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PART 213—EXCEPTED SERVICE

Government Printing Office

Section 213.3152 is added to show that one position of Umpire is excepted under Schedule A.

Effective on publication in the FEDERAL REGISTER (6–29–71), § 213.3152 is added as set out below.

§ 213.3152 U.S. Government Printing Office.

(a) One Umpire.

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

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

[FR Doc.71–9118 Filed 6–28–71;8:46 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development; Correction

In the FEDERAL REGISTER of April 1, 1971, F.R. Doc. 71–4445, on page 5961, the headnote of paragraph (c) of § 213.3384 should read "Office of Assistant Secretary for Housing Management" as set forth below.

In the FEDERAL REGISTER of May 12, 1971, F.R. Doc. 71–6608, on page 8723 the headnote of paragraph (d) and subparagraph (8) should read:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(c) *Office of Assistant Secretary for Housing Management.* * * *

(d) *Office of Assistant Secretary for Community Planning and Management.* * * *

(8) Deputy Assistant Secretary for Community Planning and Management.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1964–58 Comp., p. 218)

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

[FR Doc.71–9119 Filed 6–28–71;8:46 am]

Title 7—AGRICULTURE

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

[Lemon Reg. 485, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 910.785 (Lemon Regulation 485; 36 F.R. 11802) during the period June 20, 1971, through June 26, 1971, are hereby amended to read as follows:

§ 910.785 Lemon Regulation 485.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 350,000 Cartons.

* * * * *

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

Dated: June 23, 1971.

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

[FR Doc.71–9126 Filed 6–28–71;8:46 am]

[Peach Reg. 8]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Regulation by Grades and Sizes

Notice was published in the FEDERAL REGISTER issue of June 9, 1971 (36 F.R. 11104), that the Department was giving consideration to a proposal which would limit the handling of fresh peaches grown in designated counties in Washington by establishing regulations, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 921, as amended (7 CFR 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal was submitted by the Peach Marketing Committee, established pursuant to said amended marketing agreement and order. Such recommendation by said committee reflects its appraisal of the 1971 Washington peach crop and the current and prospective market conditions. Said regulation, consisting of grade (including uniform firmness), size, maturity and pack requirements provided herein, is necessary to prevent the handling, on and after June 28, 1971, of any peaches which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to producers pursuant to the declared policy of the act. Individual shipments, not exceeding 500 pounds, of peaches sold for home use and not for resale, subject to necessary safeguards, are excepted from said requirements in that the quantity of peaches so handled has been relatively inconsequential when compared with the total quantity handled.

The provisions which allow the handling of Washington Fancy Grade rather than the higher Washington Extra Fancy Grade peaches when packed in Western lug boxes or standard peach boxes reflects the fact that in distant major markets Washington peaches compete with peaches similar to the lower grade in such containers shipped from other production areas. Prices in said markets reflect the levels resulting from this competition, hence, the higher grade Washington peaches are shipped to nearby markets where they can command better returns to producers through their higher quality and the lack of competition. Washington peaches, except Elberta varieties, packed

in standard peach boxes may be of a slightly smaller minimum size than such peaches shipped in other containers because, again, market prices reflect the levels established by peaches (mainly Elberta varieties) of the smaller size from competing production areas packed in standard peach boxes. Washington peaches, except Elberta varieties, smaller than the largest minimum diameter (2⅝ inches) are much less desirable in nearby markets and are permitted to be shipped at a minimum diameter of 2¼ inches only if packed in standard peach boxes which are the containers commonly shipped to distant markets. Furthermore, Washington Elberta varieties would have to compete in distant markets with Elberta varieties produced elsewhere. The requirement that loose or jumble packed Washington peaches be in containers of a capacity at least equal to the Western lug box and not less than 26 pounds net weight prevents unfair competition through the marketing of such peaches packed in containers of smaller capacity. The proviso that said loose or jumble packs weighing less than 26 pounds are acceptable if the containers are well filled reflects the fact that the larger sizes of such peaches will not always weigh 26 pounds, hence, the substitution of the "well filled" container requirement.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Peach Marketing Committee, and upon other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such peaches are expected to begin on or about the effective date hereof and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 11104), and no objection to this amendment or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 921.308 Peach Regulation 8.

(a) Order: Peach Regulation 7 (35 F.R. 10891) is hereby terminated on June 28, 1971.

(b) During the period June 28, 1971, through June 30, 1972, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (6) of this paragraph:

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade, or better may be handled if they are packed in the Western lug box or the standard peach box.

(2) *Minimum size.* (i) Such peaches of any variety, except peaches of the Elberta varieties, packed in any container except the standard peach box; shall measure not less than 2⅜ inches in diameter;

(ii) Such peaches of any variety when packed in a standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties, packed in any container shall measure not less than 2¼ inches in diameter.

(3) *Minimum maturity.* Such peaches shall be well matured, except that any lot of peaches shall be deemed to have met such minimum maturity requirement if not more than 25 percent, by count, of the peaches in such lot are mature.

(4) *Uniform firmness.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(5) *Pack.* (i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a Western lug box and shall contain not less that 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight may be handled if such containers are well filled; and

(ii) Such peaches other than peaches in loose or jumble packs in any container shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (Order No. 1203), or the U.S. Standards for Peaches (§ 51.1210 et seq. of this title).

(6) Notwithstanding any other provision of this section, any individual shipment of peaches sold by the producer or at an established packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and of § 921.55 (Inspection and certification) if:

(i) The shipment consists of peaches sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(c) The terms "Washington Extra Fancy Grade," "Washington Fancy Grade," and "mature" shall have the same meaning as when used in the Washington Standards for Peaches (effective June 14, 1971), issued by the State of Washington Department of Agriculture; the term "well matured" shall mean peaches which will yield very slightly to moderate pressure at the suture or blossom end, have shoulders and sutures that are well filled out, and have skin and flesh colored sufficiently that it will show characteristic varietal color when ripe; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "Western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 inches; the term "diameter" shall mean the greatest distance, measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

Dated, June 24, 1971, to become effective June 28, 1971.

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

[FR Doc.71-9200 Filed 6-25-71;12:35 pm]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., Amdt. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1970 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation, published at 35 F.R. 7363, 7781, 11456, and 19566, containing the General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grain and Similarly Handled Commodities are hereby amended as follows:

1. Paragraph (c) of § 1421.4 is amended to provide that a producer remains eligible for price support if he enters into a contract to sell or gives an option to buy his commodity if the producer retains control of the commodity and its production, risk of loss, and title of the commodity. The amended paragraph reads as follows:

§ 1421.4 Eligibility requirements.

* * * * *

(c) *Beneficial interest.* To be eligible for price support, the beneficial interest in the commodity must be in the producer tendering the commodity as security for a loan or for purchase and must always have been in him or in him and a former producer whom he succeeded before it was harvested, except that heirs who (1) succeed to the beneficial interest of a deceased producer, (2) assume the decedent's obligation under a loan if a loan has already been obtained, and (3) assure continued safe

storage of the commodity if under farm storage loan, shall be eligible for price support as producers whether such succession occurs before or after harvest of the commodity. A producer shall not be considered to have divested himself of the beneficial interest in the commodity if he enters into a contract to sell, or gives an option to buy his commodity if, under the contract or option, he retains control, risk of loss and title to the commodity subject to such agreements, and retains control of its production. Commodities obtained through payment-in-kind certificates or by purchase shall not be eligible for price support. If price support is made available through an approved cooperative marketing association, the beneficial interest in the commodity must always have been in the producer-members who delivered the commodity to the approved cooperative or its member cooperatives or must always have been in them and former producers whom they succeeded before the commodity was harvested, except as provided in the case of heirs of a deceased producer. Commodities so delivered to a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the commodity to the cooperative or its member cooperatives do not retain the right to share in the proceeds from the marketing of the commodity as provided in Part 1425 of this chapter.

* * * * *

§ 1421.13 [Deleted]

2. The provisions of § 1421.13(b), beginning with the second sentence, relating to the release of farm storage loan collateral are moved from § 1421.13(b) to § 1421.19(a) and the remaining parts of § 1421.13 are deleted.

3. Paragraph (a) of § 1421.19 is amended to add the provisions of former paragraph (b) of § 1421.13 relating to the release of farm storage loan collateral for delivery to a buyer for sale prior to repayment of the loan. The amended paragraph reads as follows:

§ 1421.19 Release of the commodity under loan.

(a) *Obtaining release—farm storage loan.* A producer shall not remove any collateral covered by a chattel mortgage until he has received prior written approval for such removal from the county committee on one of the applicable forms listed in § 1421.8. A producer may at any time obtain release of all or part of the commodity remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of the commodity released plus interest. CCC will permit removal of a quantity of the commodity from storage, without any payment on the loan, if the principal amount outstanding on the loan does not exceed the maximum loan which may be obtained based on the quantity remaining in storage after removal of the quantity requested by the producer. When the proceeds of the sale of the commodity are needed to repay a farm storage loan, the producer must request and obtain prior written approval of the county office on a form prescribed by CCC to remove a specified quantity of the commodity from storage. Any such approval shall be subject to the terms and conditions set out in the applicable form, copies of which may be obtained by producers at the county office. Any such approval shall not constitute a release of CCC's security interest in the commodity or release the producer from liability for any amounts due on his loan indebtedness if full payment of such amounts is not received by the county office.

* * * * *

4. In paragraph (a) of § 1421.23 the reference to paragraph (f) as it relates to rice is deleted to state more clearly that a trackloading payment can be made to a producer for deliveries to CCC of rice under farm stored loans. The amended paragraph reads as follows:

§ 1421.23 Settlement.

(a) *General.* Settlement with producers for commodities acquired by CCC under loans or purchases made under this subpart will be made as provided in this section and in the applicable commodity supplement. The support rate at which settlement will be made shall be determined under the provisions of the applicable commodity supplement. Settlement will be made on the basis of the grade, quality, and quantity of the commodity delivered by the producer. In the case of rice and dry edible beans, paragraphs (b), (c), (e), (g), and (h) of this section shall not apply.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER (6-29-71).

