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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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(Revised as of January 1, 1971)

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Title 7—AGRICULTURE

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

[Lemon Reg. 484]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.784 Lemon Regulation 484.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the Act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 8, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period June 13, 1971, through June 19, 1971, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 300,000 cartons;

(iii) District 3: Unlimited.

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

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

Dated: June 10, 1971.

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

[FR Doc.71-8366 Filed 6-11-71;8:56 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-571]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, in paragraph (e)(4) relating to the State of North Carolina, a new subdivision (vii) relating to Harnett, Johnston, and Wake Counties is added to read:

(4) *North Carolina.* * * *

(vii) The adjacent portions of Harnett, Johnston, and Wake Counties bounded by a line beginning at the junction of Secondary Road 1309 and Secondary Road 1536 in Johnston County; thence, following Secondary Road 1309 in a southwesterly direction to Secondary Road 1313; thence, following Secondary Road 1313 in a northwesterly direction to Secondary Road 1312; thence, following Secondary Road 1312 in a southwesterly direction to Secondary Road 1551; thence, following Secondary Road 1551 in a southerly direction to Secondary Road 1532; thence, following Secondary Road 1532 in Harnett County in a southwesterly direction to Secondary Road 1546; thence, following Secondary Road 1546 in a northerly direction to Secondary Road 1500; thence, following Secondary Road 1500 in a northwesterly direction to Secondary Road 1501; thence, following Secondary Road 1501 in a northerly direction to Secondary Road 2778 in Wake County; thence, following Secondary Road 2778 in a northeasterly direction to Secondary Road 2762; thence, following Secondary Road 2762 in a southeasterly direction to Secondary Road 2754; thence, following Secondary Road 2754 in a northeasterly direction to Secondary Road 2758; thence, following Secondary Road 2758 in a northeasterly direction to Secondary Road 1006; thence, following Secondary Road 1006 in a northeasterly direction to Secondary Road 2746; thence, following Secondary Road 2746 in a southeasterly direction to Secondary Road 2742; thence, following Secondary Road 2742 in a northeasterly direction to Secondary Road 2740; thence, following Secondary Road 2740 in a southeasterly direction to Secondary Road 1533 in Johnston County; thence, following Secondary Road 1533 in a southeasterly direction to Secondary Road 1534; thence, following Secondary Road 1534 in a southeasterly direction to Secondary Road 1536; thence, following Secondary Road 1536 in a southeasterly direction to its junction with Secondary Road 1309 in Johnston County.

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

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

The amendment quarantines portions of Harnett, Johnston, and Wake Counties in North Carolina because of the existence of hog cholera. This action is deemed necessary to prevent spread of the disease. The restrictions pertaining to the interstate movement of swine

and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

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

Done at Washington, D.C., this 9th day of June 1971.

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

[FR Doc.71-8324 Filed 6-11-71;8:55 am]

[Docket No. 71-570]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the reference to the State of Massachusetts in the introductory portion of paragraph (e) and paragraph (e)(2) relating to the State of Massachusetts are deleted.

2. In § 76.2, in paragraph (e)(4) relating to the State of North Carolina, subdivision (i) relating to Bertie County is deleted, and a new subdivision (i) relating to Guilford County is added to read:

(4) *North Carolina.* (i) That portion of Guilford County bounded by a line beginning at the junction of State Highway 6 and U.S. Highway 29, 70, 421; thence, following U.S. Highway 29, 70, 421 in a northeasterly direction to Secondary Road 3000; thence, following Secondary Road 3000 in an easterly direction to Secondary Road 3006; thence, following Secondary Road 3006 in a northerly direction to U.S. Highway 70A; thence, following U.S. Highway 70A in a northeasterly direction to Secondary Road 2851; thence, following Secondary Road 2851 in a northerly direction to Secondary Road 2821; thence, following Secondary Road 2821 in a northeasterly direction to Secondary Road 2819; thence, following Secondary Road 2819 in a southeasterly direction to Secondary Road 2752; thence, following Secondary Road 2752 in a southeasterly direction to Secondary Road 2814; thence, following Secondary Road 2814 in a southeasterly direction to U.S. Highway 70A; thence, following U.S. Highway 70A in a southeasterly direction to Secondary Road 3053; thence, following Secondary Road 3053 in a southwesterly direction to Secondary Road 3124; thence, following Secondary Road 3124 in a southwesterly direction to Secondary Road 3045; thence, following Secondary Road 3045 in a southeasterly direction to Secondary Road 3072; thence, following Secondary Road 3072 in a westerly direction to Secondary Road 3048; thence, following Secondary Road 3048 in a northwesterly direction to Secondary Road 3078; thence, following Secondary Road 3078 in a southwesterly direction to Secondary Road 3029; thence, following Secondary Road 3029 in a northwesterly direction to Secondary Road 3036; thence, following Secondary Road 3036 in a northwesterly direction to Secondary Road 3038; thence, following Secondary Road 3038 in a northwesterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to its junction with U.S. Highway 29, 70, 421.

3. In § 76.2, paragraph (e)(5) relating to the State of Texas is amended to read:

(5) *Texas.* (i) All of Callahan, Eastland, Galveston, Harris, Montgomery, and Tom Green Counties.

(ii) That portion of the State of Texas comprised of all of Bell, Bosque, Ellis, Hill, Johnson, McLennan, and Williamson Counties and portions of Coryell and Tarrant Counties, and bounded by a line beginning at the junction of the Tarrant-Dallas-Ellis County lines; thence, following the Dallas-Ellis-County line in an easterly direction to the junction of the Dallas-Ellis-Kaufman County lines; thence, following the Kaufman-Ellis County line in a southeasterly direction to the junction of the Kaufman-Ellis-Henderson County lines; thence, following the Ellis-Henderson County line in a southeasterly direction to the junction of the Ellis-Henderson-Navarro County lines; thence, following the Ellis-Navarro County line in a southwesterly direction to the junction of the Ellis-Navarro-Hill County lines; thence, following the Navarro-Hill County line in a southeasterly direction to the junction of the Hill-Navarro-Limestone County lines; thence, following the Limestone-Hill County line in a southwesterly direction to the junction of the McLennan-Hill-Limestone County lines; thence, following the McLennan-Limestone County line in a southeasterly direction to the junction of the Limestone-Falls-McLennan County lines; thence, following the Falls-McLennan County line in a southwesterly direction to the junction of the Falls-McLennan-Bell County lines; thence, following the Falls-Bell County line in a southeasterly direction to its junction with the Bell-Milam-Falls County lines; thence, following the Bell-Milam County line in a southwesterly direction to the junction of the Bell-Milam-Williamson County lines; thence, following the Williamson-Milam County line in a southeasterly direction to the junction of the Williamson-Milam-Lee County lines; thence, following the Williamson-Lee County line in a southwesterly direction to the junction of the Williamson-Lee-Bastrop County lines; thence, following the Williamson-Bastrop County line in a generally northwesterly direction to the junction of the Williamson - Bastrop - Travis County lines; thence, following the Williamson-Travis County line in a generally northwesterly direction to the junction of the Williamson-Bastrop-Travis County thence, following the Williamson-Burnet County line in a northeasterly direction to the junction of the Williamson-Burnet-Bell County lines; thence, following the Bell-Burnet County line in a northwesterly direction to the junction of the Bell-Burnet-Lampasas County lines; thence, following the Bell-Lampasas County line in a northerly direction to the junction of the Bell-Lampasas-Coryell County lines; thence, following the Bell-Coryell County line in a northeasterly direction to State Highway 36 in Bell County; thence following State Highway 36 in a northwesterly direction to U.S. Highway 84 in Coryell County; thence, following U.S. Highway 84 in a northwesterly direction to the Coryell-Hamilton County line; thence, following the Coryell-Hamilton County line in a northeasterly direction to the junction of the Coryell-Hamilton-Bosque County lines; thence, following the Hamilton-Bosque County line in a northwesterly direction to the junction of the Hamilton-Bosque-Erath County lines; thence, following the Bosque-Erath County line in a northeasterly direction to the junction of the Bosque-Erath-Somervell County lines; thence, following the Bosque-Somervell County line in a northeasterly direction to the junction of the Bosque-Somervell-Johnson County lines; thence, following the Somervell-Johnson County line in a northerly direction to the junction of the Somervell-Johnson-Hood County lines; thence, following the Johnson-Hood County line in a northerly direction to the junction of the Johnson-Hood-Parker County lines; thence, following the Parker-Johnson County line in an easterly direction to the junction of the Parker-Johnson-Tarrant County lines; thence, following the Johnson-Tarrant County line in an easterly direction to Interstate Highway 35W in Tarrant County; thence, following Interstate Highway 35W in a northerly direction to State Highway 121; thence, following State Highway 121 in a northeasterly direction to the junction of the Denton-Tarrant-Dallas County lines; thence, following the Tarrant-Dallas County line in a southerly direction to its junction with the Ellis County line.

(iii) That portion of Potter County bounded by a line beginning at the junction of the Potter-Oldham County line

and the south bank of the Canadian River; thence, following the south bank of the Canadian River in a generally northeasterly direction to the south bank of Lake Meredith; thence, following the south bank of Lake Meredith, in a generally northeasterly direction the Potter-Moore County line; thence, following the Potter-Moore County line in an easterly direction to the junction of the Potter-Moore-Carson County lines; thence, following the Potter-Carson County line in a southerly direction to the junction of the Potter-Carson-Armstrong-Randall County lines; thence, following the Potter-Randall County line in a westerly direction to the junction of the Potter-Randall-Oldham County lines; thence, following the Potter-Oldham County line in a northerly direction to its junction with the south bank of the Canadian River.

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

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

The amendments quarantine a portion of Guilford County, North Carolina because of the existence of hog cholera. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendments also exclude a portion of Worcester County, Mass.; a portion of Bertie County, N.C.; all of Collin, Comanche, Erath, Hood, and Somervell Counties and portions of Tarrant, Brown, Hamilton, Limestone, Mills, Navarro, and Stephens Counties in Texas, from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine. No areas in Bertie County, N.C.; Collin, Comanche, Erath, Hood, Somervell, Brown, Hamilton, Limestone, Mills, Navarro, and Stephens Counties in Texas, or in Massachusetts remain under the quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effectively promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of June 1971.

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

[FR Doc.71-8325 Filed 6-11-71;8:55 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Codes and Standards for Nuclear Power Plants

On November 25, 1969, the Atomic Energy Commission published in the FEDERAL REGISTER (34 F.R. 18822) proposed amendments of its regulations in 10 CFR Part 50, "Licensing of Production and Utilization Facilities," and 10 CFR Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," which would establish minimum quality standards for the design, fabrication, erection, construction, testing, and inspection of certain systems and components of boiling and pressurized water-cooled nuclear power reactor plants by requiring conformance with appropriate editions of published industry codes and standards.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. Upon consideration of the comments received and other factors involved, the Commission has adopted the amendments set out below. These amendments have been changed substantially to reflect consideration of the comments received and to minimize interference with the established equipment procurement practices of the nuclear power industry. Some of the more significant changes from the proposed rule are:

a. The rule as rewritten requires that the determination of which code revisions are applicable be based on component order date rather than construction permit date. To prevent abuse of this provision and to minimize the use of outdated codes, the revised rule requires compliance with more recent codes than those in effect on the order date if the components are ordered more than a specified number of months before issuance of the construction permit.

b. The rule has been changed to make its provisions apply to future code revisions on the date they become effective unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary.

c. The definition of reactor coolant pressure boundary has been revised.

d. The date for compliance with the more recent industry codes has been changed from April 1, 1970, to January 1, 1971.

The Commission believes these changes adopted will eliminate most of the concerns expressed, will help to simplify and stabilize the facility licensing process, and will provide an equivalent increase in protection of the health and safety of the public to that which would be provided in the proposed rule.

Criterion 1 of the "General Design Criteria for Nuclear Power Plants" (Appendix A of Part 50) requires that structures, systems, and components of nuclear powerplants which are important to safety be designed, fabricated, erected, and tested to quality standards that reflect the importance of the safety functions to be performed. It has been generally recognized that, for boiling and pressurized water-cooled reactors, pressure vessels, piping, pumps, and valves which are part of the reactor coolant pressure boundary should, as a minimum, be designed, fabricated, inspected, and tested in accordance with the requirements of the applicable American Society of Mechanical Engineers (ASME) codes in effect at the time the equipment is purchased, and that protection systems (electrical and mechanical sensors and associated circuitry) should, as a minimum, be designed to meet the criteria developed by the Institute of Electrical and Electronics Engineers (IEEE).

Because of the safety significance of uniform early compliance by the nuclear industry with the requirements of these ASME and IEEE codes and published code revisions, the Commission has adopted the following amendments to Parts 50 and 115, which require that certain components and systems of water-cooled reactors important to safety comply with these codes and appropriate revisions to the codes at the earliest feasible time. However, use of the ASME Code N-symbol is not required and inspection and survey systems other than those specified by ASME may be used if they provide an acceptable level of quality and safety. AEC quality assurance requirements are set forth in Appendix B to Part 50. The inspection and survey systems required by the amendments

which follow may be used in partial fulfillment of these requirements to the extent that they are shown by the description of the quality assurance program required by § 50.34(a)(7) to satisfy the applicable requirements of Appendix B.

In cases where compliance with specified code requirements, or portions thereof, would result in hardships or unusual difficulties without a compensating increase in the level of safety, the Commission may grant exemptions under § 50.55a(b)(1). Section 50.55a(b)(2) provides a basis for the authorization of alternatives to the requirements of the specified codes and standards if it can be shown that an acceptable level of safety and quality will be provided.

The Commission considers that a significant improvement in the level of quality in design, fabrication, and testing of systems and components important to safety of water-cooled reactors will be afforded by compliance with the requirements of more recent versions of the codes than those specified in the amendments, or portions thereof, and encourages such compliance whenever practicable, regardless of the date of purchase of equipment or the provisions of these amendments.

Compliance with the provisions of the amendments and the referenced codes is intended to insure a basic, sound quality level. It may be that the special safety significance of a particular system or component will call for supplementary measures. If analysis of the system shows that such is the case, appropriate supplementary measures are expected to be adopted by applicants and licensees, or will be required by the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 50 and 115 are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

1. A new paragraph (v) is added to § 50.2 to read as follows:

§ 50.2 Definitions.

As used in this part:

* * * * *

(v) "Reactor coolant pressure boundary" means all those pressure-containing components of boiling and pressurized water-cooled nuclear power reactors, such as pressure vessels, piping, pumps, and valves, which are:

(1) Part of the reactor coolant system, or

(2) Connected to the reactor coolant system, up to and including any and all of the following:

(i) The outermost containment isolation valve in system piping which penetrates primary reactor containment,

(ii) The second of two valves normally closed during normal reactor operation in system piping which does not penetrate primary reactor containment,

(iii) The reactor coolant system safety and relief valves.

For nuclear power reactors of the direct cycle boiling water type, the reactor coolant system extends to and includes the outermost containment isolation valve in the main steam and feedwater piping.

2. Paragraph (c) of § 50.55 is amended to read as follows:

§ 50.55 Conditions of construction permits.

Each construction permit shall be subject to the following terms and conditions:

* * * * *

(c) Except as modified by this section and § 50.55a, the construction permit shall be subject to the same conditions to which a license is subject.

3. A new § 50.55a is added to 10 CFR Part 50 to read as follows:

§ 50.55a Codes and standards.

Each construction permit for a utilization facility shall be subject to the following conditions, in addition to those specified in § 50.55:

(a) Structures, systems, and components shall be designed, fabricated, erected, constructed, tested, and inspected to quality standards commensurate with the importance of the safety function to be performed.

(b) As a minimum, the systems and components of boiling and pressurized water-cooled nuclear power reactors specified in paragraphs (c), (d), (e), (f), and (g) of this section shall meet the requirements described in those paragraphs, except that the American Society of Mechanical Engineers (hereinafter referred to as ASME) Code N-symbol need not be applied, and the protection systems of nuclear power reactors of all types shall meet the requirements described in paragraph (h) of this section, except as authorized by the Commission upon demonstration by the applicant for or holder of a construction permit that:

(1) Design, fabrication, installation, testing, or inspection of the specified system or component is, to the maximum extent practical, in accordance with generally recognized codes and standards, and compliance with the requirements described in paragraphs (c) through (h) of this section or portions thereof would result in hardships or unusual difficulties without a compensating increase in the level of quality and safety; or

(2) Proposed alternatives to the described requirements or portions thereof will provide an acceptable level of quality and safety. For example, the use of inspection or survey systems other than those required by the specified ASME Codes and Addenda may be authorized under this subparagraph provided that an acceptable level of quality and safety in design, fabrication, installation, and testing is achieved.

(c) Pressure vessels:

(1) For construction permits issued before January 1, 1971, for reactors not licensed for operation, pressure vessels which are part of the reactor coolant pressure boundary[1] shall meet the requirements for Class A vessels set forth in section III of the ASME Boiler and Pressure Vessel Code, applicable Code Cases, and Addenda[2] in effect[3] on the date of order[4] of the vessel. The pressure vessels may meet the requirements set forth in editions of this Code, applicable Code Cases, and Addenda which have become effective after the date of vessel order, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such pressure vessels.

(2) For construction permits issued on or after January 1, 1971, pressure vessels which are part of the reactor coolant pressure boundary[1] shall meet the requirements for Class A vessels set forth in section III of the ASME Boiler and Pressure Vessel Code and Addenda[5] in effect[3] on the date of order[4] of the pressure vessel, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such pressure vessels: *Provided, however,* That if the pressure vessel is ordered more than 18 months prior to the date of issuance of the construction permit, compliance with the requirements for Class A vessels set forth in section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 18 months prior to the date of issuance of the construction permit is required. The pressure vessels may meet the requirements set forth in editions of

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[1] Components which are connected to the reactor coolant system and are part of the reactor coolant pressure boundary defined in § 50.2(v) need not meet these requirements, provided:

(a) In the event of postulated failure of the component during normal reactor operation, the reactor can be shut down and cooled down in an orderly manner, assuming makeup is provided by the reactor coolant makeup system only, or

(b) the component is or can be isolated from the reactor coolant system by two valves (both closed, both open, or one closed and the other open). Each open valve must be capable of automatic actuation and, assuming the other valve is open, its closure time must be such that, in the event of postulated failure of the component during normal reactor operation, each valve remains operable and the reactor can be shut down and cooled down in an orderly manner, assuming makeup is provided by the reactor coolant makeup system only.

[2] Copies may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017. Copies are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

[3] ASME and United States of America Standard Code Addenda are considered "in effect" 6 months after their date of issuance.

[4] The Code issue applicable to a component is governed by the order or contract date for the component, not the contract date for the nuclear energy system.

[5] The use of specific Code Cases may be authorized by the Commission upon request pursuant to § 50.55a(b)(2).

this Code and Addenda which have become effective after the date of vessel order or after 18 months prior to the date of issuance of the construction permit unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such pressure vessels.

(d) *Piping:*

(1) For construction permits issued before January 1, 1971, for reactors not licensed for operation, piping which is part of the reactor coolant pressure boundary [1] shall meet the requirements set forth in:

(i) The American Standard Code for Pressure Piping (ASA B31.1), Addenda, and applicable Code Cases [2] or the USA Standard Code for Pressure Piping (USAS B31.1.0), Addenda, and applicable Code Cases [2] or the Class I Section of the USA Standard Code for Pressure Piping (USAS B31.7) [2] in effect [3] on the date of order [4] of the piping and

(ii) The nondestructive examination and acceptance standards of ASA B31.1 Code Cases N7, N9, and N10, except that the acceptance standards of Class I piping of the USA Standard Code for Pressure Piping (USAS B31.7) may be applied.

The piping may meet the requirements set forth in editions of ASA B31.1, USAS B31.1.0, and USAS B31.7, Addenda, and Code Cases which became effective after the date of order of the piping unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such piping.

(2) For construction permits issued on or after January 1, 1971, piping which is part of the reactor coolant pressure boundary [1] shall meet the requirements for Class I piping set forth in the USA Standard Code for Pressure Piping (USAS B31.7) and Addenda [5] in effect [3] on the date of order [4] of the piping and the requirements applicable to piping of articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda [5] in effect on the date of order of the piping unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such piping: *Provided, however,* That if the piping is ordered more than 6 months prior to the date of issuance of the construction permit, compliance with the requirements for Class I piping set forth in USAS B31.7 and Addenda [5] in effect 6 months prior to the date of issuance of the construction permit is required. The piping may meet the requirements set forth in editions of these Codes and Addenda [5] which have become effective after the date of piping order or after 6 months prior to the date of issuance of the construction permit, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such piping.

(e) Pumps:

(1) For construction permits issued before January 1, 1971, for reactors not licensed for operation, pumps which are part of the reactor coolant pressure boundary [1] shall meet—

(i) The requirements for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases [2] in effect [3] on the date of order [4] of the pumps, or

(ii) The nondestructive examination and acceptance standards set forth in ASA B31.1 Code Cases N7, N9, and N10, except that the acceptance standards for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda in effect on the date of order of the pumps may be applied.

The pumps may meet the requirements set forth in editions of the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases which became effective after the date of order of the pumps, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such pumps.

(2) For construction permits issued on or after January 1, 1971, pumps which are part of the reactor coolant pressure boundary [1] shall meet the requirements for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [5] in effect [3] on the date of order [4] of the pumps and the requirements applicable to pumps set forth in articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect on the date of order of the pumps, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such pumps: *Provided, however,* That if the pumps are ordered more than 12 months prior to the date of issuance of the construction permit, compliance with the requirements for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [5] and the requirements applicable to pumps set forth in articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 12 months prior to the date of issuance of the construction permit is required. The pumps may meet the requirements set forth in editions of these Codes or Addenda which have become effective after the date of pump order or after 12 months prior to the date of issuance of the construction permit, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such pumps.

(f) Valves:

(1) For construction permits issued before January 1, 1971, for reactors not licensed for operation, valves which are part of the reactor coolant pressure boundary [1] shall meet the requirements set forth in

(i) The American Standard Code for Pressure Piping (ASA B31.1), Addenda, and applicable Code Cases, or the USA Standard Code for Pressure Piping (USAS B31.1.0), Addenda, and applicable Code Cases, in effect [3] on the date of order [4] of the valves or the Class I section of the Draft ASME Code for Pumps and Valves for Nuclear Power, [2] Addenda, and Code Cases in effect on the date of order of the valves or

(ii) The nondestructive examination and acceptance standards of ASA B31.1 Code Cases N2, N7, N9, and N10, except that the acceptance standards for Class I valves set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda in effect on the date of order of the valves may be applied.

The valves may meet the requirements set forth in editions of ASA B31.1, USAS B31.1.0, and the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases, which became effective after the date of order of the valves, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such valves.

(2) For construction permits issued on or after January 1, 1971, valves which are part of the reactor coolant pressure boundary [1] shall meet the requirements for Class I valves set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [5] in effect [3] on the date of order [4] of the valves and the requirements applicable to valves set forth in articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda [5] in effect on the date of order of the valves, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such valves: *Provided, however,* That if the valves are ordered more than 12 months prior to the date of issuance of the construction permit, compliance with the requirements for Class I valves set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [5] and the requirements applicable to valves set forth in articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 12 months prior to the date of issuance of the construction permit is required. The valves may meet the requirements set forth in editions of these Codes or Addenda which have become effective after the date of valve order or after 12 months prior to the date of issuance of the construction permit, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such valves.

(g) Inservice inspection requirements: For construction permits issued on or after January 1, 1971, systems and components shall meet the requirements set

forth in section XI of the ASME Boiler and Pressure Vessel Code and Addenda [2] [5] in effect 6 months prior to the date of issuance of the construction permit, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such systems and components. Systems and components may meet the requirements set forth in editions of this Code and Addenda which have become effective after 6 months prior to the date of issuance of the construction permit, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such systems and components.

(h) Protection systems: For construction permits issued after January 1, 1971, protection systems shall meet the requirements set forth in the Institute of Electrical and Electronics Engineers Criteria for Nuclear Power Plant Protection Systems (IEEE 279) in effect [6] 12 months prior to the date of issuance of the construction permit, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such protection systems. Protection systems may meet the requirements set forth in later editions or revisions of IEEE 279 which have become effective after 12 months prior to the date of issuance of the construction permit, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such protection systems.

(i) Power reactors for which a notice of hearing on an application for a provisional construction permit or a construction permit has been published on or before December 31, 1970, may meet the requirements of paragraphs (c)(1), (d)(1), (e)(1), and (f)(1) of this section instead of paragraphs (c)(2), (d)(2), (e)(2), and (f)(2) of this section, respectively.

4. A new paragraph (n) is added to § 115.3 to read as follows:

§ 115.3 Definitions.

As used in this part:

* * * * *

(n) "Reactor coolant pressure boundary" means all those pressure-containing components of boiling and pressurized water-cooled nuclear power reactors, such as pressure vessels, piping, pumps, and valves, which are:

(1) Part of the reactor coolant system, or

(2) Connected to the reactor coolant system, up to and including any and all of the following:

(i) The outermost containment isolation valve in system piping which penetrates primary reactor containment,

(ii) The second of two valves normally closed during normal reactor operation in system piping which does not penetrate primary reactor containment,

(iii) The reactor coolant system safety and relief valves.

For nuclear power reactors of the direct cycle boiling water type, the reactor coolant system extends to and includes the outermost containment isolation valve in the main steam and feedwater piping.

5. Paragraph (a) of § 115.43 is amended to read as follows:

§ 115.43 Conditions of construction authorizations.

Each construction authorization shall be subject to the following terms and conditions:

(a) Except as modified by this section and § 115.43a, the construction authorization shall be subject to the same conditions to which an operating authorization is subject.

* * * * *

6. A new § 115.43a is added to 10 CFR Part 115 to read as follows:

§ 115.43a Codes and standards.

Each construction authorization shall be subject to the following conditions, in addition to those specified in § 115.43:

(a) Structures, systems, and components shall be designed, fabricated, erected, constructed, tested, and inspected to quality standards commensurate with the importance of the safety function to be performed.

(b) As a minimum, the systems and components of boiling and pressurized water-cooled nuclear power reactors specified in paragraphs (c), (d), (e), (f), and (g) of this section shall meet the requirements described in those paragraphs, except that the American Society of Mechanical Engineers (hereinafter referred to as ASME) Code N-symbol need not be applied, and the protection systems of nuclear power reactors of all types shall meet the requirements described in paragraph (h) of this section, except as authorized by the Commission upon demonstration by the applicant for or holder of a construction authorization that:

(1) Design, fabrication, installation, testing, or inspection of the specified system or component is, to the maximum extent practical, in accordance with generally recognized codes and standards, and compliance with the requirements described in paragraphs (c) through (h) of this section or portions thereof would result in hardships or unusual difficulties without a compensating increase in the level of quality and safety; or

(2) Proposed alternatives to the described requirements or portions thereof will provide an acceptable level of quality and safety. For example, the use of inspection and survey systems other than those required by the specified ASME Codes and Addenda may be authorized under this subparagraph provided that an acceptable level of quality and safety in design, fabrication, installation, and testing is achieved.

(c) Pressure vessels:

(1) For construction authorizations issued before January 1, 1971, for reactors not authorized for operation, pressure vessels which are part of the reactor coolant pressure boundary [1] shall meet the requirements for Class A vessels set forth in section III of the ASME Boiler and Pressure Vessel Code, applicable Code Cases, and Addenda [2] in effect [3] on the date of order [4] of the vessel. The pressure vessels may meet the requirements set forth in editions of this Code, applicable Code Cases and Addenda which have become effective after the date of vessel order, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such pressure vessels.

(2) For construction authorizations issued on or after January 1, 1971, pressure vessels which are part of the reactor coolant pressure boundary [1] shall meet the requirements for Class A vessels set forth in section III of the ASME

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[6] For purposes of this regulation, the proposed IEEE 279 became "in effect" on Aug. 30, 1968, and future IEEE 279 editions or revisions will become "in effect" on the effective date printed on the document. Copies may be obtained from the Institute of Electrical and Electronics Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017. A copy is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

[1] Components which are connected to the reactor coolant system and are part of the reactor coolant pressure boundary defined in § 115.3(n) need not meet these requirements, provided;

(a) In the event of postulated failure of the component during normal reactor operation, the reactor can be shut down and cooled down in an orderly manner, assuming makeup is provided by the reactor coolant makeup system only, or

(b) the component is or can be isolated from the reactor coolant system by two valves (both closed, both open, or one closed and the other open). Each open valve must be capable of automatic actuation and, assuming the other valve is open, its closure time must be such that, in the event of postulated failure of the component during normal reactor operation, each valve remains operable and the reactor can be shut down and cooled down in an orderly manner, assuming makeup is provided by the reactor coolant makeup system only.

[2] Copies may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017. Copies are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

[3] ASME and United States of America Standard Code Addenda are considered "in effect" 6 months after their date of issuance.

[4] The Code issue applicable to a component is governed by the order or contract date for the component, not the contract date for the nuclear energy system.

Boiler and Pressure Vessel Code and Addenda [5] in effect [3] on the date of order [4] of the pressure vessel, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such pressure vessels: *Provided, however,* That if the pressure vessel is ordered more than 18 months prior to the date of issuance of the construction authorization, compliance with the requirements for Class A vessels set forth in section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 18 months prior to the date of issuance of the construction authorization is required. The pressure vessels may meet the requirements set forth in editions of this Code and Addenda which have become effective after the date of vessel order or after 18 months prior to the date of issuance of the construction authorization, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such pressure vessels.

(d) Piping:

(1) For construction authorizations issued before January 1, 1971, for reactors not authorized for operation, piping which is part of the reactor coolant pressure boundary [1] shall meet the requirements set forth in

(i) The American Standard Code for Pressure Piping (ASA B31.1), Addenda, and applicable Code Cases,[2] or the USA Standard Code for Pressure Piping (USAS B31.1.0), Addenda, and applicable Code Cases [2] or the Class I Section of the USA Standard Code for Pressure Piping (USAS B31.7) [2] in effect [3] on the date of order [4] of the piping and

(ii) The nondestructive examination and acceptance standards of ASA B31.1 Code Cases N7, N9, and N10, except that the acceptance standards of Class I piping of the USA Standard Code for Pressure Piping (USAS B31.7) may be applied.

The piping may meet the requirements set forth in editions of ASA B31.1, USAS B31.1.0, and USAS B31.7, Addenda, and Code Cases which became effective after the date of order of the piping, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such piping.

(2) For construction authorizations issued on or after January 1, 1971, piping which is part of the reactor coolant pressure boundary [1] shall meet the requirements for Class I piping set forth in the USA Standard Code for Pressure Piping (USAS B31.7) and Addenda [5] in effect [3] on the date of order [4] of the piping and the requirements applicable to piping of articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda [5] in effect on the date of order of the piping, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such piping: *Provided, however,* That if the piping is ordered more than 6 months prior to the date of issuance of the construction authorization, compliance with the requirements for Class I piping set forth USAS B31.7 and Addenda [5] in effect 6 months prior to the date of issuance of the construction authorization is required. The piping may meet the requirements set forth in editions of these Codes and Addenda [5] which have become effective after the date of piping order or after 6 months prior to the date of issuance of the construction authorization, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such piping.

(e) Pumps:

(1) For construction authorizations issued before January 1, 1971, for reactors not authorized for operation, pumps which are part of the reactor coolant pressure boundary [1] shall meet

(i) The requirements for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases in effect on the date of order of the pumps, or

(ii) The nondestructive examination and acceptance standards set forth in ASA B31.1 Code Cases N7, N9, and N10, except that the acceptance standards for Class I Pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [5], in effect [3] on the date of order [4] of the pumps may be applied.

The pumps may meet the requirements set forth in editions of the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases which became effective after the date of order of the pumps, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such pumps.

(2) For construction authorizations issued on or after January 1, 1971, pumps which are part of the reactor coolant pressure boundary [1] shall meet the requirements for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [5] in effect [3] on the date of order [4] of the pumps and the requirements applicable to pumps set forth in articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect on the date of order of the pumps, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such pumps: *Provided, however,* That if the pumps are ordered more than 12 months prior to the date of issuance of the construction authorization, compliance with the requirements for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [5] and the requirements applicable to pumps set forth in articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 12 months prior to the date of issuance of the construction authorization is required. The pumps may meet the requirements set forth in editions of these Codes or Addenda which have become effective after the date of pump order or after 12 months prior to the date of issuance of the construction authorization, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such pumps.

(f) Valves:

(1) For construction authorizations issued before January 1, 1971, for reactors not authorized for operation, valves which are part of the reactor coolant pressure boundary [1] shall meet the requirements set forth in

(i) The American Standard Code for Pressure Piping (ASA B31.1), Addenda, and applicable Code Cases, or the USA Standard Code for Pressure Piping (USAS B31.1.0), Addenda, and applicable Code Cases in effect [3] on the date of order [4] of the valves or the Class I Section of the Draft ASME Code for Pumps and Valves for Nuclear Power,[2] Addenda, and Code Cases in effect on the date of order of the valves or

(ii) The nondestructive examination and acceptance standards of ASA B31.1 Code Cases N2, N7, N9, and N10, except that the acceptance standards for Class I valves set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda in effect on the date of order of the valves may be applied.

The valves may meet the requirements set forth in editions of ASA B31.1, USAS B31.1.0, and the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases, which became effective after the date of order of the valves, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such valves.

(2) For construction authorizations issued on or after January 1, 1971, valves which are part of the reactor coolant pressure boundary [1] shall meet the requirements for Class I valves set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [5] in effect [3] on the date of order [4] of the valves and the requirements applicable to valves set forth in articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda [5] in effect on the date of order of the valves, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such valves: *Provided, however,* That if the valves are ordered more than 12 months prior to the date of issuance of the construction authorization, compliance with the requirements

[2] The use of specific Code Cases may be authorized by the Commission upon request pursuant to § 115.43a(b)(2).

for Class I valves set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda[6] and the requirements applicable to valves set forth in articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 12 months prior to the date of issuance of the construction authorization is required. The valves may meet the requirements set forth in editions of these Codes or Addenda which have become effective after the date of valve order or after 12 months prior to the date of issuance of the construction authorization, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such valves.

(g) Inservice inspection requirements: For construction authorizations issued on or after January 1, 1971, systems and components shall meet the requirements set forth in section XI of the ASME Boiler and Pressure Vessel Code and Addenda[2,5] in effect 6 months prior to the date of issuance of the construction authorization, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such systems and components. Systems and components may meet the requirements set forth in editions of this Code and Addenda which have become effective after 6 months prior to the date of issuance of the construction authorization, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such systems and components.

(h) Protection systems: For construction authorizations issued after January 1, 1971, protection systems shall meet the requirements set forth in the Institute of Electrical and Electronics Engineers Criteria for Nuclear Power Plant Protection Systems (IEEE 279) in effect[6] 12 months prior to the date of issuance of the construction authorization, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable or unnecessary for such protection systems. Protection systems may meet the requirements set forth in later editions or revisions of IEEE 279 which have become effective after 12 months prior to the date of issuance of the construction authorization, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements or any part thereof is unacceptable for such protection systems.

(Secs. 103, 104, 1611, 183, 68 Stat. 936, 937, 948, 954, as amended; 42 U.S.C. 2133, 2134, 2201(i), 2233)

Dated at Washington, D.C., this 2d day of June 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-8254 Filed 6-11-71;8:49 am]

[6] For purposes of this regulation, the proposed IEEE 279 became "in effect" on August 30, 1968, and future IEEE 279 editions or revisions will become "in effect" on the effective date printed on the document. Copies may be obtained from the Institute of Electrical and Electronics Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017. A copy is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 71-461]

PART 563—OPERATIONS

Participation Loan Transactions

Correction

In F.R. 71-7628 appearing at page 10724 in the issue for Wednesday, June 2, 1971, in amendatory paragraph 2 the reference to "§ 2563.9-2" should read "§ 563.9-2".

Chapter VI—Farm Credit Administration

SUBCHAPTER F—BANKS FOR COOPERATIVES

PART 672—CENTRAL BANK FOR COOPERATIVES DEBENTURES

PART 673—BANKS FOR COOPERATIVES CONSOLIDATED DEBENTURES

Miscellaneous Amendments

Part 672 is deleted from Chapter VI of Title 12 of the Code of Federal Regulations, and Part 673 thereof is amended by revising §§ 673.2 and 673.3 to read as follows:

§ 673.2 Custodian and Acting Custodian.

(a) The Collateral Officer, Accounting, Budget and Data Management Division, Farm Credit Administration, shall serve, ex officio, as Custodian of collateral pledged by the Central Bank for Cooperatives for consolidated debentures. Any Assistant Collateral Officer of said Division shall serve, ex officio, as Acting Custodian of collateral pledged by the Central Bank for Cooperatives for consolidated debentures, in the event the said Custodian is unable to serve for any reason.

(b) The Farm Loan Registrar in each farm credit district shall serve, ex officio, as Custodian of collateral pledged by the bank for cooperatives of the district for consolidated debentures; and the Deputy Registrar and any Acting Deputy Registrar in each farm credit district shall serve, ex officio, as Acting Custodian of collateral pledged by the bank for cooperatives of the district for consolidated debentures, in the event the said Custodian is unable to serve for any reason. The operating title of the Farm Loan Registrar when so serving shall be Custodian. The operating title of the Deputy Registrar and any Acting Deputy Registrar when so serving shall be Acting Custodian.

§ 673.3 Bonding of Custodian and Acting Custodian.

Each Custodian shall be covered under a fidelity bond with a corporate surety on the approved list of the Treasury Department in the amount of $50,000 to insure the faithful performance of his duties and provide against financial loss. Each Acting Custodian of collateral for the Central Bank for Cooperatives shall likewise be covered in the amount of $50,000, but like coverage for Acting Custodians of collateral for district banks for cooperatives shall be in the amount of $25,000.

(Sec. 37, 48 Stat. 263, as amended; 12 U.S.C. 1134m)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.71-8294 Filed 6-11-71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68-WE-20-AD; Amdt. 39-1228]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39-635 (33 F.R. 11714), AD-68-17-1, provides for inspection and replacement of the main landing gear actuator beam support link in accordance with the manufacturer's Service Bulletin 32-90. The repetitive inspections required in Amendment 39-635 were no longer required when the links were replaced with 65-19657-11 or -13 links. After issuing Amendment 39-635, due to service experience, the Agency has determined that the 65-19657-13 link requires repeat inspections. Therefore, the AD is being amended to provide a repeat inspection for the 65-19657-13 link when installed, and to delete the -13 link as a terminating action.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-635 (33 F.R. 11714), AD 68-17-1, is amended as follows:

(1) Amend the applicability statement beginning: "1. *Airplanes Affected,* * * *" to include Boeing Service Bulletin 32-189, dated May 25, 1971, or later FAA-approved revisions.

(2) Amend the paragraph beginning: "To detect cracks * * *" to include Part No. 65-19657-13.

(3) Amend paragraph (a) to include Boeing Service Bulletin 32-189 dated May 25, 1971, or later FAA-approved revisions.

(4) Amend paragraph (b)(2) to delete Part No. 65-19657-13 as a replacement part.

(5) Amend paragraph (c)(1) to include -13 link for reinspection.

(6) Amend paragraph (c)(2) to delete -13 link as terminating action.

(7) Amend paragraph (d) to include -13 link to require the 7-day preinstallation inspection.

This amendment becomes effective June 15, 1971.

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

Issued in Los Angeles, Calif., on June 3, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.71-8263 Filed 6-11-71;8:50 am]

[Airspace Docket No. 71-SO-16]

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

Alteration of Transition Area

On April 17, 1971, F.R. Doc. No. 71-5362 was published in the FEDERAL REGISTER (36 F.R. 7303), amending Part 71 of the Federal Aviation Regulations by designating the Baxley, Ga., transition area.

On May 25, 1971, F.R. Doc. No. 71-7226 was published in the FEDERAL REGISTER (36 F.R. 9443), amending F.R. Doc. No. 71-5362 by altering Baxley, Ga., transition area description by deleting "028°" and substituting "030°." Subsequent to publication of the amendment, National Ocean Survey refined the final approach radial for the VOR DME A Instrument Approach Procedure to the "029°" radial. It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 71-5362 is amended as follows:

In line 5 of the Baxley, Ga., transition area description "* * * 030° * * *" is deleted and "* * * 029° * * *" 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 June 3, 1971.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.71-8264 Filed 6-11-71;8:50 am]

[Airspace Docket No. 71-SO-85]

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

Alteration of Control Zones

On May 14, 1971, F.R. Doc. No. 71-6700 was published in the FEDERAL REGISTER (36 F.R. 8864), amending Part 71 of the Federal Aviation Regulations by altering the Miami, Fla. (International Airport), Homestead, Fla., and other control zones.

In the amendment, an extension to the Miami (International Airport) control zone was predicated on Runway 27L ILS localizer west course. Additionally, in the Homestead control zone, the latitude for Homestead AFB was cited as "25°19'50" N." in lieu of "25°29'15" N.," and an extension was predicated on Homestead TACAN 055° radial. Refined plotting by National Ocean Survey disclosed that required control zone protection for the instrument approach procedures for which the extensions were designated is contained within the basic 5-mile-radius zones. It is necessary to amend the FEDERAL REGISTER document to correct the latitude of Homestead AFB and delete the extensions predicated on the Miami International Airport Runway 27L ILS localizer west course and Homestead TACAN 055° radial. Since these amendments are editorial or less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 71-6700 is amended as follows:

MIAMI, FLA. (INTERNATIONAL AIRPORT)

"* * * within 1.5 miles each side of Runway 27L ILS localizer east course, extending from the 5-mile-radius zone to 1 mile west of Orange RBN; * * *" is deleted.

The Homestead, Fla., control zone is amended to read:

HOMESTEAD, FLA.

Within a 5-mile radius of Homestead AFB (lat. 25°29'15" N., long. 80°23'00" W.); within 2 miles each side of the ILS localizer southwest course, extending from the 5-mile-radius zone to 1.5 miles northeast of the OM.

(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 June 3, 1971.

