of the insemination crew should observe personal cleanliness, including the following sanitary procedures:

(1) Outer clothing shall be changed between visits to different premises so that clean clothing is worn upon entering each premises. The used apparel shall be kept separate until laundered. This also applies to gloves worn while handling turkeys;

(2) Boots or footwear shall be cleaned and disinfected between visits to different premises;

(3) Disposable caps shall be provided and discarded after use on each premises.

(c) The use of individual straw or similar technique is highly recommended. Insemination equipment which is to be reused shall be cleaned and disinfected before reusing. Equipment used for the convenience of the workers shall not be moved from premises to premises.

(d) No obviously diseased flock shall be inseminated. If evidence of active disease is noted after insemination is begun, operations should be stopped and the hatchery notified.

(e) Care should be taken during the collection of semen to prevent fecal contamination. If fecal material is present, it should be wiped off with a piece of cotton before the semen is collected. Likewise, care should be taken not to introduce fecal material into the oviduct of the hen.

Subpart D—Random Sample Performance Testing Procedures

§ 147.31 Random sample tests; general.

(a) The tests shall obtain specified performance data on representative samples of the stocks of two or more breeders, maintained under equal treatment with respect to housing, feeding, and management, at each test location.

(b) The tests shall be conducted by an impartial public agency.

(c) Samples shall be taken, preferably under the supervision of the Official State Agency, in accordance with the following procedures:

(1) The number and location of all flocks within the State supplying eggs of the grade to be tested shall be determined from Official State Agency records. By a process of drawing at random names or assigned numbers, determination shall be made from which of these flocks the sample is to be taken. The flock or flocks from which the sample is taken must include at least 1,000 birds.

(2) The eggs shall be taken from the nests, the farm egg room, or cases of hatching eggs or setting trays in the hatchery, in proportion to the number of birds in each flock represented.

(3) The sample shall not include eggs which, in the opinion of the sample taker, are unsuitable for hatching.

(4) The sample shall be placed in an appropriate container, and the container sealed with a distinctive seal or sealing tape by the sample taker.

(5) The sample taker shall furnish the Official State Agency and the test supervisor with a detailed report of the procedures followed in obtaining each sample.

(d) Entries shall be maintained in two or more replicates, and the performance of the replicates recorded separately.

(e) Pen assignments shall be made at random to reduce to a minimum any bias in results due to pen location.

§ 147.32 Random sample egg production tests.

(a) A minimum of 50 pullet chicks, hatched from the egg sample, shall be started for each entry.

(b) Records shall be kept on the performance of each entry until the birds reach 500 days of age.

(c) At the end of the test, and no later than November 1, the Supervisor shall submit to the ASR Division, for analysis and publication, a summary for each entry covering the following items:

(1) Name and address of entrant and the source of the sample;

(2) Breed or cross of breeds entered (indicating if entry is a pure strain, line cross, strain cross, breed cross, incross, incrossbred, or synthetic);

(3) Strain or trade name;

(4) Percent mortality to 150 days of age or subsequent age at housing;

(5) Percent laying house mortality computed from 150 days of age, or subsequent age at housing, to 500 days of age;

(6) Days of age to 50-percent production, calculated from the first day of the first 2 consecutive days of 50-percent production for living birds in the entry at that time;

(7) Number of eggs per pullet housed to 500 days of age;

(8) Percent hen-day production from the time the birds reached 50-percent production to 500 days of age;

(9) Income over feed and chick cost per pullet housed, with chick cost in 1,000 lots at hatch date adjusted for mortality (accidental deaths, sexing errors, and missing chicks not included);

(10) Pounds of feed per pound of eggs produced (weight of eggs produced shall be computed from production and egg weight records (bulk weighing) for each 2-week period throughout the test);

(11) Average annual egg weight, computed from bulk weighings at least every 2 weeks or 2 days a month at equal intervals;

(12) Percent large and extra large eggs, computed from all eggs laid 1 day each week per entry;

(13) Body weight at 150 days of age or subsequent age at housing, and at the end of test;