Signed at Washington, D.C., on June 10, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-9173 Filed 6-28-71;8:51 am]

[Cotton Loan Program Reg., Amdt. 7]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation published in 33 F.R. 8802 as Cotton Loan Program Regulations and containing the terms and conditions with respect to the Cotton Loan Program, as amended, are hereby further amended as follows:

1. Paragraph (n) of § 1427.1356 is amended to provide that a producer shall not be considered to have transferred his beneficial interest in the cotton as a result of entering into a contract or other sales agreement that requires delivery of the cotton or equity therein to a person who does not meet the requirements for succession of interest. The amended paragraph reads as follows:

§ 1427.1356 Eligible cotton.

* * * * *

(n) The beneficial interest in the cotton must be in the producer tendering the cotton for a loan (or in the producer-member delivering the cotton to the cooperative marketing association which tenders the cotton for a loan) and must have always been in him or in him and a former producer whom he succeeded before it was harvested. To meet the requirements of succession to a former producer, the right, responsibilities, and interest of the former producer with respect to the farming unit on which the cotton was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met. A producer shall not be considered to have divested himself of the beneficial interest in the cotton if he enters into a contract or other sales agreement that requires delivery of the cotton or the equity therein to a person who does not meet the requirements for succession of interest. Beneficial interest will be considered to have been transferred when actual title to or control or risk of loss of, the cotton is transferred.

2. Paragraph (c) of § 1427.1376 is amended to delete the provisions relating to a producer contracting to sell his equities in loan cotton. The amended paragraph reads as follows:

§ 1427.1376 Repayment of loan.

* * * * *

(c) Warehouse receipts redeemed by repayment shall be released only to the producer or his authorized agent, except that redeemed warehouse receipts may be released to persons designated on Form 813 (or their transferees) executed by the producer or his authorized agent. The Form 813 must be delivered to the county office maintaining custody of the loan documents within 30 days after the date the form is executed or the form (and related equity transfers, if applicable) will be void. The warehouse receipts (and the classification memorandums, if requested) covering the cotton will be delivered to the person designated on the Form 813 or his transferee upon payment of the loan, interest, and charges within 5 business days after the Form 813 is delivered to the county office or, if it was requested that the documents be forwarded to a bank for payment, upon payment of the loan, interest, and charges within 5 business days after the documents are received by the bank. Repayments will not be accepted after CCC acquires title to the cotton on or after maturity of the loan. All charges assessed by the bank to which the documents

are sent must be paid by the person redeeming the cotton. If payment is not effected within the applicable 5-business-day period and prior to the time at which the loan matures and CCC acquires the cotton, the Form 813 (and related equity transfers, if applicable) will be void. If the purchases of a producer's equities in loan cotton fails to comply with the terms of contracts, sales agreements or equity transfer agreements with producers, accepts from producers undated or postdated Form 813, or commits other acts of misconduct under the program showing a serious lack of business integrity or business honesty, he may be suspended or debarred from contracting with CCC and from otherwise participating in programs administered or financed by CCC.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421)

Effective date. The amendment is effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., on June 10, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-9128 Filed 6-28-71;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—LABORATORY ANIMAL WELFARE

PART 4—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE LABORATORY ANIMAL WELFARE ACT

Oral Hearing Procedures

Pursuant to the provisions of the Act of August 24, 1966 (Public Law 89-544), as amended by the Animal Welfare Act of 1970 (Public Law 91-579), § 4.19 of Part 4 of Subchapter A, Chapter I, Title 9, Code of Federal Regulations, is hereby amended as follows:

In § 4.19, present §§ 4.19-2 through 4.19-9 are renumbered consecutively as §§ 4.19-4 through 4.19-11, and new §§ 4.19-2 and 4.19-3 are added to read as follows:

§ 4.19 Procedure upon request for an oral hearing.

§ 4.19-2 Subpenas.

(a) *Issuance of subpenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpena, be required at any designated place of hearing. Subpenas may be issued by the Secretary or by the Examiner, under the facsimile signature of the Secretary, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

(b) *Application for subpena duces tecum.* Subpenas for the production of documentary evidence, unless issued by the Examiner upon his own motion, shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity for their production.

(c) *Service of subpenas.* Subpenas may be served (1) by a U.S. Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering or certifying and mailing a copy of the subpena addressed to the person to be served at his or its last known residence or principal place of business or residence. Proof of service may be made by the return of service on the subpena by the U.S. Marshal or his deputy; or, if served by an individual other than a U.S. Marshal or his deputy, by an affidavit of such person stating that he personally served a copy of the subpena upon the person named therein; or if service was by registered or certified mail, by an affidavit made by the person mailing the subpena that it was mailed as provided herein and by the signed return post office receipt: *Provided*, That, where the subpena is issued on behalf of the Secretary, the return receipt without an affidavit of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpena with the person subpenaed; the original, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.

§ 4.19-3 Fees of witnesses.

"Witnesses summonded before the examiner or the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States * * *."[1] Fees shall be paid by the party at whose instances the witness appears.

The purpose of the amendments is to include in the rules of practice contained in 9 CFR Part 4 provisions relating to subpenas and fees of witnesses for which authority was provided by the Animal Welfare Act of 1970.

The provisions contained in these amendments will materially strengthen the rules of practice which govern proceedings under the Laboratory Animal Welfare Act, as amended and supplemented, and will expedite the enforcement of regulations and standards promulgated under this Act.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (6-29-71).

[1] First sentence quoted from sec. 9 of the Federal Trade Commission Act (38 Stat. 722; 15 U.S.C. 49) which is made applicable to proceedings under the Laboratory Animal Welfare Act, as amended and supplemented, by sec. 17 of the Animal Welfare Act of 1970 (84 Stat. 1563).

Done at Washington, D.C., this 23d day of June 1971.

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

[FR Doc.71-9127 Filed 6-28-71;8:47 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-676]

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, subdivision (iii) relating to Northampton County is deleted.

(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 excludes a portion of Northampton County, N.C., 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 area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area. No areas in Northampton County, N.C., remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately 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 amendment are impracticable and unnecessary, and

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

Done at Washington, D.C., this 23d day of June 1971.

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

[FR Doc.71-9174 Filed 6-28-71;8:51 am]

[Docket No. 71-577]

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, subdivision (v) relating to Lenoir County and subdivision (vi) relating to Onslow and Duplin Counties are deleted.

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

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately 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 amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of June 1971.

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

[FR Doc.71-9175 Filed 6-28-71;8:51 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER E—DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

[No. 71-620]

PART 581—DEFINITIONS

PART 582a—OPERATIONS OF DISTRICT OF COLUMBIA ASSOCIATIONS

District of Columbia Savings and Loan Associations and Branch Offices

JUNE 22, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 5867) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, amends Subchapter E of Chapter V of Title 12 of the Code of Federal Regulations to implement the authority contained in section 913 of Public Law 91-609, which amended section 8 of the Home Owners' Loan Act of 1933 to grant the Board regulatory authority over certain District of Columbia institutions. Accordingly, for the purposes of allowing such institutions to invest in service corporations and to act as trustees for certain pension trusts to the same extent permitted Federal savings and loan associations, the Federal Home Loan Bank Board hereby amends said subchapter by: (1) Revising the caption thereof, (2) adding a new § 581.6 to Part 581—Definitions, and (3) adding a new Part 582a—Operations of District of Columbia Associations, to read as follows, effective August 2, 1971:

§ 581.6 District of Columbia associations.

The term "District of Columbia association" means an association which is incorporated or organized under the laws of the District of Columbia and which has its principal office located therein.

§ 582a.1 Miscellaneous activities.

Any District of Columbia association may, if not inconsistent with the terms of its charter, certificate or articles of incorporation, constitution, or bylaws, to the same extent as it could if it were a Federal savings and loan association:

(a) Invest in a service corporation, pursuant to the provisions of § 545.9-1 of this chapter; and

(b) Act as a trustee of any trust forming part of a stock bonus, pension, or profit-sharing plan, pursuant to the provisions of § 545.17-1 of this chapter.

(Sec. 8, 48 Stat. 132, as added by sec. 913, Public Law 91-609, 84 Stat. 1815. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-9146 Filed 6-28-71;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-165]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importation of Articles for Prevention of Conception

Section 1 of Public Law 91-662, approved January 8, 1971, amended section 305(a) of the Tariff Act of 1930 (19 U.S.C. 1305(a)) to strike out the prohibition against importation of articles for the prevention of conception.

The purpose of this amendment is to conform the provisions of § 12.40 of the Customs Regulations to section 305(a) of the Tariff Act of 1930, as amended by Public Law 91-662.

1. In § 12.40 paragraphs (f) and (h) are revised and paragraphs (i) and (j) are revoked as follows:

§ 12.40 Seizure; disposition of seized articles; reports to the U.S. attorney.

* * * * *

(f) If seizure is made of books or other articles which do not contain obscene matter but contain information or advertisements relative to means of causing abortion, the procedure outlined in paragraphs (b), (c), (d), and (e) of this section shall be followed.

* * * * *

(h) Whenever it clearly appears from information, instructions, advertisements enclosed with or appearing on any drug or medicine or its immediate or other container, or otherwise that such drug or medicine is intended for inducing abortion, such drug or medicine shall be detained or seized.

(i) [Revoked]

(j) [Revoked]

2. Part 12 is amended to delete footnote 27 and paragraph (a) of § 12.40 is revised to delete footnote reference "27."

(Secs. 305, 624, 46 Stat. 688, as amended, 759; 19 U.S.C. 1305, 1624)

Effective date. This amendment, reflecting the removal of import restrictions against a class of articles formerly

restricted entry, shall be effective retroactively to January 9, 1971, the effective date of section 1 of Public Law 91–662.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: June 18, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-9171 Filed 6-28-71;8:51 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Controlled Substances; Labeling, Dispensing in Emergencies, Security and Accountability

A notice was published in the FEDERAL REGISTER of April 9, 1971 (36 F.R. 6833), proposing regulations implementing certain provisions of the Federal Controlled Substances Act of 1970.

Comments on the proposal. Written comments on the proposed regulations were received from Lexington Chemical Co., Inc., the National Association of Chain Drug Stores, Inc., Geigy Pharmaceuticals, and the Pharmaceutical Manufacturers Association.

Lexington Chemical Co., commenting on § 1.109, expressed confusion as to when and where the warning, required by that section, was to appear, indicating that it seemed useless on the commercial label sent from the manufacturer to the pharmacist. PMA also recommended clarification of this point in § 1.108. Section 305(c) of the Federal Controlled Substances Act and proposed § 1.109 of the regulations are clear in indicating that this label warning is required only at the time the drug is dispensed to the patient pursuant to individual prescriptions. Section 1.108 has been clarified.