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

[FR Doc.71-8265 Filed 6-11-71;8:50 am]

[Airspace Docket No. 71-SO-89]

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

Alteration of Transition Area

On April 27, 1971, F.R. Doc. No. 71-7235 was published in the FEDERAL REGISTER (36 F.R. 9448), proposing to amend Part 71 of the Federal Aviation Regulations by altering the St. Petersburg, Fla., control zone and Tampa, Fla., transition area.

In the proposal, the transition area radius circle predicated on Peter O. Knight Airport was cited as 5 miles in lieu of 7 miles. It is necessary to amend the FEDERAL REGISTER Document to reflect this change.

In consideration of the foregoing, F.R. Doc. No. 71-7235 is amended as follows:

In the Tampa, Fla., transition area description "* * * within a 5-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.) and Albert-Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.) * * *." is deleted and "* * * within a 7-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); within a 5-mile radius of Albert-Whitted Airport (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 June 3, 1971.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.71-8266 Filed 6-11-71;8:51 am]

[Airspace Docket No. 71-SO-92]

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

Alteration of Control Zone

On May 19, 1971, F.R. Doc. No. 71-6934 was published in the FEDERAL REGISTER (36 F.R. 9066), amending Part 71 of the Federal Aviation Regulations by altering the Pensacola NAS, Fla., and Pensacola, Fla., control zones.

In the amendment, an extension to Pensacola NAS, Fla. control zone was predicated on the Pensacola TACAN 214° radial in lieu of the 193° radial. Additionally, in the Pensacola, Fla. control zone, reference was made to Pickens LOM and a 4-mile radius was predicated on NAS Ellison Field, extending clockwise from a line 2 miles northeast of and parallel to the 331° bearing from Brent LOM to the 5-mile-radius zone. Subsequent to publication of the rule, it was determined that Pickens LOM should be Pickens RBN and, with the elimination of the extension predicated on the 331°

bearing from Brent LOM, inadequate controlled airspace protection existed north and northwest of NAS Ellison Field. It is necessary to amend the FEDERAL REGISTER document to reflect these changes. Since these amendments are editorial or minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 71-6934 is amended as follows:

In line 11 of Pensacola NAS, Fla. control zone description "* * * 214°" is deleted and "* * * 193°" is substituted therefor.

In line six of Pensacola, Fla. control zone description "* * * Pickens LOM * * * " is deleted and "* * * Pickens RBN * * *" is substituted therefor, and in line nine "* * * northeast * * *" is deleted and "* * * southwest * * *" 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 June 2, 1971.

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

[FR Doc.71-8267 Filed 6-11-71;8:51 am]

[Airspace Docket No. 71-WA-21]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to change the name of the controlling agency for Restricted Areas R-3101 PMRFAC Four, Hawaii, Subarea A, and R-3120 PMRFAC Five, Hawaii, from FAA, Lihue Flight Service Station to FAA, Lihue Combined Station/Tower.

The Lihue Flight Service Station and Airport Tower were combined on December 3, 1970, and are therefore known as the Lihue Combined Station/Tower.

Since these amendments are editorial in nature and no substantive change in the regulations is effected, 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, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 73.31 (36 F.R. 2338) is amended as follows:

1. R-3101 PMRFAC Four, Hawaii, Subarea A is amended by deleting "Controlling Agency: FAA, Lihue Flight Service Station." and substituting "Controlling Agency: FAA, Lihue Combined Station/Tower." therefor.

2. R-3120 PMRFAC Five, Hawaii, is amended by deleting "Controlling Agency: FAA, Lihue Flight Service Station." and substituting "Controlling Agency: FAA, Lihue Combined Station/Tower." 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 June 4, 1971.

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

[FR Doc.71-8268 Filed 6-11-71;8:51 am]

[Docket No. 11120; Amdt. No. 760]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

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

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

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

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective July 8, 1971.

Fortuna, Calif.—Rohnerville Airport; VOR Runway 11, Amdt. 1; Revised.
Fresno, Calif.—Fresno Air Terminal; VOR Runway 11L, Amdt. 4; Revised.
Pahokee, Fla.—Palm Beach County Glades Airport; VOR Runway 17, Amdt. 5; Revised.
Palmdale, Calif.—Palmdale Production FLT/Test INSTLN AF Plant NR 2; VOR-A, Amdt. 1; Revised.
Pittsburgh, Pa.—Greater Pittsburgh Airport; VOR Runway 28L, Original; Established.
Pittsburgh, Pa.—Greater Pittsburgh Airport; VOR Runway 5, Original; Established.
Port Angeles, Wash.—William R. Fairchild International Airport; VOR-1, Amdt. 3; Canceled.
Port Angeles, Wash.—William R. Fairchild International Airport; VOR-A, Original; Established.
Fresno, Calif.—Fresno Air Terminal; VOR TAC Runway 29R, Amdt. 1; Revised.
Palmdale, Calif.—Palmdale Production FLT/Test INSTLN AF Plant NR 42; VORTAC Runway 25, Amdt. 1; Revised.
Rockingham, N.C.—Rockingham-Hamlet Airport; VOR/DME-A, Amdt. 2; Revised.
Shelby, N.C.—Shelby Municipal Airport; VOR/DME Runway 4, Amdt. 2; Revised.

2. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective June 17, 1971.

Philadelphia, Pa.—Philadelphia International Airport; LOC (BC) Runway 27, Original; Established.
Washington, D.C.—Dulles International Airport; LOC (BC) Runway 1L, Original; Established.

3. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective July 8, 1971.

Raleigh, N.C.—Raleigh-Durham Airport; LOC (BC) Runway 23, Amdt. 15; Revised.

4. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective July 8, 1971.

Fresno, Calif.—Fresno Air Terminal; NDB Runway 29R, Amdt. 16; Revised.
New York, N.Y.—LaGuardia Airport; NDB Runway 22, Amdt. 6; Revised.
Tifton, Ga.—Henry Tift Myers Airport; NDB Runway 33, Amdt. 2; Revised.
Xenia, Ohio—Greene County Airport; NDB Runway 25, Original; Established.
York, Pa.—York Airport; NDB-A, Amdt 3; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective July 8, 1971.

Fresno, Calif.—Fresno Air Terminal; ILS Runway 29R, Amdt. 19; Revised.
New York, N.Y.—LaGuardia Airport; ILS Runway 22, Amdt. 7; Revised.
Palmdale, Calif.—Palmdale Production FLT/Test INSTLN AF Plant NR 42; ILS Runway 25, Amdt. 1; Revised.
Raleigh, N.C.—Raleigh-Durham Airport; ILS Runway 5, Amdt. 14; Revised.
Rocky Mount, N.C.—Rocky Mount-Wilson Airport; ILS Runway 4, Amdt. 1; Revised.

6. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective July 8, 1971.

Atlanta, Ga.—De Kalb-Peachtree Airport; RNAV Runway 20L, Original; Established.
Binghamton, N.Y.—Broome County Airport; RNAV Runway 10, Original; Established.
Binghamton, N.Y.—Broome County Airport; RNAV Runway 16, Original; Established.
Binghamton, N.Y.—Broome County Airport; RNAV Runway 28, Original; Established.
Erie, Pa.—Erie International Airport; RNAV Runway 24, Amdt. 1; Revised.
Leesburg, Va.—Leesburg Municipal/Godfrey Filed; RNAV Runway 17, Amdt. 1; Revised.
Manassas, Va.—Manassas Municipal (Harry P. Davis Field); RNAV Runway 16, Original; Established.
Norfolk, Va.—Norfolk Regional Airport; RNAV Runway 6, Original; Established.

Philadelphia, Pa. (Ambler)—Wings Field; RNAV Runway 13, Original; Established.
Pittsburgh, Pa.—Greater Pittsburgh Airport; RNAV Runway 5, Original; Established.
Pittsburgh, Pa.—Greater Pittsburgh Airport; RNAV Runway 14, Original; Established.
Pittsburgh, Pa.—Greater Pittsburgh Airport; RNAV Runway 23, Original; Established.
Pittsburgh, Pa.—Greater Pittsburgh Airport; RNAV Runway 32, Original; Established.
Washington, D.C.—Dulles International Airport; RNAV Runway 12, Original; Established.

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

Issued in Washington, D.C., on June 2, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

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

[FR Doc.71-8086 Filed 6-11-71;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-422; Order No. 434]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASSES A, B, C, AND D PUBLIC UTILITIES, LICENSEES, AND NATURAL GAS COMPANIES

Accumulated Deferred Investment Tax Credits

JUNE 7, 1971.

The Commission, in this order, is amending paragraph C of Account 255, Accumulated Deferred Investment Tax Credits found in the Uniform System of Accounts for Classes A, B, C, and D Public Utilities and Licensees and for Classes A, B, C, and D Natural Gas Companies. The purpose of this amendment is to more specifically clarify accounting directed by Order No. 290, Docket No. R-232 (29 F.R. 16214, Dec. 23, 1964); Order No. 389, Docket No. R-344 (34 F.R. 17434, Oct. 29, 1969); Order No. 389A, Docket No. R-344 (F.R. 879, Jan. 22, 1970) and Order No. 419, Docket No. R-390 (36 F.R. 518, Jan. 14, 1971).

The amendment relating to the clarification of the accounting directed by Order No. 290, has to do with including a reference to account 413, Expenses of Electric Plant Leased to Others, in the second sentence of paragraph C, of Account 255, Accumulated Deferred Investment Tax Credits, of the Uniform System of Accounts prescribed for Classes A, B, C, and D Public Utilities and Licensees. The inclusion of this referenced account closes a gap in the accounting directed in Order No. 290.

The amendment relating to the clarification of the accounting directed by Order No. 389 (amended by Order No. 389A) and Order No. 419 has to do with eliminating a reference to "* * *; account 416, Costs and Expenses of Merchandising, Jobbing, and Contract Work; account 417, Income from Nonutility Operations; or account 418, Nonoperating Rental Income. * * *," in paragraph C of account 255, Accumulated Deferred Investment Tax Credits, of the Uniform System of Accounts prescribed for Classes A, B, C, and D, Public Utilities and Licensees and for Classes A, B, C, and D Natural Gas Companies. Elimination of the referenced accounts will remove a conflict between the other accounting changes directed by Order No. 389, as amended, and Order No. 419, relative to account 255.

The Commission finds:

(1) The amendments of the Commission's Uniform Systems of Accounts, herein prescribed are necessary and appropriate for administration of the Federal Power Act and the Natural Gas Act.

(2) In view of the clarifying nature of these amendments, compliance with the notice and public procedure provisions of 5 U.S.C. 553 is unnecessary.

(3) Since the amendments prescribed herein affect current accounting, good cause exists for making these amendments effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 3, 4, 301, 304, 308, and 309 thereof (41 Stat. 1063, 1065, 1353; 46 Stat. 798; 49 Stat. 838, 839, 854, 855, 858; 61 Stat. 501; 16 U.S.C. 796, 797, 825, 825c, 825g, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), *Orders:*

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(A) The Commission's Uniform System of Accounts for Class A and Class B, Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

The text of account "255, Accumulated Deferred Investment Tax Credits" of the Balance Sheet Accounts is amended by revising the second sentence of paragraph C to read as follows:

Balance Sheet Accounts

* * * * *

8. DEFERRED CREDITS

* * * * *

255 **Accumulated deferred investment tax credits.**

* * * * *

C. * * * Contra entries affecting such account subdivisions shall be appropriately recorded in account 413, Expenses of Electric Plant Leased to Others; or account 414, Other Utility Operating Income. * * *

* * * * *

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

(B) The Commission's Uniform System of Accounts for Class C, Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

The text of account "255, Accumulated Deferred Investment Tax Credits" of the Balance Sheet Accounts is amended by revising the second sentence of paragraph C to read as follows:

Balance Sheet Accounts

* * * * *

8. DEFERRED CREDITS

* * * * *

255 **Accumulated deferred investment tax credits.**

C. * * * Contra entries affecting such account subdivisions shall be appropriately recorded in account 413, Expenses of Electric Plant Leased to Others; or account 414, Other Utility Operating Income. * * *

* * * * *

PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES

(C) The Commission's Uniform System of Accounts for Class D, Public Utilities and Licensees prescribed by Part 105, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

The text of account "255, Accumulated Deferred Investment Tax Credits" of the Balance Sheet Accounts is amended by revising the second sentence of paragraph C to read as follows:

Balance Sheet Accounts

* * * * *

8. DEFERRED CREDITS

* * * * *

255 **Accumulated deferred investment tax credits.**

* * * * *

C. * * * Contra entries affecting such account subdivisions shall be appropriately recorded in account 413, Expenses of Electric Plant Leased to Others; or account 414, Other Utility Operating Income. * * *

* * * * *

PART 201—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B NATURAL GAS COMPANIES

(D) The Commission's Uniform System of Accounts for Class A and Class B,

Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

The text of account "255, Accumulated Deferred Investment Tax Credits" of the Balance Sheet Accounts is amended by revising paragraph C to read as follows:

Balance Sheet Accounts

* * * * *

8. DEFERRED CREDITS

* * * * *

255 Accumulated deferred investment tax credits.

* * * * *

C. If any of the investment tax credits to be deferred are related to utility operations other than gas or to nonutility operations, appropriate subdivisions of this account shall be maintained. Contra entries affecting such subdivisions shall be appropriately recorded in accounts 413, Expenses of Gas Plant Leased to Others; or 414, Other Utility Operating Income.

* * * * *

PART 204—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS C NATURAL GAS COMPANIES

(E) The Commission's Uniform System of Accounts for Class C, Natural Gas Companies prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

The text of account "255, Accumulated Deferred Investment Tax Credits" of the Balance Sheet Accounts is amended by revising paragraph C to read as follows:

Balance Sheet Accounts

* * * * *

8. DEFERRED CREDITS

* * * * *

255 Accumulated deferred investment tax credits.

* * * * *

C. If any of the investment tax credits to be deferred are related to utility operations other than gas or to nonutility operations, appropriate subdivisions of this account shall be maintained. Contra entries affecting such subdivisions shall be appropriately recorded in account 413, Expenses of Gas Plant Leased to Others; or 414, Other Utility Operating Income.

* * * * *

PART 205—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS D NATURAL GAS COMPANIES

(F) The Commission's Uniform System of Accounts for Class D, Natural Gas Companies prescribed by Part 205, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

The text of account "255, Accumulated Deferred Investment Tax Credits" of the Balance Sheet Accounts is amended by revising paragraph C to read as follows:

Balance Sheet Accounts

* * * * *

8. DEFERRED CREDITS

* * * * *

255 Accumulated deferred investment tax credits.

C. If any of the investment tax credits to be deferred are related to utility operations other than gas or to nonutility operations, appropriate subdivisions of this account shall be maintained. Contra entries affecting such subdivisions shall be appropriately recorded in account 413, Expenses of Gas Plant Leased to Others; or 414, Other Utility Operating Income.

* * * * *

(G) This order is effective upon issuance.

* * * * *

(H) The Acting Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8232 Filed 6-11-71;8:47 am]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 01, 3, and 25 of Title 20 of the Code of Federal Regulations are hereby amended in the manner indicated below.

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, opportunity for public participation, and delay in the effective date are not applicable because these rules relate to agency personnel matters. Further, I do not believe such procedures would serve a useful purpose here. Accordingly, the amendments shall become effective immediately.

The provisions of these Parts 01, 3, and 25 are issued under section 32, 39 Stat. 749, as amended; 5 U.S.C. 8145, 8149; 1946 Reorg. Plan No. 2, section 3, 3 CFR, 1943–1948 Comp., p. 1064; 60 Stat. 1095; 1950 Reorg. Plan No. 19, section 1, 3 CFR 1949–1953 Comp., p. 1010; 64 Stat. 1271, Secretary's Order No. 18–67, 32 F.R. 12971.

Title 20, Code of Federal Regulations, is amended as follows:

PART 01—STATEMENT OF PROCEDURES

1. Section 01.2 is revised as follows:

§ 01.2 Review by the Bureau.

An award for or against the payment of compensation may be reviewed by the Bureau under section 8128(a) at any time, on its own motion or on application of the claimant. No formal application for review is required, but a written request for review, stating reasons why the decision should be changed and accompanied by evidence not previously submitted to the Bureau, is necessary to invoke action. Such request shall be made to the Director, Bureau of Employees' Compensation, U.S. Department of Labor, Washington, D.C. 20211.

PART 3—CASES INVOLVING THE LIABILITY OF A THIRD PARTY

2. Section 3.1 is revised as follows:

§ 3.1 Prosecution of third party action by beneficiary.

If an injury or death for which compensation is payable under the Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the Bureau may require the beneficiary to prosecute an action for damages against such third person. When required by the Bureau, such cause of action shall be prosecuted in the name of the injured employee or of his personal representative by an attorney of the beneficiary's choice.

3. Section 3.4 is revised as follows:

§ 3.4 Distribution of damages recovered by beneficiary.

If an injury or death for which compensation is payable under the Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, and, as a result of suit brought by the beneficiary or by someone on his behalf, or as a result of settlement made by him or on his behalf in satisfaction of the liability of such other person, the beneficiary shall recover damages or receive any money or other property in satisfaction of the liability of such other person on account of such injury or death, the proceeds of such recovery shall be applied as follows:

(a) If an attorney is employed, a reasonable attorney's fee and the cost of collection, if any, shall first be deducted from the gross amount of the settlement;

(b) The beneficiary is entitled to retain one-fifth of the net amount of the money or other property remaining after the expenses of a suit or settlement have been deducted, plus an amount equivalent to a reasonable attorney's fee proportionate to any refund to the United States;

(c) There shall then be remitted to the Bureau the compensation which has been paid on account of the injury, which shall include payments made on account of medical or hospital treatment, funeral expense, and any other payments that have been made by the Bureau on account of the injury or death;

(d) Any surplus then remaining may be retained by the injured employee or his dependents, and the net amount of damages received by the beneficiary

shall be credited against future payments of compensation to which the beneficiary may be entitled under the Act on account of the same injury.

4. Section 3.5 is revised as follows:

§ 3.5 **Distribution of damages where cause of action is assigned.**

If the Bureau realizes upon a cause of action assigned to the United States pursuant to 5 U.S.C. 8131, it shall apply the money or other property so received in the following manner; namely: After deducting the amount of any compensation paid in respect of the injury or death on account of which the cause of action arose, and the expense of such realization or collection, which sum shall be placed to the credit of the proper fund of the Bureau, the surplus, if any, of such amount received shall be paid to the beneficiary and credited pro tanto upon any future payments of compensation payable to him on account of the same injury. However, the beneficiary is entitled to not less than one-fifth of the net amount of a settlement or recovery remaining after the expenses of such realization or collection have been deducted.

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NONCITIZENS OUTSIDE THE UNITED STATES

5. Section 25.1 is revised as follows:

§ 25.1 **General statement.**

The provisions of this part shall apply in respect to compensation, under the Federal Employees' Compensation Act, payable only to employees of the United States who are neither citizens nor residents of the United States, any territory, or Canada, or payable to any dependents of such employees. It has previously been determined, pursuant to 5 U.S.C. 8137, that the amount of compensation, as provided under such Act, is substantially disproportionate to the compensation for disability or death which is payable in similar cases under local law, regulation, custom, or otherwise, in areas outside the United States, any territory, or Canada. Therefore, in respect to cases of such employees whose injury (or injury resulting in death) has occurred subsequent to December 7, 1941, or may occur, the following provisions shall be applicable.

6. Section 25.2(a) and (b) is revised as follows:

§ 25.2 **General adoption of local law.**

(a) Pursuant to the provisions of 5 U.S.C. 8137, the benefit features of local workmen's compensation laws, or provisions in the nature of workmen's compensation, in effect in the areas referred to in § 25.1, shall, effective as of December 7, 1941, by adoption and adaptation, as recognized by the Director, Bureau of Employees' Compensation, apply in the cases of the employees specified in § 25.1: *Provided, however,* That there is not established and promulgated under this part, for the particular locality, or for a class of employees in the particular locality, a special schedule of compensation for injury or death.

(b) The benefit provisions as thus adopted or adapted are those dealing with the money payments for injury and death (including provisions dealing with medical, surgical, hospital and similar treatment and care), as well as those dealing with services and purposes forming an integral part of the local plan, provided they are of a kind or character similar to services and purposes authorized by the Federal Employees' Compensation Act. Procedural provisions, designations of classes of beneficiaries in death cases, limitations (except those affecting amounts of benefit payments), and any other provisions not directly affecting the amounts of the benefit payments, in such local plans, shall not apply, but in lieu thereof the pertinent provisions of the Federal Employees' Compensation Act shall apply, unless modified by further specification in this section. However, the Director may at any time modify, limit or redesignate the class or classes of beneficiaries entitled to death benefits, including the designation of persons, representatives, or groups entitled to payment under local statute or custom whether or not included in the classes of beneficiaries otherwise specified by this subchapter.

* * * * *

7. Section 25.4 is revised as follows:

§ 25.4 **Authority to settle and pay claims.**

In addition to the authority to receive, process and pay claims, when delegated such representative or agency receiving delegation of authority shall, in respect to cases adjudicated under this part, and when so authorized by the Director, have authority (a) to make lump sum awards (in the manner prescribed by 5 U.S.C. 8135) whenever such authorized representative shall deem such settlement to be for the best interest of the United States, and (b) to compromise and pay claims for any benefits provided for under this part, including claims in which there is a dispute as to jurisdiction or other facts, or questions of law. The Director shall, in administrative instructions to the particular representative concerned, establish such procedures in respect to action under this section as may be deemed necessary, and may specify the scope of any administrative review of such action.

§ 25.23 **[Revoked]**

8. Section 25.23 is revoked.

9. Section 25.24(a) is revised as follows:

§ 25.24 **Territory of the Pacific Islands.**

(a) The special schedule of compensation established by Subpart B of this part shall apply, with the modifications or additions specified in paragraph (b) of this section, as of July 18, 1947, in the Territory of the Pacific Islands which comprises all of the Mariana Islands except Guam, all of the Caroline Islands including the Island of Palau, and all of the Marshall Islands, and shall be applied retrospectively in cases of injury (or death from injury) occurring on and after such date. Compensation in all cases pending as of February 1, 1951, shall be adjusted accordingly, with credit taken in the amount of compensation paid prior to such date. Refund of compensation shall not be required if the amount of compensation paid in any case, otherwise than through fraud, misrepresentation, or mistake, and prior to February 1, 1951, exceeds the amount provided for under this section; and such case shall be deemed compromised and paid under 5 U.S.C. 8137.

* * * * *

(5 U.S.C. 8145, 8149)

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

JOHN M. EKEBERG,
Director,
Bureau of Employees' Compensation.

[FR Doc.71-8262 Filed 6-11-71;8:50 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

DELEGATIONS FROM SECRETARY AND ASSISTANT SECRETARY

Under authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120) § 2.120(a)(3) is revised to read as follows to conform with the Department's notice regarding such functions published in the FEDERAL REGISTER of May 14, 1971 (36 F.R. 8893):

§ 2.120 **Delegations from the Secretary and Assistant Secretary.**

(a) * * *

(3) Functions pertaining to sections 301, 311, 314, and 361 of the Public Health Service Act (42 U.S.C. 241, 243, 246, and 264) that relate to pesticides, product safety, interstate travel sanitation (except interstate transportation of etiologic agents under 42 CFR 72.25), milk and food service sanitation, shellfish sanitation, and poison control.

* * * * *

Effective date: May 14, 1971.

Dated: June 2, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8247 Filed 6-11-71;8:49 am]

SUBCHAPTER C—DRUGS

PART 148w—CEPHALOSPORIN

Nonsterile Cephaloglycin Dihydrate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507,

59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 148w.3(b)(1) is revised to read as follows to change the sample preparation method for the subject antibiotic:

§ 148w.3 Nonsterile cephaloglycin dihydrate.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient sterile distilled water to give a stock solution of 100 micrograms of cephaloglycin per milliliter (estimated). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 10 micrograms of cephaloglycin per milliliter (estimated).

* * * * *

This order merely makes a technical change that will speed up the assay of the subject antibotic. Since the revision is noncontroversial and nonrestrictive in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (6–12–71).

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

Dated: June 1, 1971.

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

[FR Doc.71-8248 Filed 6-11-71;8:49 am]

PART 149v—MITHRAMYCIN

Mithramycin for Injection

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 149v *Mithramycin for injection* is revised in the sixth sentence of paragraph (a)(1) by changing "3.0" to read "4.0" to raise the upper limit of the LD_{50} test.

This order merely makes a technical change in the certification requirements to take into account biological and laboratory variations during testing. Since the revision is noncontroversial and nonrestrictive in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (6–12–71).

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

Dated: June 1, 1971.

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

[FR Doc.71-8249 Filed 6-11-71;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7117]

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

Revision of Rates; Correction

On May 25, 1971, T.D. 7117 was published in the FEDERAL REGISTER (36 F.R. 9393). The corrections listed below are made to the Income Tax Regulations (26 CFR Part 1), as prescribed by T.D. 7117:

1. The following corrections should be made in the tables appearing in § 1.3:

(a) In Table XVII—Returns Claiming 2 Exemptions, in the rates for incomes of "at least $9,900 but less than $9,950", the entry in the fourth column now reading "1,234" should read "1,334".

(b) In Table XVIII—Returns Claiming 3 Exemptions, following the set of entries for incomes of "at least $4,900 but less than $4,950", the next set of entries should be designated "at least $4,950 but less than $5,000".

(c) In Table XXI—Returns Claiming 6 Exemptions, in the rates for incomes of "at least $7,350 but less than $7,400", the entry in the sixth column now reading "395" should read "495".

2. The parenthesis mark appearing on the 17th line in paragraph (b) of § 1.1347–1 should be replaced by a comma.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71-8331 Filed 6-11-71;8:56 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 602—LEATHER, LEATHER GOODS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 614 (35 F.R. 15226), the Secretary of Labor appointed and convened Industry Committee No. 100–B for the leather, leather goods and related products industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 100–B are hereby published, to be effective June 28, 1971, in this order amending § 602.2 of Title 29, Code of Federal Regulations.

In § 602.2, subdivision (i) of subparagraphs (1), (2), (3), and (5) of paragraph (a); and subparagraph (1) of paragraph (b) are amended to read as follows:

§ 602.2 Wage rates.

* * * * *

(a) * * *

(1) *Belt classification.* (i) The minimum wage for this classification is $1.60 an hour.

* * * * *

(2) *Baseball and softball classification.* (i) The minimum wage for this classification is $1.35 an hour.

* * * * *

(3) *Sporting and athletic goods classification.* (i) The minimum wage for this classification is $1.39 an hour.

* * * * *

(5) *General classification.* (i) The minimum wage for this classification is $1.325.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

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

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71-8327 Filed 6-11-71;8:56 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70–158a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Biscayne Bay, Florida

This amendment changes the regulations for the Rickenbacker Causeway Bridge across the Atlantic Intracoastal Waterway, Biscayne Bay, Miami, Fla., to extend the times when the draw may remain closed to vessels. This amendment

was circulated as a public notice dated January 26, 1971, by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 70-158) on January 26, 1971 (36 F.R. 1208). Several comments were received and considered. Editorial changes have been made.

Accordingly, Part 117 of 33 CFR is amended by revoking § 117.447a(b) and revising § 117.447a (a) and (d) to read as follows:

§ 117.447a Biscayne Bay, Fla., Rickenbacker Causeway Bridge.

(a) The draw shall open on signal except that—

(1) From 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except legal holidays, the draw need open only on the hour and half-hour for vessels; and

(2) From 11 a.m. to 6 p.m. on Saturdays, Sundays, and legal holidays, the draw need open only on the hour and half-hour for vessels?

(b) [Deleted]

* * * * *

(d) The draw shall open at any time for the passage of a public vessel of the United States, tugs with tows, cruise boats operating on a regular schedule, or a vessel in an emergency involving danger to life or property. The opening signal from these vessels shall be 4 blasts of a whistle, horn, other sound producing device, or by shouting.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective on July 16, 1971.

Dated: June 8, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-8284 Filed 6-11-71;8.52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter I—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

SMALL BUSINESS SIZE STANDARDS AND RELATED DEFINITIONS

This amendment of the Federal Procurement Regulations changes §§ 1-1.701-1 and 1-1.701-6 to include new and revised small business size standards and related definitions prescribed by the Small Business Administration.

1. Section 1-1.701-1 is amended to prescribe new and revised provisions in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), and (i). As amended, the section reads as follows:

§ 1-1.701-1 Small business concern (for Government procurement).

(a) *General.* A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in this § 1-1.701. ("Concern" means any business entity organized for profit with a place of business located in the United States, including but not limited to, an individual, partnership, corporation, joint venture, association, or cooperative. "Annual receipts" means the gross income, less returns and allowances, sales of fixed assets and interaffiliate transactions, of a concern, and its affiliates, from sales of products and services, interest, rent, fees, commissions, and/or from whatever other source derived, as entered on its regular books of account for its most recently completed fiscal year, whether on a cash, accrual, completed contracts, percentage of completion, or any other acceptable accounting basis and reported or to be reported to the Department of the Treasury, Internal Revenue Service, for Federal income tax purposes. If a concern has been in business less than a year its annual receipts shall be computed by determining its average weekly receipts for the period in which it has been in business and multiplying such figure by 52. If a concern has acquired an affiliate during the applicable accounting period, it is necessary in computing the concern's annual receipts to include the affiliate's receipts during the accounting period, rather than only its receipts during the period in which it has been an affiliate. The receipts of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.)

(1) If a procurement calls for more than one item and the bidder can bid on any or all items, the bidder must meet the size standard for each item on which it submits a bid. If a procurement calls for more than one item and a bidder is required to bid on all or none of such items, the bidder can qualify as a small business for such procurement if it meets the size standard for the item accounting for the greatest percentage of the total contract value. (For size standard purposes, a product or service is classified into only one industry, even though, for other purposes, it could be classified into more than one industry.)

(2) If no standard for an industry, field of operation, or activity (e.g., animal specialty; fin fish; management-logistics support to be performed outside the United States) has been set forth in this § 1-1.701-1, a concern bidding on a Government contract is a small business if, including its affiliates, it is independently owned and operated, is not dominant in the field of operations in which it is bidding on Government contracts, and has 500 employees or less.

(b) *Construction.* Any concern bidding on a Government contract for construction, alteration, or repair (including painting and decorating) of buildings, bridges, or other real property, or other work which is classified in Division C, Contract Construction of the Standard Industrial Classification Manual, as amended, prepared and published by the Office of Management and Budget (formerly Bureau of the Budget), Executive Office of the President, is classified:

(1) *General.* As small if its average annual receipts for its preceding 3 fiscal years do not exceed $7,500,000 (except that if the concern is located in Alaska, such receipts do not exceed $9,375,000).

(2) *Dredging.* As small if it is bidding on a contract for dredging and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million (except that if the concern is located in Alaska, such receipts do not exceed $6,250,000).

(c) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) *Food canning and preserving.* As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in the Federal Unemployment Tax Act, 26 U.S.C. 3306(k).

(2) *Pneumatic tires.* As small if it is bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112: *Provided,* That (i) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture, (ii) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured worldwide during the preceding calendar year was less than 5 percent of the value of all such tires manufactured in the United States during said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(3) *Passenger cars.* As small if it is bidding on a contract for passenger cars within Census Classification Code 37171: *Provided,* That (i) the value of the passenger cars within Census Classification Code 37171 which it manufactured or otherwise produced in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture or production of such passenger cars, (ii) the value of the passenger cars within Census Classification Code 37171, which it manufactured or otherwise produced during the preceding calendar year was less than 5 percent of the total value of all

such cars manufactured or produced in the United States during the said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(4) *Rebuilding on a factory basis or equivalent.* As small if it is bidding on a contract for rebuilding machinery or equipment on a factory basis, the purpose of which is to restore such machinery or equipment to as serviceable and as like new condition as possible and its number of employees does not exceed the number of employees specified for the classification code applicable to the manufacturer of the original item.

NOTE: The size standard contained herein is not limited to concerns who are manufacturers of the original item but is applicable to all bidders or offerors. The term "rebuilding on a factory basis" as used in this subsection does not include ordinary repair services such as those involving minor repair and/or preservation operations.

(5) *Manufacturing industries listed in § 1–1.701–1(h).* As small if it is bidding on a contract for a product classified within an industry set forth in paragraph (h) of this section and its number of employees does not exceed the size standard established for that industry.

(6) *Manufacturing industries not listed in § 1–1.701–1(h).* As small if it is bidding on a contract for a product classified within an industry not set forth in paragraph (h) of this section and its number of employees does not exceed 500 persons.

(d) *Small business nonmanufacturer.* Any concern which submits a bid or offer in its own name, other than for a construction or service contract, but which proposes to furnish a product not manufactured by itself, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of § 1–1.701–1(a);

(2) Its number of employees does not exceed 500 persons; and

(3) In the case of Government procurement reserved for or involving the preferential treatment of small business concerns (including equal low bids), such nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States. However, if the goods to be furnished are woolen, worsted, knitwear, duck, and webbing, dealers and converters shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher. If the procurement is for thread, dealers and converters shall furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specification, but excluding mercerizing, spinning, throwing, or twisting operations.") If the procurement is for a refined petroleum product, other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixtures and blocks, No. 2952, Asphalt felts and coatings, No. 2992, Lubricating oils and greases, or No. 2999, Products of petroleum and coal, not elsewhere classified, paragraph (i) of this section is for application. ("Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement, but does not do so in connection with that procurement.)

(e) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of § 1–1.701–1(c) for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of § 1–1.701–1(d).

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(f) *Services.* Any concern bidding on a contract for services is classified:

(1) *General.* As small if it is bidding on a contract for services not otherwise defined in this § 1–1.701–1 and its average annual receipts for its preceding 3 fiscal years do not exceed $1 million ($1,250,000 if the concern is located in Alaska).

(2) *Engineering.* As small if it is bidding on a contract for engineering services other than marine engineering services and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if the concern is located in Alaska).

(3) *Motion pictures.* As small if it is bidding on a contract for motion picture production or motion picture services and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if the concern is located in Alaska).

(4) *Janitorial and custodial.* As small if it is bidding on a contract for janitorial and custodial services and its average annual receipts for its preceding 3 fiscal years do not exceed $3 million ($3,750,000 if the concern is located in Alaska).

(5) *Base maintenance.* As small if it is bidding on a contract for base maintenance and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if the concern is located in Alaska).

(6) *Naval architectural and marine engineering.* As small if it is bidding on a contract for naval architectural and marine engineering services and its average annual receipts for its preceding 3 fiscal years do not exceed $6 million ($7,500,000 if the concern is located in Alaska).

(7) *Marine cargo handling.* As small if it is bidding on a contract for marine cargo handling services and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if the concern is located in Alaska).

(8) *Food.* As small if it is bidding on a contract for food services and its average annual receipts for its preceding 3 fiscal years do not exceed $4 million ($5 million if the concern is located in Alaska).

(9) (i) *Laundry.* As small if it is bidding on a contract for laundry services including linen supply, diaper services, and industrial laundering if its average annual receipts for its preceding 3 fiscal years do not exceed $3 million ($3,750,000 if the concern is located in Alaska).

(ii) *Cleaning and dyeing.* As small if it is bidding on a contract for cleaning and dyeing (including rug cleaning services) and its average annual receipts for its preceding 3 fiscal years do not exceed $1 million ($1,250,000 if the concern is located in Alaska).

(10) *Computer programing.* As small if bidding on a contract for computer programing services and its average annual receipts for its preceding 3 fiscal years do not exceed $3 million ($3,750,000 if the concern is located in Alaska).

(11) *Flight training.* As small if it is bidding on a contract for flight training services and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if the concern is located in Alaska).

(12) *Motorcar and truck rental and leasing.* As small if it is bidding on a contract for motorcar rental and leasing services or truck rental and leasing services and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if the concern is located in Alaska).

(13) *Tire recapping.* As small if it is bidding on a contract for tire recapping services and its average annual receipts for its preceding 3 fiscal years do not exceed $3 million ($3,750,000 if the concern is located in Alaska). This paragraph applies only to procurements requiring the services of tire retreading and repair shops (Standard Industrial Classification Industry No. 7534, Tire Retreading and Repair Shops) and not to procurements for the repairing and/or retreading of pneumatic aircraft tires which, by reason of the extent and nature of the equipment and operations required, is considered for size standards purposes to be manufactured within the meaning of Standard Industrial Classification Industry No. 3011, Tires and Inner Tubes (see § 1–1.701–1(h)).

(14) *Data processing.* As small if it is bidding on a contract for data processing services and its average annual receipts

for its preceding 3 fiscal years do not exceed $3 million ($3,750,000 if the concern is located in Alaska).

(15) *Computer maintenance.* As small if it is bidding on a contract for computer maintenance services and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if the concern is located in Alaska).

(g) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

(1) *General.* As small if its number of employees does not exceed 500 persons.

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

(3) *Trucking.* As small if it is bidding on a contract for trucking (local and long-distance), warehousing, packing and crating, and/or freight forwarding, and its annual receipts do not exceed $5 million ($6,250,000 if the concern is located in Alaska).

(h) *Table of specific industry employment size standards for the purpose of Government procurement.* (See footnotes at end of table.)

MANUFACTURING

Census classification code	Industry	Employment size standard (number of employees)[1]
	MAJOR GROUP 19—ORDNANCE AND ACCESSORIES	
* * *	* * *	* * *
1929	Ammunition, except for small arms, not elsewhere classified	1,500
* * *	* * *	* * *
	MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS	
2011	Meat packing plants	750
2026	Fluid milk	750
* * *	* * *	* * *
2093	Vegetable oil milk, except cottonseed and soybean	1,000
* * *	* * *	* * *
	* * * * *	
	MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES [2]	
	* * * * *	
	MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS	
* * *	* * *	* * *
30111	Passenger car and motorcycle pneumatic tires (casings)	(3)
30112	Truck and bus (and off-the-road) pneumatic tires	(3)
* * *	* * *	* * *
	* * * * *	
	MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL	
* * *	* * *	* * *
3537	Industrial trucks, tractors, and trailers and stackers	750
* * *	* * *	* * *
3573	Electric computing equipment	1,000
3574	Calculating and accounting machines, except electronic computing equipment	1,000
* * *	* * *	* * *
	* * * * *	
	MAJOR GROUP 37—TRANSPORTATION EQUIPMENT	
3717	Motor vehicles and parts [4]	1,000
37171	Passenger cars (knocked down or assembled)	(3)
3721	Aircraft [5]	1,500
3722	Aircraft engines and engine parts [5]	1,000
* * *	* * *	* * *
3729	Aircraft parts and auxiliary equipment, not elsewhere classified [5]	1,000
3731	Shipbuilding and repairing	1,000
* * *	* * *	* * *
	* * * * *	
	* * * * *	

[1] The size standard for SIC 2911 is set forth in § 1-1.701-1(i).

[2] The size standards for SIC 30111, 30112, and 37171 are set forth in §§ 1-1.701-1(c)(2) and 1-1.701-1(c)(3).

[4] The three Standard Industrial Classification Industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

[5] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

"Maintenance" means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

"Preventive maintenance" means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

[6] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

(i) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixtures and blocks; No. 2952, Asphalt felts and coatings; No. 2992, Lubricating oils and greases; or No. 2999, Products of petroleum and coal, not elsewhere classified, is classified as small if (1) (i) its number of employees does not exceed 1,000 persons; (ii) if it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis), or throughput or other form of processing agreement, with the same effect as though such facilities had been leased; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks: *Provided, however,* That a petroleum refining concern which meets the requirements in (1) (i) and (ii) of this paragraph may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirements in (1) (iii) of this paragraph: *And provided further,* That the exchange of products for products to be delivered to the Government will be completed within 90 days after the expiration of the delivery period under the Government contract, and that any products furnished pursuant to a bona fide exchange agreement must be for delivery in the same Petroleum Administration for Defense (PAD) District as that in which the small refinery is located; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under (1) of this paragraph. The proviso in (1) (iii) of this paragraph that the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks contemplates that, in accomplishing such refining, the bidder will utilize its own employees and facilities which it owns or obtains under a bona fide lease as distinguished from any other arrangement having the same effect as a lease. The provision permitting a concern which meets the requirements in (1) (i) and (ii) of this paragraph to furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement which meets prescribed requirements, contemplates that the product exchanged by the bidder for the product to be furnished shall have been refined by the bidder utilizing only its own employees and its own facilities or facilities obtained through a bona fide lease. ("Bona fide feed stocks" means crude and any other hydrocarbon

material actually charged to refinery processing units as distinguished from materials used as components in products to be delivered after merely filtering, settling, or blending. "Crude-oil capacity" means the maximum daily average throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.)

2. Section 1–1.701–5 is revised to read as follows:

§ 1–1.701–5 Number of employees.

In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full time, part time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month. If a concern has acquired an affiliate during the applicable accounting period, it is necessary in computing the applicant's number of employees to include the affiliate's number of employees during the entire applicable accounting period rather than only its employees during the period in which it has been an affiliate. The employees of a former affiliate are not included even though such concern had been an affiliate during a portion of the applicable accounting period.

3. Section 1–1.701–6 is revised to read as follows:

§ 1–1.701–6 Industry.

"Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification (SIC) Manual, as amended, prepared and published by the Office of Management and Budget (formerly Bureau of the Budget), Executive Office of the President. (The Standard Industrial Classification (SIC) Manual, as amended, is used as a guide by the Small Business Administration in defining industries. Its use, therefore, is advisory and not mandatory.)

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

Effective date. These regulations are effective August 16, 1971, but may be observed earlier.

Dated: June 7, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–8314 Filed 6–11–71;8:54 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Consolidation of Requirements

This amendment establishes policy regarding the consolidation of individual small volume requirements to enable the Government to benefit from lower prices normally obtainable through larger volume procurements from commercial sources.

The table of contents for Part 101–26 is amended to add § 101–26.106 as follows:

Sec.
101–26.106 Consolidation of requirements.

Subpart 101–26.1—General

Section 101–26.100 is revised and § 101–26.106 is added to read as follows:

§ 101–26.100 Scope of subpart.