(14) Albumen quality—Haugh units measured on 1 day's eggs per quarter or every 3 months, at equal intervals, broken-out basis;

(15) Percentage of eggs with large blood spots, one-eighth inch or more, computed from at least 3 days' eggs per quarter, broken-out basis;

(16) Percentage of eggs with small blood spots, less than one-eighth inch, computed from at least 3 days' eggs per quarter, broken-out basis;

(17) Percentage of eggs with large colored meat spots, one-eighth inch or more, computed from at least 3 days' eggs per quarter, broken-out basis;

(18) Percentage of eggs with small colored meat spots, less than one-eighth inch, computed from at least 3 days' eggs per quarter, broken-out basis;

(19) Specific gravity score as determined from 1 day's eggs per quarter.

§ 147.33 Random sample meat production test.

(a) For the growing phase:

(1) An entry shall consist of at least 200 chicks hatched from a sample of eggs obtained as prescribed in § 147.31 or from an entry of the stock in the laying phase;

(2) Records shall be kept on the performance of each entry for a period determined by the test management;

(3) At the end of the test and no later than February 1, the Supervisor shall submit to the ASR Division, for analysis and publication, a summary for each entry covering the following items:

(i) Name and address of the entrant and the source of the sample;

(ii) Breed and strain or trade name of stock entered (including, for entries involving a cross of stocks, the identification of the stocks represented by the males and females in the parent flock);

(iii) Viability of chicks started to completion of test;

(iv) Average live weight of all pullets at completion of test;

(v) Average live weight of all cockerels at completion of test;

(vi) Percent eviscerated yield, by sexes, based on the live and eviscerated weights of all birds, or at least 50 birds of each sex selected at random, at the completion of the test;

(vii) Percent weight distribution in each U.S. Grade, by sexes, based on U.S. Classes, Standards and Grades for Poultry, as contained in 7 CFR Part 70, Subpart C (all factors considered except handling and dressing defects);

(viii) Feed conversion expressed as the pounds of feed required to produce a pound of live weight to the completion of test; and

(b) For the laying phase:

(1) An entry shall consist of a mating, including at least 50 pullets, representative of the stock entered. The birds in the entry shall be produced from a sample of eggs obtained as prescribed in § 147.31;

(2) Records shall be kept on the performance of each entry for a growing period of at least 150 days and an egg production period of 240 days;

(3) At the end of the test and no later than January 1, the Supervisor shall submit to the ASR Division, for analysis and publication, a summary for each entry covering the following items:

(i) Name and address of the entrant and the source of the sample;

(ii) Breed and strain or trade name of the stock entered and, for entries comprised of males of one and females of a different stock, the identification of each stock;

(iii) Percent mortality to 150 days of age or to subsequent age at housing;

(iv) Percent mortality from 150 days of age, or subsequent age at housing, to end of the 240-day period;

(v) Number of eggs per pullet housed to end of the 240-day period;

(vi) Percent hen-day production from the time the birds reached 50 percent production to end of the 240-day period. (The time of reaching 50 percent production shall be the first day of the first 2 consecutive days of 50 percent production for living birds in the entry at that time);

(vii) Average egg weight as computed from bulk weighings of all eggs laid at least 1 day a month;

(viii) Percent hatchability of all eggs set;

(ix) Body weight of females at end of test;

(x) Pounds of feed consumed during the 240-day period per dozen of eggs produced.

§ 147.34 Random sample tests; combined summary.

(a) The combined summary published by the ASR Division shall include the results of all acceptable tests, combined

by stocks, with adjustments for test differences, and the use of other accepted statistical procedures.

(b) The provisions specified in § 147.31 and either § 147.32 or § 147.33 shall be used by the ASR Division as a guide for determining acceptability of test results for inclusion in the combined summary.

Subpart E—Procedure for Changing National Poultry Improvement Plan

§ 147.41 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *Plan or NPIP.* The National Poultry Improvement Plan.

(b) *Plan Conference.* A meeting convened for the purpose of recommending changes in the provisions of the Plan.