The National Association of Chain Drug Stores, Inc., commented that the warning statement proposed in § 1.109 was too long for inclusion in normal label stock, and was confusing. Since the label warning is required only on a portion of the drugs ordinarily dispensed by a pharmacy, an auxiliary warning label seems practical, when required. The auxiliary label will allow for legible type size. The alternative wording of the warning, suggested by NACDS is shorter but not as clear as the proposed wording. PMA and Geigy recommended that the warning contained in § 1.109 not be required on the label of drugs being used in controlled clinical investigations since the presence of the label on the active drug could interfere with "blinding" controls. This suggestion has been incorporated in the final regulation.

PMA and Geigy also recommended a deferred "effective" date for the label warning in § 1.109.

Geigy Pharmaceuticals commented on § 130.3(a)(4) which requires that investigational drugs, which are also controlled substances, be stored in a securely locked, substantially constructed cabinet. Geigy indicated this provision might be impractical in situations where the bulk of drugs involved (e.g. full production sized batches for investigational testing) could not be kept in a cabinet. The proposed regulations have been modified to accommodate this point.

PMA recommended that § 130.3(a)(4) require only that the sponsor inform the investigator of the security requirements, and suggested the deletion of paragraph (b) of § 1.110. However, this would seriously impair the clarity and regulatory utility of these sections.

Therefore, pursuant to the provisions of the Federal Controlled Substances Act (secs. 201, 305, 307, 309, 84 Stat. 1247, 1256, 1259, 1260) and the Federal Food, Drug, and Cosmetic Act as amended (secs. 503(b), 505, 701(a), 52 Stat. 1051, 1052, 1055, 76 Stat. 781–785, 21 U.S.C. 353(b), 355, 371(a)), and under the authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs, having consulted with the Attorney General, as directed by sections 307 and 309 of the Controlled Substances Act, hereby promulgates regulations amending Parts 1 and 130 as follows:

1. Section 1.108 is amended by adding new paragraph (c) which reads as follows:

§ 1.108 Drugs and devices; statement of policy re Spanish-language versions of required labeling statements.

* * * * *

(c) By direction of section 305(c) of the Federal Controlled Substances Act, § 1.109, promulgated under section 503(b) of the Federal Food, Drug, and Cosmetic Act, requires the following warning on the label of certain drugs when dispensed to or for a patient: "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed." The Spanish version of this is: "Precaucion: La ley Federal prohibe el transferir de esta droga a otra persona que no sea el paciente para quien fue recetada."

2. A new § 1.109 is added which reads as follows:

§ 1.109 Drugs; statement of required warning on controlled substances listed in schedule II, III, or IV of Federal Controlled Substances Act.

The label of any drug listed as a "controlled substance" in schedule II, III, or IV of the Federal Controlled Substances Act shall, when dispensed to or for a patient, contain the following warning: "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed." This statement is not required to appear on the label of a controlled substance dispensed for use in clinical investigations which are "blind."

3. A new § 1.110 is added which reads as follows:

§ 1.110 Definition of emergency situation.

For the purposes of authorizing an oral prescription of a controlled substance listed in schedule II of the Federal Controlled Substances Act, the term "emergency situation" means those situations in which the prescribing practitioner determines:

(a) That immediate administration of the controlled substance is necessary, for proper treatment of the intended ultimate user; and

(b) That no appropriate alternative treatment is available, including administration of a drug which is not a controlled substance under schedule II of the Act, and

(c) That it is not reasonably possible for the prescribing practitioner to provide a written prescription to be presented to the person dispensing the substance, prior to the dispensing.

4. Section 130.3(a)(4) is amended by adding one sentence at the end of the subparagraph. In paragraph (a)(12), item 6b of Form FD–1572 is amended and in paragraph (a)(13), item 4b of form FD–1573 is amended, as follows:

§ 130.3 New drugs for investigational use in human beings; exemptions from section 505(a).

(a) A shipment or other delivery of a new drug shall be exempt from section 505(a) of the act if all the following conditions are met:

* * * * *

(4) The sponsor maintains adequate records showing the investigator to whom shipped, date, quantity, and batch or code mark of each such shipment and delivery, until 2 years after a new-drug application is approved for the drug; or, if an application is not approved, until 2 years after shipment and delivery of the drug for investigational use is discontinued and the Food and Drug Administration has been so notified. Upon the request of a scientifically trained and properly authorized employee of the Department at reasonable times, the sponsor makes the records referred to in this subparagraph and in subparagraph (2) of this paragraph available for inspection, and upon written requests submits such records or copies of them to the Food and Drug Administration. If the investigational drug is subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970 adequate precautions are taken, including storage of the investigational drug in a securely

locked, substantially constructed cabinet, or other securely locked, substantially constructed enclosure, access to which is limited, to prevent theft or diversion of the substance into illegal channels of distribution.

* * * * *

(12) * * *

6. * * *

b. The investigator is required to maintain adequate records of the disposition of all receipts of the drug, including dates, quantity, and use by subjects, and if the clinical pharmacology is suspended, terminated, discontinued, or completed, to return to the sponsor any unused supply of the drug. If the investigational drug is subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970, adequate precautions must be taken, including storage of the investigational drug in a securely locked, substantially constructed cabinet, or other securely locked, substantially constructed enclosure, access to which is limited, to prevent theft or diversion of the substance into illegal channels of distribution.

* * * * *

(13) * * *

4. * * *

b. The investigator is required to maintain adequate records of the disposition of all receipts of the drug, including dates, quantity, and use by subjects, and if the investigation is terminated, suspended, discontinued, or completed, to return to the sponsor any unused supply of the drug. If the investigational drug is subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970, adequate precautions must be taken, including storage of the investigational drug in a securely locked, substantially constructed cabinet, or other securely locked, substantially constructed enclosure, access to which is limited, to prevent theft or diversion of the substance into illegal channels of distribution.

* * * * *

5. Section 130.3a(b)(7)(ii) is revised to read as follows:

§ 130.3a New drugs for investigational use in animals; exemptions from section 505(a).

* * * * *

(b) *New drugs for clinical investigation in animals.* A shipment or other delivery of a new drug intended for clinical investigational use in animals shall be exempt from section 505(a) of the act if all the following conditions are met:

* * * * *

(7) The sponsor shall assure himself that the drug is shipped only to investigators who:

* * * * *

(ii) Shall maintain complete records of the investigations, including complete records of the receipt and disposition of each shipment or delivery of the drug under investigation. Copies of all records of the investigation shall be retained by the investigator for 2 years after the termination of the investigation or approval of a new-drug application.

* * * * *

6. A new § 130.3b is added to read as follows:

§ 130.3b Controlled substances for investigational use.

If an investigational drug is subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970, records concerning shipment, delivery, receipt, and disposition of the drug, which are required to be kept by §§ 130.3(a) (4), (12), and (13) and 130.3a (a)(3) and (b) (3), (7), and (8) shall, upon the request of a properly authorized employee of the Bureau of Narcotics and Dangerous Drugs of the U.S. Department of Justice, approved by the Secretary, be made available by the investigator or sponsor to whom the request is made, for inspection and copying.

7. A new § 130.13b is added to read as follows:

§ 130.13b New drugs with potential for abuse.

When a new-drug application is submitted for a drug which has a stimulant, depressant, or hallucinogenic effect on the central nervous system, if it appears that the drug has a potential for abuse, the Commissioner shall forward that information to the Attorney General of the United States.

This order shall take effect 30 days following the date of its publication in the FEDERAL REGISTER.

Dated: June 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-9107 Filed 6-28-71;8:45 am]

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimethyl Phosphate of 3-Hydroxy-*N*-Methyl-*cis*-Crotonamide

A petition (PP 0F0861) was filed by Shell Chemical Co., division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in or on the raw agricultural commodity cottonseed at 0.1 part per million. Another petition (PP 0F0912) was filed by Shell, proposing establishment of tolerances for residues of the same pesticide chemical in or on the raw agricultural commodities potatoes and sugarcane at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which the tolerances are being established, and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to these tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petitions and other relevant material, it is concluded that:

1. The proposed uses are not reasonably expected to result in residues in eggs, meat, milk, and poultry, as specified in § 420.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), Part 420 is amended as follows:

1. Section 420.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 420.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

Dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide.	

* * * * *

2. The following new section is added to Subpart C:

§ 420.296 Dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide; tolerances for residues.

A tolerance is established for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in or on cottonseed, potatoes, and sugarcane at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections

may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (6–29–71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: June 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71–9133 Filed 6–28–71;8:47 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 462–71]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart Q—Bureau of Prisons

INTERSTATE AGREEMENT ON DETAINERS

The Interstate Agreement on Detainers provides that whenever a person is serving a prison term in one jurisdiction and there is pending in another jurisdiction any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he may request a trial and final disposition of the matter in the latter jurisdiction. The United States became a party to this agreement pursuant to the Interstate Agreement on Detainers Act enacted December 9, 1970 (84 Stat. 1397). This order designates the Director of the Bureau of Prisons as the official to carry out certain responsibilities with respect to the Federal Government under the Agreement.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Subpart Q of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.96 is amended by adding a new paragraph (q) at the end thereof, to read as follows:

§ 0.96 Delegations.

* * * * *

(q) Deciding upon requests by States for temporary transfer of custody of inmates for prosecution under Article IV of the Interstate Agreement on Detainers (84 Stat. 1399) and pursuant to other available procedures.

2. A new § 0.96a is added immediately after § 0.96, to read as follows:

§ 0.96a Interstate Agreement on Detainers.

The Director of the Bureau of Prisons is designated as the United States Officer under Article VII of the Interstate Agreement on Detainers (84 Stat. 1402).

Dated: June 19, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71–9140 Filed 6–28–71;8:48 am]

[Order 463–71]

PART 5—ADMINISTRATION AND ENFORCEMENT OF FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

Exemptions

Section 3(d) as amplified by section 1(q), and section 3(g) of the Foreign Agents Registration Act of 1938, as amended, make available to domestic corporations with foreign affiliates and to attorneys respectively an exemption from registration under certain circumstances. Corporations and attorneys desiring to avail themselves of the exemptions must, under current regulations, disclose the identity of their foreign principals annually in writing, as well as disclose it orally to the Government officials with whom they have dealings. The purpose of this order is to amend these regulations so as to remove the requirement to make an annual written disclosure to Government agencies, but retain the requirement to disclose the identity of the foreign principal to the Government official with whom the business is transacted or before whom the legal representation is undertaken.