This subpart provides guidance for the management or control of procurement or related functions.

§ 101–26.106 Consolidation of requirements.

Full consideration shall be given to the consolidation of individual small volume requirements to enable the Government to benefit from lower prices normally obtainable through definite quantity contracts for larger volume procurements. This policy pertains to procurement from commercial sources either direct or through an intermediary agency and does not apply to GSA stock items or small volume requirements normally obtained from a GSA self-service store. Where practical, agencies shall establish procedures which will permit planned requirements consolidation on an agency-wide basis. Where not practical, the requirements consolidation effort may be limited to a bureau, to other agency segments, or to a program, if such limited consolidation will provide significant price advantages when procurement is effected on a volume basis. Purchase requests submitted to GSA for item requirements exceeding maximum order limitations in Federal Supply Schedule contracts shall be submitted in accordance with the applicable instructions contained in the respective schedules. Special buying services desired by agencies for procurement or other consolidated item requirements shall be requested from GSA in accordance with § 101–26.102.

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

Effective date. This regulation is effective June 18, 1971.

Dated: June 7, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–8289 Filed 6–11–71;8:52 am]

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Housing for Displaced Persons

Section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1902) authorizes the Administrator of General Services to transfer to a State agency surplus federally owned real property for the purpose of providing replacement housing as required under title II of this Act for persons who are to be displaced by Federal or federally assisted projects. Subparts 101–47.2 and 101–47.3 are amended to implement this section of the Act.

The table of contents for Part 101–47 is amended by adding new § 101–47.308–8 as follows:

Sec.
101–47.308–8 Property for displaced persons.

Subpart 101–47.2—Utilization of Excess Real Property

1. Section 101–47.203–5(a) is revised as follows:

§ 101–47.203–5 Screening of excess real property.

* * * * *

(a) Notices of availability will be submitted to each such agency which shall, within 30 calendar days from the date of notice, advise GSA if there is a firm requirement or a tentative requirement for the property. Agencies having tentative or firm requirements for surplus Federal real property for replacement housing for displaced persons, as authorized by section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1902), shall review these notices for the additional purpose of identifying properties for which they may have such a requirement. When such a requirement exists, the agency shall so advise the appropriate GSA regional office.

(1) In the event a tentative requirement exists, the agency shall, within an additional 30 calendar days, advise GSA if there is a firm requirement.

(2) Within 60 calendar days after advice to GSA that a firm requirement exists, the agency shall furnish GSA a request for transfer of the property pursuant to § 101–47.203–7.

* * * * *

2. Sections 101–47.204–1 (a) and (b) are revised to read as follows:

§ 101–47.204–1 Reported property.

* * * * *

(a) The holding agency, the Secretary of Health, Education, and Welfare, and the Secretary of the Interior, will be notified of the date upon which determination as surplus becomes effective. The Secretary of Housing and Urban Development also will be so notified but only as to those properties that HUD identifies as having potential for housing and

for related public, commercial, or industrial facilities under section 414 of the Housing and Urban Development Act of 1969, as amended. (See § 101–47.203–5.) Any Federal agency that has identified a property as being required for replacement housing for displaced persons under section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 also will be notified of the date upon which determination as surplus becomes effective.

(b) The notices to the Secretaries of Health, Education, and Welfare and the Interior will be sent to the offices designated by them to serve the area in which the property is located. The notices to the Secretary of Housing and Urban Development will be sent to the central office of HUD. The notices to the Federal agencies having a requirement pursuant to section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 will be sent to the office making the request unless another office is designated.

* * * * *

Subpart 101–47.3—Surplus Real Property Disposal

Section 101–47.308–8 is added as follows:

§ 101–47.308–8 Property for displaced persons.

(a) Pursuant to section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the disposal agency is authorized to transfer surplus real property to a State agency, as hereinafter provided, for the purpose of providing replacement housing under title II of this Act for persons who are to be displaced by Federal or federally assisted projects.

(b) Upon receipt of the notice of surplus determination (§ 101–47.204–1(a)), any Federal agency having a requirement for such property for housing for displaced persons may solicit applications from eligible State agencies.

(c) Federal agencies shall notify the disposal agency within 20 calendar days after the date of the notice of determination of surplus if it is able to interest an eligible State agency in acquiring the property under section 218.

(d) Both holding and disposal agencies shall cooperate, to the fullest extent possible, with Federal and State agency representatives in their inspection of such property and in furnishing information relating thereto.

(e) The interested Federal agency shall advise the disposal agency and request transfer of the property to the selected State agency under section 218 within 25 calendar days after the expiration of the 20-calendar-day period specified in § 101–47.308–8(c).

(f) Any request submitted by a Federal agency pursuant to § 101–47.308–8(e) shall be in the form of a letter addressed to the appropriate GSA regional office and shall set forth the following information: (1) Identification of the property by name, location, and control number; (2) a request that the property be transferred to a specific State agency including the name and address and a copy of the State agency's application or proposal; (3) a certification by the appropriate Federal agency official that the property is required for housing for displaced persons pursuant to section 218, that all other options authorized under title II of the Act have been explored and replacement housing cannot be found or made available through those channels, and that the Federal or federally assisted project cannot be accomplished unless the property is made available for replacement housing; (4) any special terms and conditions that the Federal agency desires to include in conveyance instruments to insure that the property is used for the intended purpose; (5) identification by name and proposed location of the Federal or federally assisted project which is creating the requirement; (6) purpose of the project; (7) citation of enabling legislation or authorization for the project when appropriate; (8) a detailed outline of steps taken to obtain replacement housing for displaced persons as authorized under title II of the Act; and (9) arrangements that have been made to construct replacement housing on the surplus property and to insure that displaced persons will be provided housing in the development.

(g) In the absence of a notice under § 101–47.308–8(c) or a request under § 101–47.308–8(e), the disposal agency shall proceed with the appropriate disposal action.

(h) If, after considering other uses for the property, the disposal agency determines that the property should be made available for replacement housing under section 218, it shall transfer the property to the designated State agency on such terms and conditions as will protect the interest of the United States, including the payment or the agreement to pay to the United States all amounts received by the State agency from any sale, lease, or other disposition of the property for such housing. The sale, lease, or other disposition of the property by the State agency shall be at the fair market value as approved by the disposal agency, unless a compelling justification is offered for disposal of the property at less than fair market value, in which event the disposal may be made at such other value as is approved by the disposal agency.

(i) The State agency shall bear the costs of any out-of-pocket expenses necessary to accomplish the transfer of the property, such as costs of surveys, fencing, or security of the remaining property.

(j) The disposal agency, if it approves the request, shall transfer the property to the designated State agency. If the request is disapproved, the disposal agency shall notify the Federal agency requesting the transfer. The disposal agency shall furnish the holding agency a copy of the transfer or notice of disapproval, and the Federal agency requesting the transfer a copy of the transfer when appropriate.

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

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (6–12–71).

Dated: June 7, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–8288 Filed 6–11–71;8:52 am]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Tariff Circular No. 3; Exemption Application No. 10]

PART 531—PUBLICATION, POSTING, AND FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES IN THE DOMESTIC OFFSHORE TRADE

Exemption; Carriage of Miscellaneous Cargoes Between Houston, Tex., and Prudhoe Bay on Arctic Coast of Alaska

Application for exemption from the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, and regulations applicable thereto, for miscellaneous cargoes, excepting liquid in bulk, transported between Houston, Tex., on the one hand and on the other the Arctic Coast of Alaska between Beechey Point and Tigvariak Island (Prudhoe Bay), via the Gulf of Alaska, the Bering Sea, and the Arctic Ocean was filed in the FEDERAL REGISTER.

The effect of such an exemption would be to permit movements by barge to the area involved with freedom from tariff filing requirements and regulation with respect to the reasonableness of rates.

The proposed operations are radically different from that usually associated with common carriage. No sailing schedules can be maintained because of the timing of operations dictated by the ice conditions in Prudhoe Bay. Much of the operation will be in the nature of proprietary carriage since in most instances the full capacity of a given barge will be chartered by a single company. The specialized outfit of the vessels designated for certain cargoes will make it impractical for the carriers to provide uniform service for all shippers. Finally, special contracts as to the risk of loss and damage will be required due to the extraordinary hazards involved.

The conditions under which the operation is conducted make rate and tariff regulation an unnecessary and undue burden. However, as the building of the North Slope progresses there may be a demand for a fully diversified type of common carrier service which will require full regulatory surveillance by this

Commission. In view of this, the exemption is limited to the 1971 season.

Any carriers indicating a desire to perform a service similar to that proposed by the applicant may file similar applications for exemption which will be expeditiously considered.

The exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory or be detrimental to commerce. Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 553 and sections 35 and 43 of the Shipping Act, 1916, 46 U.S.C. 833(a), and 841(a); Part 531 of Title 46 CFR is amended as follows:

§ 531.26 Exemptions.

Section 531.26 is amended by an addition of a new sentence to paragraph (c), reading as follows:

* * * * *

(c) * * * The provisions of the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, as amended, shall not apply to direct service by water between Houston, Tex., and Prudhoe Bay, Alaska, of miscellaneous cargoes not including liquid in bulk provided by Puget Sound Tug & Barge Co. during 1971.

* * * * *

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8305 Filed 6-11-71;8:53 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-590]

PART 0—COMMISSION ORGANIZATION

Requests for Inspection of Records

Order. 1. Under the Commission's rules implementing the Public Information Act of 1966 (5 U.S.C. 552), there are three categories of records. The first category consists of records listed in §§ 0.453 and 0.455 as being routinely available for public inspection. Such records are available for inspection simply by going to the place where the records are kept or by writing for copies in accordance with § 0.465. The second category consists of records listed in § 0.457 as being not routinely available for public inspection and those which have been withheld from disclosure under § 0.459 on the request of the person submitting them and a determination that they may lawfully be withheld from inspection. Such records are made available for inspection only upon written request setting forth the reasons for inspection and the facts in support thereof (see § 0.461). The third category consists of the Commission's general correspondence files (§ 0.456) and records which are not listed in the rules. Because a general determination cannot be made as to whether such records should be routinely available for inspection and individual determinations have not been made, and because papers properly available or unavailable for inspection are filed together, the records are made available for inspection only upon written request. The Commission is thereby afforded an opportunity to review the records and make the necessary determination. In making such a request, however, it is unnecessary to state the reasons for inspection or supporting facts, unless the Commission, upon a review of the records, determines that they may be lawfully withheld from inspection and that there is a valid reason for doing so.

2. Since § 0.461(a) of our rules sets forth the procedure for inspection of all Commission records not listed as "routinely available for public inspection," but without distinction between the second and third categories of records described above, we are amending this section to state more clearly the procedures which govern requests for inspection of records under this section. The section, as amended, is set forth below.

3. Authority for the amendment set forth below is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r), and the Public Information Act of 1966, 5 U.S.C. 552. Because the amendment relates to matters of procedure and is intended to clarify rather than change the rules, the procedural and effective date provisions of 5 U.S.C. 553 do not apply.

4. In view of the foregoing: *It is ordered,* Effective June 16, 1971, that § 0.461 of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: June 3, 1971.

Released: June 7, 1971.

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

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.461(a) is revised to read as follows:

§ 0.461 Requests for inspection of materials not routinely available for inspection.

(a) Any person desiring to inspect Commission records which are not listed in § 0.453 or § 0.455 shall file a request for inspection. An original and one copy shall be submitted. Each such request shall identify, with particularity, the materials to be inspected. If the records are of the kinds listed in § 0.457 or if they have been withheld from disclosure under § 0.459, the request shall, in addition, contain a statement of the reasons for inspection and the facts in support thereof. In the case of other materials, no such statement need accompany the request; but the Commission may require the submission of such a statement prior to action on the request if it determines that the material in question may lawfully be withheld from inspection.

* * * * *

[FR Doc. 71-8318 Filed 6-11-71;8:55 am]

[1] Commissioners Burch, Chairman; and Houser absent.

[FCC 71-591]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

International Public Correspondence Service

Order. In the matter of amendment of Part 83 of the Commission's rules to reflect the changes in the International Radio Regulations with respect to categories of ship stations in the international public correspondence service.

1. The International Radio Regulations, Geneva, 1968 established four service categories for ship stations in the international public correspondence service in lieu of the previous three service categories. Further, the service categories now apply to radiotelephone as well as radiotelegraph service. It is not practical to license ship stations solely equipped with radiotelephone according to categories of service. Accordingly, only ship stations equipped with telegraph will be licensed with categories of service designated. These service categories are determined by the hours that service of a ship station is provided in the international public correspondence service. The former third category, which indicated unspecified hours of service, is now the fourth category. The majority of U.S. cargo vessels have unspecified hours of service and were therefore in the third category. These vessels are now in the new fourth category. The attached order will bring our rules into conformity with the International Radio Regulations.

2. In view of the foregoing, the Commission finds that amendment of §§ 83.3 (e)(2) and 83.22(a)(1) are necessary to bring the rules into conformity with the International Radio Regulations.

3. The amendments adopted herein, are procedural in nature and concern a matter in which the public is not particularly interested, and, hence, the prior notice, procedure, and effective date provisions of 5 U.S.C. 553 are not applicable.

4. *Accordingly, it is ordered,* That pursuant to the authority contained in sections 4(i), 303(r), and 351(a)(2) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules is amended effective June 16, 1971, as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; Sec. 351, Sec. 10(b), 50 Stat., as amended, 192; 47 U.S.C. 154, 303, 351)

Adopted: June 3, 1971.

Released: June 7, 1971.

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

[1] Commissioners Burch, Chairman; and Houser absent.

1. In § 83.3, paragraph (e)(2) is amended to read as follows:

§ 83.3 **Maritime mobile service.**

* * * * *

(e) *Public ship station.* * * *

(2) Public ship stations authorized for public correspondence are further classified according to their hours of service as designated in this section:

First category. These stations carry on a continuous service for public correspondence.

Second category. These stations maintain a service of 16 hours per day for public correspondence as designated in Appendix 12, Radio Regulations, Geneva, 1968 or, in cases of voyages of short duration, as otherwise designated by the Commission in accordance with those Regulations.

Third category. These stations maintain a service of 8 hours per day for public correspondence as designated in Appendix 12, Radio Regulations, Geneva, 1968 or, in cases of voyages of short duration, as otherwise designated by the Commission in accordance with those Regulations.

Fourth category. These stations maintain a service of public correspondence, the duration of which is prescribed but is less than that of stations of the third category, or is not prescribed but is determined by the master of the vessel pursuant to his authority under section 360 of the Communications Act.

* * * * *

2. In § 83.22 paragraph (a)(1) is amended to add subdivision (iv).

§ 83.22 **Administrative classification of stations.**

(a) * * *

(1) Public ship stations authorized to employ telegraphy for public correspondence:

(i) First category.
(ii) Second category.
(iii) Third category.
(iv) Fourth category.

* * * * *

[FR Doc.71-8319 Filed 6-11-71;8:55 am]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Optional Procedure for Fishing Inside and Outside Regulatory Area

In order that the tuna industry may increase the efficient utilization of fishing vessels, 50 CFR 280.6(e)(1), which imposes the incidental catch limitation of § 280.6(c) on all trips where fish have been taken both within and outside the regulatory area, is amended at the request of the industry, to provide fishermen with an optional procedure when funds and manpower are available.

Vessels desiring to fish both outside the regulatory area and within that area on the same trip may do so under this amendment by calling at an available inspection port for the purpose of receiving a well inspection. Official seals will be affixed to wells containing fish taken outside or inside the regulatory area, as appropriate, and the same being noted in the vessel's log. Upon arrival at a point of sale or delivery, the seals will be removed by the appropriate authorities.

(Subsection (c) of sec. 6, Tuna Conventions Act of 1950, as amended, 16 U.S.C. 955(e), as modified by Reorganization Plan Number 4, effective October 3, 1970, 35 F.R. 15627)

This amendment shall be effective upon publication in the FEDERAL REGISTER (6-12-71).

Issued at Washington, D.C., and dated June 9, 1971.

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

§ 280.6 **Restrictions applicable to fishing vessels.**

A new subdivision (iv) of § 280.6(e)(2) is added to read as follows:

(e) * * *
(2) * * *

(iv) Notwithstanding the first sentence of § 280.6(e)(1), vessels which desire to fish both inside and outside of the regulatory area on the same voyage may do so without being subject to the incidental catch limitations set forth in § 280.6(c) regarding that portion of the catch taken outside the regulatory area: *Provided,* That such vessels observe the following procedures: prior to either leaving or entering the regulatory area, whichever is applicable, the vessel shall notify the Regional Director of its intention, and request the designation of an inspection port; upon notification by the Regional Director of the availability of an inspection port, the vessel shall proceed immediately to such port for inspection by an agent of the U.S. Government and sealing of wells containing fish. Any vessel failing to comply with any of the above requirements, tampering with or removing an official seal or altering the logs shall be subject to the incidental catch limitations set forth in § 280.6(c) for its entire voyage. Upon arrival at point of sale or delivery, the official seals will be removed by an agent of the U.S. Government.

* * * * *

[FR Doc.71-8328 Filed 6-11-71;8:54 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Relaxation of Controls on Dealings Abroad and Importation of Merchandise of Mainland Chinese Origin

The Foreign Assets Control Regulations are being amended by the addition of a general license (§ 500.547). This section authorizes persons subject to the jurisdiction of the United States to deal in abroad and import into the United States on or after June 10, 1971, merchandise of mainland Chinese origin and merchandise of Chinese type. In view of the issuance of this general license, § 500.544 authorizing noncommercial importations of Chinese origin merchandise is revoked as unnecessary. No change is made in the status of Chinese assets blocked as of May 7, 1971.

Section 500.547 is hereby added to the Foreign Assets Control Regulations to read as follows:

§ 500.547 **Transactions involving mainland Chinese merchandise authorized.**

(a) Except as provided in paragraphs (b) and (c) of this section, all transactions prohibited by § 500.204 are licensed.

(b) This section does not authorize:

(1) Any transaction entered into prior to June 10, 1971; or,

(2) Any transaction involving merchandise, the country of origin of which is North Korea or North Viet-Nam.

(c) Customs transactions incident to the importation of merchandise being imported pursuant to this section are authorized notwithstanding the provisions of § 500.808.

§ 500.544 **[Revoked]**

Section 500.544 is hereby revoked.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[FR Doc.71-8396 Filed 6-11-71;10:41 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Character of Total Distributions From Qualified Plans Paid After December 31, 1969

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulation, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 26, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by July 26, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) to sections 402(a)(5) and 403(a)(2)(C) of the Internal Revenue Code of 1954 (relating respectively to limitation on capital gains treatment of certain total distributions from employee trusts and under certain employee annuity plans), as added by section 515(a) of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 643), such regulations are hereby amended as follows:

PARAGRAPH 1. Section 1.72-16 is amended by revising example (1) of subparagraph (3) of paragraph (c) to read as follows:

§ 1.72-16 Life insurance contracts purchased under qualified employee plans.

* * * * *

(c) *Treatment of proceeds of life insurance and annuity contracts.* * * *

(3) * * *

Example (1). A noncontributory profit-sharing plan of X Company, whose plan year is the calendar year, provides that each employee's rights to employer contributions on his behalf and the income derived therefrom are nonforfeitable at the time such contributions are paid or such income is credited to the employee's account. The plan is funded with individual life insurance contracts with face values of $25,000. The cash value of the contract for the benefit of A on December 31, 1969, is $5,000, the cash value of such contract on January 1, 1975 (immediately before A's death) is $11,000, and the amount of post-1969 employer contributions credited to A's account (as defined in paragraph (c)(2) of § 1.402-2) is $4,000. The portion of the premiums includible in A's gross income under the provisions of paragraph (b) of this section and considered as contributions of the employee is $940. The excess ($14,000) of the total face amount of the contract ($25,000) over the cash value of the contract immediately before death ($11,000) is excludable from gross income under this paragraph. Under paragraph (b)(2)(i) of § 1.402(a)-2, the ordinary income element of the total distribution is $4,000, and under paragraph (b)(3) of such section, the capital gain element of the total distribution is $6,060 ($25,000 − ($940 + $4,000 + $14,000)). Accordingly, under paragraph (b)(6) of § 1.402(a)-2, the portion of the ordinary income element of the total distribution which is excludable from gross income under section 101(b) is $1,988 ($5,000 × ($4,000 ÷ $10,060)), and the portion of the capital gain element of the total distribution which is excludable from gross income under section 101(b) is $3,012 ($5,000 × ($6,060 ÷ $10,060)).

* * * * *

PAR. 2. Section 1.402(a) is amended by adding a new paragraph (5) immediately after paragraph (4), and by revising the historical note. These added and revised provisions read as follows:

§ 1.402(a) Statutory provisions; taxability of beneficiary of employees' trust; exempt trust.

Sec. 402. *Taxability of beneficiary of employees' trust*—(a) *Taxability of beneficiary of exempt trust* * * *

(5) *Limitation on capital gains treatment.* The first sentence of paragraph (2) shall apply to a distribution paid after December 31, 1969, only to the extent that it does not exceed the sum of—

(A) The benefits accrued by the employee on behalf of whom it is paid during plan years beginning before January 1, 1970, and

(B) The portion of the benefits accrued by such employee during plan years beginning after December 31, 1969, which the distributee establishes does not consist of the employee's allocable share of employer contributions to the trust by which such distribution is paid.

The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

[Sec. 402(a) as amended by secs. 1, 2(a), Act of April 22, 1960 (Public Law 86-437, 74 Stat. 79); sec. 4(c), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825); sec. 221(c)(1), Rev. Act 1964 (78 Stat. 75); sec. 232(e)(1), Rev. Act 1964 (78 Stat. 111); sec. 515(a)(1), Tax Reform Act 1969 (83 Stat. 643)]

PAR. 3. Section 1.402(a)-1 is amended by revising subdivision (ii) of subparagraph (1) of paragraph (a), by adding two new sentences immediately after the first sentence of subdivision (i) of subparagraph (6) of such paragraph, by adding a new subparagraph (9) immediately after subparagraph (8) of such paragraph, and by adding a new sentence immediately after the first sentence of subparagraph (1) of paragraph (b). These revised and added provisions read as follows:

§ 1.402(a)-1 Taxability of beneficiary under a trust which meets the requirements of section 401(a).

(a) *In general.* (1)(i) * * *

(ii) The provisions of section 402(a) relate only to a distribution by a trust described in section 401(a) which is exempt under section 501(a) for the taxable year of the trust in which the distribution is made. With two exceptions, the distribution from such an exempt trust when received or made available is taxable to the distributee to the extent provided in section 72 (relating to annuities). First, for taxable years beginning before January 1, 1964, section 72(e)(3) (relating to the treatment of certain lump sums), as in effect before such rate, shall not apply to such distributions. For taxable years beginning after December 31, 1963, such distributions may be taken into account in computations under sections 1301 through 1305 (relating to income averaging) unless the distributee chooses to compute the tax under section 72(n)(4). Secondly, certain total distributions described in section 402(a)(2) are taxable as long-term capital gains. For taxable years ending after December 31, 1969, the portion of such a distribution treated as long-term capital gain is subject to limitation under section 402(a)(5). For the treatment of such total distributions, see subparagraph (6) of this paragraph. Under certain circumstances, an amount representing the unrealized appreciation in the value of the securities of the employer is excludable from gross income for the year of distribution. For the rules relating to such exclusion, see paragraph (b) of this section. Furthermore, the exclusion provided by section 105(d) is applicable to a distribution from a trust described in section 401(a) and exempt under section 501(a) if such distribution constitutes wages or payments in lieu of wages for a period during which an employee is absent from work on account of a personal injury or sickness. See § 1.72-15 for the rules relating to the tax treatment of accident or health benefits received under a plan to which section 72 applies.

* * * * *

(6) (i) If the total distributions payable with respect to any employee under a trust described in section 401(a) which in the year of distribution is exempt under section 501(a) are paid to, or includible in the gross income of, the distributee within 1 taxable year of the distributee on account of the employee's death after such separation from the service, the amount of such distribution, to the extent it exceeds the net amount contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset held for more than 6 months. Under section 402(a)(5), for taxable years ending after December 31, 1969, the amount of a distribution considered under the previous sentence to be a gain from the sale or exchange of a capital asset held for more than 6 months shall be limited at provided in § 1.402(a)-2. Section 72(n)(4) and § 1.72-19 apply to the portion of the total distributions payable not treated as long-term capital gain or the net amount contributed by the employee. The total distributions payable are includible in the gross income of the distributee within 1 taxable year if they are made available to such distributee and the distributee fails to make a timely election under section 72(h) to receive an annuity in lieu of such total distributions. The "net amount contributed by the employee" is the amount actually contributed by the employee plus any amounts considered to be contributed by the employee under the rules of section 72(f), 101(b), and subparagraph (3) of this paragraph, reduced by any amounts theretofore distributed to him which were excludable from gross income as a return of employee contributions. See, however, paragraph (b) of this section for rules relating to the exclusion of amounts representing net unrealized appreciation in the value of securities of the employer corporation. In addition, all or part of the amount otherwise includible in gross income under this paragraph by a nonresident alien individual in respect of a distribution by the United States under a qualified pension plan may be excludable from gross income under section 402(a)(4). For rules relating to such exclusion, see paragraph (c) of this section. For additional rules relating to the treatment of total distributions described in this subdivision in the case of a nonresident alien individuals, see sections 871 and 1441 and the regulations there-871 and 1441 and the regulations thereunder.

* * * * *

(9) If a total distribution includes an annuity contract, or a retirement income, endowment, or other life insurance contract, which satisfies the requirements of subparagraph (2) of this paragraph, so that the cash value of such contract is excluded from the gross income of the distributee under such subparagraph, the portion of such distribution other than such contract is deemed to be a return of the net amount contributed by the employee to the extent of such contributions. See example (2) of paragraph (b)(4)(ii) of § 1.402(a)-2.

(b) *Distributions including securities of the employer corporation*—(1) *In general.* (i) If a trust described in section 401(a) which is exempt under section 501(a) makes a distribution to a distributee, and such distribution includes securities of the employer corporation, the amount of any net unrealized appreciation in such securities shall be excluded from the distributee's income in the year of such distribution to the following extent:

(*a*) If the distribution constitutes a total distribution to which the regulations of paragraph (a)(6) of this section are applicable, the amount to be excluded is the entire net unrealized appreciation attributable to that part of the total distribution which consists of securities of the employer corporation; and

(*b*) If the distribution is other than a total distribution to which paragraph (a)(6) of this section is applicable, the amount to be excluded is that portion of the net unrealized appreciation in the securities of the employer corporation which is attributable to the amount considered to be contributed by the employee to the purchase of such securities.

The portion of a total distribution to which (*a*) of this subdivision applies is limited to the capital gain element as defined in § 1.402(a)-2(b)(3) or § 1.402(a)-2(d)(3). The amount of net unrealized appreciation which is excludable under the regulations of (*a*) and (*b*) of this subdivision shall not be included in the basis of the securities in the hands of the distributee at the time of distribution for purposes of determining gain or loss on their subsequent disposition. In the case of a total distribution the amount of net unrealized appreciation which is not included in the basis of the securities in the hands of the distributee at the time of distribution shall be considered as a gain from the sale or exchange of a capital asset held for more than 6 months to the extent that such appreciation is realized in a subsequent taxable transaction. However, if the net gain realized by the distributee in a subsequent taxable transaction exceeds the amount of the net unrealized appreciation at the time of distribution, such excess shall constitute a long-term or short-term capital gain depending upon the holding period of the securities in the hands of the distributee.

PAR. 4. Immediately after section 1.402(a)-1 there is added a new section 1.402(a)-2, which reads as follows:

§ 1.402(a)-2 Character of total distributions paid after December 31, 1969.

(a) *In general.* In the case of a total distribution paid or made available after December 31, 1969, section 402(a)(5) limits the extent to which such distribution may be treated as long-term capital gain under section 402(a)(2) and paragraph (a)(6) of § 1.402(a)-1. Generally, the amount to be treated as long-term capital gain (hereafter referred to in this section as "the capital gain element of a total distribution") is the sum of—

(1) The benefits accrued during plan years beginning before January 1, 1970, by the employee with respect to whom such distribution is paid, and

(2) The excess of the benefits accrued during plan years beginning after December 31, 1969, by such employee over the amount established by the distributee as such employee's allocable share of employer contributions to the plan.

If the remainder of such a distribution exceeds the net employee contributions, such excess (hereafter referred to in this section as "the ordinary income element of a total distribution") is income other than gain from the sale or exchange of a capital asset. For purposes of this section, the term "plan year" means a taxable year of the trust which is a part of the plan. For purposes of this section, the term "net employee contributions" means the "net amount contributed by the employee", as defined in paragraph (a)(6)(i) of § 1.402(a)-1, except that it shall not include any amount considered to be contributed by the employee under the rules of section 101(b). Paragraphs (b) and (c) of this section provide rules for computing the capital gain element and the ordinary income element of a total distribution from a defined contribution plan. Paragraphs (d) and (e) of this section provide rules for computing such elements in the case of a total distribution from a defined benefit plan. Principles similar to those provided by paragraphs (b), (c), (d), and (e) shall apply where, during the period of an employee's participation in a defined contribution or defined benefit plan, the plan becomes a defined benefit or defined contribution plan (as the case may be). Paragraph (f) of this section provides rules which require the employer to communicate, or cause to be communicated, the amounts of the capital gain element and the ordinary income element to a distributee of a total distribution made after December 31, 1971. See section 72(n)(4) and § 1.72-19 for rules for computing the tax imposed by section 1 or 3 for a taxable year in which there is paid or distributed a total distribution which includes an ordinary income element. See paragraph (b) of § 1.6041-2 for requirements for reporting a distribution under an employees' trust.

(b) *Defined contribution plans; general rules*—(1) *Scope.* This paragraph provides rules for computing the capital gain element and the ordinary income element of a total distribution from a plan which during the entire period of the employee's participation is a money purchase pension plan, a profit-sharing plan, or a stock bonus plan as defined in subdivision (i), (ii), or (iii), respectively, of paragraph (b)(1) of § 1.401-1 (referred to in this section as a "defined contribution plan"). See paragraph (c) of this section for additional rules for computing the ordinary income element of a total distribution from a defined contribution plan which was in effect on December 31, 1969, with respect to an employee who was a participant in such plan at any time during the plan year which includes such date.

(2) *Ordinary income element*—(i) *In general.* Except as provided in subdivision (v) of this subparagraph, the ordinary income element of a total distribution from a defined contribution plan is the lesser of—

(*a*) The employer contributions credited to the account of the employee with respect to whom such distribution is paid, or

(*b*) The excess (if any) of the employee's account balance immediately before such distribution over the sum of (*1*) the net employee contributions, (*2*) the amount of net unrealized appreciation in employer securities (determined under paragraph (b) of § 1.402(a)–1), and (*3*) if the distribution is on account of the employee's death before other separation from the service, the portion of such distribution excludable from gross income under paragraph (c) of § 1.72–16.

(ii) *Employer contributions defined.* For purposes of this paragraph, the term "employer contributions credited to the account of the employee" includes—

(*a*) Amounts actually contributed to the plan by the employer or a predecessor of the employer (and, in the case of a profit-sharing plan, by a member of an affiliated group of corporations of which the employer is a member) which (*1*) are credited to the account of the employee or (*2*) are not so credited but are used to purchase an annuity, retirement income, endowment, or other life insurance contract for the employee,

(*b*) Funds in the plan arising from forfeitures on any termination of service which are allocated to the account of the employee, and

(*c*) Dividends paid under an annuity, retirement income, endowment, or other life insurance contract, which are used to purchase additional benefits for, or otherwise insure to the benefit of, the employee, except to the extent established by the distributee that such dividends are attributable to employee contributions.

For plan years beginning after December 31, 1969, the amount considered as employer contributions credited to the account of the employee under this subdivision shall, at the option of the distributee, be reduced by the excess (if any) of the total gross premiums paid under an annuity, retirement income, endowment, or other life insurance contract purchased for the employee over the total adjusted premiums under such contract. For purposes of this subdivision, the adjusted premium for any year is the amount of premium considered by the insurer in computing the cash surrender value of an insurance contract for such year. The total adjusted premiums shall not include the adjusted premiums for any period for which the gross premiums are waived. The amount of employer contributions credited to the account of the employee does not include any amounts considered to be contributed by the employee under the rules of section 72(f) or paragraph (b) of § 1.72–16.

(iii) *Partially vested rights.* For purposes of subdivision (i)(*a*) of this subparagraph, if, because an employee's rights under a plan are forfeitable in part, the amount of a total distribution is less than the balance in his account immediately before payment of such distribution, the amount of employer contributions credited to the account of the employee is the amount of such contributions otherwise determined under this subparagraph, multiplied by a fraction—

(*a*) The numerator of which is the excess (if any) of the amount of such distribution over the net employee contributions, and

(*b*) The denominator of which is the excess (if any) of such balance over the net employee contributions.

(iv) *Pretermination distributions.* For purposes of subdivision (i)(*a*) of this subparagraph, the amount of employer contributions credited to the account of the employee does not include any employer contributions credited to the account of the employee included in a pretermination distribution. For purposes of this subdivision, a pretermination distribution is the sum of the amounts distributed or made available to a distributee during a plan year beginning after December 31, 1969, which amounts are includible in the gross income of the distributee and which are not distributed or made available to the distributee by reason of the employee's death or other separation from the service. A pretermination distribution does not include an amount distributed or made available to a distributee to the extent that the plan is reimbursed by insurance for such amount. The portion of employer contributions credited to the account of the employee included in a pretermination distribution is the amount of such distribution, multiplied by a fraction (not greater than 1)—

(*a*) The numerator of which is the amount of employer contributions credited to the account of the employee as of the beginning of such year, and

(*b*) The denominator of which is the excess (if any) of the balance in the account of the employee as of the beginning of such year over the net employee contributions as of the beginning of such year.

(v) *Distributions on account of death after separation from service.* The ordinary income element of a total distribution paid to, or includible in the gross income of, a distributee on account of an employee's death after separation from the service is the product of—

(*a*) The excess (if any) of (*1*) the sum of the amount of such distribution and the portion of the payments received by the employee after such separation and before death which were not includible in his gross income, over (*2*) the net employee contributions as of the time of such separation, and

(*b*) A fraction, the numerator of which is the ordinary income element of the total distribution the employee would have received if the balance in his account had been paid to him upon such separation, and the denominator of which is the excess (if any) of the amount of the total distribution the employee would have received upon such separation over the net employee contributions as of the time of such separation.

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

Example (1). (i) A noncontributory profit-sharing plan, whose plan year is the calendar year, provides that an employee's rights in employer contributions on his behalf and the income derived therefrom are fully nonforfeitable only after 10 years of participation in the plan. The plan was established on January 1, 1971. The rights of an employee with less than 10 years of participation are nonforfeitable in the same proportion as the number of full years of participation bears to 10. Upon a showing of hardship, the plan permits distributions to participating employees before termination of not more than 50 percent of the amount in the employee's account in which his rights are nonforfeitable. As of the beginning of employee A's fourth year of participation, the amount in his account was $6,000, and the amount of employer contributions credited to his account was $4,200. During the plan year, A received a hardship distribution of $800 (includable in his gross income under paragraph (a)(1) of § 1.402(a)–1), and employer contributions of $1,500 were credited to his account. A was separated from the service of his employer during the following year and received a total distribution of $2,800 (40 percent of the amount in his account, $7,000).

(ii) Under subdivision (iv) of this subparagraph, the amount of employer contributions credited to A's account included in the hardship distribution is $560 ($800 × ($4,200 ÷ $6,000)). Thus, as of the end of the plan year in which the hardship distribution is made, the amount of employer contributions credited to A's account is $5,140 ($4,200 − $560 + $1,500).

(iii) Under subdivision (iii) of this subparagraph, the amount of the employer contributions credited to A's account as of the time the total distribution is paid is $2,056 ($5,140 × ($2,800 ÷ $7,000)). Accordingly, the ordinary income element of the total distribution is $2,056, and under subparagraph (3) of this paragraph, the capital gain element is $744 ($2,800 − $2,056).

Example (2). (i) The facts are the same as in example (1) except that the plan permits participating employees to make contributions which may be withdrawn upon a showing of hardship. As of the beginning of the plan year in which the hardship distribution is made, the $6,000 account balance includes $400 of net employee contributions. A makes no additional contributions to the plan. The $100 difference between the amount of the hardship distribution ($800) and the net employee contributions ($400) is includible in A's gross income under paragraph (a)(1) of § 1.402(a)–1.

(ii) Under subdivision (iv) of this subparagraph, the amount of employer contributions credited to A's account included in the hardship distribution is $300 (($800 − $400) × ($4,200 ÷ ($6,000 − $400)). Thus, as of the end of the plan year in which the hardship distribution is made, the amount of employer contributions credited to A's account is $5,400 ($4,200 − $300 + $1,500), and the net employee contributions included in A's account is zero ($400 − $400).

(iii) Under subdivision (iii) of this subparagraph, the amount of employer contributions credited to A's account as of the

time the total distribution is paid is $2,160 ($5,400×($2,800÷$7,000)). Accordingly, the ordinary income element of the total distribution is $2,160, and under subparagraph (3) of this paragraph, the capital gain element is $640 ($2,800−$2,160).

(3) *Capital gain element.* The capital gain element of a total distribution from a defined contribution plan is the excess (if any) of the amount of such distribution over the sum of—

(i) The net employee contributions,

(ii) The ordinary income element of such distribution, and

(iii) If the distribution is on account of the employee's death before other separation from the service, the portion of such distribution excludable from gross income under paragraph (c) of § 1.72–16.

(4) *Distributions including annuity, etc., contracts*—(i) *In general.* If a total distribution includes an annuity contract, or a retirement income, endowment, or other life insurance contract, which is irrevocably converted into a contract which satisfies the requirements of paragraph (a)(2) of § 1.402(a)–1, so that the cash value of the contract is excluded from the gross income of the distributee under such paragraph, the ordinary income element and the capital gain element of such distribution are the amounts of such elements otherwise determined under this paragraph, multiplied by a fraction—

(*a*) The numerator of which is the excess (if any) of the amount of such distribution over the sum of the net employee contributions and the cash value of such contract, and

(*b*) The denominator of which is the excess (if any) of the amount of such distribution over the net employee contributions.

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

Example (1). (i) Employee A receives a total distribution from a noncontributory qualified profit-sharing plan, established on January 1, 1971, consisting of cash of $15,000 and an annuity contract the cash value of which is $45,000. The annuity contract satisfies the requirements of paragraph (a)(2) of § 1.402(a)–1. The amount distributed represents the total amount credited to his account at the time of the distribution. The amount of employer contributions credited to A's account at the time of such distribution is $24,000.

(ii) Under subparagraph (2) of this paragraph, the ordinary income element of such distribution is $24,000, and under subparagraph (3) of this paragraph, the capital gain element of such distribution is $36,000 ($60,000−$24,000). Accordingly, under subdivision (i) of this subparagraph, the ordinary income element of such distribution is $6,000 ($24,000×($60,000−$45,000)÷$60,000)), and the capital gain element is $9,000 ($36,000×($60,000−$45,000)÷$60,000)).

Example (2). The facts are the same as in example (*1*) except that the plan permits employees to make contributions and the balance in the account at the time of the distribution, $60,000, included net employee contributions of $10,000. Under subparagraph (2) of this paragraph, the ordinary income element of such distribution is $24,000, and under subparagraph (3) of this paragraph, the capital gain element of such distribution is $26,000 ($60,000−($10,000+$24,000)). Accordingly, under subdivision (i) of this subparagraph, the ordinary income element of such distribution is $2,400 [$24,000 × (($60,000 − $10,000 − $45,000) ÷ ($60,000−$10,000))], and the capital gain element of such distribution is $2,600 [$26,000 × (($60,000 − $10,000 − $45,000) ÷ ($60,000 − $10,000))]. Under paragraph (a)(9) of § 1.402(a)–1, the remaining cash of $10,000 is excludable from the employee's gross income as a return of his contributions.

Example (3). The facts are the same as in example (2) except that the net employee contributions included in the $60,000 account balance is $20,000. Under subparagraph (2) of this paragraph, the ordinary income element of such distribution is $24,000 and under subparagraph (3) of this paragraph, the capital gain element of such distribution is $16,000 ($60,000–($20,000+$24,000)). Accordingly, under subdivision (i) of this subparagraph, the ordinary income element of such distribution is $0 [$24,000×(($60,000–$20,000–$45,000)÷($60,000÷$20,000))] and the capital gain element of such distribution is $0 [$16,000×(($60,000−$20,000−$45,000) ÷ ($60,000−$20,000))]. Under paragraph (a)(9) of § 1.402(a)–1, the cash of $15,000 is excludable from the employee's gross income as a return of his contributions. The remaining $5,000 ($20,000−$15,000) of net employee contributions is treated as A's investment in the contract for purposes of section 72.

(5) *Retirement bonds*—(i) *In general.* If, at the time a total distribution is made, the distributee receives a U.S. retirement plan bond or the trust retains a retirement bond registered in his name, the ordinary income and the capital gain elements of such distribution are the amounts of such elements otherwise determined under this paragraph (as if the value of all such bonds were included in such distribution), multiplied by a fraction—

(*a*) The numerator of which is the excess (if any) of the amount of such distribution over the net employee contributions not included, under paragraph (b)(1) of § 1.405–3, in the basis of such bonds, and

(*b*) The denominator of which is the excess (if any) of the sum of the amount of such distribution and the value of all such bonds over the net employee contributions.

(ii) *Example.* The application of this subparagraph may be illustrated by the following example:

Example. (i) Employee A receives a total distribution of $15,000 in cash from a contributory qualified money purchase pension plan, established on January 1, 1971. A also receives U.S. retirement plan bonds having a value of $45,000. These amounts represent the total amount credited to A's account at the time of the distribution. The amount of employer contributions credited to A's account at the time of the distribution is $24,000. The net employee contributions at such time is $10,000, of which $8,000 is included in the basis of such bonds.