(c) *Department.* The U.S. Department of Agriculture.

(d) *ASR Division.* The Animal Science Research Division of the Agricultural Research Service of the Department.

(e) *State.* Any State, the District of Columbia, or Puerto Rico.

(f) *Egg type chickens.* Chickens bred for the primary purpose of producing eggs for human consumption.

(g) *Meat type chickens.* Chickens bred for the primary purpose of producing meat.

(h) *Waterfowl.* Domesticated fowl that normally swim, such as ducks and geese.

(i) *Exhibition poultry.* Domesticated fowl which are bred for the combined purposes of meat or egg production and competitive showing.

(j) *Game birds.* Domesticated fowl, such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons.

§ 147.42 General.

Changes in this subchapter shall be made in accordance with the procedure described in this subpart: *Provided,* That the Department reserves the right to make changes in this subchapter without observance of such procedure when such action is deemed necessary in the public interest.

§ 147.43 General Conference Committee.

(a) The General Conference Committee shall consist of the Poultry Coordinator in Charge, National Poultry Improvement Plan, ASR Division, and one member to be elected, as provided in paragraph (b) of this section, from each of the following regions:

(1) North Atlantic: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

(2) East North Central: Ohio, Indiana, Illinois, Michigan, and Wisconsin.

(3) West North Central: Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas.

(4) South Atlantic: Delaware, District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and Puerto Rico.

(5) South Central: Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.

(6) Western: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, Alaska, and Hawaii.

(b) The committee members will be elected by the official delegates of the respective regions. One alternate member shall also be elected from each region. There shall be at least two nominees for each position, and the voting shall be by secret ballot.

(c) Three members shall be elected at each NPIP Conference. Each member shall serve for a period of 4 years, subject to the continuation of the committee by the Secretary of Agriculture, and may not succeed himself.

(d) The duties of the General Conference Committee are as follows:

(1) Determine whether new proposals (i.e., proposals that have not been submitted as provided in § 147.44) may be considered. New proposals will be considered only with the unanimous consent of the committee.

(2) During the interim between conferences, the committee shall represent the cooperating States in:

(i) Reviewing and giving recommendations regarding the Department's report of changes and editing of this subchapter to include the changes.

(ii) Serving in an advisory capacity with respect to administrative procedures and interpretations of the provisions of this subchapter.

(iii) Recommending to the Secretary of Agriculture such administrative changes in the requirements of the Plan as may be necessitated by unforeseen conditions when postponement until the next conference would seriously impair the operation of the program. Such changes shall remain in effect only until confirmed or rejected by the next NPIP Conference, or until sooner rescinded by the committee;

(iv) Assisting the ASR Division in formulating plans for the next conference.

§ 147.44 Submitting, compiling, and distributing proposed changes.

(a) Changes in this subchapter may be proposed by any participant, Official State Agency, the Department, or other interested person or industry organization.

(b) Except as provided in § 147.43(d)(1), proposed changes shall be submitted in writing so as to reach the ASR Division not later than 150 days prior to the opening date of the Plan Conference, and participants in the Plan shall submit their proposed changes through their Official State Agency.

(c) The name of the proponent shall be indicated on each proposed change when submitted. Each proposal should be accompanied by a brief supporting statement.

(d) The ASR Division will notify all persons on the NPIP mailing lists concerning the dates and general procedure of the conference. Hatchery and dealer participants will be reminded of their privilege to submit proposed changes and to request copies of all the published proposed changes.

(e) The proposed changes, together with the names of the proponents and supporting statements, will be compiled by the ASR Division and issued in processed form. When two or more similar changes are submitted, the ASR Division will endeavor to unify them into one proposal acceptable to each proponent. Copies will be distributed to officials of the Official State Agencies cooperating in the NPIP. Additional copies will be made available for meeting individual requests.

§ 147.45 Official delegates.

Each cooperating State shall be entitled to one official delegate for each of the programs described in Subparts B, C, D, and E of Part 145 of this chapter in which it has one or more participants at the time of the conference. The official delegates shall be elected by a representative group of participating industry members and be certified by the Official State Agency. It is recommended but not required that the official delegates be Plan participants. Each official delegate shall endeavor to obtain, prior to the conference, the recommendations of industry members of his State with respect to each proposed change.