By virtue of the authority vested in me by section 10 of the Foreign Agents Registration Act of 1938, as amended (56 Stat. 257; 22 U.S.C. 620), Part 5 of Chapter I of Title 28 of the Code of Federal Regulations is amended as follows:

1. Section 5.304(c) is amended to read as follows:

§ 5.304 Exemptions under sections 3 (d) and (e) of the Act.

* * * * *

(c) For the purpose of section 3(d) of the Act, the disclosure of the identity of the foreign person that is required under section 1(q) of the Act shall be made to each official of the U.S. Government with whom the activities are conducted. This disclosure shall be made to the Government official prior to his taking any action upon the business transacted. The burden of establishing that the required disclosure was made shall lie upon the person claiming the exemption.

* * * * *

2. Section 5.306(b) is amended to read as follows:

§ 5.306 Exemption under section 3(g) of the Act.

* * * * *

(b) If an attorney engaged in legal representation of a foreign principal before an agency of the U.S. Government is not otherwise required to disclose the identity of his principal as a matter of established agency procedure, he must make such disclosure, in conformity with this section of the Act, to each of the agency's personnel or officials before whom and at the time his legal representation is undertaken. The burden of establishing that the required disclosure was made shall lie upon the person claiming the exemption.

Dated: June 19, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71–9141 Filed 6–28–71;8:48 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 70—MANDATORY HEALTH STANDARDS — UNDERGROUND COAL MINES

Respirable Dust Standards for Intake Air Courses in Underground Coal Mines

Pursuant to the authority vested in the Secretary of the Interior under section 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173; 30 U.S.C. 801), and in accordance with section 303(b) of the Act which requires that the Secretary or his authorized representative prescribe the maximum respirable dust level in the intake air courses of each underground coal mine, there was published in the FEDERAL REGISTER for March 9, 1971 (36 F.R. 4547), a notice of proposed rule making setting forth proposed amendments to Part 70, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, which prescribed the maximum respirable dust levels which must be continuously maintained in the intake air courses of each underground coal mine, and the dust sampling procedures which must be initiated by each operator to determine compliance with the dust levels for intake air.

Interested persons were afforded a period of 30 days from the date of publication of the notice in which to submit written comments, suggestions, or objections to the proposed amendments. Only one comment was received, the substance of which was that operators of underground coal mines would have difficulty in complying with the proposed provision requiring an average concentration of 1 milligram of respirable dust per cubic meter of air, or less, effective December 30, 1972, since equipment needed to reduce the average concentration of respirable dust to this level was not commercially available. Careful consideration was given this comment, however, data available to the Bureau of Mines, consisting of respirable dust samples taken in the intake air courses of underground coal mines in accordance with 30 CFR 70.246, shows that compliance with a standard of 1 milligram of respirable dust per cubic meter of air, or less, is not difficult with use of commercially available technology.

As proposed in 36 F.R. 4547, the dust standards were expressed as "below 2

milligrams of respirable dust per cubic meter of air" and "below 1 milligram of respirable dust per cubic meter of air." As promulgated herein, the standards have been revised as "at or below 2 milligrams of respirable dust per cubic meter of air" and "at or below 1 milligram of respirable dust per cubic meter of air."

In consideration of the foregoing, Part 70, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, is hereby amended as set forth below. These amendments shall be effective June 30, 1971.

W. T. PECORA,
Acting Secretary of the Interior.

JUNE 22, 1971.

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1. The authority paragraph following the table of contents is amended to read as follows:

AUTHORITY: The provisions of this Part 70 issued under title II, sec. 303(b), and sec. 508 of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801).

2. Section 70.100 is amended by adding paragraphs (d) and (e) as follows:

§ 70.100 Dust standards; respirable dust.

* * * * *

(d) Effective June 30, 1971, each operator shall continuously maintain the average concentration of respirable dust in the intake air courses in the mine during each shift to which each miner in the active workings of such mine is exposed at or below 2 milligrams of respirable dust per cubic meter of air.

(e) Effective December 30, 1972, each operator shall continuously maintain the average concentration of respirable dust in the intake air courses in the mine during each shift to which each miner in the active workings of such mine is exposed at or below 1 milligram of respirable dust per cubic meter of air.

3. Subpart C is amended by adding a new § 70.212 as follows:

§ 70.212 Violation of dust standard; intake air samples.

(a) If the data recorded pursuant to § 70.261 for a single intake air sample with respect to a working section of a coal mine establish a concentration of respirable dust in excess of the concentration stated in paragraph (d) or (e) of § 70.100, as applicable, the Secretary shall require the operator to submit five additional intake air samples to determine whether such working section is in compliance with the applicable respirable dust limit.

(b) Upon receipt of advice that additional sampling is required, the operator shall commence such sampling on the first day on which there is a production shift following the day upon which he receives such advice from the Secretary pursuant to this paragraph, and shall continue to take such consecutive samples until he is advised in writing by the Secretary that the total number of valid samples required have been received.

(c) Where additional samples are received by the Secretary in accordance with paragraph (b) of this section, they shall be combined with the valid intake air sample already received, and a determination of compliance or noncompliance shall be made with respect to the working section.

(d) If the data recorded pursuant to § 70.261 with respect to the working section establish an average concentration of respirable dust in excess of the concentration stated in paragraph (d) or (e) of § 70.100 with respect to the particular applicable limit, the Secretary shall issue a notice to the operator that he is in violation of paragraph (d) or (e) of § 70.100.

[FR Doc.71-9151 Filed 6-28-71;8:49 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Alligator Bayou, Fla.

F.R. Doc. 71-3722, appearing at 36 F.R. 5218, March 18, 1971, concerning § 207.175d, pertaining to a restricted area in Alligator Bayou, Fla., is amended by changing the name of the enforcing agency. As so amended, § 207.175d(b) (1) and (2) reads as follows:

§ 207.175d Alligator Bayou, a tributary of St. Andrew Bay, Fla.; restricted area.

* * * * *

(b) *The regulation.* (1) No vessel shall enter the area or navigate therein without permission of the Commanding Officer, Naval Ship Research and Development Laboratory, Panama City, Fla., or his authorized representative.

(2) The regulation of this section shall be enforced by the Commanding Officer, Naval Ship Research and Development Laboratory, Panama City, Fla., or such agencies as he may designate.

[Regs., June 11, 1971—ENGCW-ON] (Sec. 7, 40 Stat. 266 (33 U.S.C.))

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-9147 Filed 6-28-71;8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter IV—Low-Emission Vehicle Certification Board

PART 400—PROCEDURES FOR CERTIFICATION OF LOW-EMISSION VEHICLES

Section 212 of the Clean Air Act establishes a Low-Emission Vehicle Certification Board composed of the Administrator, Environmental Protection Agency, Secretary of Transportation, Chairman of the Council on Environmental Quality or their designees, the Director of the National Highway Traffic Safety Administration (formerly the National Highway Safety Bureau) in the Department of Transportation, the Administrator of General Services, and two members appointed by the President. Under the statute, the Board is charged with the responsibility of certifying any class or model of motor vehicles for which an application has been filed in accordance with regulations prescribed by the Board and which has been determined to be a "low-emission" vehicle in accordance with procedures prescribed by the Administrator of the Environmental Protection Agency and which the Board determines is suitable for use as a substitute for a class or model of vehicles in use at that time by agencies of the Federal Government. Section 212 further provides that certified vehicles shall be acquired by purchase or lease for use by the Federal Government as substitutes for other vehicles if the procurement costs are no more than 150 percent of the retail price of the least expensive class or model of such other vehicles as determined by the Administrator of General Services. If the Board determines that the low-emission vehicle is powered by an inherently low-polluting propulsion system, the premium to be paid for such vehicles may be raised to 200 percent.

The regulations set forth below contain the procedures for filing applications with the Board, specify the information required to be included in such applications, and describe the manner in which the Board will make the determination concerning certification of such vehicles. The regulations are designed to be consistent with regulations promulgated by the Administrator of the Environmental Protection Agency. The Administrator's regulations establish procedures for determining whether a vehicle qualifies as a "low-emission vehicle". Persons desiring to file applications pursuant to section 212 of the Act should do so in accordance with the regulations set forth below and regulations of the Environmental Protection Agency at 45 CFR Part 1201.

Pursuant to section 212(j) of the Act, the Board is required to promulgate the procedures required to implement this section by June 29, 1971. Accordingly, good cause is found for dispensing with notice of proposed rule making and deferral of the effective date of the regulations. The regulations will be effective as of the date of publication. However, in order to insure that the view of the public will be considered, interested persons are invited to submit written comments on the proposed regulations in triplicate to the Chairman (Administrator, EPA), 1626 K Street NW., Washington, DC 20460.

All relevant comments postmarked no later than 30 days after publication of the regulations will be considered and the regulations will be amended as the Board deems appropriate after consideration of such comments.

There is hereby established a new Title 40 of the Code of Federal Regulations entitled "Protection of Environment."

NOTE: References in Part 400 to 45 CFR 1201.320 through 1201.327 are to sections set forth in a proposed rule making action published at 36 F.R. 12240.

Dated: June 24, 1971.

WILLIAM D. RUCKELSHAUS,
Chairman.

Sec.
400.1 Definitions.
400.2 Application for certification.
400.3 Requirements for certification.
400.4 Submission of required data.
400.5 Additional data: submission of test vehicles.
400.6 Certification: publication of decision.
400.7 Postcertification testing.

AUTHORITY: The provisions of this Part 400 issued under sec. 212, 84 Stat. 1676, Public Law 91-604.

§ 400.1 Definitions.

All terms used herein shall have the meaning given them in the Clean Air Act (42 U.S.C. 1857f-1 et seq.), as amended by Public Law 91-604, and in 45 CFR 1201.320.

§ 400.2 Application for certification.

(a) Any person desiring certification of a motor vehicle as a low-emission vehicle which will be a suitable substitute for a class or model of motor vehicles in use by agencies of the Federal Government shall file an application with the Administrator of the Environmental Protection Agency in accordance with 45 CFR 1201.322. In addition to the information required by Subpart S of 45 CFR Part 1201, the application shall contain the data required by § 400.4.