(ii) If the value of the retirement bonds is included in the distribution, the ordinary income element of such distribution is, under subparagraph (2) of this paragraph, $24,000, and the capital gain element of such distribution is, under subparagraph (3) of this paragraph, $26,000 ($60,000−($10,000+$24,000)). Accordingly, under subdivision (i) of this subparagraph, the ordinary income element of such distribution is $6,240 [$25,000×($15,000−$2,000)÷(($15,000+$45,000)−$10,000))], and the capital gain element of such distribution is $6,760 [$26,000 × ($15,000 − $2,000) ÷ ($15,000+$45,000)−$10,000)]. The remaining cash of $2,000 is excludable from A's gross income as a return of that portion of his contributions which is not included in the bonds he received.

(6) *Allocation of death benefit exclusion.* For purposes of this paragraph, if, under section 101(b) and § 1.101–2, any portion of a total distribution is excludable from the gross income of a distributee, the amount so excluded shall be allocated ratably between the ordinary income element of such distribution and the capital gain element of such distribution. Thus, for example if $5,000 of a total distribution of $50,000 paid to the widow of an employee is excludable from her gross income, and if the ordinary income element of such distribution is $18,000 and the capital gain element of such distribution is $32,000, $1,800 ($5,000×($18,000÷$50,000)) of the ordinary income element and $3,200 ($5,000×$32,000÷$50,000)) of the capital gain element are excludable from her gross income.

(c) *Defined contribution plans; transitional rules*—(1) *Scope.* This paragraph provides additional rules for computing the ordinary income element of a total distribution from a defined contribution plan if—

(i) Such plan was in effect on December 31, 1969, and

(ii) The employee with respect to whom such distribution is made was a participant in such plan at any time during the plan-year which includes such date.

(2) *In general.* The ordinary income element of a total distribution described in subparagraph (1) of this paragraph shall be determined under paragraph (b)(2) of this section by taking into account only the post-1969 employer contributions credited to the account of the employee with respect to whom such distribution is made. For purposes of this paragraph, the term "post-1969 employer contributions credited to the account of the employee" means amounts which constitute employer contributions credited to the account of the employee (as defined in paragraph (b)(2)(ii) of this section) and which—

(i) In the case of actual contributions to the plan, are contributed to the plan during plan years beginning after December 31, 1969,

(ii) In the case of funds arising from forfeitures, are allocable to the account of the employee during plan years beginning after such date, and

(iii) In the case of dividends under an annuity, retirement income, endowment, or other life insurance contract, are paid during plan years beginning after such date.

If an amount is actually contributed to the plan during a plan year beginning

after December 31, 1969, but, under section 404(a)(6) and paragraph (c) of § 1.404(a)-(1), such amount is deemed to have been paid during a taxable year of the employer which ends with or within a plan year beginning before January 1, 1970, such amount is considered to have been contributed to the plan during the earlier plan year.

(3) *Special rule for losses*—(i) *Scope.* This subparagraph provides rules for computing the ordinary income element of a total distribution if the sum of the adjusted pre-1970 balance and the post-1969 employer contributions credited to the account of the employee is greater than the excess (if any) of the balance in his account immediately before payment of such distribution over the net employee contributions.

(ii) *Ordinary income element.* The ordinary income element of a total distribution described in subdivision (i) of this subparagraph is—

(*a*) The product of (*1*) the excess (if any) of the balance in the account of the employee immediately before payment of such distribution over the net employee contributions, and (*2*) a fraction, the numerator of which is the post-1969 employer contributions credited to the account of the employee, and the denominator of which is the sum of such contributions and the adjusted pre-1970 balance, or

(*b*) At the option of the distributee, if the recordkeeping requirements of subdivision (iv) of this subparagraph are satisfied, the excess (if any) of (*1*) the balance in the account of the employee immediately before payment of such distribution over (*2*) the sum of the adjusted pre-1970 balance (reduced by any net losses allocable thereto) and the net employee contributions.

(iii) *Adjusted pre-1970 balance*—(*a*) *In general.* For purposes of this subparagraph, the term "adjusted pre-1970 balance" means the excess (if any) of—

(*1*) The balance in the account of an employee as of the close of the last plan year beginning before January 1, 1970 (including any actual employer contribution subsequently credited to his account which, under the last sentence of subparagraph (2) of this paragraph, is considered to have been contributed to the plan during such plan year), over

(*2*) The net employee contributions as of the close of such plan year.

(*b*) *Pretermination distributions.* The adjusted pre-1970 balance shall be reduced by the portion of such balance included in a pretermination distribution. Except as provided in (*c*) of this subdivision (iii), the portion of the adjusted pre-1970 balance included in a pretermination distribution is the amount of such distribution, multiplied by a fraction (not greater than 1)—

(*1*) The numerator of which is the adjusted pre-1970 balance as of the beginning of such year, and

(*2*) The denominator of which is the excess (if any) of the balance in the account of the employee as of the beginning of such year over the net employee contributions as of the beginning of such year.

(*c*) *Pretermination distribution; losses.* If, as of the beginning of a plan year in which a pretermination distribution is made, the sum of the adjusted pre-1970 balance and the post-1969 employer contributions credited to the account of the employee is greater than the excess of the balance in his account over the net employee contributions, the portion of the pretermination distribution considered to consist of post-1969 employer contributions and the portion of such distribution considered to be from the adjusted pre-1970 balance shall be the amounts determined under paragraph (b)(2)(iv) of this section and (*b*) of this subdivision (iii), respectively, multiplied by a fraction—

(*1*) The numerator of which is the excess of the account balance over the net employee contributions, and

(*2*) The denominator of which is the sum of the adjusted pre-1970 balance and the post-1969 employer contributions credited to the account of the employee.

(iv) *Specific allocation of loss.* Subdivision (ii)(*b*) of this subparagraph applies only if, under the books and records of a trust, gain and loss on sales and exchanges of assets held or considered to be held by the trust at the close of the last plan year beginning before January 1, 1970, and related items of income and expense are separately accounted for and allocated to employees who participated in the plan at the close of such year, so that for each such employee, the difference between the sum of the allocated amounts of gain and income, and the sum of the allocated amounts of loss and expense, with respect to such assets may be determined for the loss period. For purposes of this subdivision, the loss period is the period starting with the first day of the first plan year beginning after December 31, 1969, and ending at the time of the employee's death or other separation from the service. An asset acquired by a trust as a result of a contribution by an employer which is deemed to have been paid by the employer under section 404(a)(6) and paragraph (c) of § 1.404(a)-1 for a taxable year ending with or within a plan year beginning before January 1, 1970, is considered to be held by the trust for such plan year. To the extent an asset is acquired with the proceeds of the sale of, or in exchange for, an asset held or considered to be held by the trust at the close of the last plan year beginning before December 31, 1969, such asset is considered to be held by the trust at such time. In accounting for such assets, the trust may use any inventory method permitted under subpart D, part II, subchapter E, chapter 1 of the Code.

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

Example (*1*). (i) A profit-sharing plan, whose plan year is the calendar year, provides that each employee's rights to employer contributions on his behalf and the income derived therefrom are nonforfeitable at the time such contributions are paid or such income is credited to the employee's account. The plan permits but does not require employees to make contributions. A, an employee whose participation in the plan began on January 1, 1965, has a balance in his account on December 31, 1969, of $8,000, of which $2,000 was contributed by A. A retires on January 1, 1980, and receives a total distribution of $29,000 (the balance in A's account as of December 31, 1979). The amount of post-1969 employer contributions credited to A's account is $12,000 and the amount of A's contributions after December 31, 1969, is $6,000.

(ii) The ordinary income element of this total distribution is determined without regard to subparagraph (3) of this paragraph because the sum of the adjusted pre-1970 balance ($6,000) and the post-1969 employer contributions ($12,000) is not greater than the excess of the account balance ($29,000) over the net employee contributions ($8,000). Under subparagraph (2) of this paragraph, the ordinary income element of A's total distribution is $12,000. Under paragraph (b)(3) of this section, the capital gain element of A's distribution is $9,000 ($29,000 − ($8,000 + $12,000)).

Example (*2*). (i) The facts are the same as in example (1) except that the amount of the total distribution is $23,000.

(ii) The ordinary income element of this total distribution is determined under subparagraph (3) of this paragraph because the sum of the adjusted pre-1970 balance ($6,000) and the post-1969 employer contributions ($12,000) is greater than the excess of the account balance ($23,000) over the net employee contributions ($8,000). Under subparagraph (3)(ii)(*a*) of this paragraph, the ordinary income element of A's total distribution is $10,000 [($23,000 − $8,000) × ($12,000 ÷ ($6,000 + $12,000)]. Under paragraph (b)(3) of this section, the capital gain element of A's total distribution is $5,000 ($23,000 − ($8,000 + $10,000)).

Example (*3*). (i) The facts are the same as in example (2) except that instead of retiring on January 1, 1980, A receives a pretermination distribution of $10,000.

(ii) The portion of the distribution which is considered to be a return of net employee contributions is $8,000. Of the remaining $2,000, $1,333 [$2,000 × ($12,000 ÷ ($23,000 − $8,000)) × ($15,000 ÷ ($6,000 + $12,000))] is considered to consist of post-1969 employer contributions credited to A's account and $667 [$2,000 × ($6,000 ÷ ($23,000 − $8,000)) × ($15,000 ÷ ($6,000 + $12,000))] is considered to be from the adjusted pre-1970 balance.

(iii) After the pretermination distribution, A's account balance is $13,000 ($23,000 − $10,000), the amount of post-1969 employer contributions credited to his account is $10,667 ($12,000 − $1,333), the adjusted pre-1970 balance is $5,333 ($6,000 − $667), and his net employee contributions is $0 ($8,000 − $8,000).

Example (*4*). (i) A noncontributory profit-sharing plan of X Company, whose plan year is the calendar year, provides that each employee's rights to employer contributions on his behalf and the income derived therefrom are nonforfeitable at the time such contributions are paid or such income is credited to the employee's account. The books and records of the trust which is a part of the plan are maintained so that the requirements of subdivision (iv) of this subparagraph are satisfied. A, an employee of X Com-

pany, began to participate in the plan on January 1, 1964. On December 31, 1969, his account balance was $9,000, consisting of $1,000 of cash and 100 shares of Y Company stock valued at $8,000. In 1970, the $1,000 of cash in A's account is used to purchase 10 shares of Z Company stock. A retires on January 1, 1975, and receives a total distribution of $18,200 (the balance in A's account as of December 31, 1974), consisting of the 100 shares of Y Company stock valued at $8,700, the 10 shares of Z Company stock valued at $1,200, and $8,300 of cash. From January 1, 1970, to December 31, 1974, X Company contributions credited to A's account are $11,000.

(ii) The ordinary income element of this total distribution is determined under subparagraph (3) of this paragraph because the sum of the adjusted pre-1970 balance ($9,000) and the post-1969 employer contributions ($11,000) is greater than the excess of the account balance ($18,200) over the net employee contributions (zero). Under subparagraph (3)(ii)(*b*) of this paragraph, because there is no loss allocated to the adjusted pre-1970 balance, the ordinary income element of A's total distribution is $9,200 ($18,200 − ($9,000 + zero)). Under paragraph (b)(3) of this section, the capital gain element of A's total distribution is $9,000 ($18,200 − $9,200).

Example (5). (i) The facts are the same as in example (4) except that when A retires the value of the 100 shares of Y Company stock is $7,600, so that the amount of A's total distribution is $17,100 ($7,600 + $1,200 + $8,300).

(ii) The ordinary income element of this total distribution is determined under subparagraph (3) of this paragraph because the sum of the adjusted pre-1970 balance ($9,000) and the post-1969 employer contributions ($11,000) is greater than the excess of the account balance ($17,100) over the net employee contributions (zero). The loss allocated to the adjusted pre-1970 balance is $200 ($9,000 − ($7,600 + $1,200)). Under subparagraph (3)(ii)(*b*) of this paragraph, the ordinary income element of A's total distribution is $8,300 [($17,100 − ($9,000 − $200) + (zero)]. Under paragraph (b)(3) of this section, the capital gain element of A's total distribution is $8,800 ($17,100 − $8,300).

Example (6). (i) The facts are the same as in example (4) except that A does not retire on January 1, 1975, but instead receives a pretermination distribution of $4,000 on such date.

(ii) Under paragraphs (b)(2)(iv) and (c)(3)(iii)(*c*) of this section, the amount of post-1969 employer contributions credited to A's account included in the pretermination distribution is $2,200 [$4,000 × ($11,000 ÷ $18,200) × ($18,200 ÷ ($11,000 + $9,000))], and under subparagraphs (3)(iii)(*b*) and (*c*) of this paragraph, the portion of the adjusted pre-1970 balance included in the pretermination distribution is $1,800 [$4,000 × ($9,000 ÷ $18,200) × ($18,200 ÷ ($11,000 + $9,000))].

Example (7). (i) A noncontributory profit-sharing-plan of X Company, whose plan year is the calendar year, provides that each employee's rights to employer contributions on his behalf and the income derived therefrom are nonforfeitable at the time such contributions are paid or such income is credited to the employee's account. A, an employee of X Company, began to participate in the plan on January 1, 1965. On December 31, 1969, his account balance was $10,000, consisting of $6,000 of cash and a life insurance contract having a cash value of $4,000. As of such date, $400 is considered to be contributed by A under paragraph (b) of § 1.72–16. During plan years beginning after December 31, 1969, the X Company actually contributed $16,800. During this period, the total gross premiums under the contract were $8,000 and the total adjusted premiums were $7,000. A dies on January 10, 1978, and his widow receives a total distribution of $44,000, consisting of $11,000 of cash in his account and insurance proceeds of $33,000. The cash value of the contract immediately before A's death was $9,000. The total amount considered to be contributed by A under paragraph (b) of § 1.72–16 is $1,200.

(ii) The amount of post-1969 employer contributions credited to A's account is $15,000 [$16,800 − (($8,000 − $7,000) + ($1,200 − $400))]. The ordinary income element of this total distribution is determined under subparagraph (3) of this paragraph because the sum of the adjusted pre-1970 balance ($9,600 ($10,000 − $400)) and the post-1969 employer contributions ($15,000) is greater than the excess of the account balance ($20,000 ($11,000 + $9,000)) over the net employee contributions ($1,200). Under subparagraph (3)(ii)(*a*) of this paragraph, the ordinary income element of the total distribution is $11,463 [($20,000 − $1,200) × ($15,000 ÷ ($15,000 + $9,600))]. Under paragraph (b)(3) of this section, the capital gain element of the total distribution is $7,337 [$44,000 − ($1,200 + $11,463 + ($33,000 − $9,000))].

(d) *Defined benefit plan; general rules*—(1) *Scope.* This paragraph provides rules for computing the capital gain element and the ordinary income element of a total distribution from a plan which, during the entire period of the employee's participation, is a pension plan other than a money purchase pension plan within the meaning of paragraph (b)(1)(i) of § 1.401–1 (referred to in this section as a "defined benefit plan"). The ordinary income element of a total distribution from a defined benefit plan upon separation from the service other than by reason of death shall be determined on the basis of level funding of the plan during the employee's participation in the plan, payment of employer contributions at the end of the plan year, and a growth rate of 6 percent per annum compounded annually. A total distribution on account of death before other separation from the service is considered to be separately funded by the employer by level annual contributions and a mortality based on *United States Life Tables; 1959–1961.* Under subparagraph (2)(iii) of this paragraph, the portion of the death benefit deemed to consist of employer contributions bears the same ratio to the total death benefit as the level premiums necessary to provide the total death benefit assuming a growth rate of 6 percent per annum compounded annually bears to the level premium necessary to provide the total death benefit assuming no growth. See paragraph (e) of this section for additional rules for computing the ordinary income element of a total distribution from a defined benefit plan which was in effect on December 31, 1969, with respect to an employee who was a participant in such plan at any time during the plan year which includes such date.

(2) *Ordinary income element*—(i) *In general.* Except as provided in subdivisions (iii) and (iv) of this subparagraph, the ordinary income element of a total distribution from a defined benefit plan is the product of—

(*a*) The excess (if any) of such distribution over the employee's total voluntary contributions to the plan, and

(*b*) The ordinary income factor corresponding to the number of years of participation by the employee in the plan,

reduced (but not below zero) by the employee's total mandatory contributions to the plan. The ordinary income element shall not be greater than the excess of such distribution over the net employee contributions.

(ii) *Definitions.* For purposes of this paragraph—

(*a*) The amount of an employee's total mandatory contributions to a defined benefit plan is the sum of all amounts actually contributed to such plan by the employee which are required as a condition of employment, as a condition of participation in such plan, or in order to receive full benefits under such plan. Any amount considered to be contributed by the employee under the rules of section 72(f) or paragraph (b) of § 1.72–16 shall be considered a mandatory contribution. In any case, any amount contributed by an employee which may be returned to him before separation from the service shall not be considered a mandatory contribution.

(*b*) The amount of an employee's total voluntary contributions to a defined benefit plan is the sum of all amounts (other than mandatory contributions) actually contributed to such plan by the employee, reduced by any amounts previously distributed to him which constitute a return of such contributions.

(*c*) The number of years of participation by an employee in a defined benefit plan means the difference, to the nearest whole year, between the date of his separation from the service and the date on which he became a participant in the plan.

(*d*) The ordinary income factor corresponding to the number of years of participation by an employee in a defined benefit plan is determined under the following table:

Years of participation	Ordinary income factor	Years of participation	Ordinary income factor
1	1.00000	24	0.47230
2	.97087	25	.45567
3	.94233	26	.43951
4	.91437	27	.42382
5	.88698	28	.40859
6	.86018	29	.39381
7	.83395	30	.37947
8	.80829	31	.36556
9	.78320	32	.35207
10	.75868	33	.33901
11	.73472	34	.32635
12	.71132	35	.31409
13	.68848	36	.30221
14	.66619	37	.29072
15	.64444	38	.27961
16	.62323	39	.26886
17	.60256	40	.25846
18	.58242	41	.24841
19	.56280	42	.23870
20	.54369	43	.22932
21	.52510	44	.22027
22	.50700	45	.21152
23	.48941		

(iii) *Distributions on account of death before separation from service.* (*a*) The ordinary income element of a total distribution paid to, or includible in the gross income of, a distributee on account of an employee's death before other separation from the service is the product of—

(*1*) The excess (if any) of such distribution over the sum of the employee's total voluntary contributions to the plan and the portion of such distribution excludable from gross income under paragraph (c) of § 1.72–16, and

(*2*) The death benefit factor corresponding to the age of the employee on the date he began participation in the plan,

reduced (but not below zero) by the employee's total mandatory contributions to the plan. The ordinary income element shall not be greater than the excess of such distribution over the net employee contributions.

(*b*) The death benefit factor corresponding to the age of the employee on the date he began participation in the plan (entry age) is determined under the following table:

Entry age	Death benefit factor	Entry age	Death benefit factor
20	.48390	43	.79795
21	.49307	44	.81257
22	.50200	45	.82682
23	.51111	46	.84068
24	.52067	47	.85415
25	.53115	48	.86703
26	.54264	49	.87918
27	.55503	50	.89045
28	.56819	51	.90078
29	.58201	52	.91020
30	.59620	53	.91881
31	.61078	54	.92676
32	.62574	55	.93417
33	.64100	56	.94110
34	.65655	57	.94755
35	.67233	58	.95342
36	.68826	59	.95853
37	.70428	60	.96281
38	.72033	61	.96623
39	.73633	62	.96883
40	.75213	63	.97063
41	.76770	64	.97170
42	.78299		

(iv) *Distributions on account of death after separation from service.* The ordinary income element of a total distribution paid to, or includible in the gross income of, a distributee on account of an employee's death after separation from the service shall be determined by applying subdivision (i) of this subparagraph to a distribution equal to the sum of the amount of such distribution on account of death and the portion of the payments received by the employee after such separation and before death which were not includible in his gross income.

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

Example (*1*). (i) A qualified pension plan provides that a participant may elect upon attaining normal retirement age to receive either an annuity determined under the plan's benefit formula or an amount of cash equal to the commuted value of such annuity. Participants are required to contribute 3 percent of annual compensation to the plan. A began to participate in the plant on January 1, 1972, and retired on July 1, 1998, when he attained normal retirement age. The amount of A's total mandatory contributions to the plan is $7,000. A elected to receive a total distribution of $72,000.

(ii) Under subdivision (i) of this subparagraph, the ordinary income element of A's total distribution is $23,515 ($72,000 × 0.42382) − $7,000). Under subparagraph (3) of this paragraph, the capital gain element of A's distribution is $41,485 ($72,000 − ($7,000 + $23,515)).

Example (*2*). (i) A qualified pension plan provides in part that if a participant dies before other separation from the service, his beneficiary will receive an amount equal to the sum of the participant's total voluntary contributions to the plan and 2 times the participant's annual rate of compensation at the time of his death. Employees are not required to contribute to the plan. A began to participate in the plan on January 1, 1972, when he was 35 years of age. When A died on June 10, 1983, his annual rate of compensation was $9,500, and the amount of his total voluntary contributions was $3,000. On January 15, 1984, A's widow received a total distribution of $22,000 ($3,000 + (2 × $9,500)).

(ii) Under subdivision (ii) of this subparagraph, the ordinary income element of the total distribution is $12,774 (($22,000 − $3,000) × 0.67233). Under subparagraph (3) of this paragraph, the capital gain element of A's distribution is $6,226 ($22,000 − ($3,000 + $12,774)).

Example (*3*). (i) A qualified pension plan provides in part that if a participant dies within the 100-month period following retirement, his beneficiary will receive an amount equal to the product of the participant's monthly pension and the number of months remaining in such period. Employees are not required to contribute to the plan, but voluntary contributions may be made. A began to participate in the plan on January 1, 1972, retired on January 1, 2002, and began to receive an annuity at that time. The amount of A's total voluntary contributions is $9,000. A died on August 15, 2003, and his widow received a total distribution of $18,000. Before his death, A excluded a total of $1,000 from gross income under section 72.

(ii) Under subdivision (iv) of this subparagraph, the ordinary income element of the total distribution is $3,795 [(($18,000 + $1,000) − $9,000) × 0.37947]. Under subparagraph (3) of this paragraph, the capital gain element of the total distribution is $6,205 ($18,000 − (($9,000 − $1,000) + $3,795)).

(3) *Capital gain element.* The capital gain element of a total distribution from a defined benefit plan is the excess (if any) of the amount of such distribution over the sum of—

(i) The net employee contributions,

(ii) The amount of the ordinary income element of such distribution, and

(iii) If the distribution is on account of the employee's death before other separation from the service, the portion of such distribution excludable from gross income under paragraph (c) of § 1.72–16.

(4) *Distributions including annuity, etc., contracts.* If a total distribution includes an annuity contract, or a retirement income, endowment, or other life insurance contract, which is irrevocably converted into a contract which satisfies the requirements of paragraph (a)(2) of § 1.402(a)–1, so that the cash value of the contract is excluded from the gross income of the distributee under such paragraph, the ordinary income element and capital gain element of such distribution are the amounts of such elements otherwise determined under this paragraph, multiplied by a fraction—

(i) The numerator of which is the excess (if any) of the amount of such distribution over the sum of the net employee contributions and the cash value of such contract, and

(ii) The denominator of which is the excess (if any) of the amount of such distribution over the net employee contributions.

(5) *Retirement bonds.* If, at the time a total distribution is made, the distributee receives a U.S. retirement plan bond or the trust retains a retirement bond in his name, the ordinary income element and the capital gain element of such distribution are the amounts of such elements otherwise determined under this paragraph (as if the value of all such bonds were included in such distribution), multiplied by a fraction—

(i) The numerator of which is the excess (if any) of such distribution over the net employee contributions not included, under paragraph (b)(1) of § 1.405–3, in the basis of such bonds, and

(ii) The denominator of which is the excess (if any) of the sum of the amount of such distribution and the value of all such bonds over the net employee contributions.

(6) *Allocation of death benefit exclusion.* For purposes of this paragraph, if, under section 101(b) and § 1.101–2, any portion of a total distribution is excludable from the gross income of a distributee, the amount so excluded shall be allocated ratably between the ordinary income element of such distribution and the capital gain element of such distribution.

(e) *Defined benefit plans; transitional rules*—(1) *Scope.* This paragraph provides additional rules for computing the ordinary income element of a total distribution from a defined benefit plan if—

(i) Such plan was in effect on December 31, 1969, and

(ii) The employee with respect to whom such distribution is paid was a participant in such plan at any time during the plan year which includes such date.

(2) *In general.* Except as provided in subparagraph (3) of this paragraph, the ordinary income element of a total distribution described in subparagraph (1) of this paragraph shall be determined under paragraph (d)(2) (i) or (iv) of this section by taking into account only—

(i) The portion of such distribution which was accrued by the employee during plan years beginning after December 31, 1969; and

(ii) Mandatory contributions made by the employee to the plan during such plan years.

(3) *Distributions on account of death before separation from service.* The ordinary income element of a total distribution described in subparagraph (1) of this paragraph paid to, or includible in the goss income of, a distributee on account of an employee's death before other separation from the service is the amount determined under paragraph (d)(2)(iii) of this section, multiplied by the difference between one and a fraction—

(i) The numerator of which is his total number of years of service with the employer (or a predecessor of the employer) performed as of the close of the last plan year beginning before January 1, 1970, and

(ii) The denominator of which is his total number of years of service.

(4) *Accrued portion of total distribution*—(i) *In general.* For purposes of subparagraph (2)(i) of this paragraph, the portion of a total distribution which was accrued by an employee during plan years beginning after December 31, 1969, is the product of—

(*a*) The excess (if any) of such distribution over the employee's total voluntary contributions to the plan, and

(*b*) One minus a fraction, the numerator of which is the employee's accrued benefit as of the close of the last plan year beginning before January 1, 1970, and the denominator of which is his benefit as of his separation from the service.

(ii) *Accrued benefit.* For purposes of subdivision (i)(*b*) of this subparagraph, an employee's accrued benefit as of the close of the last plan year beginning before January 1, 1970, is the periodic benefit commencing at age 65 (without regard to any benefit attributable to total voluntary employee contributions to the plan) to which he would be entitled under the plan as in effect at the close of such year if he continued to earn annually until normal retirement age the same amount of compensation as he earned in such year, multiplied by a fraction—

(*a*) The numerator of which is his total number of years of service with the employer (or a predecessor of the employer) performed as of the close of such year, and

(*b*) The denominator of which is the total number of years of service he would have performed as of normal retirement age.

For example, A is a participant in a defined benefit plan which provides benefits based on average compensation for the five highest consecutive calendar years. A earned $7,000 in 1965, $7,500 in 1966, $8,000 in 1967, $8,500 in 1968, and $9,000 in 1969. These years were the 5 consecutive years of A's highest compensation. For purposes of computing A's accrued benefit as of the close of the last plan year beginning before January 1, 1970, if A's normal retirement is on January 1, 1972, his average compensation for the 5 highest consecutive years is $8,700 (($9,000+$9,000+$9,000+$8,500+$8,000)÷5). For such purposes, if A's normal retirement is on January 1, 1977, his average compensation for the 5 highest consecutive years is $9,000 (($9,000+$9,000+$9,000+$9,000+$9,000)÷5).

(iii) *Benefit as of separation from service.* For purposes of subdivision (i)(*b*) of this subparagraph, the benefit as of an employee's separation from the service before normal retirement age is the adjusted periodic benefit commencing at age 65 (without regard to any benefit attributable to the total voluntary employee contributions to the plan) to which the employee would be entitled (assuming his benefits under the plan were nonforfeitable) as of normal retirement age or as of the first date on which benefits could have become payable, whichever is greater. The benefit as of an employee's separation from the service on or after normal retirement age is the adjusted periodic benefit commencing at age 65 to which he would be entitled upon such separation.

(iv) *Special rules.* (*a*) If the normal form of retirement benefit under the plan as in effect at the employee's separation from the service differs from that under the plan as in effect as of the close of the last plan year beginning before January 1, 1970, the periodic benefits referred to in subdivision (i)(*b*) of this subparagraph shall be converted to a straight life annuity by multiplying the amount of each by whichever of the following factors is appropriate:

Type of benefit	*Factor*
Straight life annuity	1.00000
Annuity for 5 years certain and life thereafter[1]	1.04387
Annuity for 10 years certain and life thereafter[1]	1.15354
Annuity for 15 years certain and life thereafter[1]	1.29708
Annuity for 20 years certain and life thereafter[1]	1.44956
Life annuity with installment refund	1.14067
Life annuity with one-half continued to surviving spouse of employee	1.21493
Life annuity with two-thirds continued to surviving spouse of employee	1.28657
Life annuity with entire amount continued to surviving spouse of employee	1.42985

[1] In the case of annuities for periods certain other than those provided in the foregoing table, the factor shall be computed by interpolation between the nearest given factors in the table.

(*b*) For purposes of subdivisions (ii) and (iii) of this subparagraph, if a periodic benefit commences at an age other than 65, the adjusted periodic benefit commencing at age 65 is the amount of the periodic benefit commencing at such other age multiplied by whichever of the following conversion factors is appropriate:

Age at which periodic benefit commences	*Conversion factor*
75	0.24103
74	0.28469
73	0.33408
72	0.38967
71	0.45200
70	0.52161
69	0.59908
68	0.68501
67	0.78004
66	0.88481
65	1.00000
64	1.12631
63	1.26448
62	1.41526
61	1.57943
60	1.75781
59	1.95122
58	2.16053
57	2.38664
56	2.63055
55	2.89330

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

Example (1). (i) A qualified pension plan provides a benefit at age 65 of 40 percent of a participant's average annual compensation during the last 5 years of service. The plan further provides for early retirement after age 55 with a 1 percent reduction in benefits for each year under age 65. The plan provides for full vesting after 20 years of participation and permits voluntary employee contributions. B's service began on January 1, 1955, and he began to participate in the plan on January 1, 1960. B retires on January 1, 1985, at age 65. B's average annual compensation during his last 5 years of service is $9,000, his annual compensation for calendar year 1969 is $7,000, his total service is 30 years, his service as of December 31, 1969, is 15 years, and his participation in the plan is 25 years. During B's participation in the plan the amount of his total voluntary employee contributions is $6,000. B elects under the plan to receive a total distribution of $46,000 (including B's $6,000 total voluntary employee contributions).

(ii) B's accrued benefit as of the close of the last plan year beginning before January 1, 1970, is $1,400 ($7,000×0.40×(15÷30)), and his benefit as of separation from the service is $3,600 ($9,000×0.40). B's portion of the total distribution accrued during plan years beginning after December 31, 1969, is $24,444 [$40,000×(1−($1,400÷$3,600))] and his ordinary income element is $11,138 ($24,444×0.45567). Under paragraph (d)(3) of this section, B's capital gain element is $28,862 ($46,000−($6,000+$11,138)).

Example (2). (i) The facts are the same as in example (1), except that B retires on January 1, 1980, at age 60. His average annual compensation during his last 5 years of service is $8,500, and his participation in the plan is 20 years. B elects under the plan to receive a total distribution of $42,000 (including B's $6,000 total voluntary employee contributions).

(ii) B's accrued benefit as of the close of the last plan year beginning before January 1, 1970, is $1,400 ($7,000×0.40×(15÷30)), and his benefit as of separation from the service is $5,678, which is the greater of $3,400 ($8,500×0.40×1) or $5,678, $8,500×0.40×(1.00−0.05)×1.75781). The portion of B's total distribution accrued during plan years beginning after December 31, 1969, is $27,124

[$36,000×(1−($1,400÷$5,678))] and the ordinary income element of his distribution is $14,747 ($27,124×0.54369). The capital gain element of his distribution is $21,253 ($42,000−($6,000+$14,747)).

(f) *Reporting.* (1) An employer who maintains a qualified plan under which total distributions may be made shall communicate, or cause it to be communicated, in writing, to any distributee of a total distribution made after December 31, 1971, the following information (where applicable):

(i) The gross amount of such distribution (including the value of any retirement plan bonds distributed to or held for the distributee);

(ii) The ordinary income element and the capital gain element of such distribution;

(iii) The net employee contributions;

(iv) The portions of such distribution excludable from the gross income of the distributee under paragraph (c) of § 1.72–16 and paragraph (b) of § 1.402(a)–1;

(v) The value of any retirement plan bonds distributed to or held for the distributee in excess of the net employee contributions included in the basis of such bonds; and

(vi) The value of any annuity contract distributed as part of such distribution in excess of the net employee contributions considered to be an investment in the contract.

(2) The obligation of the employer to communicate the information in subparagraph (1) of this paragraph to the distributee shall be satisfied if the fiduciary of the trust or the payer of such distribution communicates the information to the distributee.

(3) The failure to establish procedures to satisfy the requirements of this paragraph or the failure to satisfy such requirements shall be taken into account in determining whether a plan is a definite written program and arrangement which is communicated to employees (within the meaning of paragraph (a)(2) of § 1.401–1).

PAR. 5. Section 1.402(a) is amended by adding a new subparagraph (C) to paragraph (2) immediately after subparagraph (B) and revising the historical note. These added and revised provisions read as follows:

§ 1.403(a) Statutory provisions; taxation of employee annuities; qualified annuity plan.

Sec. 403. *Taxation of employee annuities*—(a) *Taxability of beneficiary under a qualified annuity plan* * * *

(2) *Capital gains treatment for certain distributions* * * *

(C) *Limitation on capital gains treatment.* Subparagraph (A) shall apply to a payment paid after December 31, 1969, only to the extent it does not exceed the sum of—

(i) The benefits accrued by the employee on behalf of whom it is paid during plan years beginning before January 1, 1970, and

(ii) The portion of the benefits accrued by such employee during plan years beginning after December 31, 1969, which the payee establishes does not consist of the employee's allocable share of employer contributions under the plan under which the annuity contract is purchased.

The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this subparagraph.

[Sec. 403(a) as amended by sec. 23(b), Technical Amendments Act 1958 (72 Stat. 1622); sec. 4(d), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825); sec. 232(e)(4), Rev. Act 1964 (78 Stat. 111); sec. 515(a)(2), Tax Reform Act 1969 (83 Stat. 644)]

PAR. 6. Section 1.403(a)–1 is amended by revising paragraph (b) to read as follows:

§ 1.403(a)–1 Taxability of beneficiary under a qualified annuity plan.

(a) * * *

(b) The amounts received by or made available to any employee referred to in paragraph (a) of this section under such annuity contract shall be included in gross income of the employee for the taxable year in which received or made available, as provided in section 72 (relating to annuities), except that certain total distributions described in section 403(a)(2) are taxable as long-term capital gains. For taxable years ending after December 31, 1969, the portion of such distribution treated as long-term capital gains is subject to limitation under section 403(a)(2)(C). For the treatment of such total distributions, see § 1.403(a)–2. However, for taxable years beginning before January 1, 1964, section 72(e)(3) (relating to the treatment of certain lump sums) as in effect before such date, shall not apply to such amounts. For taxable years beginning after December 31, 1963, such amounts may be taken into account in computations under sections 1301 through 1305 (relating to income averaging) unless the payee chooses to compute the tax under section 72(n)(4).

* * * * *

PAR. 7. Section 1.403(a)–2 is amended by revising paragraph (a) to read as follows:

§ 1.403(a)–2 Capital gains treatment for certain distributions.

(a) If the total amounts payable with respect to any employee for whom an annuity contract has been purchased by an employer under a plan which—

(1) Is a plan described in section 403(a)(1) and § 1.403(a)–1, and

(2) Requires that refunds of contributions with respect to annuity contracts purchased under such plan be used to reduce subsequent premiums on the contracts under the plan, are paid to, or includible in gross income of the payee within 1 taxable year of the payee by reason of the employee's death or other separation from the service, or death after such separation from the service, such total payments, to the extent they exceed the net amount contributed by the employee, shall, except as limited by section 403(a)(2)(C) for taxable years ending after December 31, 1969, be considered a gain from the sale or exchange of a capital asset held for more than 6 months. The limitation on the long-term capital gain treatment under section 403(a)(2)(C) shall be determined under the rules set forth in § 1.402(a)–2, except that the rules provided by paragraphs (b)(4) and (d)(4) of § 1.402(a)–2 shall not be applied to distributions to which this section applies, and any reference in § 1.402(a)–2 to a provision of section 402 or the regulations thereunder shall be treated as a reference to the corresponding provision of section 403 or the regulations thereunder. In applying the rules provided in § 1.402(a)–2 the term "plan year" shall have the same meaning as under paragraph (a)(2) of § 1.404(a)–8. Section 72(n)(4) and § 1.72–19 apply to the portion of the total amounts payable not treated as long-term capital gain or the net amount contributed by the employee. The "net amount contributed by the employee" is the amount actually contributed by the employee plus any amounts considered to be contributed by the employee under the rules of sections 72(f), 101(b), and paragraph (d) of § 1.403(a)–1, reduced by any amounts theretofore distributed to him which were excludable from his gross income as a return of employee contributions. For example, if under an annuity contract purchased under a plan described in this section, the total amounts payable to the employee's widow are paid to her in the year in which the employee dies, in the amount of $8,000, and if $5,000 thereof is excludable under section 101(b), and if the ordinary income element of such distribution is $4,000, the capital gain element is $3,400, and the net employee contributions $600, $2,703 ($5,000×($4,000÷$7,400)) of the ordinary income element and $2,297 ($5,000×($3,400÷$7,400)) of the capital gain element are excludable from her gross income. The net employee contributions, $600, is excludable from her gross income as a return of the employee's contributions.

PAR. 8. Section 1.6041–2 is amended by revising subparagraph (1) of paragraph (b) to read as follows:

§ 1.6041–2 Return of information as to payments to employees.

* * * * *

(b) *Distributions under employees' trust or under supplemental unemployment benefit trust.* (1) Amounts which are distributed or made available to a beneficiary, and to which section 402 (relating to employees' trusts) or section 403 (relating to employee annuity plans) applies, shall be reported on Forms 1099 and 1096 to the extent such amounts are includible in the gross income of such beneficiary when the amounts so includible are $600 or more in any calendar year except that for calendar years ending after December 31, 1970, for any distribution described in § 1.402(a)–2 or § 1.403(a)–2, the requirement of reporting on Forms 1099 and 1096 in the preceding sentence shall be satisfied by reporting on Form W–2(P) and either Form 1096 or W–3, in any calendar year except that for calendar years ending after December 31, 1970, for any distribution described and sick and accident benefits) totaling

$600 or more in 1 year to an individual must file an annual information return on Form 1096, accompanied by a statement on Form 1099, for each such individual. Payments made by an employer or a person other than the trustee of the trust should not be considered in determining whether the $600 minimum has been paid by the trustee. The provisions of this subparagraph shall not be applicable to payments of supplemental unemployment compensation benefits made after December 31, 1970, which are treated as if they were wages for purposes of section 3401(a). Such amounts are required to be reported on Form W-2. See paragraph (b)(14) of § 31.3401(a)-1 of this chapter (Employment Tax Regulations).

* * * * *

[FR Doc.71-8140 Filed 6-11-71;8:45 am]

[26 CFR Parts 1, 13]

INCOME TAX

Treatment of Property Transferred in Connection With Performance of Services

Correction

In F.R. Doc. 71-7510 appearing at page 10787 in the issue of Thursday, June 3, 1971, the following changes should be made:

1. The fourth line of example 3 in § 1.83-3(c)(2) reading "remains employed with corporation X, agrees" should read "remains employed with corporation X, corporation X agrees".

2. The word "of" in the third from last line of § 1.83-6(a) should read "or".

3. The word "in" appearing in the fifth line of the undesignated paragraph following § 1.402(b)-1(b)(3)(ii) should read "is".

4. The word "employ's" appearing in the seventh and eighth lines of the undesignated paragraph following § 1.402(b)-1(d)(1)(ii) should read employee's".

5. The 11th line of § 1.402(b)-1(d)(2)(iii) reading "nuity for the employee provided only" should read "nuity contract for the employee, or if".

6. The word "his" appearing in the 30th line of the undesignated paragraph following § 1.403(c)-1(d)(1)(ii) should read "the".

[26 CFR Part 45]

EXCISE TAX

Filing of Special Tax Returns

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, perferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, by June 28, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by June 28, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 6001, 6091, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 731, 752, and 917; 26 U.S.C. 6001, 6091, and 7805).

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

In order to automate the processing of low-volume tax returns at internal revenue service centers and to effect economies by providing that taxpayers subject to the same class of special (occupational) tax for the same taxable period at two or more locations file but one special tax return, the Miscellaneous Excise Tax Regulations under 26 CFR Part 45 are amended as follows:

PARAGRAPH 1. Section 45.6001-11 is amended by revising paragraph (b), by redesignating paragraph (c) as paragraph (d), and by adding a new paragraph (c). The revised provisions read as follows:

§ 45.6001-11 Returns relating to special taxes.

* * * * *

(b) *Separate returns.* A separate return on the prescribed form shall be made for each business in respect of which a person incurs liability for a special tax. (See § 45.4903-1 which provides that special tax shall be paid for each place of business and § 45.4904-1 which provides that special tax must be paid for each business conducted at the same address.)

(c) *Returns covering multiple locations.* In the case of a business conducted at multiple locations, only one return shall be filed with respect to that business. Such return shall list the addresses of all such locations. In the case of a return on Form 11-B, the number of coin-operated gaming devices (as defined in section 4432(a)(2)) at each location must be listed.

(d) *Execution of returns, Form 11 and Form 11-B.* In addition to the requirements for the execution of returns generally as set forth in paragraph (c) of § 45.6001-6, it is required that where the business is operated in a trade name, both the real name of the proprietor and the trade name shall be used when executing Form 11 and Form 11-B.

PAR. 2. Section 45.6091-1 is amended to read as follows:

§ 45.6091-1 Place for filing special tax returns.

A return on Form 11 or 11-B required to be made pursuant to the provisions of § 45.6001-11 shall be filed with the director of the internal revenue service center for the internal revenue district in which is located the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer).

PAR. 3. Section 45.6151-1 is amended to read as follows:

§ 45.6151-1 Time and place for paying special taxes.