§ 147.46 Committee consideration of proposed changes.

(a) The following five committees shall be established to give preliminary consideration to the proposed changes falling in their respective fields:

(1) Egg Type Chickens.

(2) Meat Type Chickens.

(3) Turkeys.

(4) Waterfowl, Exhibition Poultry, and Game Birds.

(5) General and Auxiliary Provisions.

(b) Each official delegate shall be appointed a voting member in one of the committees specified in paragraph (a) of this section.

(c) Since several of the proposals may be interrelated, the committees shall consider them as they may relate to others, and feel free to discuss related proposals with other committees.

(d) The committees shall make recommendations to the conference as a whole concerning each proposal. The committee report shall show any proposed change in wording and the record of the vote on each proposal, and suggest an effective date for each proposal recommended for adoption. The individual committee reports shall be submitted to the chairman of the conference, who will combine them into one report showing, in numerical sequence, the committee recommendations on each proposal.

(e) The committee meetings shall be open to any interested person. Advocates for or against any proposal should feel free to appear before the appropriate committee and present their views.

§ 147.47 Conference consideration of proposed changes.

(a) The chairman of the conference shall be a representative of the Department.

(b) At the time designated for voting on proposed changes by the official delegates, the chairman of the General Conference Committee and the five committee chairmen shall sit at the speaker's table and assist the chairman of the conference.

(c) Each committee chairman shall present the proposals which his committee approves or recommends for adoption as follows: "Mr. Chairman. The committee on General and Auxiliary Provisions recommends the adoption of Proposal No. _____, for the following reasons (stating the reasons): I move the adoption of Proposal No. _____." A second will then be called for. If the recommendation is seconded, discussion and a formal vote will follow.

(d) Each committee chairman shall present the proposals which his committee does not approve as follows: "Mr. Chairman. The committee on General and Auxiliary Provisions does not approve Proposal No. _____." The chairman will then ask if any official delegate wishes to move for the adoption of the proposal. If moved and seconded, the proposal is subject to discussion and vote. If there is no motion for approval, or if moved but not seconded, there can be no discussion or vote.

(e) Discussion on any motion must be withheld until the motion has been properly seconded, except that the delegate making the motion is privileged, if he desires, to give reasons for his motion at the time of making it. To gain the floor for a motion or for discussion on a motion, the official delegate in the case of a motion, or anyone in case of discussion on a motion, shall rise, address the chair, give his name and State, and be recognized by the chair before proceeding further. While it is proper to accept motions only from official delegates and to limit voting only to such delegates, it is, however, equally proper to accept discussion from anyone interested. To conserve time, discussion should be pointed and limited to the pertinent features of the motion.

(f) Proposals that have not been submitted in accordance with § 147.44 will be considered by the conference only with the unanimous consent of the General Conference Committee. Any such proposals must be referred to the appropriate committee for consideration before being presented for action by the conference.

(g) Voting will be by States, and each official delegate, as determined by § 147.45, will be allowed one vote on each proposal pertaining to the program prescribed by the subpart which he represents.

(h) A roll call of States for a recorded vote will be used when requested by a delegate or at the discretion of the chairman.

(i) All motions on proposed changes shall be for adoption.

(j) Proposed changes shall be adopted by a majority vote of the official delegates present and voting.

(k) The conference shall be open to any interested person.

§ 147.48 Approval of conference recommendations by the Department.

Proposals adopted by the official delegates will be recommended to the Department for incorporation into the provisions of the NPIP. The Department reserves the right to approve or disapprove the recommendations of the conference as an integral part of its sponsorship of the National Poultry Improvement Plan.

Any person who wishes to submit written data, views, or arguments concerning the proposed revision of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions may do so by filing them with the Director, Animal Science Research Division, Agricultural Research Center, Beltsville, MD 20705, within 30 days after publication hereof in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

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

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

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