(b) Upon written request by the applicant the Board may waive any requirement of § 400.4 for data or information if it deems that such data is unnecessary, inappropriate, or cannot be obtained by procedures described in § 400.4. Such waiver may be conditioned upon the applicant's agreement to test the motor vehicle under such alternative procedures as the Board specifies.

(c) Upon making a determination that any motor vehicle is a low-emission vehicle pursuant to section 212(c) of the Act, the Administrator will transmit a copy of the application for certification to the Board. The Board shall publish a notice of each application received in the FEDERAL REGISTER as soon as practicable after receipt thereof. The Board shall solicit, receive, and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the applicant vehicle.

§ 400.3 Requirements for certification.

Any vehicle submitted for certification as a low-emission vehicle shall comply with the Federal Motor Vehicle Safety Standards and regulations (49 CFR Part 571) which will be applicable to that class of vehicle during the anticipated certification period, as defined in 45 CFR 1201.320, and shall in all other respects be safe to operate and maintain.

§ 400.4 Submission of required data.

Applications for certification shall include data concerning the following factors:

(a) *Safety*—(1) *Hazards related to unfamiliarity.* These are defined as any device or design feature which constitute a potential hazard because of its unusual character. In addition to analytical evidence that the danger arising from such features has been mitigated by the application of suitable protective measures, the applicant shall submit familiarization and training materials containing descriptions of these features, protective measures and instructions, and warnings relative to their operation. These materials shall address the potentially hazardous features in terms of:

(i) Driver response to unconventional hardware and performance characteristics;

(ii) Protection of persons and property in close proximity to the vehicle; and

(iii) Servicing and maintenance procedures.

(2) *Hazards related to failure mode.* Any device or design feature whose failure mode(s) may cause personal injury or property damage constitutes an avoidable potential hazard when such injury or damage would not be caused in the absence of such device or feature. A safety analysis shall be submitted describing any protective measures and fail safe provisions applied to such devices or features. In addition, results of any component failure which necessitates replacements or repair under paragraph (c)(1) of this section must be described.

(b) *Performance characteristics.* (1) Engine startup time from key-on to self-sustaining idle.

(2) Acceleration from standing start (warm engine) to 60 miles per hour velocity.

(3) Acceleration in merging traffic from 25 miles per hour to 70 miles per hour velocity.

(4) Results of tests under the applicable Department of Transportation high-speed pass maneuver.

(5) Maximum sustained velocity on a 5 percent grade.

(6) Maximum speed capability over a 1-mile course.

(7) Vehicle operating temperature range.

(8) Maximum vehicle range at an average 70 miles per hour velocity without supplementing energy storage.

(9) Predicted vehicle efficiency in terms of miles per unit fuel consumption at vehicle mileage of 0, 20,000, 50,000, and 100,000 miles when operated over the dynamometer schedules in 45 CFR Part 1201 at 20° F., 60° F., and 100° F., and when operated at constant speeds of 15, 35, and 60 miles per hour at the same temperatures.

(10) Vehicle frontal area, drag coefficient, and rolling resistance.

(11) Engine internal displacement, or equivalent.

(12) Engine compression ratio, or equivalent.

(13) Engine brake horse power and torque versus engine revolution per minute.

(14) Minimum turning circle diameter.

(15) Accessory power requirements (average and peak).

Performance test conditions are nominally 85° F., 14.6 pounds per square inch absolute, level grade, unless otherwise specified, and a vehicle test weight equal to curb weight plus 300 pounds for light-duty vehicles, and gross vehicle weight for heavy-duty vehicles.

(c) *Reliability potential.* (1) Raw test data in accordance with 45 CFR 1201.322 (b) or 1201.324 indicating the types and frequencies of vehicle component failures, covering all vehicle components including power plant, drive train, electrical and structural system. Components replacement and repairs made prior to submission of the application shall also be detailed. All data must include the date, time, and mileage of the replacement or repair. Reduced reliability data in the form of mean time to component failure may be presented at the option of the applicant; however, all raw data used must also be included in the application.

(2) Projected system reliability and reliability goals must also be included: These estimates may be based on reliability histories of similar systems.

(d) *Serviceability.* (1) Passenger comfort, seating capacity, and heating and cooling performance.

(2) Instrumentation, including any necessary special warning devices.

(3) Controls for vehicle operation.

(4) Anticipated useful lifetime of the vehicle and its power plant.

(5) Brake type (drum, disc, etc.).

(6) Tire size and type and reserve load capacity.

(7) Steering type (worm and roller, rack and pinion, etc.).

(8) Front and rear suspension type.

(9) Hip room (front and rear).

(10) Head and leg room (front and rear).

(11) Entrance height (front and rear).

(12) Curb weight (full fuel, oil, etc., no passengers).

(13) Weight distribution (front and rear).

(14) Wheelbase.

(15) Overall length, width, height.

(16) Ground clearance.

(17) Overhang (front and rear).

(18) Usable trunk space.

(19) Fuel tank capacity.

(e) *Fuel availability.* If any test article requires the use of fuels, working fluids, coolants, lubricants, or other fluids other than those readily available through conventional motor vehicle marketing channels, the applicant shall submit detailed procurement specifications for all required fuels and fluids including any

special storage and handling requirements associated with the specified fuels and fluids. The procurement of such fuels and fluids must be shown to be capable to accomplishment in a manner which complies with the Department of Transportation regulations (49 CFR Parts 1–199) concerning the transportation of hazardous materials.

(f) *Noise level*—(1) *Maximum noise.* The maximum noise generated by the vehicle when measured in accordance with SAE Procedure J986a.

(2) *Low speed noise.* The maximum noise generated by the vehicle measured in accordance with SAE Procedure J896a, except that a constant vehicle velocity of 30 m.p.h. is used on the pass-by, the vehicle being in the highest gear in which it can be operated at that speed.

(3) *Idle noise.* The maximum noise generated by the vehicle when measured in accordance with SAE Procedure J986a, except that the engine is idling (clutch disengaged or in neutral gear) and the vehicle passes by at a speed of less than 10 m.p.h. The microphone will be placed at 10 feet from the centerline of the vehicle pass line.

(g) *Maintenance cost potential.* (1) A specification of normal vehicle maintenance procedures including inspection, parts replacement or refurbishment, and time/mileage for replacement or refurbishment. The specifications should be sufficient for use by regular maintenance personnel. Any maintenance details requiring special attention, special equipment or special personnel must be separately specified.

(2) A record of all maintenance parts costs for each test article.

(3) A record of maintenance time and labor cost for each test article in terms of clock/hours/maintenance activity, man-hours/maintenance activity, and dollars/maintenance activity.

§ 400.5 Additional data: submission of test vehicles.

(a) The Board may require the submission of any other information or date which it deems necessary and appropriate to assist it in deciding whether to certify any motor vehicle prior to reaching such a decision. The Board may require that any one or more of the applicant's test vehicles be submitted to an authorized representative of the Board at such place or places and at such time or times as the Board may specify for the purpose of testing the suitability of such vehicle as a substitute for any class or model of vehicle presently being purchased by the Federal Government.

(b) In order to compare the results of any test vehicle with any class or model of motor vehicle presently being purchased by the Federal Government and for which the applicant seeks to have its vehicle substituted, the Board shall enter into appropriate agreements with other Government agencies to gather the necessary data regarding such class or model.

§ 400.6 Certification: publication of decision.

(a) Within 180 days of the determination of the Administrator in accordance with 45 CFR 1201.326 that the applicant test vehicle is a low-emission vehicle, the Board will reach a decision by majority vote of the entire Board as to whether the test vehicle is a suitable substitute for any class or model of vehicle or engines presently being purchased by the Federal Government for use by its agencies. Such decision shall be based upon the data obtained pursuant to §§ 400.4 and 400.5, the Board's evaluation of the validity of the data, comments of interested parties, and, as the Board deems appropriate, an actual inspection of the vehicle at such places and times as the Board may prescribe. The Board will also determine whether the vehicle is an inherently low-polluting vehicle.

(b) Immediately upon making the decision as to whether a vehicle is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies, the Board will publish in the FEDERAL REGISTER notice of such decision, including the reasons therefor and any dissenting views.

(c) If the test vehicle is a low-emission vehicle as determined by the Administrator and the Board decides that it is suitable for use as a substitute for a class or model of vehicles presently being purchased by the Federal Government for use by its agencies, the Board will issue a certification of that vehicle. The certification will specify with particularity the class or model of vehicles for which the certified vehicle is a suitable substitute.

(d) Any certification under this section shall be effective for a period of 1 year from the date of issuance.

(e) A determination of procurement costs of any certified low emission vehicle will be made by the Administrator of General Services in accordance with such procedures as he may prescribe and with subsection (e) of section 212 of the Clean Air Act.

§ 400.7 Postcertification testing.

The Board may, from time to time, request the Administrator to test the emissions from certified low-emission vehicles purchased by the Federal Government. If at any time the Administrator finds that the emission levels exceed the rates on which the Administrator based his determination under 45 CFR 1201.326, he will notify the Board. Thereupon the Board will give the supplier of such vehicles written notice of such finding, publish such finding in the FEDERAL REGISTER, and give the supplier an opportunity to make necessary repairs, adjustments, or replacements as the Board directs. If the repairs, adjustments, or replacements are not made within the period set by the Board, the Board may order the supplier to show cause why the vehicle involved should be eligible for recertification.

[FR Doc.71-9187 Filed 6-28-71;8:52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–1—GENERAL

1. Section 8–1.305–6 is revised to read as follows:

§ 8–1.305–6 Military and departmental specifications.

(a) Veterans Administration Supply Catalog No. 3, section III, Index of Specifications, lists in addition to the Veterans Administration and Federal Specifications those military and departmental specifications that have been adopted by the Veterans Administration. The index lists the sources from which these specifications may be obtained and also establishes the segment of Supply Service that is responsible for their development, maintenance, and revision. These specifications will be used in all applicable transactions and will not be deviated from except as provided in this section.

(b) The monetary exemption to the use of Federal Specifications contained in FPR 1–1.305–2(b) is equally applicable to Veterans Administration, military and departmental specifications. Contracting officers may when they deem it to be advantageous to the Veterans Administration, utilize these specifications when procuring supplies and equipment costing less than $2,500. However, when purchasing items of perishable subsistence, contracting officers shall observe only those exemptions set forth in paragraphs (f) and (g) of this section.