The special taxes required to be reported on Forms 11 and 11-B are due and payable to the internal revenue service, without assessment or notice and demand, at the time prescribed in § 45.6071-2 for filing such returns. For regulations relating to place for filing returns, see § 45.6091-1.

[FR Doc.71-8393 Filed 6-11-71;9:11 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 201]

FEDERAL SEED ACT REGULATIONS

Notice of Proposed Rule Making

Statement of Considerations. The Association of Official Seed Analysts (AOSA) was founded in 1908. Its members are seed laboratories supported by State or Federal funds. It establishes the recommended rules for all official laboratories.

The Association at its annual meeting in June 1970 adopted numerous changes in its Rules for Seed Testing.

It has been the policy under the Federal Seed Act since its passage in 1939 to correlate the Rules for Seed Testing in the rules and regulations under the Federal Seed Act with the Rules for Seed Testing adopted by the AOSA. This correlation benefits those persons who are subject to the Federal Seed Act.

Pursuant to the provisions of section 402 of the Federal Seed Act approved August 9, 1939, as amended (7 U.S.C. 1592) and the administrative procedure provisions of 5 U.S.C. section 553, notice is hereby given of intention to promulgate the following amendments to the regulations (7 CFR Part 201, as amended) under the Federal Seed Act. Public hearing with reference thereto will be held at 10 a.m. on July 12, 1971, in Room 2096, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, DC.

Interested persons are invited to attend the hearing and to offer comments or suggestions regarding the proposals. Any comments or suggestions bearing on the proposals that are not made or presented in person at the hearing may be transmitted in duplicate by mail addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, and

will be considered if received on or before August 11, 1971. All written submissions made pursuant to this notice and a transcript of the public hearing will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The presiding officer, who shall conduct the hearing with power to do all things necessary and appropriate to the proper conduct of the hearing, shall be designated prior to the hearing by the Director, Grain Division, Consumer and Marketing Service.

The proposed amendments are as follows:

1. Section 201.46 would be amended as follows:

In table 1, change the existing information for which substitute information is shown below in the various columns for the indicated kinds to read as follows:

§ 201.46 Weight of working sample.

* * * * *

TABLE 1—WEIGHT OF WORKING SAMPLE

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED	*Grams*	*Grams*	*Number*
Bahiagrass—*Paspalum notatum:* Var. Pensacola			600
Beet, field—*Beta vulgaris*		500	
Beet, sugar—*Beta vulgaris*		500	
Bentgrass:			
Colonial (incl. Astoria and Highland)—*Agrostis tenuis*	¼	2.5	13,000
Creeping—*Agrostis palustris*	¼	2.5	13,515
Velvet—*Agrostis canina*	¼	2.5	18,180
Bermudagrass, common—*Cynodon dactylon*		10	3,930
Bermudagrass, giant—*Cynodon dactylon* var. *aridus*		10	2,950
Bluegrass:			
Bulbous—*Poa bulbosa*	4	40	585
Canada—*Poa compressa*	½	5	5,050
Glaucantha—*Poa glaucantha*	1	10	
Kentucky (all vars.)—*Poa pratensis*	1	10	3,060
Nevada—*Poa nevadensis*		10	
Rough—*Poa trivialis*	½	5	4,610
Texas—*Poa arachnifera*		10	
Wood—*Poa nemoralis*	½	5	4,330
Bluestem:			
Big—*Andropogon gerardi*		70	320
Little—*Andropogon scoparius*			525
Sand—*Andropogon hallii*		100	215
Yellow—*Andropogon ischaemum*	1	10	1,945
Brome:			
Field—*Bromus arvensis*			465
Mountain—*Bromus marginatus*		200	
Smooth—*Bromus inermis*		70	315
Broomcorn—*Sorghum vulgare* var. *technicum*		400	
Buckwheat—*Fagopyrum esculentum*		500	
Buffalograss—*Buchloe dactyloides;*			
(Burs)		200	
(Caryopses)		30	
Buffelgrass—*Pennisetum ciliare:*			
(Fascicles)	6	60	355
(Caryopses)		20	
Burclover, California—*Medicago hispida* (in bur)		500	
Burclover, California—*Medicago hispida* (out of bur)		70	
Burclover, spotted—*Medicago arabica* (in bur)		500	
Burnet, little—*Sanquisorba minor*		250	
Buttonclover—*Medicago orbicularis*		70	
Canarygrass—*Phalaris canariensis*		200	
Canarygrass, reed—*Phalaris arundinacea*		20	1,185

TABLE 1—WEIGHT OF WORKING SAMPLE—Continued

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED—continued	*Grams*	*Grams*	*Number*
Carpetgrass—*Axonopus affinis*		10	2,230
Clover:			
Alsike—*Trifolium hybridum*		20	
Cluster—*Trifolium glomeratum*		10	
Crimson—*Trifolium incarnatum*		100	
Kenya—*Trifolium semipilosum*		20	
Ladino—*Trifolium repens*		20	
Lappa—*Trifolium lappaceum*		20	
Large hop—*Trifolium procumbens* (*T. campestre*)		10	
Persian—*Trifolium resupinatum*		20	
Rose—*Trifolium hirtum*		70	
Small hop (Suckling)—*Trifolium dubium*		20	
Sub—*Trifolium subterraneum*		250	
White—*Trifolium repens*		20	
Crambe—*Crambe abyssinica*	25	250	
Crested dogtail—*Cynosurus cristatus*		20	
Crotalaria:			
Lance—*Crotalaria lanceolata*		70	
Showy—*Crotalaria spectabilis*		250	
Slenderleaf—*Crotalaria intermedia*		100	
Striped—*Crotalaria mucronata*		100	
Crownvetch—*Coronilla varia*		100	
Dallisgrass—*Paspalum dilatatum*		40	620
Dropseed, sand—*Sporobolus cryptandrus*	¼	2.5	12,345
Fescue:			
Chewings—*Festuca rubra* var. *commutata*	3	30	900
Hair—*Festuca capillata*		10	
Hard—*Festuca ovina* var. *duriuscula*	2	20	1,305
Meadow—*Festuca elatior*			495
Red—*Festuca rubra*	3	30	900
Sheep—*Festuca ovina*		20	
Tall—*Festuca arundinacea*			455
Flax—*Linum usitatissimum*		150	
Gramma:			
Blue—*Bouteloua gracilis*	6	20	1,595
Side-oats—*Bouteloua curtipendula* (Other than caryopses)		60	350
(Caryopses)		20	
Guineagrass—*Panicum maximum*		20	
Hardinggrass—*Phalaris* var. *stenoptera*		30	
Hemp—*Cannabis sativa*		500	
Indiangrass, yellow—*Sorghastrum nutans*		70	395
Indigo, hairy—*Indigofera hirsuta*		70	
Japanese lawngrass—*Zoysia japonica*	2	20	1,325
Johnsongrass—*Sorghum halepense*	10	100	265
Kudzu—*Pueraria thunbergiana*		250	
Lentil—*Lens culinaris*	120	500	14–23
Lespedeza:			
Sericea or Chinese—*Lespedeza cuneata* (L. sericea)		30	
Siberian—*Lespedeza hedysaroides*		30	
Lovegrass, sand—*Eragrostis trichodes*		10	3,585
Lovegrass, weeping—*Eragrostis curvula*		10	3,270
Manilagrass—*Zoysia matrella*		20	
Meadow foxtail—*Alopecurus pratensis*	3	30	895
Millet:			
Browntop—*Panicum ramosum*	8	80	315
Foxtail, such as Common, White Wonder, German, Hungarian, Siberian, or Golden—*Setaria italica*			480
Millet:			
Japanese—*Echinochloa crusgalli* var. *frumentacea*	9	90	315
Pearl—*Pennisetum glaucum*			180
Proso—*Panicum miliaceum*			185

TABLE 1—WEIGHT OF WORKING SAMPLE—Continued

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED—continued	*Grams*	*Grams*	*Number*
Molassesgrass—*Melinis minutiflora*		5	7,750
Mustard:			
Black—*Brassica nigra*		20	
Oatgrass, tall—*Arrhenatherum elatius*	6	60	415
Orchardgrass—*Dactylis glomerata*	3	30	945
Panicgrass, blue—*Panicum antidotale*		20	1,370
Panicgrass, green—*Panicum maximum* var. *trichoglume*	2	20	1,305
Rape:			
Annual—*Bassica napus* var. *annua*		70	
Bird—*Brassica campestris*		70	
Winter—*Brassica napus* var. *biennis*		100	
Redtop—*Agrostis alba*	¼	2.5	10,695
Rescuegrass-*Bromus catharticus*		200	115
Rhodesgrass—*Chloris gayana*		10	
Ricegrass, Indian—*Oryzopsis hymenoides*	7	70	355
Ryegrass:			
Annual (Italian)—*Lolium multiflorum*			420
Perennial—*Lolium perenne*			530
Sainfoin—*Onobrychis viciaefolia*		500	
Sesame—*Sesamum indicum*		70	
Sesbania—*Sesbania exaltata*		250	
Smilo—*Oryzopsis miliacea*		20	
Sorghum—*Sorghum vulgare*		500	55
Sorghum almum—*Sorghum almum*			150
Sorghum—sudangrass hybrid—*S. vulgare* x *S. sudanense*		500	55
Sorgrass[1]		150	135
Sudangrass—*Sorghum sudanense*		250	100
Sweet vernalgrass—*Anthoxanthum odoratum*		20	
Switchgrass—*Panicum virgatum*	4	40	570
Timothy—*Phleum pratense*	1	10	2,565
Tobacco—*Nicotiana tabacum*		5	
Trefoil:			
Big—*Lotus uliginosus* (*L. major*)		20	
Birdsfoot—*Lotus corniculatus*		30	
Triticale—*Triticosecale*	100	500	
Vaseygrass—*Paspalum urvillei*		30	
Veldtgrass—*Ehrharta calycina*		40	
Velvetgrass—*Holcus lanatus*		10	
Vetch:			
Narrowleaf—*Vicia angustifolia*		500	
Wheatgrass:			
Beardless—*Agropyron inerme*	8	80	275
Fairway crested—*Agropyron cristatum*	4	40	685
Intermediate—*Agropyron intermedium*	15	150	175
Pubescent—*Agropyron tricophorum*	15	150	180
Slender—*Agropyron trachycaulum*		70	205
Tall—*Agropyron elongatum*		150	165
Western—*Agropyron smithii*		100	250
Wildrye:			
Canada—*Elymus canadensis*	11	110	190
Russian—*Elymus junceus*	6	60	360
VEGETABLE SEED			
Burdock, great—*Arctium lappa*		150	
Cabbage, tronchuda—*Brassica oleracea* var. *tronchuda*		100	
Chives—*Allium schoenophrasum*	5	50	

2. Section 201.47(e) would be amended to read as follows:

§ 201.47 Separation.

* * * * *

(e) The uniform method as adopted by the Association of Official Seed Analysts, as amended effective October 1, 1970, shall be used for the separation of pure seed and inert matter in seeds of Kentucky bluegrass, "Pensocola" variety of bahiagrass and orchardgrass.

3. Section 201.48 (b) and (i) would be amended to read, respectively, as follows:

§ 201.48 Kind or variety considered pure seed.

* * * * *

(b) Pieces of broken and otherwise damaged seeds that are larger than one-half of the original size, except as provided in paragraph (i) of this section. (This excludes separated cotyledons of cowpea, peanut, and soybean, commonly referred to as "splits," irrespective of whether or not the radicle-plumule axis and/or more than half of the seed coat may be attached.)

* * * * *

(i) Insect-damaged seeds, provided that the damage is entirely internal, or that the opening in the seed coat is not sufficiently large to allow the size of the remaining mass of tissue to be readily determined. Weevil-infested vetch seeds, irrespective of the amount of insect damage, are to be considered pure seed unless they are broken pieces one-half or less than the original size. This provision is not applicable to chalcid-damaged seed (see § 201.51(a)(4)).

* * * * *

4. Section 201.50 would be amended by inserting the following before the parenthetical last sentence:

§ 201.50 Weed seed.

* * * For species having seeds larger than *Juncus* (excluding *Xanthium*) the individual seeds are to be removed from fruiting structures. The seeds are placed with the weed seed and the remaining fruiting structures are placed in inert matter. * * *

5. Section 201.51(a) (1) and (5) would be amended to read, respectively, as follows:

§ 201.51 Inert matter.

* * * * *

(a) * * *

(1) Pieces of broken or otherwise damaged seeds one-half the original size or less. Included are separated cotyledons of cowpea, peanut and soybean commonly referred to as "splits", irrespective of whether or not the radicle-plumule axis and/or more than half of the seed coat may be attached. (See § 201.48 (b) and (i)).

* * * * *

(5) Seed units of grasses in which the caryopses are replaced by nematode galls, or by fungus bodies such as smut balls or ergot sclerotia.

* * * * *

6. Section 201.56–2(a) would be amended to read as follows:

§ 201.56–2 Sunflower family (compositae).

* * * * *

(a) Lettuce: The interpretations of lettuce seedlings are made only at the end of the test period. When used to describe seedling structures "normal length" means that length attained by a vigorous sample of the same variety of lettuce as the one being tested when both are placed under the same test conditions. Necrosis of cotyledons is frequently manifested by softened, grayish, blackish, or reddish areas and should not be confused with natural pigmentation. Seedlings with extensive necrotic and/or decayed areas on the cotyledons are slower in growth and tend to be shorter than seedlings without such damage. It is not necessary to distinguish between necrotic areas and decay caused by fungi and bacteria since the interpretation is the same for all conditions. Seedlings interpretations are to be made with not more than a 7 × magnification. Colored photographs of lettuce cotyledons are to be used as guides for classification. These photographs may be obtained from the U.S. Department of Agriculture, Consumer and Marketing Service, Grain Division, Seed Branch, South Laboratory Building, Agricultural Research Center, Beltsville, Md. 20705.

(1) Normal seedlings include those that have: (i) Long, vigorous roots, over half the usual length for vigorous seedlings; (ii) long, vigorous hypocotyls, over half the usual length for vigorous seedlings, with no cracks or lesions extending into the central conducting tissue; (iii) two cotyledons either free of decay or with less than half the total cotyledon surface covered by necrotic or decayed areas (the hypocotyl and root should be more than half normal length); and (iv) an epicotyl entirely free of decay.

(2) Abnormal seedlings include those that have: (i) No roots, or roots clearly less than half normal length with root tips blunt, swollen, or discolored; (ii) typocotyls clearly less than half normal length, or severely twisted or grainy, or with cracks or lesions extending into the central conducting tissue; (iii) only one cotyledon, or cotyledons with half or more than half their total area necrotic or decayed (the hypocotyl and root are usually less than half normal length), or swollen cotyledons (usually grayish or darkened) with extremely short or vestigial hypocotyl and root (see coat usually adhering to cotyledons); (iv) no

epicotyl or an epicotyl with any degree of decay or necrosis.

* * * * *

7. Section 201.57a would be amended to read as follows:

§ 201.57a Dormant seeds.

Dormant seeds are viable seeds, (excluding hard seeds) which fail to germinate when provided the specified germination conditions for the kind of seed in question. Viability of ungerminated seeds may be determined by a cutting or tetrazolium test, application of germination promoting chemical, or any other appropriate method or combination of methods.

§ 201.58 [Amended]

8. Section 201.58(b) would be amended by deleting subparagraph (7).

9. Section 201.58(b)(3) would be amended by adding at the end of the subparagraph the following: "Sugar beets may require 16 hours soaking in water at 25° C., followed by rinsing and then drying for 2 hours at room temperature."

10. Section 201.58(b)(10) would be amended by adding the following sentence: "If there are over 75 percent normal fluorescent seedlings present at the time of the first count, break the contact of the roots of the nonfluorescent seedlings from the substratum and reread the fluorescence at the time of the final count."

11. Section 201.58(c)—*Table 2; germination requirements for indicated kinds*—Would be amended as listed below:

AGRICULTURAL SEED

Bentgrass:	
Colonial (including Astoria and Highland) *Agrostis tenuis*	Col. 3—add "; 15–25" after "10–30."
Creeping—*Agrostis palustris*	Col. 3—add "; 15–25" after "10–30."
Bluegrass:	
Canada—*Poa compressa*	Col. 3—add "15–25;" before "15–30."
Glaucantha—*Poa glaucantha*	Col. 3—add "15–25;" before "15–30."
Kentucky (all vars.—Poa pratensis)	Col. 3—delete "15–30."
Brome:	
Field—*Bromus arvensis*	Col. 3—reverse to read "15–25; 20–30."
Dropseed, sand—Sporobolus cryptandrus	Col. 3—add "5–35;" before "15–35." Col. 5—delete "42"; add "28." Col. 7—delete present wording. Rewrite as follows: "Prechill at 5° C. for 4 weeks."
Fescue:	
Meadow—*Festuca elatior*	Col. 3—add "; 20–30" after "15–25."
Tall—*Festuca arundinacea*	Col. 3—add "; 20–30" after "15–25."
Beneath "Hardinggrass—*Phalaris tuberosa* var. *stenoptera,*" insert "Hardinggrass (alternate method."	Col. 2—insert "P." Col. 3—insert "15–25." Col. 4—insert "7." Col. 5—insert "14." Col. 6—insert "light; presoak at 15° C. for 24 hours."
Millet:	
Browntop—*Panicum ramosum*	Col. 2—add ", T" after "P." Col. 3—add "; 30" after "20–30."
Add *Alternate method* and insert in	Col. 2—"B, P, T." Col. 3—"5–35." Col. 4—"4." Col. 5—"14." Col. 6—"Light; KNO_3."

AGRICULTURAL SEED—Continued

Foxtail—such as Common, White Wonder, German, Hungarian, Siberian, or Golden—*Setaria italica*	Col. 3—change to read "15–30; 20–30."
Orchardgrass—*Dactylis glomerata*	Col. 3—delete "20–30."
Peanut—*Arachis hypogaea*	Col. 7—delete "Test at 30° C."
Ricegrass, Indian—*Oryzopsis hymenoides*	Col. 2—delete "P"; add "S." Col. 3—add "; 5–15" before "15"; add "; 15–25" after "15." Col. 5—delete "42"; add "28." Col. 7—delete present wording. Rewrite as follows: "Dark; prechill in soil at 5° C. for 4 weeks."
Ryegrass:	
Annual (Italian)—*Lolium multiflorum*	Col. 3—delete "20–30";
Perennial—*Lolium perenne*	Col. 3—delete "20–30;"
Sudangrass—*Sorghum sudanense*	Col. 3—add "; 15–30" after "20–30."
Timothy—*Phleum pratense*	Col. 3—reverse to read "15–25; 20–30."
Wheatgrass:	
Fairway crested—*Agropyron cristatum*	Col. 3—add "; 20–30" after "15–25."
Standard crested—*Agropyron desertorum*	Col. 3—add "; 20–30" after "15–25."
Pubescent—*Agropyron tricophorum*	
Add *Alternate method* and insert in	Col. 2—"P." Col. 3—"20–30." Col. 4—"5." Col. 5—"28." Col. 6—"Light." Col. 7—"Do."
Tall—*Agropyron elongatum*	
Add *Alternate method* and insert in	Col. 2—"P." Col. 3—"20–30." Col. 4—"5." Col. 5—"21." Col. 6—"Light." Col. 7—"Do."

VEGETABLE SEED

Burdock, great—*Arctium lappa*	Col. 5—delete "21"; add "14."
Lettuce—*Lactuca sativa*	Col. 6—delete "for at least ½ hour."

12. Section 201.58a would be amended by adding the following paragraph:

§ 201.58a Indistinguishable seed.

* * * * *

(c) *Wheat.* In determining the varietal purity, the phenol method may be used according to the procedure given in the Association of Official Seed Analysts, Handbook No. 28 "A Standardized Phenol Method for Testing Wheat Seed for Varietal Purity", June 1965.

13. Following § 201.58b a new section would be added as follows:

§ 201.58c Detection of captan, mercury, or thiram on seed.

The bioassay method may be used according to the procedure given in Association of Official Seed Analysts, Handbook No. 26, "Microbiological Assay of Fungicide-treated Seeds", May 1964.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

JUNE 4, 1971.

[FR Doc.71-8125 Filed 6-11-71;8:45 am]

[7 CFR Part 1040]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Southern Michigan marketing area is being considered for the months of July through December 1971.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 6 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be suspended is "yogurt" in § 1040.12. This section defines a "fluid milk product."

The suspension would result in yogurt being classified during the July-December 1971 period as a Class III product rather than as a Class I product. A similar suspension now in effect will expire on June 30, 1971.

Handlers who distribute a major portion of the producer milk on the Southern Michigan market request that the present suspension be continued for several months beyond the June 30 expiration date. These parties allege that the marketing conditions prompting the earlier suspension action have not changed materially. They maintain that without continuation of the suspension Southern Michigan handlers will be unable to compete for yogurt sales with handlers in neighboring markets who pay a minimum price for milk in such use that is substantially less than the Southern Michigan Class I price.

A hearing on this issue in the Southern Michigan market has been delayed pending the Department's recommendations on proposals to adopt a uniform plan of milk classification for seven Midwest Federal order markets, including several in which Michigan handlers are distributing yogurt. A recommended decision on such a uniform classification plan was issued June 4, 1971. Southern Michigan handlers contemplate requesting a hearing following the proceedings on the seven markets.

Signed at Washington, D.C., on June 8, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71–8270 Filed 6–11–71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71–54]

FLINT RIVER, GA.

Drawbridge Operation

The Coast Guard is considering amending the regulations for the Georgia State Highway Department bascule bridge on U.S. 84 across the Flint River, Mile 28.4 at Bainbridge, Ga., to allow the draw to remain closed at all times. The present regulations require that the draw open on signal. This change is being considered because of the lack of marine traffic. The draw was last opened for the passage of a vessel in 1929.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Eighth Coast Guard District (oan), Customhouse, New Orleans, La. 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before July 12, 1971, with his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of 33 CFR be amended by adding § 117.245(i)(7a) to read as follows:

§ 117.245 **Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

* * * * *

(i) * * *

(7a) *Flint River, Ga.*, U.S. Highway 84 bridge at Bainbridge. The draw need not open for the passage of vessels and paragraph (b) through (c) of this section do not apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4) (35 F.R. 15922))

Dated: June 7, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71–8282 Filed 6–11–71;8:51 am]

[CGFR 71–55]

LAGUNA MADRE, TEXAS

Drawbridge Operation

The Coast Guard is considering amending the regulations for the Texas Highway Department swing barge bridge across Humble Oil and Refining Co. Channel on the John F. Kennedy Causeway (Park Road 22) to permit the draw to remain closed to the passage of vessels at all times. The present regulations require that the draw open on signal from 7 a.m. to 4 p.m. and that the draw open on signal if at least 1 hour's notice has been given from 4 p.m. to 7 a.m. This change is being considered because an alternate channel has been completed that bypasses the navigation opening on which the draw of this bridge is located. A new bridge will soon be constructed to replace the present bridge; construction material will be located in the navigation channel during construction of the new bridge.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Eighth Coast Guard District (can), Customhouse, New Orleans, La. 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before July 12, 1971, and his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be

amended by revising § 117.245(j)(40) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(j) * * *

(40) *Laguna Madre, Tex.* John F. Kennedy Causeway swing barge bridge across Humble Oil and Refining Co. Channel. The draw need not open for the passage of vessels and paragraphs (b) through (e) of this section shall not apply to this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(o)(5); 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Dated: June 7, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-8283 Filed 6-11-71;8:51 am]

Federal Aviation Administration

[14 CFR Part 121]

[Docket No. 10358]

LIMITATION OF USE BY CERTIFICATE HOLDERS OF PILOTS THAT HAVE REACHED THEIR 60TH BIRTHDAY

Notice of Postponement of Public Hearing

Notice was issued on April 9, 1971, and published in the FEDERAL REGISTER (36 F.R. 7153; April 15, 1971), that the FAA would hold a public hearing at 9:30 a.m., June 15, 1971, to receive the views of all interested persons concerning proposals to amend Part 121 of the Federal Aviation Regulations by amending or revoking § 121.383(c), the "age 60" rule.

Request for a postponement of the hearing has been made on June 10, 1971, in behalf of Air Line Pilots Association, International (ALPA), one of the interested persons who have requested an opportunity to make an oral statement at the hearing. A majority of the interested persons requesting such an opportunity have agreed to a postponement.

I find that ALPA has a substantive interest in the matter, that good cause exists for the postponement, and that the postponement is consistent with the public interest.

Therefore, the hearing is postponed until a date to be fixed by the FAA and to be published in the FEDERAL REGISTER.

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

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

[FR Doc.71-8411 Filed 6-11-71;11:04 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-152]

FOREIGN CURRENCIES

Rates of Exchange for Swiss Franc

JUNE 2, 1971.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Swiss franc between May 24 and May 28, 1971.

Treasury Decision 71-101 published as the rate of exchange for the Swiss franc for use during the calendar quarter beginning April 1 through June 30, 1971, $0.232800, as certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under the provisions of section 522(c) of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)).

For the dates listed below, the Federal Reserve Bank of New York certified rates for the Swiss franc which vary by 5 per centum or more from the rate $0.232800. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert Swiss currency into currency of the United States, conversion shall be at the daily rate certified by the Federal Reserve Bank of New York, as herewith published.

Swiss franc:	
May 24, 1971	$0.245275
May 25, 1971	.244693
May 26, 1971	.244606
May 27, 1971*	.232800
May 28, 1971*	.232800

* Rate did not vary by 5 per centum or more from the rate of exchange published in T.D. 71-101 for use during calendar quarter beginning Apr. 1, 1971.

Rates of exchange certified for the Swiss franc which vary by 5 per centum or more from the rate of $0.232800 during the balance of the calendar quarter ending June 30, 1971, will be published in a Treasury Decision for dates subsequent to May 28, 1971, and before July 1, 1971.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-8316 Filed 6-11-71;8:55 am]

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 15]

WILSHIRE INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $135,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

WILSHIRE INSURANCE COMPANY

LOS ANGELES, CALIFORNIA

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: June 8, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-8281 Filed 6-11-71;8:51 am]

DEPARTMENT OF DEFENSE

Department of the Army

OFFICE OF CIVIL DEFENSE

Delegation of Authority

Subsection 4(c) of *Delegations of Authority* promulgated August 19, 1964 (29 F.R. 11852), is amended by deleting the words "having an original single item acquisition cost of less than fifty thousand dollars ($50,000)" therefrom. As revised, subsection 4(c) reads as follows:

SEC. 4. Regional Directors * * *

(c) Determination on an individual case basis of Federal surplus property which does not so appear in the representative lists of categories of property (presently known as the "U&N" list and contained in the Federal Civil Defense Guide, Part F, Chapter 5, Appendix 3) to be usable and necessary for the civil defense program of a specific proposed donee for the purposes of donation under the Federal Property and Administrative Services Act of 1949, as amended.

Dated: May 28, 1971.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.71-8207 Filed 6-11-71;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF LANDS AND MINERALS OPERATIONS, DIVISION OF TECHNICAL SERVICES, NEW MEXICO STATE OFFICE

Redelegation of Authority

JUNE 2, 1971.

1. Pursuant to the authority contained in Part I, section 1.1(a) of Bureau Order No. 701 of July 23, 1964, as amended, I hereby redelegate to the Chief, Branch of Lands and Minerals Operations, in the Division of Technical Services, authority to take action on the matters listed in Part II-A, sections 2.2(b)(d), 2.5, 2.6, and 2.9.

2. The Chief, Division of Technical Services, may in his discretion, personally exercise any authority hereby delegated to the Chief, Branch of Lands and Minerals Operations.

3. The authority delegated in paragraph 1 above may not be redelegated.

4. The Chief, Branch of Lands and Minerals Operations may, by written order, designate any qualified employee of the Branch to perform the functions of his position in his absence. Such order will be approved by the Chief, Division of Technical Services.

5. Effective date. This redelegation will become effective June 15, 1971.

W. J. ANDERSON,
State Director.

Approved:

JOHN O. CROW,
Associate Director.

[FR Doc.71-8257 Filed 6-11-71;8:50 am]

[Wyoming 28577]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 7, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Wyoming 28577, for the withdrawal of lands described below, from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to assure tenure of the described lands which contain valuable recreational improvements.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present

their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, WY 82001.

The Department's regulations 43 CFR 2351.4(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicants, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

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

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

MEDICINE BOW NATIONAL FOREST

Boswell Creek Campground

T. 12 N., R. 78 W.,
Sec. 22, lot 1;
Sec. 23, lot 4.

Miller Lake Campground

T. 13 N., R. 78 W.,
Sec. 28, SW¼NE¼ and NE¼NW¼SE¼.

North French Creek Administrative Site

T. 16 N., R. 80 W.,
Sec. 27, W½SW¼NW¼;
Sec. 28, E½E½SE¼NE¼.

Bow River Campground

T. 18 N., R. 80 W.,
Sec. 22, SW¼SE¼.

Hog Park Reservoir Recreation Area

T. 12 N., R. 84 W.,
Sec. 5, SE¼NE¼SW¼, S½SW¼, SW¼NW¼SE¼, and SW¼SE¼;
Sec. 6, lots 2, 3, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, N½NE¼ and SE¼NE¼;
Sec. 8, NW¼.

Haskins Creek Campground

T. 14 N., R. 86 W.,
Sec. 27, W½NE¼SE¼.

The areas described aggregate 1,065.65 acres.

MARLON C. OSBORNE,
Acting State Director.

[FR Doc.71-8258 Filed 6-11-71;8:50 am]

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., July 1, 1971.

SEWARD MERIDIAN, ALASKA

T. 13 N., R. 1 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, SW¼SW¼;
Sec. 4, all;
Sec. 9, N½, E½SE¼;
Sec. 10, all;
Sec. 15, all;
Sec. 22, N½;
Sec. 23, W½.
Containing 3,639.48 acres.
T. 14 N., R. 1 W.,
Sec. 3, N½N½;
Sec. 15, SW¼NW¼;
Sec. 27, all;
Sec. 28, all;
Sec. 29, NE¼;
Sec. 33, all;
Sec. 34, lots 1, 2, 3, 4, N½, N½S½;
Sec. 35, lots 1, 2, 3, 4, N½, N½S½.
Containing 3,561.82 acres.

2. The land is mountainous with the elevation ranging from 350 to 4,400 feet above sea level. The soil is mostly thin and rocky. Timber is first and second growth spruce, birch, aspen, and cottonwood, with dense alder and willow undergrowth. Lands in these surveys are traversed by the Main Fork and the South Fork of Eagle River, and unimproved dirt roads.

3. There are two overlapping power site classifications in T. 14 N., R. 1 W. They are Power Site Classification No. 107 created by departmental order and Power Site Classification No. 399 created by Geological Survey. Portions of these classifications, as amended, have been designated Power Project No. 2405 by the Federal Power Commission. They are reserved under the provisions of section 24 of the Federal Power Act of June 10, 1920, as amended, and embrace, in part, the following described lands:

SEWARD MERIDIAN, ALASKA

T. 14 N., R. 1 W.,
Sec. 27: N½NE¼, N½SE¼NE¼, E½SE¼SE¼NE¼, NW¼SE¼SE¼NE¼, N½SW¼SE¼NE¼, NE¼SW¼NE¼, N½NW¼SW¼NE¼, N½NE¼NW¼, N½SE¼NE¼NW¼, SE¼SE¼NE¼NW¼, NE¼SW¼NE¼NW¼, N½NE¼NW¼NW¼;
Sec. 35.: NE¼NE¼NE¼, NE¼NW¼NE¼NE¼.

4. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582 dated January 17, 1969, as modified and amended by Public Land Office 4962, dated December 11, 1970, and the requirements of applicable law, rules, and regulations.

5. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage AK 99501.

CLARK R. NOBLE,
Land Office Manager.

[FR Doc.71-8290 Filed 6-11-71;8:52 am]

Bureau of Reclamation

YUMA PROJECT, ARIZONA-CALIFORNIA VALLEY DIVISION

Availability of Water

APRIL 26, 1971.

Public notice announcing availability of water for Arizona State land sold pursuant to the provisions of Title 37, Arizona Revised Statutes, article 3, sections 37-231 et seq., and for which a certificate of purchase has been issued.

1. *Land for which water will be available.* In pursuance of the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, especially the Act of August 13, 1914 (38 Stat. 686), as amended, and the Act of June 29, 1956 (70 Stat. 409), notice is hereby given that upon proper water-right application being made therefor, water will be furnished under the Valley Division of the Yuma Project, during calendar year 1971 and thereafter for the following described land:

VALLEY DIVISION

GILA AND SALT RIVER BASE AND MERIDIAN, ARIZONA

Section	Description	Irrigable acreage
	T. 10 S., R. 24 W.,	
16	That portion of the W½SE¼ lying west of the Main Drain.	20.50
	T. 9 S., R. 24 W.,	
16	N½SE¼	76.60

2. *Limit of area for which water right may be secured.* The maximum acreage of State land for which water-right application may be made shall be one hundred sixty (160) acres of irrigable land for each landowner or certificate of purchase holder.

3. *Application for water rights.* (a) All water-right applications must be made to the Yuma County Water Users' Association, North Second Avenue, Yuma, Ariz., upon form provided for that purpose as indicated in subsection 3(b) and may be made on or after the date of this notice.

(b) The following form of water-right application has been adopted for use in connection with State land under certificate of purchase and located in the Valley Division of the Yuma Project: Form Yuma B-3 for Arizona State lands sold pursuant to the provisions of Title 37, Arizona Revised Statutes, article 3, sections 37-231 et seq., and for which a certificate of purchase has been issued.

(c) Applications for fractions of the parcels described in section 1 or for less than all of the acreage therein specified for any parcel will not be approved.

4. *Construction and other charges on the Valley Division.* The land in the Valley Division covered by this notice is affected by contracts between the United States of America and Yuma County Water Users' Association, dated May 31, 1906, February 5, 1931, and April 1, 1957, respectively, copies of which are available for inspection at the office of said Association and at the office of the Project Manager, Bureau of Reclamation, Yuma, Ariz. Under said contracts, the Association is entitled to collect and retain payment of the following charges: Annual operation and maintenance charges covering the cost of operating and maintaining the irrigation system and other Association expenses, and a construction charge to return the cost of the system. These charges are assessable against each acre of said land now and hereafter found irrigable by or under the authority of the Secretary of the Interior. The construction charge for each such acre is $85 payable in not to exceed 30 equal installments which shall not be less than $2.93 at the time of filing water-right application, and not less than $2.83 on each December 1 thereafter until all of said construction charge has been paid in full. The above-mentioned operation and maintenance charges shall be payable to Yuma County Water Users' Association pursuant to public notices to be issued annually by the Association covering the assessments levied by it to provide revenues to meet its obligations and expenses. At the time of filing water-right application, the applicant will be required to apply for membership in said Association. No such application will be approved until the applicant has become a member of the Association, as evidenced by stock of said Association duly issued to the applicant.

5. *Exclusion of land by action of Colorado River.* Every water-right application shall contain the following provisions:

The Applicant hereby releases the United States and the Association from any and all claims for loss or damages on account of (1) the exclusion of said land or any part thereof, from the irrigable land of said project, or (2) the failure to supply water for the irrigation of any part of the land hereinbefore described when such exclusion or failure is due to (a) the destruction by flood, erosion, encroachment, or other action of the Colorado River, of the levees erected by the Bureau of Reclamation along the banks of said river, or (b) a change in the location of said levees when such change is considered necessary by the United States to prevent the destruction of said levees from the said causes. Land so excluded shall be relieved from payment of all construction and operation and maintenance charges which otherwise would thereafter become due from the land so excluded, but construction and operation and maintenance charges heretofore paid on land so excluded shall not be refunded.

6. *Increased construction charge.* In all cases where water-right application for any State land described in section 1 hereof shall not be made within 1 year from the date of this notice, the construction charge for such land shall be increased 5 per centum each year until such application is made and an initial installment is paid.

E. A. LUNDBERG,
Regional Director, Region 3,
Bureau of Reclamation.

[FR Doc.71-8256 Filed 6-11-71;8:50 am]

National Park Service

DINOSAUR NATIONAL MONUMENT

Notice of Intention To Issue Concession Permits

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Dinosaur National Monument, proposes to issue concession permits to Hatch River Expeditions, Inc., and Western Rivers Expeditions, Inc., authorizing them to provide concession facilities and services for the public at Dinosaur National Monument for a period of five (5) years from January 1, 1971, through December 31, 1975.

The foregoing concessioners have performed their obligations under prior permits to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, are entitled to be given preference in the renewal of the permits and in the negotiation of new permits. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Dinosaur National Monument, Post Office Box 101, Dinosaur, CO 81610, for information as to the requirements of the proposed permits.

Dated: June 1, 1971.

EDWARD A. HUMMEL,
Assistant Director,
National Park Service.

[FR Doc.71-8259 Filed 6-11-71;8:50 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

NATIONAL SCHOOL LUNCH PROGRAM AND COMMODITY ONLY SCHOOLS

Income Poverty Guidelines for Determining Eligibility for Free and Reduced Price Lunches

Pursuant to section 9 of the National School Lunch Act, as amended (42 U.S.C. 1758, Public Law 91-248), the income poverty guidelines for determining eligibility for free and reduced price lunches in National School Lunch Program and commodity only schools are prescribed, as of July 1, 1971, as follows:

Family size	48 States, D.C., and outlying areas [1]	Hawaii	Alaska
One	$2,040	$2,320	$2,490
Two	2,670	3,050	3,270
Three	3,310	3,780	4,050
Four	3,940	4,500	4,830
Five	4,530	5,170	5,550
Six	5,110	5,830	6,260
Seven	5,640	6,430	6,910
Eight	6,170	7,040	7,560
Nine	6,650	7,580	8,140
Ten	7,120	8,130	8,720
Eleven	7,600	8,680	9,300
Twelve	8,080	9,230	9,880
Each additional family member	480	550	580

[1] "Outlying Areas" include the Commonwealth of Puerto Rico, Guam, Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

The income poverty guidelines set forth above are the minimum family size annual income levels to be used by local school food authorities in establishing eligibility for free and reduced price lunches in schools after July 1, 1971.

The income poverty guidelines are based on the latest statistics on poverty levels reported by the Census Bureau's Current Population Reports, Series P-60, No. 77, dated May 7, 1971. Variations for Hawaii and Alaska are consistent with such variations established by the Office of Economic Opportunity in its Income Poverty Guidelines (34 F.R. 20431, Dec. 31, 1969; 35 F.R. 5948, Apr. 10, 1970), with appropriate adjustments.

"Income," as the term is used in this notice, is similar to that defined in the Bureau of Census report, "24 Million Americans, Poverty in the United States: 1969", Consumer Income, Current Population Reports, Series P-60, No. 76, Dec. 16, 1970. "Income" means income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following: (1) Monetary compensation for services, including wages, salary, commissions, or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds, income from estates or trusts or net rental income; (6) public assistance or welfare payments; (7) unemployment compensation; (8) Government civilian employee or military retirement, or pensions, or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (11) regular contributions from persons not living in the household; (12) net royalties; and (13) other cash income.

In applying these guidelines, school food authorities may consider both the income of the family during the past 12 months and the family's current rate of income to determine which is the better indicator of the need for free and reduced price lunches.

Effective date. This notice shall be effective on and after July 1, 1971.

Dated: June 8, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-8271 Filed 6-11-71;8:51 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

CALIFORNIA STATE POLYTECHNIC COLLEGE

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. 71-00253-33-46040. Applicant: California State Polytechnic College, 3801 West Temple Avenue, Pomona, CA 91768. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used by a faculty member and his students in research concerning the fine structure of intracellular symbiotic bacteroids in insects. General Cytology and Experimental Biology and Ultrastructural Studies are two courses in which the article will be used to teach electron microscope techniques in the simplest way possible.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated February 12, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8208 Filed 6-11-71;8:45 am]

DIVISION STATE MEDICAL EXAMINATION

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. 71-00344-33-46500. Applicant: Division State Medical Examination, 150 Cabinet Street, Newark, NJ 07107. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter, A.B., Sweden.

Intended use of article: The article will be used to study biologic material, mainly various mammalian tissues, including human biopsy material (kidney, heart, liver, and gastrointestinal tract). Projects concern human biopsy and animal experiments in acute and chronic drug states, including acute chronic alcoholism and heavy metal intoxication.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of April 5, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the successful sectioning of the softer specimens encountered in the applicant's studies and ultrastructural analysis of human biopsy material and analogous experimental animal tissue. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00768-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purpose as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8209 Filed 6-11-71;8:45 am]

HARVARD UNIVERSITY

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

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

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

of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00247–33–46500. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research and educational training in cellular anatomy, cellular biology (including vertebrate and invertebrate pathology, morphogenesis, and immunology) as well as virology. Investigations concern structures of microtubules and more especially that of the sites from which they develop; and effect of various biological substances on cell membranes of Trypanosoma cruzi and its transformation.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of February 5, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the preparation of ultrathin serial sections of I. Cruzi, S. masoni and B. glabrata for high resolution electron microscopy, particularly to those studies involving the softer or the more difficulty cut specimens. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71–8210 Filed 6–11–71;8:45 am]

LANKENAU HOSPITAL

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. 71–00250–33–46500. Applicant: The Lankenau Hospital, Lancaster and City Line Avenues, Philadelphia, PA 19151. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used by the Department of Pathology for examination of biopsy material for diagnostic purposes. The Division of Research is investigating lung transplantation, fine structure of human amnion and chorion, and virus infected cells and tissues.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristic of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultra microtome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of February 12, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the cutting of the softer specimens encountered in the applicant's study of the fine structure of lung and human fetal membranes. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71–8211 Filed 6–11–71;8:45 am]

MICHIGAN STATE UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scien-

tific 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. 71-00283-33-46500. Applicant: Michigan State University, Center for Laboratory Animal Resources, 127D Giltner Hall, East Lansing, MI 48823. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for a comparative study of placental membranes involving descriptions of the vascular patterns and relationship between the maternal and fetal circulation; monitoring of enzyme activity during the course of pregnancy; and for studies of hormone receptor sites in the placenta.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of February 26, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the successful ultrathin sectioning of the softer or more difficult specimens encountered in the applicant's research studies involving the architecture and identification of viral capsids from infected chicken embryo yoke sacs and bovine fetus. HEW cites as a precedent its prior recommendation relating to Docket No. 71-00001-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8212 Filed 6-11-71;8:46 am]

NAVAL MEDICAL RESEARCH UNIT NO. 4

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. 71-00343-33-46500. Applicant: Naval Medical Research Unit No. 4, Great Lakes, Ill., 60088. Article: Ultramicrotome, Model LKB 8800A. Manufacturer LKB Produkter, A.B., Sweden.