(c) When circumstances will not permit a field station to use a Veterans Administration specification without deviation, the contracting officer shall, prior to taking any procurement action, submit to the Director, Supply Service, or Manager, VA Marketing Center, Hines Ill., whichever is appropriate, a request for authority to deviate from the specification. The request will specifically detail the reasons why the deviation is essential to the station's operation. The approving authority will coordinate the request with the using service in Central Office. The contracting officer will be advised as to the approval or disapproval of the request. If approved the letter of approval will be filed in the appropriate purchase or contract file.

(d) The Veterans' Administration has adopted for use in the procurement of packinghouse products, the purchase descriptions and specifications set forth in the Institutional Meat Purchase Specifications (IMPS), and the IMPS General Requirements, which have been developed by the U.S. Department of Agriculture. Purchase descriptions and

specifications for dairy products, poultry, eggs, fresh and frozen fruits and vegetables, as well as certain packinghouse products selected from the IMPS especially for Veterans' Administration use, are contained in VAPR Program Guide G–1, Federal Hospital Perishable Subsistence Guide. A copy of this guide and the IMPS may be obtained from any Veterans' Administration contracting officer.

(e) Contract terms and conditions governing the procurement of subsistence items listed in VAPR Program Guide G–1 and IMPS are set forth in VA Form 10–1365. This form shall be attached to and made a part of each solicitation for such items when applicable.

(f) The military specifications for meat and meat products contained in VAPR Program Guide G–1 shall be used by the Veterans' Administration only when purchasing such items of subsistence from the Defense Supply Agency (DSA). Military specifications for poultry, eggs, and egg products contained in VAPR Program Guide G–1 may be used when purchasing either from DSA or from local dealers.

(g) Except as authorized in Subpart 8–14.1 of this chapter and VA Form 10–1365, contracting officers shall not deviate from the specifications contained in VAPR Program Guide G–1, and the IMPS without prior approval of the Director, Supply Service.

(h) Items of meat, cured pork and poultry, not listed in either the VAPR Program Guide G–1 or the IMPS, will not be purchased without prior approval of the Director, Supply Service.

(i) In the absence of mandatory documents, specifications or purchase descriptions of other agencies may be used by the various Marketing Divisions when appropriate. These specifications or purchase descriptions may be modified to meet the needs of the Veterans Administration. If repeated use of a modified specification or purchase description is required, the Manager, VA Marketing Center shall consider converting it to a Veterans Administration specification.

(j) A field station may use a specification or purchase description of another agency without prior approval when the specification or description will, without modification, satisfy its needs. If, however, the specification or description must be modified to meet the station's needs, the procedure set forth in paragraph (c) of this section will be followed.

(k) The Director, Publications Service is responsible for developing, publishing, and distributing Veterans Administration specifications covering printing and binding.

(l) Veterans Administration specifications, as they are revised, are placed in stock in the Forms and Publications Depot. Station requirements of these specifications will be requisitioned from that source.

2. Section 8–1.706–5 is revised to read as follows:

§ 8–1.706 Procurement set-asides for small business.

§ 8–1.706–5 Total set-asides.

Each proposed procurement for construction, including alteration, maintenance, and repairs, in excess of $2,000 and under $500,000 shall be considered individually as though the Small Business Administration had initiated a set-aside request. When, in the judgment of the contracting officer, a particular project falling within these dollar limits is determined unsuitable as a set-aside for exclusive small business participation pursuant to FPR 1–1.7 of this title, he shall notify the Director, Supply Service of this decision. Unless the Director, Supply Service, or his designee, disagrees with the contracting officer's decision, the contracting officer shall proceed to process the procurement on an unrestricted basis.

3. Section 8–1.708–3 is revised to read as follows:

§ 8–1.708–3 Conclusiveness of certificate of competency.

When a certificate of competency has been issued by the Small Business Administration (SBA) and the contracting officer, as provided for in FPR 1–1.708–2(a)(5), has substantial doubts as to the ability of the prospective contractor to perform, he shall document his reasons therefor and submit the matter to the Director, Supply Service. The Director, Supply Service shall resolve the matter with SBA and if, in his opinion, the contracting officer's reasons are valid he may request SBA to withdraw the certificate of competency. The contracting officer will be advised as to the action he is to take.

PART 8–3—PROCUREMENT BY NEGOTIATION

4. Sections 8–3.203 and 8–3.204 are revised to read as follows:

§ 8–3.203 Purchases not in excess of $2,500.

(a) Procurement of medical services and resources authorized by sections 213, 4117, and 5053 of title 38, United States Code, costing less than $2,500 may be procured by negotiation under authority of FPR 1–3.203. Each such contract and revision thereof is, however, subject to the same approval as those costing in excess of $2,500.

(b) Supplies, equipment, and services, other than those specified in paragraph (a) of this section, authorized under the special procurement authorities cited in title 38, United States Code will be procured by negotiation under authority of FPR 1–3.203, when the cost of each such transaction does not exceed $2,500.

NOTE: The limitation imposed upon open market transactions by 38 U.S.C. 1820(b) (Loan Guaranty repair of property) will be observed in all instances.

§ 8–3.204 Personal or professional services.

Various sections of title 38, United States Code, authorize the Administrator to enter into contracts for the purpose of acquiring personal or professional services. These authorizations do not, however, stipulate the manner in which such contracts are to be entered into, i.e., negotiation or formal advertising. Civilian agencies are, under the authority of FPR 1–3.204, authorized to procure such services by negotiation. Therefore, when the services listed in this section are to be acquired by the Veterans' Administration, at a cost in excess of $2,500, a contract will be negotiated by the contracting officer. These contracts will cite in addition to the authority to negotiate, FPR 1–3.204, the appropriate section of title 38 which authorizes the contract.

(a) Architect-engineer services when required in conjunction with construction (see Subparts 8–4.50 and 8–7.50 of this chapter) will cite as the authority for such negotiation FPR 1–3.204—38 U.S.C. 5002.

(b) Contracts with medical schools and clinics for the acquisition of scarce medical specialist services will be negotiated under authority of FPR 1–3.204—38 U.S.C. 4117.

(c) Contracts with medical schools and other medical installations having hospital facilities or with a Federal, State, or local hospital, public or private, in the medical community for:

(1) The mutual use, or exchange of use, of specialized medical resources when such a contract will obviate the need for a similar resource to be provided in a Veterans Administration facility; or

(2) The mutual use, or exchange of use, of specialized medical resources in a Veterans Administration facility, which have been justified on the basis of veterans' care, but which are not utilized to their maximum effective capacity

will be negotiated under authority of FPR 1–3.204—38 U.S.C. 5053.

(d) Proposed contracts for the services and resources specified in paragraphs (b) and (c) of this section will be entered into for 1 fiscal year only and are not subject to renewal. When deemed essential to the mission of the station a new contract may be negotiated upon expiration of the original contract. Such contracts will, prior to consummation, be submitted to the appropriate Regional Medical Director (134) for approval in accordance with the following schedule, so as to reach Central Office prior to the 15th day of the month specified.

Stations in region	Scarce medical specialist and professional services	Mutual use, or exchange of use, of specialized medical resources
No. 1	May	April.
No. 2	April	May.
No. 3	February	March.
No. 4	March	April.
No. 5	February	March.

Submissions will include five copies of (1) the contract, (2) transmittal document, including full name and address of the other party to the contract, and (3) supporting documentation.

(e) Proposed contracts of the type specified in paragraph (c) (1) and (2) of this section will be accompanied by a recommendation of the head of the station as to the geographical limits to be applied to the medical community.

(f) Personal service contracts having an employer-employee relationship, except to the extent indicated in paragraph (b) of this section, will not be negotiated under this authority but will be consummated in accordance with MP–5, Parts I and II. The determination as to whether a contract is of this nature is primarily the responsibility of the appointing official; however, contracting officers should be alert to the following conditions or circumstances, which, if present, could result in an invalid contract if with:

(1) *An individual.* (i) The contract does not call for an end product which is adequately described in the contract.

(ii) The contract price or fee is based on the time actually worked rather than the results to be accomplished.

(iii) The services are to be of a continuing rather than a temporary or intermittent nature.

(2) *A concern.* (i) Office space, equipment, and supplies necessary for contract performance are to be furnished by the Veterans Administration.

(ii) Contractor-furnished personnel are to be integrated within the Veterans Administration organizational structure.

(iii) Contractor-furnished personnel are to be used interchangeably with Veterans Administration personnel to perform the same functions.

(iv) The Veterans Administration retains the right to control and direct the means and methods by which contractor-furnished personnel accomplish this work.

(g) If in the opinion of the contracting officer any of the conditions or circumstances in paragraph (f) of this section are present, he will, in consultation with the requester, resolve all such doubts seeking if necessary competent legal advice.

(h) Contracts for professional or technical services with private or public agencies not specifically authorized in any other section of title 38, United States Code, may be acquired under 38 U.S.C. 213 and negotiated under FPR 1–3.204 when the cost of such services will exceed $2,500. Contracts of this nature must meet the requirements of FPR 1–3.204(a). The approval of the appropriate department or staff head will be secured before any contract is negotiated under this authority.

PART 8–7—CONTRACT CLAUSES

5. In § 8–7.150–6(a), the clause is amended to read as follows:

§ 8–7.150–6 Frozen processed foods.

* * * * *

FROZEN PROCESSED FOODS

The products delivered under this contract shall be in excellent condition, shall not show evidence of defrosting or refreezing, and shall be transported and delivered to the consignee at a temperature of zero degrees Fahrenheit or lower.

* * * * *

6. In § 8–7.150–19, paragraph (c) of the clause is amended to read as follows:

§ 8–7.150–19 Affirmative action compliance program.

Invitations for bids and requests for proposals that will result in a supply or service (excluding construction) contract of $50,000 or more will contain the following:

* * * * *

(c) Clause 6 of Standard Form 33 is amended to include the following:

The bidder (or offeror) represents that (1) he ☐ has developed and has on file ☐ has not developed and does not have on file at each establishment affirmative action programs as required by the rules and regulations of the Secretary of Labor (41 CFR 60–1 and 60–2), or (2) he ☐ has not previously had contracts subject to the written affirmative action program requirement of the rules and regulations of the Secretary of Labor.

* * * * *

PART 8–14—INSPECTION AND ACCEPTANCE

7. A new § 8–14.105–52 is added and former § 8–14.105–52 is redesignated § 8–14.105–53 so that §§ 8–14.105–52 and 8–14.105–53 read as follows:

§ 8–14.105–52 Waiver of USDA inspection and specifications.

(a) Contracting officers may purchase butter; cheese (except cottage cheese); sausage; meat food products; bacon, smoked; and bacon, Canadian style, without reference to the specifications in VAPR Program Guide G–1, and the U.S. Department of Agriculture (USDA) inspection requirements of VA Form 10–1365, when the amount of an item to be purchased will not exceed 500 pounds per delivery. When these items are procured together with items that are not exempt the solicitation shall include the following:

Items _____ are not required to be in accordance with the specifications contained in VAPR Program Guide G–1, nor is the special USDA inspection required. Inspection for quality and condition will be made by VA upon delivery at destination. These items are, however, subject to the quality controls stated herein.

(b) As appropriate the following statements shall be included in each invitation for bid, request for proposal or purchase order.

(1) *Butter.* This product must be graded by the USDA and labeled "Grade A" or the grade specified herein.

(2) *Sausage and meat food products.* (i) This product must be a high commercial product and shall have been prepared in a federally inspected plant and bear the USDA establishment number stamp which evidences that it is sound, healthful, wholesome, and fit for human consumption; and

(ii) This product must bear a label complying with the Federal Food, Drug and Cosmetic Act which requires that all ingredients be listed according to the order of their predominance.

(3) *Bacon, smoked and bacon, Canadian style.* This product must be a high commercial product and shall have been prepared in a federally inspected plant and bear the USDA establishment number stamp which evidences that it is sound, healthful, wholesome, and fit for human consumption.

(c) When using a "brand name or equal" purchase description every brand name item that is known to be acceptable and available in the area will be listed.

§ 8–14.105–53 Supply depot selection of samples for test.

(a) The number of samples to be selected will be as stated in the item specifications or as specified by the contracting officer for items without lot numbers.

(b) On items bearing lot numbers, one unit will be selected from each lot to be tested, unless otherwise specified. Contracts will require that the contractor's shipping document or packing list indicate the lot numbers of items shipped to each depot and subdepot on the contract. To reduce handling and transportation costs, samples of lots received at more than one location will be submitted as follows:

(1) The VA Supply Depot, Hines, Ill., will submit samples from all lots received.

(2) The VA Supply Depot, Somerville, N.J., will submit samples from lots not received at Hines.

(3) The VA Subdepot, Bell, Calif., will submit samples from lots not received at Hines or Somerville.

(c) On drug items, when there is only one unit in the lot to be tested or when five or more lots on the same order require sampling, the contracting officer will be notified and requested to furnish instructions. Such notification will be transmitted by teletype.

(d) To facilitate handling and packing, samples may be consolidated into one package. However, under no circumstances will shipment of samples be held more than 48 hours from time of receipt.

PART 8–52—CONTRACT ADMINISTRATION

8. In § 8–52.106, paragraph (c) is amended to read as follows:

§ 8–52.106 Representatives of contracting officers; receipt of equipment, supplies, and nonpersonal services.

* * * * *

(c) The Chief, Stock Control Division, VA Supply Depot, Hines, Ill., is hereby designated as the representative of each contracting officer and purchasing agent

of the various marketing divisions of the VA Marketing Center, Hines, Ill., for the purpose of accepting, on behalf of the Veterans Administration, items purchased for stock. The Chief, Stock Control Division, may designate one or more employees of the Incoming Property Section, Supply Control Division, to represent him and authority is hereby delegated to such designees to accept such property on behalf of the Veterans Administration. Designations will be confined to those employees to whom such responsibility has been assigned by their position descriptions. The Chief, Fiscal Division, will be furnished a list of such designees. Where inspection for compliance with specifications, purity, quality, or other element must be made by the Service and Reclamation Division or other testing agency, acceptance will be contingent upon receipt of a properly prepared inspection report.

* * * * *

PART 8–75—DELEGATIONS OF AUTHORITY

9. Sections 8–75.201–5 and 8–75.201–6 are revised to read as follows:

§ 8–75.201–5 Construction contracts; field stations, supply depots.

The Chief, Supply or Business Services Division at a field station, the Manager, VA Supply Depot, and any employee designated by them in accordance with § 8–75.101(b) are authorized to execute, award, and administer contracts for construction projects assigned by the Chief Medical Director, under delegation of the Assistant Administrator for Construction, or those accomplished with station or depot funds. Contracting officers, in executing, awarding, and administering construction contracts, including those for maintenance and repair projects, will be guided by Federal Procurement Regulations, Veterans Administration Procurement Regulations, and procedures established by the Assistant Administrator for Construction.

§ 8–75.201–6 Printing and binding.

Authority to execute, award, and administer contracts, purchase orders and agreements, involving the expenditure of funds, for the acquisition of printing and binding is delegated to the Director, Publications Service, Administrative Services, Central Office.

10. In § 8–75.201–8, paragraph (a) is amended to read as follows:

§ 8–75.201–8 Issue of Government bills of lading—Transportation of property.

(a) Authority to issue and sign Government bills of lading for the transportation of supplies, material, and equipment is delegated to the following:

(1) Chiefs, Transportation Sections, VA Supply Depots.

(2) Chief, Warehouse Section, VA Forms and Publications Depot.

(3) Traffic Manager, Department of Medicine and Surgery, Central Office.

* * * * *

11. Section 8–75.201–10 is revised to read as follows:

§ 8–75.201–10 Architectural and engineering services; field stations, supply depots.

The Chief, Supply or Business Services Division at a field station, the Manager, VA Supply Depot, and any employee designated by them in accordance with § 8–75.101(b) are authorized to execute, award, and administer contracts for the acquisition of architectural and engineering services when the cost of such services are chargeable to station or depot funds.

12. In § 8–75.201–12, paragraph (a) is amended to read as follows:

§ 8–75.201–12 Loan guaranty program.

(a) The authority to execute, award, and administer contracts, purchase orders, and other agreements for the expenditure of funds for supplies or services for the maintenance, protection, repair, rehabilitation, enlargement, completion, conversion, or demolition of properties acquired under chapter 37, title 38, United States Code, is delegated to:

(1) Chief Benefits Director.

(2) Director, Loan Guaranty Service.

(3) Director, Regional Office.

(4) Director, Veterans Benefits Office (Washington, D.C.).

(5) Loan Guaranty Officer.

(6) Assistant Loan Guaranty Officer.

* * * * *

(Sec. 205(c), 63 Stat. 389, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114; 38 U.S.C. 210(c))

These regulations are effective August 19, 1971.

Approved: June 21, 1971.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.71-9143 Filed 6-28-71;8:48 am]

Chapter 114—Department of the Interior

PART 114–26—PROCUREMENT SOURCES AND PROGRAMS

Procurement Sources Other Than GSA

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965–69) and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended by the addition of the following new subpart.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (6–29–71).

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JUNE 21, 1971.

Subpart 114–26.6—Procurement Other Than GSA

Sec.

114–26.600–50 Procurement of tax free alcohol.
114–26.600–51 Procurement of bench marks and corner markers.

AUTHORITY: The provisions of this Subpart 114–26.6 issued under 5 U.S.C. 301, Supp. V, 1965–69; sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114–26.6—Procurement Sources Other Than GSA

§ 114–26.600–50 Procurement of tax free alcohol.

The Internal Revenue Service has issued permits for the purchase of tax free alcohol and specially denatured spirits for use in the United States and the Territories and possessions. The following is a list of the current permits and the names and address of the manufacturers from whom such items should be procured:

Manufacturer	*Tax free permit*
U.S. Industrial Chemicals, Inc., Division of National Distillers Products Corp., Industrial Alcohol Bonded Warehouse No. 112, Anaheim, Calif.	US–TF–136
U.S. Industrial Chemicals, Inc., Division of National Distillers Products Corp., Industrial Alcohol Bonded Warehouse No. 7, Boston, Mass.	US–TF–137
U.S. Industrial Chemicals, Inc., Division of National Distillers Products Corp., Industrial Alcohol Bonded Warehouse No. 2, New Orleans, La.	US–TF–138
Publisher Industries, Inc., Industrial Alcohol Bonded Warehouse No. 160, Philadelphia, Pa.	US–TF–139
Commercial Solvents Corp., Industrial Alcohol Bonded Warehouse No. 25, Agnew, Calif.	US–TF–140
Shell Chemical Corp., Industrial Alcohol Bonded Warehouse No. 224, Culver City, Calif.	US–TF–141
U.S. Industrial Chemicals Co., Division of National Distillers & Chemical Corp., Industrial Alcohol Bonded Warehouse No. 418, Tuscola, Ill.	US–TF–142
U.S. Industrial Chemicals Co., Division of National Distillers Products Corp., Industrial Alcohol Bonded Warehouse No. 158, Newark, N.J.	US–TF–143
Carbide & Carbon Chemicals Co., Industrial Alcohol Bonded Warehouse No. 218, Whiting, Ind.	US–TF–144
California Packing Corp., Industrial Alcohol Bonded Warehouse No. 77, Honolulu, Hawaii.	US–TF–145

Manufacturer	*Specially Denatured Permit*
U.S. Industrial Chemicals Co., Division of National Distillers Products Corp., Anaheim, Calif.	US–SDS–74
Commercial Solvents Corp., Agnew, Calif.	US–SDS–75
Commercial Solvents Corp., Terre Haute, Ind.	US–SDS–76

Requests for any additional permits should be submitted through Bureau channels to the Director of Management Operations, Office of the Assistant Secretary for Administration, for transmittal to the Internal Revenue Service.

§ 114.26.600–51 Procurement of bench marks and corner markers.

The minimum standard lettering to be used to identify all bench mark tables is as follows:

U.S. DEPARTMENT OF THE INTERIOR
Height of lettering: ¼"
Width of letters at surface: .040"
UNLAWFUL TO DISTURB
Height of lettering: 5/32"
Width of letters at surface: .030"

Exceptions to the use of the foregoing lettering will be granted only where special circumstances warrant exemption. Requests for such exemption shall be transmitted through Bureau Channels to the Director, Office of Management Operations, Office of the Assistant Secretary for Administration.

[FR Doc.71-9110 Filed 6-28-71;8:45 am]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter VII—Department of Housing and Urban Development (Community Facilities)

[Docket No. R-71-122]

PART 707a—EVALUATION OF PRELIMINARY APPLICATIONS FOR BASIC WATER AND SEWER FACILITIES GRANTS

This part sets forth the criteria and procedures used in evaluating preliminary applications by local public bodies and agencies for Federal grants for basic water and sewer facilities under section 702 of the Housing and Urban Development Act of 1965. Such initial evaluation is necessary because applications for assistance exceed the available funds for grants for eligible water and sewer facilities. Further procedures necessary before an applicant may receive such a grant are not described in this part.