Intended use of article: The article will be used to section virus infected tissues and organs as well as tissue cultures from animal and human sources. Visualization and identification of the virus particles in situ by electron microscopy of ultrathin sections will be employed for disease diagnosis and research on the pathogenesis of viral infections.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-13-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec.

We are advised by HEW in its memorandum of April 5, 1971, that cutting speeds in excess of 4 mm/sec are pertinent to the successful sectioning of the softer specimens encountered in the applicant's research studies relating to the development of rapid methods for the diagnosis of viral infections that involves ultrathin serial sectioning of a variety of tissue and tissue culture monolayers. HEW cites as a precedent its prior recommendation relating to Docket No. 71-00001-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8213 Filed 6-11-71;8:46 am]

PASSAVANT MEMORIAL HOSPITAL

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. 71–00225–33–46500. Applicant: Passavant Memorial Hospital, 303 East Superior Street, Chicago, IL 60611. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for sectioning of a variety of materials including renal and surgical biopsy material. An initial and essential part of the work will be development of techniques for the rapid embedding and sectioning of biopsy material for diagnostic purpose.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 29, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the sectioning of a variety of biopsy and autopsy specimens including renal and brain tissues and the development of techniques for rapid embedding and sectioning. HEW cites as a precedent its prior recommendation relating to Docket No. 70–00612–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71–8214 Filed 6–11–71;8:46 am]

UNIVERSITY OF WISCONSIN

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. 71–00214–33–46500. Applicant: University of Wisconsin Medical School, Bardeen Medical Labs., 1255 Linden Drive, Madison, WI 53706. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for biological studies on embryonic tissues from mammalian and avian sources. The properties to be investigated are those which lend themselves to an understanding of embryonic cell death as a normal and necessary morphogenetic process in development.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 29, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the successful sectioning of embryonic limb buds composed of loosely packed mesenchymal cells that are quite soft. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71–8215 Filed 6–11–71;8:46 am]

POLYTECHNIC INSTITUTE OF BROOKLYN

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. 71–00322–33–46500. Applicant: Polytechnic Institute of Brooklyn, 333 Jay Street, Brooklyn, NY 11201. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter, A.B., Sweden.

Intended use of article: The article will be used to study the effect of certain chemicals such as thallium sulfate, thallium radioactive, potassium sulfate, etc., upon chicken and rat embryos in the production of hadacidin birth defects. The changes in development of bones, connective tissue and malformation caused by these chemicals are being investigated.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of March 26, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the ultrathin sectioning of difficultly cut chicken and rat embryos for reconstruction of ultrastructure to study development of bone, connective tissue and malformations in the applicant's program for the investigation of birth defects. HEW cites as a precedent its prior recommendation relating Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71–8216 Filed 6–11–71;8:46 am]

SOUTHERN ILLINOIS UNIVERSITY

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

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

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

Docket No. 71–00311–33–46500. Applicant: Southern Illinois University, Laboratory of Molecular Virology, Carbondale, IL 62901. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to study biological materials, primarily virus-host-cell systems. The properties of the materials to be investigated are those which lend themselves to an understanding of the structural bases for the controlled transcription of the DNA molecule in poxviruses, which involves the arrangement of information along DNA molecules, the continuity of the polynucleotide strands and location and structure of the replication point.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speed and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of March 19, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the ultrathin sectioning of tissue culture cells and loose masses of large molecules encountered in the applicant's ultrastructural studies of virus infected cells and polynucleotide strands of viral DNA. HEW cites as a precedent its prior recommendation relating Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8217 Filed 6-11-71;8:46 am]

STANFORD UNIVERSITY

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

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

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

Docket No. 71-00307-33-46500. Applicant: Stanford University, Purchasing Department, 820 Quarry Road, Palo Alto, CA 94304. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in a study of the substructure and function of cell types, including lymphocytes, histiocytes, eosinophils, and Reed-Sternberg cells in lesions of Hodgkin's disease. The primary objective of the research is to improve methods for the diagnosis of Hodgkin's disease.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of March 19, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the ultrathin sectioning of the softer specimens encountered in the applicant's research studies involving substructure and function of a variety of cell types. HEW cites as a precedent its prior recommendation relating to Docket No. 71-00001-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8218 Filed 6-11-71;8:46 am]

STANFORD UNIVERSITY

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

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

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

Docket No. 71-00187-33-46500. Applicant: Stanford University, Department of Medicine, 300 Pasteur Drive, Palo Alto, CA 94305. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research concerning the ultrastructural localization of insulin in the kidney, liver, and pancreas of animals of varying physiological states. In addition, attempts will be made to stain ultrathin plastic sections of insulin-containing tissues directly with ferritin conjugated-insulin antibodies.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 19, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies in ultrastructural localization of insulin in the kidney, liver, and pancreas of normal and treated animals. HEW cited as precedent its prior recommendation relating to Docket No. 70-00612-33-46500 which conforms in many particulars with the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article,

for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8219 Filed 6-11-71;8:46 am]

TEXAS A & M UNIVERSITY

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

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

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

Docket No. 71-00285-91-46500. Applicant: Texas A & M University, Department of Biochemistry & Biophysics, College Station, TX 77483. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for studies of tissues from plant embryos (shepherd's purse, peanut, coconut, cotton) and plant endosperm (coconut) to determine how seed specific proteins are synthesized and sequested in aleurone vacuoles.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of February 26, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies which involve the production of very thin serial sections of uniform thickness from difficultly cut and soft specimens of plant embryos in which fat globules, lipid droplets, etc., are intact. HEW cities as a precedent its prior recommendation relating to Docket No. 71-00001-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8220 Filed 6-11-71;8:46 am]

TRUSTEES OF HEALTH AND HOSPITALS OF THE CITY OF BOSTON, INC.

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. 71-00350-33-46040. Applicant: Trustees of Health and Hospitals of the City of Boston, Inc., 909 Massachusetts Avenue, Boston, MA 02118. Article: Electron microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used at the Mallory Institute of Pathology for postgraduate training in pathology. House officers in pathology (interns, residents, and fellows) will be given instruction in normal and pathologic fine structure. Electron microscopy, tissue preparations, and studies of normal and abnormal fine structure will be taught to the present 21 trainees.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron miroscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated April 20, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8221 Filed 6-11-71;8:46 am]

UNIVERSITY OF CONNECTICUT

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. 71–00342–33–46500. Applicant: The University of Connecticut, Health Center, Hartford Plaza, Hartford, CT 06105. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter, A.B., Sweden.

Intended use of article: The article will be used to produce thin sections for electron microscopy. The research involves ultrastructural study of nervous tissue and subcellular fractions of nervous tissue. Projects include the effects of psychoactive drugs on ultrastructural distribution of glycogen in mouse brain, study of synaptic structure in the cerebellum of the dogfish shark, and attempts to isolate and ultrastructurally characterize presynaptic and postsynaptic membranes from brain functions.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of April 5, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's ultrastructural study of nervous tissue and subcellular fractions including presynaptic and postsynaptic membranes from brain fractions which requires ultrathin serial sectioning of soft specimens. HEW cites as precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71–8222 Filed 6–11–71;8:47 am]

UNIVERSITY OF CONNECTICUT

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. 71–00315–33–46500. Applicant: University of Connecticut, Storrs, Conn. 06268. Article: Three ultramicrotomes, Model LKB 8800A and accessories. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to produce ultrathin sections for electron microscopic studies dealing with the fine structure of nervous tissue from the cerebellum of developing and adult animals, normal and operated. One of the major projects is the study of the maturation of intercellular contacts and synaptic membranes, as well as their reaction to axonal degeneration at different stages of maturation.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of March 26, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to obtaining uniform ultrathin serial sections of the soft embryonic tissue encountered in the applicant's studies of the fine structure of nervous tissue including maturation of intercellular contacts and synaptic membrane. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71–8223 Filed 6–11–71;8:47 am]

UNIVERSITY OF ILLINOIS

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. 71-00275-33-46500. Applicant: University of Illinois, Purchasing Division, Urbana-Champaign Campus, 223 Administration Building, Urbana, IL 61801. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to thin-section a variety of materials from plants, animals and metals. The investigations involve the study of the ultrastructural properties of these materials and also, the localization and the role of enzymes in plant, animal and microbial cells.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge conditon and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of February 19, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the sectioning, for ultrastructural study by the applicant, of such soft materials as embryonic cells or pellets of cell organelles. HEW cites as a precedent its prior recommendations relating to Docket No. 71-00001-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8224 Filed 6-11-71;8:47 am]

UNIVERSITY OF MISSOURI

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. 71-00260-33-46500. Applicant: University of Missouri-Columbia, School of Veterinary Medicine, Department of Veterinary Anatomy, Columbia, MO 65201. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for studies of biological tissues from mammalian sources and used for experimental purposes. These tissues include the central nervous system, infundibulum, hypophysis and testis of the newborn, immature and adult animal for research studying the fine structure of the nervous and endocrine systems.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultra-microtome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec.

We are advised by HEW in its memorandum of February 12, 1971, that cutting speeds in excess of 4 mm/sec are pertinent to the serial sectioning of the softer specimens of testis, pituitary gland and the glands neural portions, from newborn animals, encountered in the applicant's fine structural studies into normal development and neuranal damage following the use of antifertility compounds and other procedures. HEW cites as a precedent its prior recommendation relating to Docket No. 71-00001-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8225 Filed 6-11-71;8:47 am]

UNIVERSITY OF ROCHESTER

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. 71-00332-46500. Applicant: University of Rochester, River Campus, Rochester, NY 14627. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research concerning the ultrastructure of nerve tissue, particularly axonal and synaptic membrane ultrastructure. Another project involves fixation techniques for electron microscopy of different vertebrate tissues such as skeletal muscle, heart, central and peripheral nervous system, liver, kidney, bone, etc., as well as in invertebrate nervous tissue.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec.

We are advised by HEW in its memorandum of April 5, 1971, that cutting speeds in excess of 4 mm/sec are pertinent to the applicant's research studies involving fixation techniques and ultrastructure of nerve tissue which will require ultrathin sectioning of very soft invertebrate nervous tissue. HEW cites as a precedent its prior recommendation relating to Docket Number 71-00001-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-8226 Filed 6-11-71;8:47 am]

UNIVERSITY OF SOUTHERN CALIFORNIA

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

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

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

Docket No. 71-00261-33-46500. Applicant: University of Southern California, School of Medicine, Department of Pathology, 2025 Zonal Avenue, Los Angeles, CA 90033. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to produce both serial ultrathin sections and one micron thick sections of human and animal brain. Research includes preparation of human tissues obtained at surgery and autopsy in order to study material in which slow or latent viral infection are suspected; and the examination of primary tumors of the human nervous system to search for viral particles and to determine variant submicroscopic cellular differences. Educational purposes include instruction of graduate students in experimental pathology and residents in neuropathology.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of February 12, 1971, that cutting speeds in excess of 4 mm./sec. are

pertinent to the cutting of the softer or more difficult specimens encountered in the applicant's research studies involving the ultrathin serial sectioning of human and animal brain and other nervous system tissues to verify and identify virus budding from a membrane. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71–8227 Filed 6–11–71;8:47 am]

UNIVERSITY OF TEXAS

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. 71–00348–33–46500. Applicant: The University of Texas, M.D. Anderson Hospital and Tumor Institute at Houston, Texas Medical Center, Houston, Tex. 77025. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter, A.B., Sweden.

Intended use of article: The article will be used for research involving the quantitative studies of number and distributions of microtubles in various motile systems such as the mitotic spindle, spermatozoan flagellum, cilia and centrioles. In addition, an attempt will be made to localize various enzymes by ultracytochemical techniques.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec.

We are advised by HEW in its memorandum of April 20, 1971, that cutting speeds in excess of 4 mm/sec are pertinent to the research studies involving the applicant's "selected cell ultramicrotomy" techniques as well as the applicant's studies of microtubles and localization of enzymes in soft tissue requiring ultrathin sectioning of single cells. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71–8228 Filed 6–11–71;8:47 am]

UNIVERSITY OF WISCONSIN

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. 71–00282–33–46500. Applicant: University of Wisconsin, Department of Pathology, Service Memorial Institute, 470 North Charter Street, Madison, WI 53706. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for projects involving procedures for both investigative and diagnostic examination of a variety of tissues (kidney, brain, and lung) with diseases of interest to the immunopathologist.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable

domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec.

We are advised by HEW in its memorandum of February 19, 1971, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the softer or more difficultly cut specimens encountered in the sectioning of needle biopsy and other specimens of lung and kidney tissue in the normal and diseased state for the applicant's study at the ultrastructural level. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71–8229 Filed 6–11–71;8:47 am]

WAGNER COLLEGE

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. 71–00183–33–46500. Applicant: Wagner College, 631 Howard Avenue, Staten Island, NY 10301. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for educational and research purposes. Research projects include (a) an investigation of new embedding materials for special tissues, consisting of new polymers formed by interaction of epoxy resins and thiokol rubbers, (b) an investigation of the finer structures of specific bacteria and the intracellular multiplication of microbes within certain tissues of experimental animals as well as in monolayer tissues cultures, (c) time study of tumor detection in susceptible animals, and (d) identification of an enzyme system by forming complexes with electron dense labelers. The article will also be used as a teaching instrument in courses in electron microscopy.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 19, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the comparison of methacrylate with new polymers, as embeddings for particular tissues for the production of the thinnest possible sections. HEW further advises, that tumor and biopsy specimens are also to be sectioned. HEW cited as precedent its prior recommendation relating to Docket No. 71–00001–63–46500 which conforms many particulars with the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71–8230 Filed 6–11–71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–337; NADA 12–114V]

ABBOTT LABORATORIES

Erythromycin Stearate With Hexocyclium Methylsulfate; Notice of Opportunity for Hearing

In an announcement in the FEDERAL REGISTER of June 10, 1970 (35 F.R. 8955), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of a report received from the Academy on Byogic, NADA (new animal drug application) No. 12–114V. Byogic contains erythromycin stearate and hexocyclium methylsulfate and is marketed by Abbott Laboratories, North Chicago, Ill. 60064.

The announcement invited the holder of said new animal drug application and any other interested persons to submit pertinent data on the drug's effectiveness.

No data were received in response to the announcement and available information fails to provide substantial evidence that the drug is effective for the respiratory-enteritis complex and sequelae in cats, dogs, and small laboratory animals.

Therefore, notice is given to Abbott Laboratories and to any other interested person who may be adversely affected that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA No. 12–114V and all amendments and supplements thereto. This action is proposed on the grounds that there is a lack of substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant and any other interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 12–114V should not be withdrawn.

Promulgation of the order will cause any drug similar in composition to the above cited drug product and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to appropriate regulatory action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–8251 Filed 6–11–71;8:49 am]

E. R. SQUIBB & SONS, INC.

Certain Drinking Water Preparations Containing Oxytetracycline; Notice of Drugs Deemed Adulterated

In the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13589 and 13590) announcements were published concerning the drugs Gland-O-Lac.

Gol-A-Cin (DESI 0135 NV) and Vit-A-Cin (DESI 0141 NV) by E. R. Squibb & Sons, Inc., Agricultural Research Center, Three Bridges, N.J. 08887. The announcements set forth the findings of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and the Food and Drug Administration that these drugs are probably not effective for poultry under the conditions of use prescribed, recommended, or suggested in the labeling. Said announcements provided the manufacturer and all interested parties a 6 month period in which to submit new animal drug applications.

E. R. Squibb & Sons, Inc., did not submit a new animal drug application for the above named products within the time permitted. In their response to the announcements, they stated that the listed drugs have been deleted from their product line.

Based on the foregoing and information before him, the Commissioner of Food and Drugs concludes that the above named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act in that they are not the subject of approved new animal drug applications pursuant to Section 512 of the act. Therefore, notice is given to E. R. Squibb & Sons, Inc., and to all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343–51; 21 U.S.C. 351(a)(5), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–8252 Filed 6–11–71;8:49 am]

[Docket No. FDC–D–346; NADA No. 10–077V]

JENSEN-SALSBERY LABORATORIES

Tyrothricin-Papain-Urea Boluses; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of August 25, 1970 (35 F.R. 13542, DESI 10077V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of a report received from the Academy on Uterase Boluses, NADA (new animal drug application) No. 10–077V, which contains tyrothricin, papain, and urea, and marketed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., Kansas City Mo. 64108.

The announcement invited the holders of said new animal drug application and any other interested persons to submit pertinent data on the drug's effectiveness.

No data were received in response to the announcement and available information fails to provid substantial evidence that the drug is effective for intrauterine treatment of bovine endometritis and for treatment following removal of retained placenta.

Therefore, notice is given to Jensen-Salsbery Laboratories and to any interested person who may be adversely affected that the Commissioner proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA 10–077V and all amendments and supplements thereto held by said firm on the grounds that:

New information before the Commissioner with respect to the drug was evaluated together with the evidence available to him when the application was approved. These data do not provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In accordance with provisions of section 512 of the Act (21 U.S.C. 360b), the Commissioner will give the applicants and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 10–077V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above listed drug product and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to appropriate regulatory action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing

Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing a genuine and substantial issue of fact requiring a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8253 Filed 6-11-71;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Designation and Delegation of Authority

SECTION A. *Designation.* Norman V. Watson is hereby designated to serve as Acting Assistant Secretary for Housing Management during the present vacancy in the Office of Assistant Secretary for Housing Management with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Housing Management.

SEC. B. *Delegation of authority.* G. Richard Dunnells, Special Assistant to the Under Secretary, is hereby authorized to exercise the power and authority of the Deputy Assistant Secretary for Housing Management and, during any absence of Norman V. Watson, to serve as Acting Assistant Secretary for Housing Management with all the power and authority delegated to the Assistant Secretary for Housing Management.

This document supersedes the designation published at 35 F.R. 12621, August 7, 1970, and the delegation of authority published at 35 F.R. 19585, December 24, 1970.

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

Effective date. This delegation and designation shall be effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-8315 Filed 6-11-71;8:55 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-389]

FLORIDA POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

The Florida Power and Light Co., 4200 Flagler Place, Post Office Box 3100, Miami, FL 33101, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, dated April 30, 1971, for authorization to construct and operate a pressurized water nuclear reactor, designated as the Hutchinson Island Nuclear Power Plant, Unit No. 2, on Hutchinson Island in St. Lucie County, Fla. The 1,132-acre site is located about 10 miles from Fort Pierce and 10 miles from Stuart on the east coast of Florida.

The proposed facility is designed for initial operation at approximately 2,440 thermal megawatts with a net electrical output of approximately 890 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after June 12, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, FL 33450.

Dated at Bethesda, Md., this 1st day of June 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-7833 Filed 6-11-71;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER AND LIGHT CO.

Consideration of Issuance of Amendment to Provisional Operating License

The Atomic Energy Commission (the Commission) will consider the issuance of an amendment to Provisional Operating License No. DPR-16 which would authorize the Jersey Central Power and Light Co. (Jersey Central) to operate the Oyster Creek Nuclear Power Plant Unit No. 1 (the facility) at steady-state power levels up to a maximum of 1,930 megawatts (thermal), in accordance with the provisions of the license and the Technical Specifications incorporated therein. The facility is a single cycle, forced circulation, boiling water reactor, and is located in Lacey Township, Ocean County, N.J. The license presently authorizes Jersey Central to operate the facility at steady-state power levels up to a maximum of 1,690 megawatts (thermal).

No such amendment to the license will be issued until receipt of a report on the application by the Advisory Committee on Reactor Safeguards, the issuance of a favorable safety evaluation by the AEC Division of Reactor Licensing, and findings by the Commission that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I.

Prior to the issuance of an amendment to the facility license, the facility will be inspected by the Commission to determine whether the modification to the facility has been made in accordance

with the application, as amended. The amendment to the license will not be issued until the Commission has made the findings, reflecting its review of the application for license amendment, which will be set forth in the proposed license amendment, and has concluded that the issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

For further details with respect to the matter under consideration, see (1) Jersey Central's application for license amendment dated December 31, 1970, and supplement thereto dated January 26, 1971, and as they become available, (2) the report of the Advisory Committee on Reactor Safeguards on the application for license amendment, (3) the proposed license amendment, (4) the proposed changes to the Technical Specifications incorporated in the proposed license amendment, and (5) the safety evaluation prepared by the Division of Reactor Licensing, which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of items (2), (3), and (5) may be obtained when available upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 3d day of June 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-8286 Filed 6-11-71;8:52 am]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Order Extending Provisional Operating License Expiration Date

By application dated May 20, 1971, the Philadelphia Electric Co. requested an extension of the expiration date of Provisional Operating License No. DPR-12 which authorizes possession, use, and operation of its Peace Bottom Unit No. 1 nuclear powerplant located in York County, Pa., at power levels up to a maximum of 115 megawatts (thermal).

Good cause having been shown in the application for this extension pursuant to 10 CFR Part 50 and the provisions of paragraph 6 of the license: *It is hereby ordered,* That the expiration date of Provisional Operating License No. DPR-12 is extended from June 24, 1971 to December 24, 1972.

This order is effective as of its date of issuance.

Date of issuance: June 2, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc. 71-8287 Filed 6-11-71;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 71-6-30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority June 4, 1971.

By Order 71-5-93, dated May 19, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71-5-93 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22332, R-6, R-7, and R-9 through R-11, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-8297 Filed 6-11-71;8:53 am]

[Docket No. 22628; Order 71-6-39]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Issued under delegated authority June 7, 1971.

By Order 71-5-101, action was deferred, with a view toward eventual approval, on an agreement adopted by Joint Conference 3-1 of the International Air Transport Association (IATA). The agreement permits Northwest Airlines to postpone to dates not later than December 14, 1971, the performance of its inaugural flights between San Francisco and Hong Kong via Honolulu, Tokyo, and Taipei.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 71-5-101 will herein be finalized.

Accordingly, it is ordered, That:

Agreement CAB 22430 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-8298 Filed 6-11-71;8:53 am]

[Docket No. 22419, etc.]

HOUSTON-MONTERREY-MEXICO CITY SERVICE CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 13, 1971, at 10 a.m., d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Report of Prehearing Conference served May 21, 1971, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 8, 1971.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[FR Doc.71-8299 Filed 6-11-71;8:53 am]

[Docket No. 19923, etc.]

LIABILITY AND CLAIM RULES AND PRACTICES INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned to be held on June 24 is postponed to July 1, 1971, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., June 9, 1971.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[FR Doc.71-8300 Filed 6-11-71;8:53 am]

[Docket No. 22617]

WTC AIR FREIGHT

Notice of Hearing Regarding Proposed Revised Aggregate Rates

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 26, 1971, at 10 a.m., d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Report of Prehearing Conference served November 16, 1970, the notice to all parties dated May 14, 1971, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 8, 1971.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[FR Doc.71-8301 Filed 6-11-71;8:53 am]

ENVIRONMENTAL PROTECTION AGENCY

RHODIA, INC.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 1F1155) has been filed by Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, proposing establishment of tolerances (21 CFR, Part 420) for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on the raw agricultural commodities cherries at 10 parts per million; apricots, peaches, and plums (fresh prunes) at 6 parts per million; and nectarines at 3 parts per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 1H2659) proposing establishment of a food additive tolerance (21 CFR, Part 121) of 15 parts per million for residues of phosalone in or on dried apricots and dried prunes resulting from application of the insecticide to the growing apricots and plums (fresh prunes).

The analytical method proposed in the pesticide petition for determining residues of the insecticide is a gas chromatographic procedure with an electron capture detector.

Dated: June 8, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-8255 Filed 6-11-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19058-19060; FCC 71R-181]

NIAGARA COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Niagara Communications, Inc., Savannah, Ga., Docket No. 19058, File No. 723-M-L-89; Marine Telephone Co., Inc., Savannah, Ga., Docket No. 19059, File No. 804-M-P-99; Answering Network of Georgia, Inc., Savannah, Ga., Docket No. 19060, File No. 901-M-L-80; for a Public Coast Class III-B radio station at Savannah, Ga.

1. This proceeding involves the mutually exclusive applications of Niagara Communications, Inc. (Niagara), Marine Telephone Co., Inc., and Answering Network of Georgia, Inc. (Answering), for authority to construct and operate a public coast Class III-B radio station at Savannah, Ga. By Order FCC 70-1125, released October 28, 1970, the Commission designated the applications for hearing. Presently before the Review Board is a motion to enlarge issues, filed April 15, 1971, by Answering seeking the addition of a financial qualifications issue against Niagara.[1]

2. In support of its motion, petitioner first points out that Niagara indicated, in its application, that $3,600 would be required to establish the proposed station; that it (Niagara) had recently completed a $27,000 contract for a State governmental agency; and that a balance sheet was on file in connection with another application. That application, petitioner notes, contains a bank loan commitment for $30,000 from the Liberty National Bank of Buffalo. Answering next refers to the Review Board's opinion in the Bay Shore, N.Y., proceeding, Niagara Communications, Inc., 27 FCC 2d 500, 21 RR 2d 49, released February 8, 1971, in which a financial qualifications issue was added against Niagara. Petitioner asserts that Niagara is currently prosecuting applications for 13 new Public Coast stations,[2] and intends to finance all of its proposals with the same $30,000 loan commitment from the Buffalo, N.Y., bank. Petitioner argues that since the Review Board felt that serious financial questions were raised in the Bay Shore proceeding, and since Niagara's financial proposal is the same in this proceeding as in Bay Shore, the Review Board should add the requested issue. In addition, Answering maintains that Niagara's balance sheet does not indicate the amount by which its current assets exceed current liabilities, and that Niagara has not shown to what extent, if at all, alleged funds from Niagara's recently completed $27,000 contract will be available for financing this proposal. The Safety and Special Radio Services Bureau supports the requested enlargement. Both petitioner and the Bureau concede that the petition is late, but argue that since the order of the Review Board in Bay Shore, and a subsequent order of the Commission specifying a financial issue against Niagara in a different Public Coast application, FCC 71-329, released April 14, 1971 (based on the Review Board's action in Bay Shore), were released after the designation order in this proceeding, good cause exists for the late filing.

3. In opposition, Niagara states that it has already withdrawn several of its pending applications; that it intends to withdraw its Salem, N.J. application; and that, in addition to Savannah, it now has applications pending only in Atlantic City and Virginia Beach. Niagara further states that in the recently completed Bay Shore hearing, it introduced a revised bank loan commitment letter for $75,000. It would be unfair, Niagara argues, to use this hearing to go into the financial proposals in applications already through hearing and awaiting the Hearing Examiner's decision. Niagara further maintains that it would be speculative to examine its financial proposals in applications not now before the Review Board. Finally, Niagara argues that good cause for the untimely petition has not been shown, since some of its various applications were on file and a matter of public record prior to the time the Savannah application was designated for hearing; as to those applications filed after Savannah, Niagara urges that they "should be disposed of at the time these matters are considered, not in the Savannah hearing."

4. The Review Board is of the view that Answering has shown good cause for the late filing of its petition. We also believe that, to the extent that petitioner seeks an issue to determine the amount of funds Niagara has available, such an inquiry is warranted. Niagara's application includes only the $30,000 bank commitment letter, which has previously been found to be inadequate to establish that Niagara can meet the costs of its pending applications; a statement that a $27,000 contract was recently completed, which does not, of itself, show the availability of any funds; and a reference to a balance sheet, which does not show a substantial surplus of current liquid assets over current liabilities. No amendment reflecting changed or additional sources of financing has been filed in this proceeding, and, even though Niagara has dismissed several of its pending applications, it is not apparent from Niagara's application or the pleadings filed

[1] Other related pleadings before the Board for consideration are: (1) Comments, filed Apr. 20, 1971, by the Safety and Special Radio Services Bureau; and (2) opposition, filed Apr. 22, 1971, by Niagara Communications, Inc.

[2] Answering alleges that Niagara has applications also pending for Public Coast stations in Sarasota, St. Petersburg Beach, Punto, Gorda, and Venice, Fla.; Atlantic City and Salem, N.J.; Bay Shore, East Hampton, and West Islip, N.Y.; Warwick and Providence, R. I.; and Virginia Beach, Va.

herein that it has sufficient funds to meet the estimated costs of this and other pending applications. The Board finds no basis, however, for the addition of an issue inquiring into Niagara's proposed costs. Petitioner has not challenged any specific costs, it has not alleged that necessary costs have been omitted, and it has supplied no affidavits regarding Niagara's proposed costs. The issue specified, therefore, will be limited to an inquiry into the amount of funds Niagara has available to meet its estimated costs.

5. *Accordingly, it is ordered,* That the motion to enlarge issues, filed April 15, 1971, by Answering Network of Georgia, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

6. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Niagara Communications, Inc., has available sufficient funds to construct and operate the stations proposed in the instant and other pending applications, and in light thereof, whether Niagara Communications, Inc., is financially qualified.

7. *It is further ordered,* That the burdens of proceeding and proof under the issue added herein shall be on Niagara Communications, Inc.

Adopted: June 7, 1971.

Released: June 8, 1971.

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

[FR Doc.71-8320 Filed 6-11-71;8:55 am]

[Dockets Nos. 18759-18761; FCC 71R-180]

RKO GENERAL, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard application of RKO General, Inc. (WNAC-TV), Boston, Mass., for renewal of broadcast license, Docket No. 18759, File No. BRCT-63; Community Broadcasting of Boston, Inc., Boston, Mass., Docket No. 18760, File No. BPCT-4198; The Dudley Station Corporation, Boston, Mass., Docket No. 18761, File No. BPCT-4277; for construction permit for new television broadcast station.

1. This proceeding involves the mutually exclusive application of RKO General, Inc. (WNAC-TV) (hereinafter RKO), for renewal of license for its television broadcast station in Boston, Mass., and those of Community Broadcasting of Boston, Inc. (hereinafter Community), and The Dudley Station Corp. for authorization to construct a new television broadcast station in the same community. The proceeding was designated for hearing by order of the Commission (FCC 69-1335, 34 F.R. 19852, published Dec. 18, 1969) on, inter alia, an anticompetitive practices issue as to RKO. Presently before the Review Board is a petition to enlarge issues, filed December 28, 1970, by Community.[1] Petitioner requests the addition of an issue to determine whether in their testimony and statements in the KHJ-TV proceeding (Docket Nos. 16679-80), officers, employees, and/or former employees of RKO, or of its parent corporation, General Tire and Rubber Co. (hereinafter General), misrepresented or concealed facts or were lacking in candor in regard to the existence and nature of reciprocal trade practices engaged in by the two corporations.

2. In support of its petition, Community notes that under the anticompetitive practices issue designated in the instant proceeding, petitioner was given permission to inspect over 72,000 pieces of paper at General's headquarters in Akron, Ohio. The cited documents, explains Community, involved the intracorporate and intercorporate relations of General and, in large part, its challenged trade practices.[2] Petitioner contends that the documents reviewed at Akron disclose that the RKO and General personnel who testified in regard to reciprocal trade practices in the KHJ-TV proceeding "either concealed facts within their knowledge or misrepresented the situation." The bulk of Community's petition consists of the juxtaposition of testimony obtained from sworn witnesses in the KHJ-TV proceeding with statements and other information contained in documents subsequently inspected at General's headquarters.[3] In general, petitioner argues that, in their KHJ-TV testimony, the witnesses tended to deny the existence of any real pattern of reciprocal dealings between General and its suppliers, while the documents obtained through discovery in this proceeding demonstrate an aggressively pursued policy of reciprocal dealing covering all aspects of General's business affairs. Further, asserts Community, such a policy was known and implemented by the same corporate officers who testified in the KHJ-TV proceeding.

3. The following citations are representative of the myriad examples set forth by petitioner in support of alleged lack of candor by RKO and General officials: (1) Community alleges that when John Ragsdale was asked to disclose the purpose of compiling dollar amounts of sales to and from General by suppliers, he replied that he did not at first know, but later discovered that the purpose was to determine trends in purchasing and sales. However, as proof of its assertion that General's suppliers were "required, as a condition precedent to doing business with General and its family of subsidiaries, to purchase General's products and services" and that Ragsdale knew the information compiled by him was "a check to determine what companies should be favored with General's business and to what extent", petitioner submits letters, memoranda, and other documents such as the following memorandum written on August 31, 1961, by Ragsdale to a General area representative:

> Our records indicate that in 1960 purchases of the Colorado Fuel & Iron Corp. from your dealer in Pueblo amounted to $19,446. These are figures as supplied directly from Colorado Fuel.
>
> To date in 1961, we have purchased 26,400 in bead wire from this company and $12,500 through our Aerojet Division in California. At this rate, we should purchase in excess of $40,000 and it is hard to determine how much our purchases will be through Aerojet.
>
> In view of this, I would suggest that Colorado Fuel & Iron reconsider directing their purchases to our competition, and I might further suggest that perhaps they owe us a little more business. (Document No. 01904)

Petitioner also sets forth the letter of March 1, 1965, from Ragsdale to an official of General's Truck Tire Sales Division in reference to a company called Herrin Transportation:

> I have told the Traffic Department to cease negotiations with Herrin until we are favored with the 200 tire order they were to give us last week at the price that was favorable to them.
>
> When this order is received we will then negotiate the 30 tire per month order and the amount of freight they can expect from us in 1965. (Document No. 72353)

(2) Community notes that when James Filson was asked whether reciprocal dealings were part of his duties, he stated, "No, not reciprocal dealings, I would say very strongly, no." (Tr. 3894) As proof of Filson's lack of candor in making such a response, petitioner points to documents such as a March 11, 1963, communication from Filson to an associate:

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[1] Also before the Review Board are: (a) Affidavit, filed Jan. 6, 1971, by Community; (b) comments of the Broadcast Bureau, filed Jan. 29, 1971; (c) opposition of RKO, filed Feb. 1, 1971; (d) reply of Community, filed Feb. 10, 1971; (e) motion of RKO for leave to file comments on revision of page 5 of Community's reply, filed Feb. 23, 1971; (f) comments on revision, filed Feb. 23, 1971, by RKO; (g) opposition to motion to file comments, filed Mar. 1, 1971, by Community. The Review Board will grant RKO's motion for leave to file comments on Community's revision of page 5 of its reply pleading. The Board accepts the proffered comments and would observe that Community's opposition pleading does not satisfactorily explain the substitution of one inapposite citation for another. However, as the entire matter is essentially de minimis, no additional action will be taken by the Board.

[2] As background, Community includes a detailed account of what it terms RKO's "dilatory tactics" in making documents available under discovery in the KHJ-TV proceeding.

[3] The petitioner challenges the candor of the following witnesses: Michael G. O'Neil, President of General; Thomas F. O'Neil, Chairman and Chief Executive Officer of RKO; John G. Ragsdale, Director of Trade Relations for General; James B. Filson, Western Director of Corporate Trade Relations for General, April 1962 to September 15, 1967; Robert E. Wilke, Director of Corporate Relations for RKO, 1960-68; G. Lawrence Murphy, Jr., Assistant to Ragsdale, 1961 to late 1962, and National Account Sales Officer, late 1962; and Hathaway Watson, an officer of RKO.

In regard to your inquiry concerning Sunbeam Bakeries, as you know, Continental Baking Co. supplies the bread and Langendorf supplies the hamburger buns at Sacramento.

They are both good customers of ours purchasing tires and advertising time.

No change can be made, as it would certainly affect our relationship with these companies. (Document No. 11420)

Petitioner also cites Filson's statement of April 29, 1963, that "I personally feel that we are giving too much freight to some of the large carriers for what we get in return." (Documents Nos. 12056–57) (3) Petitioner cites the testimony of Robert Wilke wherein, Community contends, Wilke denied that he was a "trade relations man" or coordinated his activities with Ragsdale. (Tr. 3515–16) Petitioner contrasts that testimony with such documents as: (a) The June 9, 1961 letter from Ragsdale to Wilke:

We are negotiating with Dow Chemical for some business we can give them. In the course of our negotiations we mentioned the fact that they should be using our owned and operated stations for their advertising. (Document No. 02356)

and, (b) the following exchange between Ragsdale and Wilke: Ragsdale to Wilke on August 16, 1961:

* * * it has been brought to my attention that they [Hertz] buy about $150,000 annually in broadcast advertising. Corporatewise we do considerable rental business and have agreements with all most [sic] all the rental car agencies. If there is any way in this area we can be helpful to you, I would appreciate hearing from you. (Document No. 3408)

Wilke to Ragsdale on August 21, 1961:

We have been fortunate in doing a substantial amount of business with Hertz * * * I am checking to see whether some of the other rental agencies are customers or prospects and I'll give you a call if we need some help. (Document No. 3407)

(4) Community asserts that G. Lawrence Murphy, Jr., testified that he never used General's purchases as a wedge to get business (Tr. 4228), but indicates that Mr. Murphy's testimony is contradicted by such documents as a report of May 14, 1962, about Cities Service Co.:

Using Columbia Carbon (carbon black) in quantities we do [sic], we felt this would be a contributing factor in the securing of this business. (Document No. 19055)

Petitioner continues that Mr. Murphy stated at the KHJ–TV hearing that the information which Ragsdale compiled on purchases and sales "was put together to some extent to justify Ragsdale's existence". (Tr. 4207) However, contends Community, the witness must have known that the information was being gathered for purposes of reciprocal dealing as is illustrated by a July 1961 note from Ragsdale to Murphy which stated:

With regard to Aerojet's paint contract, I am attaching a list of accounts to whom we sell latex and you will notice it is pretty complete. The only company we don't do business with is Glidden, so therefore, they should not be favored. (Document No. 3430)

4. In opposition, RKO first argues that Community's petition is grossly untimely and that good cause for the late filing has not been shown. Specifically, RKO contends that the same allegations now made by Community were made in the KHJ–TV renewal proceeding by Fidelity Television, Inc., which was there represented by the same counsel as is Community here. Moreover, urges RKO, "the bulk of items upon which Community ostensibly relies in its petition are identical with those of which its counsel was fully aware prior to the closing of the KHJ–TV record in August 1968, or are merely cumulative, dealing essentially with the same subjects covered by these documents." Respondent pleads that Community's petition violates § 1.229(c) of the Commission rules, not only because of untimeliness, but also because it is not supported by the requisite documents or by affidavits of persons with personal knowledge of the facts. The petition is further deficient, submits RKO, because only the KHJ–TV exhibits are subject to official notice. Lack of supporting affidavits, affirms RKO, "accounts for the flagrant distortions and omissions in documents and testimony by which Community has sought to persuade the Review Board that enlargement of the issue is warranted."

5. Turning to the merits of the petition, RKO argues that Community falls far short of showing that the likelihood of proving its allegations is so substantial as to outweigh the petition's procedural defects. The applicant first notes that the Examiner in the KHJ–TV case was asked to make adverse findings against RKO on issues of candor and misrepresentation, but refused to do so. RKO denounces the space Community devotes to reciting difficulties encountered in obtaining documents in the KHJ–TV case and labels it "a patently unfair attempt to rehash discovery matters which were put to rest by the Examiner in the KHJ–TV case." RKO asserts that all of the documents which Fidelity could have legitimately required were produced, given the limited scope of the issue in that case, i.e., reciprocal trade practices involving RKO between 1962 and 1967 and having a material bearing on its stewardship of KHJ–TV. RKO also condemns what it terms "Community's generalized and self-serving characterizations of the testimony" of RKO and General witnesses. Respondent maintains that Community neglects to notice that testimony of the cited officers and employees was corroborated in the KHJ–TV case by testimony of executives of other companies. Lastly, RKO submits a detailed rebuttal of Community's allegations with respect to particular witnesses.[4]

[4] No good purpose would be served by setting forth RKO's rebuttal here. However, running through the whole of RKO's showing is the contention that Community has distorted testimony; reopened questions already settled at the KHJ–TV hearings; cited documents which fail to support its claims; and engaged in sheer speculation and illogical inferences.

6. In reply, Community denies that its petition is untimely. Petitioner argues that the documents available to Fidelity in the KHJ–TV proceeding "merely scratched the surface" with regard to General's anticompetitive practices and that the present allegations are based upon documents made available (and reviewed) in the instant proceeding. Petitioner maintains that its petition was filed immediately after having examined the 72,000 documents in question and following comparison of them with the transcript in the KHJ–TV case—a time-consuming task. Community argues that RKO's assertion that the documents referred to are identical with those in the KHJ–TV proceeding (or are merely cumulative) is ludicrous inasmuch as RKO supports its allegation with only 13 examples of duplication. Community contends further that it cited over 140 documents unavailable to counsel prior to this proceeding; that all pertinent documents bearing on the issues were not specifically referred to in the petition; and that only with the discovery of documents in the instant case did the scope of the alleged anticompetitive practices of RKO and General become clear. Petitioner insists that RKO has contradicted itself by simultaneously claiming (a) that Community had access to all documents relied upon in its instant petition at the time of the KHJ–TV proceeding, and (b) that RKO was justified in withholding documents in the former proceeding because the anticompetitive issue in the KHJ–TV proceeding was limited. In reply to RKO's argument that the petition is also deficient because it is unsupported by affidavits, Community points out that the files of General and the KHJ–TV hearing record were the only two sources of documents used and that the former source was at all times within the control of General. Finally, Community affirms that it has shown a substantial likelihood of proving its allegations by pleading that the bulk of documents cited remains unchallenged. Petitioner seeks to distinguish the conclusions drawn in the KHJ–TV proceeding by referring to the paucity of documents there available to the Presiding Officer. Petitioner reminds the Board that "the same kind of evidence is not the same evidence", and urges that the conclusion RKO draws from the consistent testimony of its witnesses is unavailing, as all its witnesses had an interest in resolution of the antitrust issue.

7. In the Broadcast Bureau's view, Community's petition does not comply with the timeliness provisions of § 1.229 of the Commission's rules. The Bureau does, however, urge acceptance of the pleading, in view of the extensive and detailed discovery measures undertaken by Community and in light of the grave public interest questions presented by its allegations. The Bureau invokes the doctrine set forth in The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966). With qualified exception, the Bureau endorses Community's requested issues. Although the Bureau does not find

petitioner's allegations as to Michael O'Neil, Thomas O'Neil, and Hathaway Watson persuasive, it registers its belief that an adequate threshold showing has otherwise been made and would support a broadly inclusive issue in the interests of compiling a complete and informed record. In support the Bureau cites Christian Voice of Central Ohio, 27 FCC 2d 185, 20 RR 2d 1233 (1971).

8. The Review Board is of the opinion that Community's petition must be granted despite its admitted untimeliness under § 1.229 of the Commission's rules. Although Community has failed to plead good cause explicitly in its petition,[5] the requisite showing is inherently present in the background of the petition, viz., petitioner had to review 72,000 documents at General's headquarters in Akron, Ohio, and also had to reevaluate the testimony of witnesses in the KHJ–TV proceeding in light of those documents. Further, the Board has concluded that petitioner's request for issues is based substantially upon documents newly discovered in the instant proceeding and that these documents are not merely cumulative with documents and information available to counsel in the KHJ–TV proceeding. Moreover, Community's petition raises serious public interest questions as to RKO's qualifications to be a Commission licensee. Consideration of Community's petition on its merits is therefore required under the rationale set forth in The Edgefield-Saluda Radio Co., supra.[6]

9. Turning to the merits of Community's petition, we are persuaded that, with the exceptions noted below, a more than sufficient showing has been made for addition of the requested issues. When compared with the totality of documents relied upon by Community, the testimony of Messrs. Ragsdale, Filson, Wilke, and Murphy in the KHJ–TV proceeding raises substantial questions as to the candor and truthfulness of those witnesses concerning the nature and extent of RKO's and General's reciprocal trade practices. While RKO's opposition may now meet a number of petitioner's specific allegations, much of the material referred to by Community remains unchallenged or unsatisfactory refuted. Taken as a whole, RKO's showing fails to resolve doubts raised by the apparent incongruity of responses made by executive witnesses at the KHJ–TV hearing with statements cited and excerpted in the instant petition. Petitioner has, for example, documented correspondence sufficient on its face to contradict John G. Ragsdale's testimony at hearing (paragraph 3, Item 1, supra); James Filson's disclaimer of reciprocal dealings (paragraph 3, Item 2, supra); Robert Wilke's denial of engaging in "trade relations" (paragraph 3, Item 3, supra); and G. Lawrence Murphy, Jr.'s affirmation that he did not have recourse to General's purchasing power in order to secure business (paragraph 3, Item 4, supra). Respondent, in opposition, has sought to establish in general that the KHJ–TV renewal proceeding renders the instant matter res judicata and has answered with particularity certain specific allegations of petitioner. RKO has not, however, addressed itself to many individual allegations, inter alia, those set forth as Items 1 to 3, paragraph 3, supra. Moreover, respondent's reply to such specifics as Item 4, paragraph 3, supra, has not always been convincing nor unqualified. The Board is therefore unable to dispose of the instant petition by means of the responsive pleadings before it. That the Hearing Examiner in the KHJ–TV case refused to make adverse findings with respect to the veracity or candor of the RKO witnesses is irrelevant to our decision since the Examiner had there before him only a fraction of the material currently relied upon by petitioner. Nor do we find pertinent RKO's contention that the testimony of Messrs. Ragsdale, Wilke, Filson, and Murphy was corroborated by that of former General and RKO employees and by that of executives of other corporations. The more limited scope of the anticompetitive practices issue tried in the KHJ–TV proceeding does not here preclude a de novo resolution of misrepresentation or candor issues. The Board will therefore specify issues against RKO in the terms requested by Community. Finally, the Review Board notes that the issues will be drafted "sufficiently broad so as not to restrict or unduly limit the scope of all relevant and material evidence which should be admitted to compile a complete and proper record". Christian Voice of Central Ohio, 27 FCC 2d at 189, 20 RR 2d at 1237, supra. However, as was further noted by the Commission in Christian Voice of Central Ohio, supra, the Hearing Examiner is empowered to regulate the admissibility of evidence so as to ensure against surprise and other unfairness.

10. *Accordingly, it is ordered,* That the petition to enlarge issues, filed December 28, 1970, by Community Broadcasting of Boston, Inc. is granted; and

11. *It is further ordered,* That the motion for leave to file comments on revision of page five of "Reply to opposition of RKO General, Inc., to petition to enlarge issues", filed February 23, 1971, by RKO General, Inc., is granted; and

12. *It is further ordered,* That the issues in the instant proceeding are enlarged so as to include the following issues:

(a) To determine whether in sworn testimony given in the course of the KHJ–TV proceeding, Dockets Nos. 16679–16680, officers, employees, and/or former employees of General Tire and Rubber Co., or of RKO General, Inc., misrepresented facts, concealed facts, or were lacking in candor with regard to the existence, nature, and extent of reciprocal trade practices engaged in by General Tire and Rubber Co. and RKO General, Inc.; and

(b) To determine in light of the evidence adduced pursuant to the aforementioned issue whether RKO General, Inc., should be disqualified as licensee of WNAC–TV or, alternatively, assessed a comparative demerit; and

13. *It is further ordered,* That the burden of proceeding with the introduction of evidence shall be on Community Broadcasting of Boston, Inc., and the burden of proof under the issues added herein shall be on RKO General, Inc.

Adopted: June 3, 1971.

Released: June 7, 1971.

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

[FR Doc.71-8321 Filed 6-11-71;8:55 am]

[5] Petitioner does, however, address itself to this question in its reply pleading.

[6] No merit attaches to RKO's argument that Community's petition is also procedurally deficient for lack of a supporting affidavit. The petition is based entirely upon a hearing transcript of which the Board can take official notice and upon documents within the control of General.

[FCC 71-587]

PRIMER ON ASCERTAINMENT OF COMMUNITY PROBLEMS

Applicants in Pending Hearing Cases To Comply With Primer

JUNE 4, 1971.

In paragraph 79 of the report and order adopting the Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), we stated that "applicants in pending hearing cases may amend their applications if deemed necessary in view of our action here, within ninety (90) days of the release of the report and order, or such further time as the presiding tribunal may allow for cause shown." Since that time, it has come to our attention that a number of questions have been raised concerning the effect to be given to such amendments.

In our view, the disposition of these questions is controlled by two fundamental principles, long governing adjudicatory proceedings. First, we have often permitted an applicant to eliminate a disqualifying factor through amendments submitted during the course of the hearing. See Fidelity Radio, Inc., 1 FCC 2d 661 (1965). Because of the special circumstances surrounding our requirements relating to the ascertainment of community problems issue, we determined that amendments would be permitted in this instance in all pending hearing cases whether or not the record had been closed. See Risner Broadcasting, Inc., 28 FCC 2d 330 (1971). On the other hand, we have consistently refused to allow any applicant to obtain a comparative advantage over his competitors by relying upon an amendment submitted after the hearing has begun. See Flower City Television Corp., 4 FCC 2d 384 (1966).

For these reasons, we are convinced that any applicant should be permitted to submit an appropriate, corrective

amendment concerning the ascertainment of community problems pursuant to paragraph 79 of the report and order supra, and that such amendments should be accepted and considered in deciding any relevant disqualifying issue. However, while such amendments may be accepted whether or not there is a disqualifying issue relating to the applicant who submits such an amendment, we believe it would be inappropriate to give any weight to such an amendment in considering the comparative ascertainment efforts and programing differences of the applicants, whether or not a disqualifying issue has been specified as to one or more of them.[1] Since, to do otherwise, might give one applicant an unfair advantage over his competitors or might require additional hearings further delaying the ultimate disposition of the case, we are confident that implementation of the guidelines set forth above will treat applicants fairly, serve the public interest, and avoid any undue burden upon the adjudicatory process.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-8322 Filed 6-11-71;8:55 am]

[Report No. 547]

COMMON CARRIER SERVICES INFORMATION [3]

Domestic Public Radio Services Applications Accepted for Filing [4]

JUNE 7, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPENDIX

APPLICTIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

File No., applicant, call sign and nature of application

6413-C2-AL-71—Bay Radio-Telephone Dispatch, Inc. (KLF607), Consent to assignment of license from Bay Radio-Telephone Dispatch, Inc., Assignor, to Tel/Sec Radio, Inc., Assignee (2-way at Green Bay, Wis.).

5588-C2-R-71—South Central Bell Telephone Co. (KLF514), Renewal of Developmental License expiring July 1, 1971. Term: July 1, 1971 to July 1, 1972. (Temporary locations within the territory of the grantee.)

6738-C2-P-71—Sherman M. Wolf, doing business as Zipcall (New), C.P. for a new 2-way station. Frequency: 454.300 MHz (base). Location: 350 Cedar Street, Needham, MA.

6739-C2-P-71—Central Mobile Radio Phone Service (KQK595), C.P. for an additional base channel to operate on 152.03 MHz at its existing site 505 Jefferson Avenue, Toledo, OH.

6744-C2-P-71—Morrison Radio Relay Corp. (KKJ460), C.P. to add a second channel to operate on 43.22 MHz at existing location No. 2: Fidelity Union Tower Building, 1511 Bryan Street, Dallas, TX.

6745-C2-P-(8)-71—RAM Broadcasting of Texas, Inc. (New), C.P. for a new 1-way-signaling station. Frequencies: 43.22 and 43.58 MHz. Locations: location No. 1: KTVT(TV) Tower Cedar Hill, Tex.; location No. 2: 7038 Greenville Avenue, Dallas, TX; location No. 3: 3333 Fort Worth Avenue, Dallas, TX, and location No. 4: 5210 Bridge Street, Fort Worth, TX.

6747-C2-P-(2)-71—Tel-Car, Inc. (KRM969), C.P. to add an additional repeater antenna to operate on 459.15 MHz at existing site location No. 1: 7 miles south-southwest of Albion, Idaho, and add an additional control antenna to operate on 454.15 MHz at a new site identified as location No. 3: 1.9 miles west of Pocatello, Idaho.

6754-C2-AL-71—Maureen L. Smith (KQC881), Consent to assignment of license from Maureen L. Smith, Assignor, to Del Mintz, doing business as National Mobile Radio, Assignee (1-way-signaling station at Cleveland, Ohio).

6414-C2-AL-71—ABC Phone & Radio Answering Service, Inc. (KFL895), Consent to assignment of license from ABC Phone & Radio Answering Service, Inc., Assignor, to Airsignal International, Inc., Assignee (2-way station at Bradenton, Fla.).

6746-C2-P-(2)-71—General Telephone Co. of Florida (KIY440), C.P. to change antenna location from Belleview Avenue and A.C.L. Railroad, Lake Wales, Fla., to 2.5 miles west-southwest of Hiland City, Fla., operating on 152.57 and 152.81 MHz and replace transmitters. Also change service from manuel to IMTS.

RURAL RADIO SERVICE

6743-C1-ML-71—South Central Bell Telephone Co. (KPP66), Modification of license to add point of communication, namely: Lake Charles Dredging & Towing Co., Inc., at Port Eads, La. (WHA79) on frequency 454.40 MHz. Station location: Approximately 2 miles northwest of Venice, La. (Central Office Station).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

5632-C1-P-71—South Central Bell Telephone Co. (KZS92), C.P. for renewal of a developmental license expiring July 1, 1971. Term: July 1, 1971 to July 1, 1972.

6734-C1-P-71—General Telephone Co. of the Northwest, Inc. (New), C.P. for a new station to be located at 17230 Northeast 95th Street, Redmond, WA. Frequencies: 4407.5 MHz toward Rattlesnake Ledge, Wash., and 4422.5 MHz toward Fort Lawton, Wash.

(INFORMATIVE: A waiver is requested in accordance with FCC rules and regulations, Part 21.701(a) for operation of the subject radio facilities on Government frequencies.)

6735-C1-P-71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new station to be located at Building 654, Fort Lawton, Wash. Frequencies: 4707.5V Kingston, Wash. and 4722.5H toward Redmond, Wash.

(INFORMATIVE: A waiver of Part 21.120(a) and Part 21.701(a) of the Commission's rules, is requested.)

6736-C1-P-71—Pacific Northwest Bell Telephone Co. (KOT50), C.P. to add frequency 4707.5 MHz toward Redmond, Wash., and 4722.5 MHz toward Vashon, Wash. Station location: Rattlesnake Ledge, 2.8 miles southwest of North Bend, Wash.

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[1] For example, where A and B have been designated for a consolidated hearing, with a disqualifying ascertainment of community problems issue specified against applicant A and comparative ascertainment efforts and programing differences issues specified as to both applicants, either or both applicants may file an amendment. Assuming that both applicants have filed proper amendments, the amendment submitted by applicant A may be considered in deciding the disqualifying issue, but neither amendment may be considered in the resolution of the comparative ascertainment efforts and programing differences issues.

[2] Action by the Commission June 3, 1971. Commissioners Robert E. Lee, Johnson, H. Rex Lee, and Wells, with Commissioner Bartley (Acting Chairman) concurring in part and dissenting in part and issuing a statement.

[3] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[4] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

(INFORMATIVE: A waiver of Part 21.120(a) and Part 21.701(a) of the Commission's rules, is requested.)

6737–C1–P–71—Beaver State Telephone Co. (KPT38), C.P. to modify existing transmitters with Collins, 52A8–MW/50A10–1MW.

6740–C1–P–71—Continental Telephone Co. of Virginia (New), C.P. for a new station to be located at 121 North Marshall Street, Chase City, VA. Frequencies: 6212.1 and 11,665 MHz toward Clover, Va.

CORRECTION

6527–C1–P/ML–71—The Chesapeake & Potomac Telephone Co. of Virginia (KGC79), Correct applicant name to read: The Chesapeake & Potomac Telephone Co. All other terms same as indicated in Report No. 545, dated May 24, 1971.

6741–C1–P–71—Southwestern Bell Telephone Co. (WAY31), C.P. to add frequencies 5974.8 and 6093.5 MHz toward Hartley, Tex., a new point of communication. Station location: 142 feet southwest of Ninth and Porter Streets, Dumas, TX.

6742–C1–P–71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 3 miles north of Hartley, Tex. Frequencies: 6226.9 and 6345.5 MHz toward Dumas and Dalhart, Tex.

6748–C1–P–71—Michigan Bell Telephone Co. (KQI64), C.P. to add frequencies 6278.8 and 11,155 MHz toward Perkins, Mich. Station location: 1005 First Street, Escanaba, MI.

6749–C1–P–71—Michigan Bell Telephone Co. (KQI70), C.P. to add frequencies 6026.7 and 11,605 MHz toward Escanaba, Mich. Station location: On west side of Highway M–35, 0.9 mile south of Perkins, Mich.

6750–C1–P–71—The Western Union Telegraph Co. (WGF88), C.P. to add frequencies 6004.5 and 6123.1 MHz toward Mount Weather, Va. Station location: 0.9 mile southwest of Middletown, Va.

6751–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station to be located at Mount Weather, 2.2 miles southwest of Bluemont, Va. Frequencies: 6226.9 and 6345.5 MHz toward Middletown East, Va., and 6256.5 and 6375.2 MHz toward Short Hills, Va.

6752–C1–P–71—The Western Union Telegraph Co. (KQO50), C.P. to add frequencies 5974.8 and 6093.5 MHz toward Mount Weather, Va., and 6004.5 and 6123.1 MHz toward Tenley, D.C. Station location: 2.5 miles southeast of Harpers Ferry, Va. (Short Hills).

6753–C1–P–71—The Western Union Telegraph Co. (KGB34), C.P. to add frequencies 6226.9 and 6345.5 MHz toward Short Hills, Va. Station location: 41st Street and Wisconsin Avenue, Washington, DC.

6777–C1–P–71—City of Anchorage Telephone Utility (New), C.P. for a new station to be located at 7441 Debarr Road, Anchorage, Alaska. Frequencies: 5945.2 and 6108.3 MHz toward Eagle River, Alaska, via passive reflector.

6778–C1–P–71—Matanuska Telephone Association, Inc. (New), C.P. for a new station to be located at Eagle River Road, one-half mile south of Eagle River Shopping Center, Alaska. Frequencies 6197.2 and 6404.8 MHz toward Anchorage, Alaska, via passive reflector.

6842–C1–P–71—Navajo Communications Co. (New), C.P. for a new station to be located at 2 blocks west of the junction of Highway 666 and 550, Shiprock, N. Mex. Frequencies: 6197.2 and 6315.9 MHz on azimuth 161°14′.

6843–C1–P–71—Navajo Communications Co. (New), C.P. for a new station to be located at Hogback, 13.7 miles southeast of Shiprock, N. Mex. Frequencies 5945.2 and 6063.8 MHz on azimuth 341°17′; and 6004.5 and 6123.1 MHz on azimuth 191°03′.

6844–C1–P–71—Navajo Communications Co. (New), C.P. for a new station to be located at Deza Bluff, 3.5 miles northwest of Tohatchi, N. Mex. Frequencies 6256.5 and 6375.2 MHz on azimuth 10°57′; 6197.2 and 6315.9 MHz on azimuth 227°44′; and 2112.4 MHz on azimuth 114°26′.

6845–C1–P–71—Navajo Communications Co. (New), C.P. for a new station to be located at 1.1 miles west of Highway 56, Crownpoint, N. Mex. Frequency 2162.4 MHz on azimuth 294°47′.

6846–C1–P–71—Navajo Communications Co. (New), C.P. for a new station to be located at St. Michaels, 4.2 miles west of Window Rock, Ariz. Frequencies: 5945.2 and 6063.8 MHz on azimuth 47°32′; 6256.5 and 6375.2 MHz on azimuth 282°11′; and 11,285 and 11,525 MHz on azimuth 76°59′.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6847–C1–P–71—Navajo Communications Co. (WCZ48), C.P. to correct coordinates to read latitude 35°40′16″ N., longitude 109°02′17″ W. at its station Rattlesnake Ridge, 1.1 miles east of Window Rock, Ariz., and replace existing facilities 7762.5 and 7812.5 MHz to 10,835 and 11,075 MHz directed toward St. Michaels, Ariz., on azimuth 257°01′.

6848–C1–P–71—Navajo Communications Co. (WCZ47), C.P. to correct coordinates to read latitude 35°40′28″ N., longitude 109°12′24″ W. at its station Defiance Summit, 8.5 miles west of Window Rock, Ariz., and replace existing facilities 7137.5, 7187.5, 7175.0, and 7225.0 MHz to 6004.5 and 6123.1 MHz on azimuth 102°08′; and 5945.2 and 6063.8 MHz on azimuth 290°25′.

6849–C1–P–71—Navajo Communications Co. (WCZ46), C.P. to replace transmitters and change frequencies from 7800.0 and 7850.0 MHz to 6197.2 and 6315.9 MHz on azimuth 110°12′; and 7762.5 and 7812.5 MHz to 6256.5 and 6375.2 MHz on azimuth 355°33′ at Ganda Mesa, 5 miles northwest of Ganado, Ariz.

6850–C1–P–71—Navajo Communications Co. (WCZ45), C.P. to correct coordinates to read latitude 36°03′25″ N., longitude 109°35′54″ W. at its station Cottonwood Junction, 6.5 miles southwest of Chinle, Ariz., and replace existing facilities 7175.0 and 7225.0 MHz to 5945.2 and 6063.8 MHz on azimuth 20°37′; and 7137.5 and 7187.5 MHz to 6004.5 and 6123.1 MHz on azimuth 175°32′.

6851–C1–P–71—Navajo Communications Co. (WCZ44), C.P. to correct coordinates to read latitude 36°09′12′ N., longitude 109°33′13″ W. at its station Chinle, Ariz., and replace existing facilities 7800.0 and 7850.0 MHz to 6197.2 and 6315.9 MHz on azimuth 200°39′; and add 6256.5 and 6375.9 MHz on azimuth 311°32′.

6852–C1–P–71—Navajo Communications Co. (New), C.P. for a new station to be located at Yale Point, 2.4 miles south of Rough Rock, Ariz. Frequencies: 6004.5 and 6123.1 MHz on azimuth 131°22′; 5945.2 and 6063.8 MHz on azimuth 306°49′; and 6034.2 and 6152.8 MHz on azimuth 82°06′.

6853–C1–P–71—Navajo Communications Co. (WCZ39), C.P. to replace transmitters and change frequencies 8125.1 and 8243.5 MHz to 6226.9 and 6345.5 MHz on azimuth 49°14′; 8184.3 and 8361.9 MHz to 6256.5 and 6375.9 MHz on azimuth 246°25′; and add 6197.2 and 6315.9 MHz on azimuth 126°31′. Location: Black Mesa, 8.1 miles southwest of Kayenta, Ariz.

6854–C1–P–71—Navajo Communications Co. (New), C.P. for a new station to be located at Lukachukai, Ariz. Frequencies 6286.2 and 6404.8 MHz on azimuth 262°28′.

6855–C1–P–71—Navajo Communications Co. (WCZ38), C.P. to change location to 1.5 miles from junction of Highway 164 and 464, Kayenta, Ariz. at latitude 36°43′43″ N., longitude 110°15′25″ W.; replace transmitters and change frequencies 7814.3 and 7932.7 MHz to 5974.8 and 6093.5 MHz on azimuth 229°18′.

6856–C1–P–71—Navajo Communications Co. (WCZ43), C.P. to replace transmitters and change frequencies from 7873.5 and 8051.1 MHz to 6004.5 and 6123.1 MHz on azimuth 65°55′; and 8125.1 and 8243.5 MHz to 5945.2 and 6063.8 MHz on azimuth 189°57′. Location: Preston Mesa, 15 miles northwest of Tuba City, Ariz.

6857–C1–P–71—Navajo Communications Co. (WCZ50), C.P. to replace transmitters and change frequencies 7814.3 and 7932.7 MHz to 6197.2 and 6315.9 MHz on azimuth 9°55′ at its station Graveyard Junction, 0.6 miles west of Tuba City, Ariz.

6859–C1–P–71—Hawaiian Telephone Co. (KUP41), C.P. to correct coordinates to read latitude 20°53′24″ N., longitude 156°30′21″ W. at its station Church and Wells Streets, Wailuku, Hawaii; replace transmitters; change frequencies 6219.5 and 6338.1 MHz to 6204.7 and 6323.3 MHz and add 2173.6 MHz on azimuth 128°31.

6860–C1–P–71—Hawaiian Telephone Co. (KUV88), C.P. to replace transmitters and change frequencies 5967.4 and 6068.0 MHz to 5952.6 and 6071.2 MHz and add 2122 MHz on azimuth 308°36′ at its station Haleakala, 5.8 miles southeast of Waiakoa, Hawaii.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

6814–C1–P–71—Eastern Microwave, Inc. (KPP81), C.P. to add frequencies 6049.0 and 6108.3 MHz and delete frequency 5960.0 MHz on azimuth 47°41′. Location: 0.2 mile northwest of Gouverneur, N.Y.

(INFORMATIVE: Applicant proposes to provide the television signal of Station WNEW–TV to New Channels Corp. in Potsdam, N.Y. Waiver of rule, section 21.701(i) requested.)

POINT-TO-POINT MIRCOWAVE RADIO SERVICE (NONTELEPHONE)—continued

6815-C1-P-71—Eastern Microwave, Inc. (KEA66), C.P. to add frequency 5960.0 MHz via power split on azimuth 295°11'. Location: Blue Hill, 2 miles southeast of Fine, N.Y., at latitude 44°13'20" N., longitude 75°07'35" W.

6816-C1-P-71—Eastern Microwave, Inc. (KPP81), C.P. to add frequency 6049.0 and 6108.3 MHz and delete frequency 5960.0 MHz on azimuth 47°41'. Location: 0.2 mile northwest of Gouverneur, N.Y., at latitude 44°20'38" N., longitude 75°29'19" W.

6817-C1-P-71—Eastern Microwave, Inc. (KPP82), C.P. to add frequency 6390.0 MHz on azimuth 15°01'. Location: 2 miles southwest of Potsdam, N.Y., at latitude 44°38'54" N., longitude 75°01'07" W.

(INFORMATIVE: Applicant proposes to provide the television signal of Station WNEW-TV of New York City to New Channels Corp. in Massena and Canton, N.Y. Waiver of rule, section 21.701(i) requested.)

Sierra Microwave, Inc., and Western Tele-Communications, Inc. (New), Applications, resubmitted jointly by Sierra and Western, for new facilities between Mount Vaca, Calif., and Salt Lake City, Utah, reinstated and returned to pending status, Sierra Microwave (Files Nos. 7173-C1-P-66, 7175/76-C1-P-66, 7178-C1-P-66, 7180 through 7182-C1-P-66, 2404-C1-P-67, and 3057 through 3059-C1-P-71; and Western Tele-Communications (Files Nos. 7183-C1-P-66 and 1786-C1-P-71).

(NOTE: See new Western application, File No. 6858-C1-P-71, this Public Notice and Western major amendment, File No. 7183-C1-P-66, this Public Notice.)

6858-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for new station at 950 Stockton Street, San Francisco, Calif. (latitude 37°47'42" N., longitude 122°24'24" W.), transmitting on frequencies 10,715 MHz and 10,955 MHz toward Mount Vaca, Calif., on azimuth 20°32'.

(INFORMATIVE: Applicants (Sierra Microwave and Western Tele-Communications, Inc.) propose to change the origin of their jointly proposed Mount Vaca, Calif.-Salt Lake City, Utah, system from Mount Vaca to San Francisco, Calif. This application does not involve new service. See Sierra Microwave, Inc. (Files Nos. 7173-C1-P-66, 7175/76-C1-P-66, 7178-C1-P-66, 7180 through 7182-C1-P-66, 2404-C1-P-67, 3057 through 3059-C1-P-71; and Western Tele-Communications, Inc. (Files Nos. 7183-C1-P-66 and 1786-C1-P-71. See also major amendment, File No. 7183-C1-P-66 this Public Notice.)

Major Amendment

7183-C1-P-66—Western Tele-Communications, Inc. (KOC42), Application amended to add frequencies 5945.2 MHz and 6004.5 MHz, via power split, toward passive reflector near Logan, Utah, on azimuth 89°56', and on to destination at Logan, Utah, on azimuth 262°11'. Station location: Promontory, 20 miles west of Tremonton, Utah.

(INFORMATIVE: Applicants (Sierra Microwave, Inc., and Western Tele-Communications, Inc.) propose to provide two channels of nonbroadcast program material, originating in San Francisco area, to North Utah Community TV in Logan, Utah. See application File No. 6858-C1-P-71, this Public Notice.)

[FR Doc.71-8323 Filed 6-11-71;8:55 am]

FEDERAL MARITIME COMMISSION

AUSTRALIA/U.S. ATLANTIC & GULF CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward F. Reardon, Agent, Australia/U.S. Atlantic & Gulf Conference, 17 Battery Place, New York, NY 10004.

Agreement No. 9450-5 would modify the Australia/U.S. Atlantic & Gulf Conference's basic agreement to permit its member lines to adopt rules permitting the establishment of absorption and equalization practices between Australian ports.

Dated: June 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8306 Filed 6-11-71;8:53 am]

INTERNATIONAL MOVERS' RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Carroll F. Genovese, Executive Secretary, Movers' & Warehousemen's Association of America, Inc., Suite 1101, Warner Building, Washington, DC 20004.

Agreement No. 8530-2, among the members of the International Movers' Rate Agreement, modifies the self-policing system of the agreement by deleting the third paragraph of paragraph 6, containing the present provisions, and adding a new paragraph 11 incorporating language to conform to the requirements of the Commission's General Order 7 (Revised).

Dated: June 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8307 Filed 6-11-71;8:54 am]

NEW ZEALAND RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John R. Mahoney, Esq., Casey, Lane & Mittendorf, 26 Broadway, New York, NY 10004.

Agreement No. 9831–1 between Pace Line, Farrell Lines, Inc., and Columbus Line expands the present basic agreement which allows the parties to meet and discuss rules governing the interchange and pooling of container equipment and related matters to include "rates, charges, and rules in connection with the transportation of freight from New Zealand to the Atlantic and Gulf coast ports of the United States." Each party reserves the right to alter any rate, charge classification, or related tariff matter upon 48 hours advance notice to the others.

Dated: June 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–8308 Filed 6–11–71;8:54 am]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Burton H. White, Esq., Burlingham Underwood Wright, White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9548–3, between the member lines of the North Atlantic Mediterranean Freight Conference, modifies Articles 3.1, 13.4(a), 20.2, and 20.4 of the basic agreement to provide as follows:

1. A second sentence has been added to Article 3.1 to provide that any member failing to have a Conference sailing during any one period of 180 consecutive days, shall lose all right to vote on the amendment of the agreement.

2. Article 13.4(a) has been amended to provide that unanimous approval of all members not disqualified from voting under the provisions of Article 3.1 is required for the amendment of this agreement.

3. Articles 20.2 and 20.4 have been amended to increase the amount of guarantee from $15,000 to $25,000.

Dated: June 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–8309 Filed 6–11–71;8:54 am]

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. T. P. McCutchan, Manager, Property Management, Port of Seattle, Post Office Box 1209, Seattle, WA 98111.

Agreement No. T–2005–7, between the Port of Seattle (Port) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement which provides for the lease of certain terminal facilities at Seattle, Wash. The purpose of the modification is to provide for office renovations for Sea-Land as well as provide for the Port to reimburse Sea-Land for the expenses incurred through the above action. The monthly rental is to be increased by $1,300 to amortize the Port's payment for the added construction.

Dated: June 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–8310 Filed 6–11–71;8:54 am]

RED SEA AND GULF OF ADEN/U.S. ATLANTIC AND GULF RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the

matters upon which they desire to adduce evidence. An allegation of discrimination of unfairness shall be accompanied by a statement describing the discrimination of unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the Statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Secretary, Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, 25 Broadway, New York, NY 10004.

Agreement No. 8558–5, among the member lines of the Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, will modify the basic agreement by updating the terms of its self-policing provisions to include language required by the Commission's General Order 7 (revised).

Dated: June 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–8311 Filed 6–11–71;8:54 am]

SCANDINAVIA BALTIC GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lars-Inge Carlsio, Secretary, Scandinavia Baltic Great Lakes Westbound Freight Conference, Packhusplatsen 6, Gothenburg, Sweden.

Agreement No. 9408–2 amends article 1 of the basic agreement to provide for the deletion of Canadian ports from the scope of the Conference.

Dated: June 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–8312 Filed 6–11–71;8:54 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01088	Schulte & Bruns:
	Stadt Bremen.
	Auguste Schulte.
	Erika Schulte.
	Guenther Schulte.
	Mathilde Schulte.
	Susanne Schulte.
	Joachim Schulte.
	Stadt Emden.
	Johann Schulte.
	Konsul Schulte.
	Henriette Wilhelmine Schulte.
	Lucie Schulte.
	Elisabeth Schulte.
	Elise Schulte.
	Ursula Schulte.
	Heinrich Schulte.
	Stadt Wolfsburg.
	Ilse Schulte.
	Herman Schulte.
02151	Anchor Line, Ltd.:
	Star Assyria.
02374	Minoutsi Shipping Corp.:
	Minoutsi.
02566	Granton Shipping Co., Ltd.:
	Granton.
03219	Whitwill, Cole & Co., Ltd.:
	Irish Wasa.
03428	Hachiuma Kisen K.K.:
	Chita Maru.
04067	Aksjeselskapet Kosmos:
	Jumunda.
04147	Theokipa Enterprises, Ltd.:
	Marica Matheos.
04153	Sodini Shipping Enterprises, Ltd.:
	Stella.
04161	A & S Transportation Co.:
	Judson K. Stickle.
	Forest.
04164	Modern Transportation Co.:
	Raritan.
	Seaway 6.
04287	Monsanto Co.:
	M–31.
	M–13.
	M–12.
	M–11.
	M–22.
	M–21.
	M–23.
	Chem–96.
	M–25.
	M–24.
	M–30.
	Ett–106.
	Ett–102.
	Ett–101.
04553	Hokoku Suisan Kabushiki Kaisha:
	Eimei Maru.
04793	Snam S.P.A.:
	Agipgas Quarta.
	Cortemaggiore.
	Alderamine.
	Agip Venezia.
	Agip Livorno.
	Agip Bari.
	Agip Trieste.
	Agip Genova.
	Agip Ancona.
	Agip Roma.
	Agip Milano.
04974	Saga Shipping A/S:
	Sagaland.
	Sagatind.
	Sagafjell.
	Sagahorn.
05059	Oriental Central American Lines, Inc.:
	Oriental Fantasia.
05346	Sociedad Anonima de Navegacion Petrolera:
	Cabo Pilar.
05509	Sansa Compania Naviera S.A.:
	Ioannis S.
05671	Petroleos del Peru:
	Transoceanica.
	9 De Octubre.
	Huascaran.
05694	Koei Gyogyo Kabushiki Kaisha:
	Koei Maru No. 7.
05810	John Hudson Fuel & Shipping, Ltd.:
	Hudson Venture.
	Hudson Friendship.
05813	George Rogwold & Lucille B. Rogwold (H & W):
	Olympia.
05840	Mr. Rihei Sakishima:
	Sakiyoshimaru.
05876	Rail & Water Terminal of Montreal, Ltd.:
	Voyageur D.
	Guard Mavoline.
05877	Transport Desgagnes, Inc.:
	Mont St. Martin.
05880	Estrella Atlantica Navegacion S.A. Panama:
	Malagasy.
05884	A. T. Davies Enterprises, Inc.:
	M/V Seafarer.
05912	Sarma Navigation S.A.:
	Sea Pioneer.
05915	Estrella Leal Navegacion S.A.:
	M/V Dauntless Colocotronis.
05924	Amur Transport, Inc.:
	M/T Amura.
05929	Liverpool Liners, Ltd.:
	Sig Ragne.
05930	Onepark Shipping Co., Ltd.:
	Troll River.
05931	Canpark Shipping Co., Ltd.:
	Arctic Troll.
05938	Kingsfield Compania Naviera S.A. Panama:
	Messiniaki Paradis.
05939	Estrella Tropica Navegacion S.A. Panama:
	Messiniaki Gi.

Certificate No.	Owner/Operator and Vessels
05940---	Fortuna Oceanica Navegacion S.A. Panama: Messiniaki Idea.
05941---	Alma del Atlantico Naviera S.A. Panama: Aristagoras.
05942---	Empresas Armadoras S.A. Panama: Hull 911 T.B.N.
05952---	Koei Gyogyo Kabushiki Kaisha: Koeimaru No. 18.
05971---	Kunitake Kaiun Kabushiki Kaisha: Kunitomo Maru. Youhitomo Maru.
05972---	Louis Ormestad A/S: Armlund.
02201---	International Harvester Co.: The International.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8313 Filed 6-11-71;8:54 am]

FEDERAL POWER COMMISSION

[Docket No. CS71-600, etc.]

GALAXY OIL CO. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 3, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 28, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS71-600---	4-30-71	Galaxy Oil Co., 1160 Hamilton Bldg., Wichita Falls, Tex. 71001.
CS71-601---	4-30-71	Howell Drilling, Inc. (Operator) et al., 604 Milam Bldg., San Antonio, Tex. 78205.
CS71-602---	4-30-71 5- 5-71	Homa Oil & Gas Co., 230-D Frito-Lay Tower, Dallas, Tex. 75235.
CS71-603---	4-30-71	Par Oil Corp., 504 Beck Bldg., Shreveport, La. 71101.
CS71-604---	4-30-71	Grace A. Chalmers, c/o Jerome M. Alper, Attorney, 818 18th St. NW., Suite 1020, Washington, DC 20006.
CS71-605---	5- 3-71	Estate of William G. Helis, 902 Whitney Bldg., New Orleans, La. 70130.
CS71-606---	5- 3-71	Joseph Arnold Scott, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-607---	5- 3-71	Isaac Arnold, Jr., 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-608---	5- 3-71	Robert Tilly Arnold, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-609---	5- 3-71	Isaac Arnold, III, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-610---	5- 3-71	Antoinette Arnold, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-611---	5- 3-71	Joyce M. Gilmore, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-612---	5- 3-71	Jerry Chambers, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-613---	5- 3-71	Stephen A. Lieber, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-614---	5- 3-71	Lance Resources, Inc., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-615---	5- 3-71	Neil E. Hanson, 1234 Americana Bldg., Houston, Tex. 77002.
CS71-616---	5- 3-71	Robert Joseph Barnhart, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-617---	5- 3-71	Harold E. Mertz, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-618---	5- 3-71	Douglas B. Marshall, Jr., 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-619---	5- 3-71	Esther M. Mertz, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-620---	5- 3-71	Robert W. Gilmore, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-621---	5- 3-71	Russell Scott, Jr., 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-622---	5- 3-71	Mary Cullen Scott, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-623---	5- 3-71	Payne, Inc., Post Office Box 14837, Oklahoma City, OK 73114.
CS71-624---	5- 3-71	Post Oak Oil Co., Post Office Box 14837, Oklahoma City, OK 73114.
CS71-625---	5- 3-71	Big Chief Drilling Co., Post Office Box 14837, Oklahoma City, OK 73114.
CS71-626---	5- 3-71	Artex Oil Co., 8300 Santa Monica Blvd., Los Angeles, CA 90069.
CS71-627---	5- 3-71	Bradley-Shaw, 1022 Union Center Bldg., Wichita, Kans. 67202.
CS71-628---	5- 3-71	Frost National Bank, Trustee, Will Crews Morris Trust Co., Post Office Drawer 1600, San Antonio, TX 78206.
CS71-629---	5- 3-71 5- 6-71	Don D. Montgomery, Jr., 1365 First National Bldg., Oklahoma City, Okla. 73102.
CS71-630---	5- 3-71	Ralph L. Leaderbrand, Operator, Post Office Box 1625, Shreveport, LA 71102.
CS71-631---	5- 3-71	Eason Oil Co., Post Office Box 18755, Oklahoma City, OK 73118.
CS71-632---	5- 3-71	Nicklos Oil & Gas Co., 518 First City National Bank Bldg., Houston, Tex. 77002.
CS71-633---	5- 3-71	Irene Wrightsman Cernadas Trust, 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-634---	8-21-70	Manler Oil Co., 1010 Wilson Bldg., Corpus Christi, Tex. 78401.
CS71-635---	5- 3-71	Four M Properties, Ltd. (successor to Radford Byerly, Trustee), 2307 First City National Bank Bldg., Houston, Tex. 77002.
CS71-636---	5- 3-71	Occidental Petroleum Corp., 5000 Stockdale Highway, Bakersfield, CA 93309.
CS71-637---	5- 3-71	Prudential Drilling Co. et al., 1880 Post Oak Tower Bldg., Houston, Tex. 77027.
CS71-638---	5- 3-71	Norman V. Kinsey et al., Post Office Box 1738, Shreveport, LA 71102.
CS71-639---	5- 3-71	I. A. Wyant et al., c/o Edward Bynum, Attorney, 219 Couch Dr., Oklahoma City, OK 73102.
CS71-640---	5- 3-71	J. E. Taubert & N. A. Steed, 1000 First-Wichita National Bldg., Wichita Falls, Tex. 76301.
CS71-641---	5- 3-71	Frank B. Treat, Post Office Box 250, Minden, LA 71055.
CS71-642---	5- 3-71	Joseph S. Morris, 516 Alamo National Bldg., San Antonio, Tex. 78205.
CS71-643---	5- 3-71	Wm. T. Burton Industries, Inc., Post Office Box 2001, Lake Charles, LA 70601.
CS71-644---	5- 3-71	Edmond J. Ford, Jr., 1714 Wilson Tower, Corpus Christi, Tex. 78401.
CS71-645---	5- 3-71	Powers Operating Co., 1816 Vaughn Plaza, Corpus Christi, TX 78401.
CS71-646---	4-30-71	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.
CS71-647---	4-30-71	Woods Petroleum Corp., Post Office Box 18667, Oklahoma City, OK 73118.
CS71-648---	4-30-71	Hickerson Oil Co., 2420 Western Federal Savings Bldg., Denver, Colo. 80202.
CS71-649---	4-30-71	Saratoga Production Co., Inc., 2891 South Golden Way, Denver, CO 80227.
CS71-650---	4-30-71	Davis Oil Co., 1230 Denver Club Bldg., Denver, Colo. 80202.
CS71-651---	5- 3-71	A. R. Dillard, Jr. et al., 1100 First-Wichita National Bldg., Wichita Falls, Tex. 76301.
CS71-652---	5- 3-71	Lois Dee Dillard et al., 1100 First-Wichita National Bldg., Wichita Falls, Tex. 76301.
CS71-653---	5- 3-71	Nancy Jane Dillard et al., 1100 First-Wichita National Bldg., Wichita Falls, Tex. 76301.
CS71-654---	5- 3-71	Lois Dee Miller, 1100 First-Wichita National Bldg., Wichita Falls, Tex. 76301.
CS71-655---	5- 3-71	Nancy Jane Harvey, 1100 First-Wichita National Bldg., Wichita Falls, Tex. 76301.
CS71-656---	5- 3-71	A. R. Dillard, Jr., Operator, 1600 10th St., Wichita Falls, TX 76301.
CS71-657---	5- 3-71	A. R. Dillard, Inc., 1600 10th St., Wichita Falls, TX 76301.
CS71-658---	5- 3-71	Buttes Gas & Oil Co., 522 Southwest Tower, Houston, Tex. 77002.
CS71-659---	5- 3-71	Kilroy Properties, Inc., and W. S. Kilroy, 1908 First City National Bank Bldg., Houston, Tex. 77002.
CS71-660---	5- 3-71	Curtis Hankamer, 714 Houston Citizens Bank Bldg., Houston, Tex. 77002.
CS71-661---	5- 3-71	Gilbert Montgomery, 1365 First National Bldg., Oklahoma City, Okla. 73102.

Docket No.	Date filed	Name of applicant
CS71-662...	5- 3-71	Doric Corp., 1365 First National Bldg., Oklahoma City, Okla. 73102.
CS71-663...	5- 3-71	Great Plains Land Co., c/o William V. Byrd, 2500 Republic National Bank Tower, Dallas, Tex. 75201.
CS71-664...	5- 3-71	Walters Drilling Co., 400 Insurance Bldg., Wichita, Kans. 67202.
CS71-665...	5- 3-71	Love Oil Co., Inc., 3003 North Central, Suite 2401, Phoenix, AZ 85012.
CS71-666...	5- 3-71	W. H. Cocke, 2410 Bank of the Southwest Bldg., Houston, Tex. 77002.
CS71-667...	4-30-71	Josephine A. Bryan, c/o Jerome M. Alper, Attorney, 818 18th St. NW., Suite 1020, Washington, DC 20006.
CS71-668...	4-30-71	P. F. Martyn, c/o Jerome M. Alper, Attorney, 818 18th St. NW., Suite 1020 Washington, DC 20006.
CS71-669...	4-30-71	Milo H. Abercrombie, c/o Jerome M. Alper, Attorney, 818 18th St. NW., Suite 1020, Washington, DC 20006
CS71-670...	4-30-71	R. H. Abercrombie, c/o Jerome M. Alper, Attorney, 818 18th St., NW., Suite 1020, Washington, DC 20006
CS71-671...	5- 3-71	M. H. Marr, 2500 Republic National Bank Bldg., Dallas, Tex. 75201.
CS71-672...	5- 3-71	Jack W. Grigsby, 1108 Commercial National Bank Bldg., Shreveport, La. 71101.
CS71-673...	5- 3-71	Magness Petroleum Co., 3535 Northwest 58th St., Oklahoma City, OK 73112.
CS71-674...	5- 3-71	Hawn Brothers et al., 100 Hawn Bldg., Corpus Christi, Tex. 78401.
CS71-675...	5- 3-71	Petroleum Management, Inc. (Operator), et al., 1912 The 600 Bldg., Corpus Christi, Tex. 78401.
CS71-676...	5- 3-71	Glasscock Oil Co. (Producer & Operator), 1912 The 600 Bldg., Corpus Christi, Tex. 78401.
CS71-677...	5- 3-71	Hanover Planning Co., Inc., Suite 1410, 211 North Ervay Bldg., Dallas, Tex. 75201.
CS71-678...	5- 3-71	Lago Petroleum Co., 2318 Bank of the Southwest Bldg., Houston, Tex. 77002.
CS71-679...	5- 3-71	Underwood Oil Co., Inc., Suite 420, Oil & Gas Bldg., Wichita Falls, Tex. 76301.
CS71-680...	5- 3-71	Okmar Oil Co., Post Office Box 548, Marietta, OH 45750.
CS71-681...	5- 3-71	Robert M. Beren, 1130 Vickers, KSB&T Bldg., Wichita, Kans. 67202.
CS71-682...	5- 3-71	United Energy Corp., A-112 Petroleum Center Bldg., San Antonio, Tex. 78209.
CS71-683...	5- 3-71	Gillring Oil Co., First State Bank Bldg., Mission, Tex. 78572.
CS71-684...	5- 3-71	Pennie W. Adkins, Testamentary Executor of the Estate of John F. Adkins, Jr., Post Office Box 36, Mineral Wells, TX 76067.
CS71-685...	5- 3-71	A. J. Gamble, 202 Fairfield Ave., Bastrop, LA 71220.
CS71-686...	5- 3-71	North Central Oil Corp., 1300 Main St., Suite 1000, Houston, TX 77002.
CS71-687...	5- 3-71	N. C. Ginther, 1400 Bank of the Southwest Bldg., Houston, Tex. 77002.
CS71-688...	5- 3-71	Alverne R. Conley, 205 Pine St., Minden, LA 71055.
CS71-689...	5- 3-71	Quien Sabe Corp., 420 Lincoln Center, Ardmore, Okla. 73401.
CS71-690...	5- 3-71	C. A. Barton, Complex 2, O.C.S., Lafayette, La. 70501.
CS71-691...	5- 3-71	Joseph W. Moore, 2010 Gulf Bldg., Houston, Tex. 77002.
CS71-692...	5- 3-71	Dakota Mining & Development Corp., Post Office Box 449, Carthage, TX 75663.
CS71-693...	5- 3-71	Mrs. Dorothy Wilson Hancock, Post Office Box 68, Beeville, TX 78102.
CS71-694...	5- 3-71	B. C. McKeever, 901 Beck Bldg. Shreveport, La. 71101.
CS71-695...	5- 3-71	Betty Sue McKeever, 901 Beck Bldg., Shreveport, La. 71101.
CS71-696...	5- 3-71	Federal Petroleum, Inc., 1601 Liberty Bank Bldg., Oklahoma City, Okla. 73102.
CS71-697...	5- 3-71	Burk Royalty Co., 800 Oil & Gas Bldg., Wichita Falls, Tex. 71001.
CS71-698...	5- 3-71	Ainslie Perrault, Operators et al., 602 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.
CS71-699...	5- 3-71	Jack D. Hodgden, 1108 Bass Bldg., Enid, Okla. 73701.

[FR Doc.71-8104 Filed 6-11-71;8:45 am]

[Docket No. RP71-122]

ARKANSAS LOUISIANA GAS CO.

Notice of Filing and Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JUNE 7, 1971.

Take notice that on May 18, 1971, Arkansas Louisiana Gas Co. (Arkla) filed a written report, pursuant to paragraph (A) (2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, and tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, consisting of Original Sheets Nos. 3A, 3B, and 3C, to become effective June 15, 1971, in order to effectuate a gas curtailment policy which Arkla will follow in order to conserve gas on its system for meeting the "human needs" of its customers.

Original Sheet No. 3C sets forth an "Emergency Interim Policy" which states that Arkla's "* * * gas supply is critically low and worsening" and that Arkla will immediately institute a policy of conserving its existing gas supplies by extending the productive life of all connected sources for the benefit of human needs customers who are defined as those in the domestic and commercial classifications.

Original Sheets Nos. 3A and 3B set forth the details of the curtailment program which Arkla will follow when curtailments are necessary to protect deliveries to human needs customers. Gas reductions will become increasingly restrictive as Arkla discontinues deliveries to the five categories of customers hereinafter named. Category I includes all interruptible customers who receive service subject to curtailment at Arkla's sole discretion. Category A includes all users of gas who could switch to an alternate fuel regardless of whether such users have yet installed alternate fuel facilities. Category B includes large users of gas for fuel or as a raw material who cannot use an alternate fuel and whose operations would be reduced or completely shut down if gas supplies were curtailed. Category C consists of those who use small amounts of gas for industrial or regular commercial purposes and for pilot lights in auxiliary equipment or industrial plants. The highest priority is Category D consisting of schools, churches, residences, hospitals, and other human needs customers.

Original Sheet No. 3B lists the general criteria which will govern the administration of Arkla's curtailment policy. Among those criteria is Arkla's intent to interrupt completely deliveries to one category of customers before reducing deliveries within the next category of service. All those within a given category, to the extent practicable, will be curtailed on a parity with deliveries to all others within that particular category. Curtailments of resale customers in Oklahoma and Kansas will be in accordance with the priority of service provisions of Section 10 of the General Terms and Conditions applicable to Rate Schedule G-2 of Arkla's presently effective tariff. Section 10 provides in effect that Arkla will curtail deliveries of gas to its resale customers for sale to their industrial consumers before reducing deliveries of gas to its own direct industrial customers. However, Arkla will curtail its own direct industrial customers before reducing the volumes of gas which the resale customers need for supplying their residential consumers.

Original Sheet No. 3B also indicates that deliveries to Cities Service Gas Co. under Arkla's Rate Schedule X-26 will be treated on a parity with other customers and will not be given preference over its obligations to serve its other customers.

Arkla will not curtail deliveries to purchasers of gas from wells not connected to its pipeline system because no benefits to its pipeline customers would accrue from curtailment of unconnected sources of supply.

The final provision governing Arkla's curtailment policy is set forth in paragraph (h) on Original Sheet No. 3B as follows:

This filing contemplates and hereby provides that, insofar as practicable, it shall be applied and followed on a companywide basis and will control in all respects, and that Seller (Arkla) shall be relieved of all liabilities, penalties, charges, payments, price adjustments, alternate fuel subsidizations and claims of whatever kind, contractual and otherwise, resulting from or arising out of Seller's failure to deliver all, or any portion of, the volumes of gas desired by any particular customer or customers to the extent that such failure results from Seller's implementation of the curtailment policies set out herein, notwithstanding inconsistent provisions in sales contracts, jurisdictional and nonjurisdictional, heretofore entered into.

Arkla's proposal to effectuate the curtailment plan by adding Original Sheets Nos. 3A, 3B, and 3C to the General Terms and Conditions of its tariff raises issues which may require development in evidentiary proceedings. The tariff

changes have not been shown to be justified and their operation may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. Therefore, it appears appropriate to suspend the effectiveness of the proposed tariff sheets for 1 day from June 15, 1971.

Arkla's filing indicates that it has been served on its customers and interested State Commissions.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of Original Sheets Nos. 3A, 3B, and 3C submitted for filing by Arkla and that such tariff sheets be suspended and the use thereof be deferred as herein provided.

(2) Good cause exists to waive the requirements of § 154.22 of the Commission's regulations under the Natural Gas Act in order to permit the submission for filing of Original Sheets Nos. 3A, 3B, and 3C.

The Commission orders:

(A) Pending hearing and decision on the issues raised by Arkla's filing in Docket No. RP71–122 Original Sheets Nos. 3A, 3B, and 3C, such tariff sheets are hereby suspended and the use thereof is deferred until June 16, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) The requirements of § 154.22 of the Commission's regulations are waived with respect to Arkla's tender for filing of Original Sheets Nos. 3A, 3B, and 3C.

(C) Any person desiring to be heard or make any protest with respect to said filing should on or before June 21, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–8234 Filed 6–11–17;8:48 am]

[Docket No. RI71–1009, etc.]

CONTINENTAL OIL COMPANY ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

MAY 27, 1971.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued May 6, 1971, and published in the FEDERAL REGISTER May 14, 1971, 36 F.R., 8903, Appendix "A": Change footnote 8 to read: "[8] The effective rate and proposed rate for low pressure gas are 19.5 cents and 21.5 cents, respectively." Add the following footnote: "[9] Pertains to gas produced from the W. D. Block 52, 53, 55, N½ 56, 58, 59, and 84 under the basic contract." Docket No. RI71–1015, Continental Oil Co. under column headed "Rate in Effect" and footnote reference "9a" to 20.5

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–8237 Filed 6–11–71;8:48 am]

[Docket No. RP71–121]

EASTERN SHORE NATURAL GAS CO.

Notice of Filing and Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JUNE 7, 1971.

Take notice that on May 17, 1971, Eastern Shore Natural Gas Co. (Eastern Shore) filed a written report, pursuant to paragraph (A) (2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R–418, and tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, consisting of Original Sheets Nos. 34F and 34G, to become effective June 16, 1971, in order to effectuate a gas curtailment policy in the event a gas shortage on its system should develop at any time in the future.

Eastern Shore states that, while it expects to nominate sufficient volumes of gas for storage injection to be able to meet all of its customers' requirements during the coming 1971–72 heating season, it has been advised that its supplier, Transcontinental Gas Pipe Line Corp. (Transco), may find it necessary to curtail firm service to its customers during the immediate future. If Transco should invoke curtailments, Eastern Shore states that it would expect to curtail service to its customers in accordance with the terms of the curtailment policy set forth in proposed Original Sheets Nos. 34F and 34G which, if accepted by the Commission, would add a new section 20 to the general terms and conditions of its tariff to govern all necessary cutbacks in service resulting from curtailments in deliveries by Transco or other gas deficiencies.

Section 20 supersedes any prior curtailment provisions in Eastern Shore's service agreements or sales contracts and applies to all classes of customers regardless or whether they are subject to the Commission's jurisdiction or not. The curtailment policy would reduce gas deliveries during a gas deficiency under a four-step procedure. First, all interruptible sales will be proportionately reduced until all such sales are entirely curtailed. Interruptible sales are defined as those made directly by Eastern Shore as well as those made by its resale customers. Second, if operating pressure prevents maintenance of adequate service to firm resale customers, all direct industrial firm sales will be entirely discontinued before any curtailments are made in firm deliveries to resale customers. Third, if operating pressure is not a problem, firm industrial sales, including those made by resale customers, will be curtailed in proportion to the total firm industrial sales until all firm industrial sales are competely curtailed, except that industrial customers whose usage fails to exceed 100 Mcf per day will not be curtailed until necessary under the fourth step. Fourth, firm sales to resale customers will be curtailed in proportion to the total daily contract demands of all customers, including the industrial sales not subject to interruption under the third step.

It is noted that section 13 of the general terms and conditions of Eastern Shore's presently effective tariff contains provisions governing curtailments if Eastern Shore is unable to meet its customers' requirements because of pipeline capacity limitations or other operational problems which are unassociated with a gas supply deficiency. If Eastern Shore intends for the newly submitted section 20 to control curtailments for all purposes under all circumstances, it should make an additional filing to clarify the applicability of existing section 13.

Eastern Shore's proposal to add section 20 to the general terms and conditions of its tariff raises issues which may require development in evidentiary proceedings. The tariff changes have not been shown to be justified and their operation may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. Therefore, it appears appropriate to suspend the effectiveness of the proposed tariff sheets for 1 day from June 16, 1971.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of Original Sheets Nos. 34F and 34G submitted for filing by Eastern Shore and that such tariff sheets be suspended and the use thereof be deferred as herein provided.

(2) Good cause exists to waive the requirements of § 154.22 of the Commission's regulations under the Natural Gas Act in order to permit the submission of Original Sheets Nos. 34F and 34G.

The Commission orders:

(A) Pending hearing and decision on the issues raised by Eastern Shore's filing in Docket No. RP71–121 of Original Sheets Nos. 34F and 34G, such tariff sheets are hereby suspended and the use thereof is deferred until June 17, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) The requirements of § 154.22 of the Commission's regulations are waived with respect to Eastern Shore's tender for filing of Original Sheets Nos. 34F and 34G.

(C) Any person desiring to be heard or make any protest with respect to said

filing should on or before June 21, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petition to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-8238 Filed 6-11-71;8:48 am]

[Docket No. CP71-288]

INDUSTRIAL GAS CORP.

Notice of Application

JUNE 7, 1971.

Take notice that on June 2, 1971, Industrial Gas Corp. (applicant), Post Office Box 1473, Charleston, WV 25325, filed in Docket No. CP71-288 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain existing facilities for the transportation and sale of natural gas, for a limited term, to Consolidated Gas Supply Corp. (Consolidated), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that to help alleviate an emergency supply situation existing on Consolidated's system, it began delivery of natural gas on August 12, 1970, to Consolidated at two delivery points in Boone County, W. Va., pursuant to § 2.68 of the Commission's General Policy and Interpretations. Thereafter, by order of the Commission in Docket No. CP71-71, issued on February 22, 1971, applicant was authorized to sell up to 5,000 Mcf of natural gas per day to Consolidated for a period ending June 30, 1971. Applicant requests authorization for the limited period commencing July 1, 1971, until June 30, 1976, to continue the transportation and sale heretofore authorized in Docket No. CP71-71.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-8239 Filed 6-11-71;8:48 am]

[Docket No. R-400]

LIMITATION PROVISIONS IN GAS RATE SCHEDULES RELATING TO MINIMUM TAKE PROVISIONS

Order on Petition for Rehearing

JUNE 7, 1971.

On May 10, 1971, the Public Service Commission of the State of New York (PSC) filed a petition for rehearing of the Commission's order, issued on April 9, 1971, terminating this proposed rule making proceeding. PSC avers that the Commission erred in terminating this proceeding because it removed conditions imposed in outstanding temporary and permanent certificates, upon volumetric requirements to be paid for by pipeline purchasers under take-or-pay provisions in their gas purchase contracts. PSC contends that such action of the Commission was taken without providing it the opportunity to be heard concerning the elimination of such volumetric limitations.

PSC has misinterpreted the notice of proposed rule making issued September 23, 1970, and the order terminating our proposed rule making.

The notice of September 23, 1970, stated (in footnote 2 thereof) that: "It is proposed that such order shall be applicable to all rate schedules accepted for filing whether under a permanent or a temporary certificate of public convenience and necessity." And further, the notice expressly took recognition of the fact that the Commission had issued temporary and permanent certificates for the sale of natural gas containing certain volumetric delivery conditions insofar as take-or-pay obligations are concerned. In most instances, after the initiation of the rule making proceeding in Docket No. R-400 on September 23, 1970, such take-or-pay volumetric limitations were expressly conditioned on the outcome of the proceedings in Docket No. R-400.

Thus, when we issued our order terminating the proposed rulemaking proceeding in Docket No. R-400, where the permanent or temporary certificates contained take-or-pay volumetric limitations, subject to the final outcome of Docket No. R-400, it was proper and within the scope of the proposed rulemaking proceeding for the Commission to eliminate any such limitation from each of such certificates. The termination order does not cover those certificates which were not specifically made subject to the outcome of Docket No. R-400.

PSC further contends that although the Commission's action in terminating the rulemaking proceeding "* * * may have little immediate effect upon either producer revenues or pipeline costs, since the pipelines in many cases already are voluntarily accepting gas at considerably faster rates.", it may have an adverse effect in the future. However, when we terminated this proceeding, we noted that the adoption of the proposed rulemaking "at this time" would not be in the public interest. Our surveillance of the obligations incurred by interstate pipeline companies under their contractual obligations to take-or-pay for minmum quantities of natural gas is a continuing one, and if, in the future, the situation warrants our taking action such as that which we proposed when we issued the notice of September 23, 1970, we will do so.

PSC's application for rehearing sets forth no further facts or principles of law which were not fully considered in the April 9, 1971, order, or which, having now been considered, warrant any modification of that order.

The Commission orders:

PSC's application for rehearing of the order terminating the rulemaking proceeding in Docket No. R-400, issued April 9, 1971, is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-8240 Filed 6-11-71;8:48 am]

[Docket No. CP71-278]

LO-VACA GATHERING CO.

Notice of Application

JUNE 3, 1971.

Take notice that on May 20, 1971, Lo-Vaca Gathering Co. (applicant), Post Office Drawer 521, Corpus Christi, TX 78403, filed in Docket No. CP71-278 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities

for a limited term sale of natural gas to Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been advised by Natural of a need for additional volumes of natural gas to meet existing contractual requirements. Specifically, applicant seeks a limited authorization with pregranted abandonment, to sell up to 148,000 Mcf of natural gas per day to Natural for a period of 18 months beginning no earlier than June 1, 1971. Applicant states that the selling price for the sales proposed herein will be 30.5 cents per Mcf subject to upward or downward B.t.u. adjustments.

Applicant also states that it is exempt from regulation by the Federal Power Commission under the provisions of section 1(c) of the Natural Gas Act and proposes this sale for resale of natural gas in interstate commerce subject to the following conditions:

(1) The certificate issued herein be limited to authorization of the proposed sale to Natural and facilities necessary to make such sale;

(2) The Commission waive its accounting and other reporting requirements with respect to Applicant for the term of the limited term certificate sought herein. Applicant states that it will be willing to report the volumes sold to Natural pursuant to the requested authorization;

(3) The nonjurisdictional status of the facilities and operations of independent producers and other suppliers from whom Applicant purchases gas and the sales by such independent producers and other suppliers be not affected during the term of the authorization sought herein;

(4) With the exception of the sale to be crtificated herein, all of Applicant's existing facilities, and sales from its system are and will continue to be exempt from Commission regulation, and the nonjurisdictional status of its existing sales will not be rendered jurisdictional or otherwise affected by Commission regulation of the sale proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8241 Filed 6-11-71;8:48 am]

[Docket No. CP71-280]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JUNE 7, 1971.

Take notice that on May 25, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-280 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the abandonment of an exchange of natural gas between Lone Star Gas Co. (Lone Star) and applicant and the facilities employed to effectuate said exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The order of September 24, 1970, issued in Docket No. CP71-25, authorized the construction and operation of facilities for the exchange of natural gas between applicant and Lone Star. This exchange service provided for the delivery to applicant of natural gas purchased by Lone Star from Lone Star Producing Co. (Producing) in the Puryear Gas Unit in the Buffalo Wallow Field, Hemphill County, Tex., and the redelivery of natural gas by applicant to Lone Star in Wise County, Tex.

Applicant states that Lone Star has assigned its Puryear Gas Unit purchase contract to applicant and Lone Star will therefore no longer have natural gas available for the exchange service. Accordingly, applicant requests permission and approval to abandon the subject exchange service conditioned upon the receipt of the Commission authorization requested by Lone Star, Producing and Lone Star Gathering Co. in their presently pending application in Docket No. CP71-274.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 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.71-8242 Filed 6-11-71;8:48 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes in FPC Gas Tariff To Establish New Policies Regarding Curtailment and Interruption of Deliveries

JUNE 4, 1971.

Take notice that on May 17, 1971, Panhandle Eastern Pipe Line Co. (Panhandle) filed a written report, pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, and tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, consisting of Second Revised Sheet No. 42 and Original Sheets Nos. 42-A, 42-B, and 42-C, to become effective July 1, 1971, in order to effectuate a gas curtailment and interruption policy which Panhandle will follow to meet any gas shortage or operating problems which might arise.

Although Panhandle's report states that it is injecting gas into its underground storage reservoirs at rates which will permit completion of injection prior to the 1971-72 heating season, it avers that it "* * * is unable to predict whether the availability of gas supplies will at all times permit deliveries without some curtailment from time to time." Therefore, it has submitted the above-mentioned tariff sheets which propose revisions in section 16 of the general

terms and conditions of its tariff to establish curtailment and interruption procedures in the event of any occurrences which might prevent it from being able to meet its customers' requirements.

If Panhandle finds it necessary to linfit deliveries of gas because of pipeline modifications, repairs, etc., it will curtail gas under § 16.1, as revised, which provides that all interruptible deliveries will first be discontinued followed by curtailment of storage deliveries to its direct firm industrials using more than 50 Mcf per day and will require its resale customers to reduce deliveries to their firm industrials using more than 50 Mcf per day before restricting deliveries to firm domestic and commercial consumers.

Revised § 16.2 would permit Panhandle to curtail deliveries on any part of its system as the circumstances may require in event of interruptions caused by force majeure.

Section 16.3, as revised, would govern any curtailments required because of a deficiency in basic gas supplies. When gas supplies are deficient, Panhandle will determine a uniform percentage of industrial usage which may be curtailed to bring available gas supplies into balance with the gas required for storage injections and for providing the percentage of authorized deliveries which can be met. During a given curtailment period, the maximum quantity of gas which a customer buying under a contract specifying a daily volume can obtain from Panhandle will be the base period volume[1] reduced by the percentage of industrial usage specified by Panhandle in its curtailment notice, divided by the number of days in the month during which curtailment takes place. A customer buying under a contract specifying a monthly, seasonal, or annual volume can obtain the base period volume reduced by the percentage of industrial usage specified by Panhandle in its curtailment notice. The annual contract volume under the CS (Combined Service) Rate Schedule, and the seasonal and annual volumes under export authorization, will be reduced by the volume curtailed under § 16.3.

No adjustment in demand charges will be made for curtailments occurring under § 16.3 as a result of a gas supply deficiency, but demand charge adjustments will be made for curtailments arising under §§ 16.1 and 16.2 as a result of force majeure or pipeline modifications, repairs, etc. The minimum bill provided for in the LS (Limited Service), SS (Seasonal Service) and CS Rate Schedules will be credited with the aggregate volume curtailed under section 16.

Panhandle's report indicates that it has been served on both its jurisdictional and nonjurisdictional customers and interested State Commissions.

Any person desiring to be heard or to make any protest with reference to the proposed tariff sheets submitted by Panhandle to effectuate curtailment and interruption policies in response to Order No. 431 should on or before June 18, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Panhandle's report and proposed tariff sheets, submitted pursuant to Order No. 431, are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8236 Filed 6-11-71;8:48 am]

[1] Original Sheet No. 42-B defines the base period as the pertinent month in which the customer's takes of gas from Panhandle were the greater, using the two corresponding calendar months in the period from May 1969 through April 1971 to make the determination. The base period volume is the volume of gas delivered by Panhandle in the base period but not in excess of the product of the number of days in the month times the contract demand or daily contracted volume in effect during the curtailment period. Industrial usage is generally defined as gas consumed by a customer in generating electricity and gas sold to consumers using more than 50 Mcf per day.

[Docket No. CP67-349]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Cost of Service Filing

JUNE 7, 1971.

Take notice that on May 3, 1971, South Texas Natural Gas Gathering Co. (applicant), Post Office Drawer 521, Corpus Christi, TX 78403, filed in Docket No. CP67-349 a cost of service statement in the form required by § 154.63(f) of the Commission's regulations under the Natural Gas Act.

The Commission's order heretofore issued in Docket No. CP67-349 granted applicant a conditioned certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities and the sale of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. (Transco). The order issuing this conditioned certificate incorporated the terms of a stipulation and agreement which was the result of conferences between the parties to the sale and the Commission's staff during which it was determined that this service would be rendered at an initial rate of 19.58 cents per Mcf. After a period of operation consisting of at least 15 months, the order requires that applicant submit cost of service statements justifying this rate. Applicant states that the cost of service statement filed herein are in compliance with this order.

Any person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than June 28, 1971, data, views, comments, or suggestions in writing concerning this cost of service statement and the rate therein involved. An original and 14 conformed copies should be filed with the Commission. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the cost of service statement should be addressed and whether the person filing them requests a conference or formal hearing at the Federal Power Commission to discuss the cost of service statement as it relates to this presently effective rate. The Commission will consider all such written submissions before acting on the matters herein involved.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8243 Filed 6-11-71;8:48 am]

[Docket No. CP71-281]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 7, 1971.

Take notice that on May 26, 1971, Transcontinental Gas Pipe Line Corp. (applicant), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP71-281 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas gathering facilities to be located offshore of the coast of Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate approximately 9.5 miles of 20-inch gathering pipeline and two meter and regulating stations to connect the Block 541 Fields, Brazos Area, offshore Texas, to applicant's 30-inch transmission line presently under construction in Block 538 of the Brazos Area. Applicant states that it has contracted with Texaco, Inc., to purchase natural gas in both the Block 538 and 541 Fields and estimates that the initial deliveries from these fields will be 40,000 Mcf per day. The facilities proposed herein will be utilized to gather and transport this gas. The estimated cost of the facilities proposed herein is $3,387,000, which cost applicant states will be financed initially from short-term loans and available cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8244 Filed 6-11-71;8:49 am]

[Docket No. CP71-285]

TRUNKLINE GAS CO.

Notice of Application

JUNE 7, 1971.

Take notice that on June 1, 1971, Trunkline Gas Co. (applicant), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP71-285 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain offshore natural gas gathering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a contract with Tenneco Oil Co. (Tenneco) for the purchase of natural gas produced from Tenneco's leases covering South Timbalier Blocks 169 and 196, offshore Louisiana. Applicant seeks authorization herein to construct and operate 10.8 miles of 10¾-inch pipeline to transport the gas purchased from Tenneco to applicant's existing 26-inch pipeline in Ship Shoal Block 185, offshore Louisiana. The estimated cost of the facilities proposed herein is $1,280,000, which cost applicant states will be financed from available funds.

Applicant states that the facilities proposed herein and the gas supplies to be connected thereby are essential to enable it to meet its contract obligations to its existing customers and that these facilities must be constructed during the summer construction season.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8245 Filed 6-11-71;8:49 am]

[Docket No. G-2730 etc.]

HILDA B. WEINERT ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

MAY 26, 1971.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued May 19, 1971 and published in the FEDERAL REGISTER May 28, 1971, 36 F.R. 9801, add footnote reference "17" after Docket No. "CI71-786" Add footnote "17 Applicant proposes to sell and to deliver for exchange natural gas produced in the Buffalo Wallow Field, Exchange gas, if any, would be redelivered by Natural Gas Pipeline Company of America in Liberty County, Tex., or at a mutually agreeable alternate point."

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8238 Filed 6-11-71;8:48 am]

FEDERAL RESERVE SYSTEM

SECURITY FINANCIAL SERVICES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Security Financial Services, Inc., Sheboygan, Wis., for approval of acquisition of 80 percent or more of the voting shares of Farmers-Merchants National Bank in Princeton, Princeton, Wis.

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 Security Financial Services, Inc., Sheboygan, Wis. (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 Farmers-Merchants National Bank in Princeton, Princeton, Wis. (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 offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 22, 1971 (36 F.R. 7623), providing 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.

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 13th largest banking organization in Wisconsin, controls two banks with aggregate deposits of $73 million, representing 0.8 percent of the State's total deposits. (All banking data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board through April 30, 1971.) Upon acquisition of Bank ($11 million in deposits), Applicant would increase its share of statewide deposits to 0.9 percent and would become the 11th largest banking organization in the State.

Bank, the only bank located in Princeton (est. population 1,500), serves the west-central part of Green Lake County. Applicant's two banking subsidiaries are approximately 80 miles east of Bank in Sheboygan.

Bank is the largest of eight banks competing in the Princeton area, holding 19.6 percent of area deposits. The second and third largest banks in the area hold 17.6 percent and 16.4 percent of area deposits, respectively. All of the banks in the area primarily serve the towns in which they are located, and Bank is not regarded as dominating the area. Based upon the record before it, the Board concludes that consummation of the proposed acquisition would not eliminate significant existing or potential competition, nor would it have an adverse competitive effect on other area banks.

Considerations relating to the financial and managerial resources and future prospects, as they relate to Applicant, its subsidiaries, and Bank are regarded as consistent with approval of

the application. Bank's affiliation with Applicant would make available trust, travel and computer services to Bank's customers for the first time and existing services would be improved and broadened. Affiliation would also give Bank the expertise and capability to service certain loan requests that it has avoided in the past because of a lack of experience in handling the larger commercial and agricultural borrowers in the area. Considerations relating to the convenience and needs of the communities served by Bank lend some support for approval of the application. 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, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided,* That the acquisition 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 Chicago pursuant to delegated authority.

By order of the Board of Governors, June 7, 1971.

Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer and Sherrill.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-8246 Filed 6-11-71;8:49 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BARBADOS

Entry or Withdrawal From Warehouse for Consumption

JUNE 8, 1971.

On May 28, 1971, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and extended through September 30, 1973, requested the Government of Barbados to enter into consultations concerning exports to the United States of cotton textile products in Category 39 produced or manufactured in Barbados. In that request the U.S. Government stated its view that exports in this category from Barbados should be restrained for the 12-month period beginning May 28, 1971, and extending through May 27, 1972.

Notice is hereby given that under the provisions of Articles 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textile products in Category 39 produced or manufactured in Barbados and exported from Barbados on and after the date of such note may be restrained.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-8260 Filed 6-11-71;8:50 am]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PERU

Entry or Withdrawal From Warehouse for Consumption

JUNE 8, 1971.

On May 28, 1971, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and extended through September 30, 1973, requested the Government of Peru to enter into consultations concerning exports to the United States of cotton textile products in Category 22 produced or manufactured in Peru. In that request the U.S. Government stated its view that exports in this category from Peru should be restrained for the 12-month period beginning May 28, 1971, and extending through May 27, 1972.

Notice is hereby given that under the provisions of Article 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textile products in Category 22 produced or manufactured in Peru and exported from Peru on and after the date of such note may be restrained.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-8261 Filed 6-11-71;8:56 am]

RENEGOTIATION BOARD

VOLUNTARY PARTICIPATION IN RULE MAKING PROCEDURE

Notice is hereby given that the Renegotiation Board has adopted the following policy:

By section 111 of the Renegotiation Act of 1951, as amended, the functions exercised by the Renegotiation Board under that act are excluded from the operation of the Administrative Procedure Act except as to the requirements of section 3 thereof (5 U.S.C. 552). However, in order that the public may have an opportunity to consider proposed rules and to offer comments and suggestions thereon, the Board will, whenever appropriate, utilize the public participation procedures of the Administrative Procedure Act, 5 U.S.C. 553, in issuing rules or regulations. The Board will publish notices of proposed rule making except when such procedures would be impracticable, unnecessary or contrary to the public interest, as, for example, in emergencies or in instances where public participation would be useless or wasteful because proposed amendments to the Board's regulations cover minor technical matters.

In connection with any notice of proposed rule making, written material or suggestions submitted will be available for public inspection during regular business hours in the library at the principal office of the Board, 1910 K Street NW., Washington, DC.

Dated: June 8, 1971.

LAWRENCE E. HARTWIG,
Chairman.

[FR Doc.71-8292 Filed 6-11-71;8:52 am]

SMALL BUSINESS ADMINISTRATION

ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation of Authority Regarding Financial Assistance

Delegation of Authority No. 4, Revision 2 (35 F.R. 13234), as amended (35 F.R. 16759, 36 F.R. 653, and 36 F.R. 8537), is hereby further amended by revising Item I.H, to read as follows:

I. * * *

* * * * *

H. To guarantee the payments of rentals under leases entered into by small business concerns and to guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts up to $500,000.

* * * * *

Effective date: April 30, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-8293 Filed 6-11-71;8:52 am]

TARIFF COMMISSION

[TEA-I-21]

TELEVISION RECEIVERS

Notice of Investigation and Hearing

Investigation instituted. Following receipt of a petition filed by three major unions representing workers in the U.S. television receiver industry, the U.S. Tariff Commission, on June 8, 1971, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether television receivers and parts thereof, provided for in item 685.20 of the Tariff Schedules of the United States, are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., EDST, on August 24, 1971, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Requests to appear must contain a careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York Office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: June 9, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-8291 Filed 6-11-71;8:52 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 9, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42224—*Roofing and building material from Port Arthur, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-235), for interested rail carriers. Rates on roofing and building material, in carloads, as described in the application, from Port Arthur, Tex., to specified points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Ohio, and Tennessee.

Grounds for relief—Market competition.

Tariff—Supplement 1 to Southwestern Freight Bureau, agent, tariff ICC 4952. Rates are published to become effective on July 15, 1971.

By the Commission

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

[FR Doc.71-8302 Filed 6-11-71;8:53 am]

UNITED PARCEL SERVICE, INC., ET AL.

Assignment of Hearings

JUNE 9, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-115495 Sub 19, United Parcel Service, Inc., assigned July 26, 1971, at Memphis, Tenn., at the Albert Pick Motor Inn, 300 North Second Street.

MC-1515 Sub 161, Greyhound Lines, Inc., assigned July 22, 1971, at Holiday Inn Motel, North Center Avenue, Somerset, Pa.

MC-74321 Sub 48, B. F. Walker, Inc., assigned July 9, 1971, at Denver, Colo., in Room 571, Federal Building and Courthouse.

FD 26380, St. Louis-San Francisco Railway Co.—Trackage Rights—The Texas & Pacific Railway Co., assigned July 13, 1971 in Room 211, Conference Room, Corps of Engineers, Federal Building, Third and Boulder, Tulsa, OK.

FD 26381, St. Louis-San Francisco Railway Co. Construction in Okmulgee and Muskogee Counties, Okla., assigned July 15, 1971, in Room 211, Conference Room, Corps of Engineers, Federal Building, Third and Boulder, Tulsa, OK.

FD 26382, St. Louis-San Francisco Railway Co. Abandonment in Okmulgee and Muskogee Counties, Okla., assigned July 19, 1971, in Room 211, Conference Room, Corps of Engineers, Federal Building, Third and Boulder, Tulsa, OK.

MC-353 Sub 4, Robert G. Freese, doing business as Lane's Motor Freight Lines, assigned July 21, 1971, in Room 211, Conference Room Corps of Engineers, Federal Building, Third and Boulder, Tulsa, OK.

MC-118282 Sub 27, Johnny Brown's, Inc., assigned June 28, 1971, Dallas, Tex., canceled and application dismissed.

MC-115826, Sub 211, W. J. Digby, Inc., MC-133448 Sub 23, Refrigerated Food Line, Inc., now assigned July 14, 1971, New Orleans, La., canceled and transfered to modified procedure, as protested.

MC-84528 Sub 18, Automobile Transport Company of California, assigned July 26, 1971, at San Francisco, Calif., in Room 13216B, Federal Building, 450 Golden Gate Avenue.

MC-134066 Sub 4, Kodiak Refrigerated Lines, Inc., assigned August 2, 1971, at San Francisco, Calif., in Room 13216B, Federal Building, 450 Golden Gate Avenue.

MC-133814 Sub 8, E. E. Carroll, doing business as Carroll Trucking, now assigned June 21, 1971, Montgomery, Ala., postponed indefinitely.

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

[FR Doc.71-8303 Filed 6-11-71;8:53 am]

[Notice 7001]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 9, 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.

F.D. 26641. By order of June 7, 1971, the Motor Carrier Board approved the transfer to Coast Carloading Co., a corporation, Los Angeles, Calif., of amended permit and order in No. FF-155, issued November 12, 1959, to United Freight, Inc., Los Angeles, Calif., authorizing operations as a freight forwarder of commodities generally from points in Los Angeles, Orange, Santa Barbara, and Ventura Counties, Calif., to all points in the United States, except points in California, R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017, attorney for applicants.

No. MC-FC-72790. By order of June 2, 1971, the Motor Carrier Board approved the transfer to Frazier Motor, Inc., 2012 Gihon Road, Parkersburg, WV 26101, of certificate No. MC-118458, issued to Robert G. Frazier, doing business as Frazier Motor Co., 2012 Gihon Road, Parkersburg, WV 26101, authorizing the transportation of: Wrecked and disabled motor vehicles, using wrecker equipment, between Parkersburg, W. Va., on the one hand, and, on the other, points in Kentucky, Virginia, West Virginia, Pennsylvania, and Ohio.

No. MC-FC 72895. By order of June 7, 1971, the Motor Carrier Board approved the transfer to Mollen Transfer & Storage Co., Inc., 233 Water Street, Binghamton, NY 13902, the certificate in No. MC-78819 issued September 16, 1943, to J. F. Mollen, doing business as Mollen Transfer & Storage Co., Binghamton, N.Y. 13902, authorizing transportation of: Paper cartons, from Binghamton, N.Y., to Scranton, Wilkes-Barre, and South Montrose, Pa., and points and places in New York; radios, refrigerators, soap, and vegetable oil shortening, from Binghamton, N.Y., to points and places in New York and Pennsylvania within 40 miles of Binghamton. Return, with no transportation for compensation except as otherwise authorized to Binghamton; theatrical properties, between Binghamton, N.Y., and points and places in New York, Pennsylvania, New Jersey, Massachusetts, Connecticut, Rhode Island, Maryland, Ohio, and the District of Columbia; and household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between Binghamton, N.Y., and points and places within 50 miles of Binghamton, on the one hand, and, on the other, points and places in New York, Pennsylvania, New Jersey, Massachusetts, Connecticut, Rhode Island, Maryland, Ohio, and the District of Columbia.

No. MC-FC-72902. By order of June 7, 1971, the Motor Carrier Board approved the transfer to John S. Armitage, Stafford Springs, Conn., of certificate No. MC-117241, issued December 5, 1967, to Darwin Clark Tractor Sales Inc., Eastford, Conn., authorizing the transpor-

tation of: Fertilizer and fertilizer materials, and agricultural insecticides, fungicides, and herbicides, from Portland, East Windsor, and North Haven, Conn., to points in Rhode Island, points in Branstable, Bristol, and Plymouth Counties, Mass., and points in Rensselaer, Columbia, Dutchess, Putnam, Westchester, Suffolk, and Nassau Counties, N.Y. John S. Armitage, 10 Armitage Road, Stafford Springs, CT 06076, transferee and Darwin Clark Tractor Sales Inc., Old Colony Road, Eastford, Conn. 06242, transferor.

No. MC–FC–72903. By order of June 4, 1971, the Motor Carrier Board approved the transfer to The Timlaph Corp. of Virginia, Richmond, Va. of certificate of registration No. MC–120866 (Sub-No. 1), issued September 1, 1964, to The Timlaph Corp., Richmond, Va., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Public Convenience and Necessity No. K–68, dated February 13, 1961, issued by the commonwealth of Virginia State Corporation Commission. Draw L. Carraway, 1111 E Street NW., Washington, DC 20004, attorney for applicants.

No. MC–FC–72910. By order of June 2, 1971, the Motor Carrier Board approved the transfer to Ralph Neff Trucking, Inc., Rapid City, S. Dak., of the operating rights in certificates Nos. MC–124755 (Sub-No. 4) and MC–124755 (Sub-No. 7) issued October 2, 1967 and March 27, 1969, respectively to Hoag Trucking, Inc., Philip, S. Dak., authorizing the transportation of aggregates from points in a described area in South Dakota and Wyoming to points in a described area of Nebraska, and waste, scrap materials and salvaged commodities from and to points in South Dakota and points in Illinois, Minnesota, and Colorado, with certain exceptions. Gene R. Bushnell, Post Office Box 190, Rapid City, SD 57701, attorney for applicants.

No. MC–FC–72913. By order of June 7, 1971, the Motor Carrier Board approved the transfer to Russell Transportation, Inc., Omaha, Nebr., of the operating rights in certificate No. MC–134320, issued October 22, 1970, to W. V. Williams, doing business as Williams Transport, Granite City, Ill., authorizing the transportation of general commodities, with unusual exceptions, between Kansas City, Kans., and Cameron, Mo., serving no intermediate points. Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC–FC–72914. By order of June 2, 1971, the Motor Carrier Board approved the transfer to McAllister's Express, Inc., 43 Pitman Street, Somerville, MA 02143, of the operating rights in certificate No. MC–11111 issued June 14, 1941, to Thomas F. McAllister, doing business as McAllister Express, 43 Pitman Street, Somerville, MA 02143, authorizing the transportation of general commodities, with the usual exceptions, between Boston, Cambridge, and Somerville, Mass.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–8309 Filed 6–11–71;8:53 am]

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