Since present procedures for evaluating preliminary applications in this program expire June 30, 1971, it is found that notice and public procedure under the Department policy (24 CFR Part 10) are impracticable, and this regulation should be made effective July 1, 1971, in the public interest.

Accordingly, Chapter VII of Title 44 of the Code of Federal Regulations is amended by adding Part 707a, to read as follows:

Sec.

707a.1 Scope.
707a.2 Definitions.
707a.3 Preliminary applications for assistance.
707a.4 Criteria for evaluating preliminary applications.
707a.6 Orderly growth and development.
707a.8 Financial need.
707a.10 Housing.
707a.12 Health.
707a.14 Local job and business opportunities.
707a.16 Community development.
707a.18 Further application procedures.

AUTHORITY: The provisions of this Part 707a issued under secs. 702 and 705, 79 Stat. 490, 492; 42 U.S.C. 3102, 3105.

§ 707a.1 Scope.

This part sets forth the criteria and procedures used in evaluating preliminary applications for Federal grant assistance to local public bodies and agencies for basic water and sewer facilities under the Act. The evaluation of preliminary applications described in this part does not result in a final decision by the Secretary to extend grant assistance to particular projects for the construction of such facilities. Further application procedures are described in § 707a.18.

§ 707a.2 Definitions.

The terms "Act", "development cost", "local public bodies and agencies", "Secretary", and "State" shall have the meanings given in § 707.2 of this chapter.

§ 707a.3 Preliminary applications for assistance.

(a) Preliminary applications for grants for water and sewer facilities shall be submitted on Standard Form 101, to the appropriate HUD regional or area office having jurisdiction over the geographic area involved in the application. Copies of this form may be obtained on request from the regional or area office.

(b) In general, Standard Form 101 requests the legal name and address of the applicant (an eligible local public body or agency); a brief description of the proposed project and its purpose; a list of the localities to be served; the public interest and necessity for the project; and the proposed method of financing including the total project cost and the grant amount requested.

§ 707a.4 Criteria for evaluating preliminary applications.

Criteria for evaluating preliminary applications are divided into the following major categories:

(a) Orderly growth and development.
(b) Financial need.
(c) Housing.
(d) Health.
(e) Local job and business opportunity.
(f) Community development.

The elements considered in each category are described in the following sections, and the method of assigning rating points to each element or category is set forth. Points are awarded to each element or category in the following manner unless otherwise specifically indicated: If a statement under a particular element or category applies specifically to the project application under consideration, the application is awarded the number of points assigned to that statement. If no statement applies, no points are awarded to the application for that element.

§ 707a.6 Orderly growth and development.

(The value of this category is the sum of the values of paragraphs (a) to (d) of this section.)

(a) *Service area need.* (Select one):

(1) Is to rehabilitate an existing system with no increase in the area served	1
(2) Is to increase the existing area served with or without rehabilitation of the existing system	5
(3) Is to provide a basic system for a community which is presently unserved	10

"Service area" means the total geographic area for which the applicant has legal responsibility to provide services and facilities. "Rehabilitation" refers only to major items of construction; it does not include normal maintenance and repair. The phrase "increase the area served" refers to the provision of facilities in those portions of the service area which are not currently part of the existing system. A "basic system" is one which provides facilities within the service area where no facilities currently exist, but existing or proposed supporting facilities, e.g., water supply or sewage treatment, may be provided by other units of government.

(b) *Capacity for future growth.* (Select one):

(1) The project provides for the reasonable foreseeable growth needs of the area	1
(2) The project provides for the reasonable foreseeable growth needs of the area in addition to providing for an anticipated urgent need of the applicant in the next 2 to 5 years	5
(3) The project provides for the reasonable foreseeable growth needs of the area in addition to meeting an immediate critical need	10

"Reasonable foreseeable growth needs" are determined by the applicant as reflected in the functional planning and programing for the area. "Urgent need" refers to a need which, if not corrected in the next 5 years, can be expected to result in a critical need. A "critical need" refers to a need that should be satisfied immediately, e.g., a desperate need for water including any need to import water, or a need to control frequent inundations or to eliminate sources of epidemics.

(c) *Planning and programing.*

If the statement of goals and objectives prepared by the areawide planning organization has been endorsed or adopted, as provided by State law, by the unit(s) of general-purpose government for the area in which the project is located, the application will be awarded the following number of points	5

(d) *State and regional/metropolitan clearinghouse concern.*

If the proposed project has high priority for the State or regional/metropolitan program, based on the State or regional/metropolitan clearinghouse review and comment, the application will be awarded the following number of points	5

§ 707a.8 Financial need.

(Value of this category is the sum of the values of paragraphs (a) to (c) of this section.)

(a) If the project cannot be financed without the requested Federal assistance, the application will be awarded the following number of points ___ 5

Ability to finance the project on the basis of revenue bonds is computed at 6 percent interest over 25 years. If the estimated net revenue in an average year exceeds the total debt service costs for that year by a factor of 1.25, it is assumed that the project can be financed without the requested Federal aid, and the points will not be awarded.

(b) Relative median family income: The median family income of the service area of the proposed project compared to the median family income of the State in which the project is to be located is: (Select one):

(1) $501–$1,500 above ---------- 2
(2) $1–$500 above ---------- 4
(3) $0–$500 below ---------- 6
(4) $501–$1,500 below ---------- 8
(5) $1,501 or more below ---------- 10

Median family incomes for the service area and the State are to be obtained by utilizing the City-County Data Book or other census data. In those instances where the median family income for the area as determined from the source material appears inconsistent with the Department's knowledge of the community, adjacent area median family incomes will be considered.

(c) Non-Federal financial aid: (Value of this element is the sum of the values of (1) and (2).)

(1) State assistance (grant and/or loan) is being provided to assist in project financing---------- 3
(2) Units of government other than the applicant and a State are providing financial assistance for the project- 2

Financing by other units of governments includes grants, loans, or contributions to the construction of the project by units of general- or special-purpose governments other than the applicant and a State.

§ 707a.10 Housing.

(The value of this category is the sum of the values of paragraphs (a) and (b) of this section.)

(a) *Decent, safe, and sanitary housing.* (Value of this element is the sum of the values of subparagraphs (1) to (3) of this paragraph.)

The project is necessary for the—

(1) Maintenance of existing decent, safe and sanitary housing---------- 2
(2) Maintenance of existing, or assistance to proposed, decent, safe, and sanitary low and moderate income housing ---------- 3
(3) Assistance of significant areas of housing that is less than decent, safe, and sanitary---------- 2

"Decent, safe, and sanitary housing" refers to housing that is in accordance with local housing standards in the area in which the project is to be located. "Low- and moderate-income housing" refers to housing with a fair market value that is equal to or less than the resultant of multiplying the section 235–236 maximum income for a family of four, as established by the Secretary for the county in which the project is located, by a factor of 3. "Low- and moderate-income housing" also refers to housing with an annual rental equal to or less than one-third of such section 235–236 maximum income.

(b) *Accessibility of housing.* (Select one):

Percent of housing in project area that will be accessible on a nondiscriminatory basis to families and individuals with low and moderate income is:

(1) 81–100 percent---------- 10
(2) 61–80 percent---------- 8
(3) 41–60 percent---------- 6
(4) 21–40 percent---------- 4
(5) 20 percent or less---------- 2

As used herein, "nondiscriminatory" means free of legal or social constraints arising from race, creed, color, and national origin.

§ 707a.12 Health.

The proposed project is necessary for: (Select one):

(a) Elimination of a potential public health hazard---------- 6
(b) Elimination of a demonstrated public health hazard---------- 12
(c) Elimination of a critical health health hazard---------- 18

A "potential public health hazard" refers to a hazard which if not corrected can be expected to result in a dangerous lowering of environmental quality and health standards; e.g., malfunctioning septic tanks, polluted individual wells, or areas subject to inundation not more often than every 5 years but at least once every 10 years. A "demonstrated public health hazard" refers to hazards from existing sources which if not corrected, could result in disease of epidemic proportions (which sources are evidenced by epidemiological studies and reports), contamination of domestic water sources from any cause, the need to import water for any cause, and the inundation of the area more frequently than every 5 years. A "critical public health hazard" refers to a demonstrated public health hazard which must be resolved immediately, e.g., a desperate need for water, control of demonstrated causes of diseases of epidemic proportions, and the inundation of the area more frequently than once per year.

§ 707a.14 Local job and business opportunities.

(Value of this category is the sum of paragraphs (a) to (e) of this section.)

(a) The project is needed for existing or proposed commercial or industrial development---------- 2
(b) During the construction phase of the project, on-the-job training activities will be provided---------- 2
(c) The project will provide job opportunities for underemployed and unemployed persons---------- 2
(d) The project has provisions for small business participation---------- 2
(e) The project has provisions for minority business participation------- 2

"On-the-job training" refers to union or government sponsored apprenticeship or similar training programs. "Small businesses" refers to those contractors, including supply contractors, whose contractual abilities are limited to $125,000 or less. In addition to information furnished on SF–101, the relationship of the project to commercial or industrial development in the area will be taken into account.

§ 707.16 Community development.

The degree to which the project is necessary for undertaking other publicly supported community development activities---------- 1 to 5

"Community development activities" refers to those publicly supported physical devlopment activities and those related social or economic development activities being carried out or to be carried out within a reasonable period of time in accordance with a locally determined or areawide plan or strategy. Factors taken into consideration may include the project's responsiveness to local needs and objectives, the economies possible through coordinated or joint action, and the degree of support by the appropriate unit(s) of local general-purpose government.

§ 707a.18 Further application procedures.

(a) Preliminary applications that receive a comparatively high rating are placed on the potential project list by the regional or area office having jurisdiction over the geographic area to which the application relates. Then, depending upon the relative rating of the preliminary application among other such applications submitted to the area or regional office within any given period, the applicant may be asked to submit further application material, with supporting documentation, so that a final decision on the grant may be reached. Such application material is subject to further reviews to determine compliance of the application with basic eligibility and technical requirements.

(b) The relative rating of the preliminary application and remedial action by applicants are determined as follows: A minimum value that will permit funding within the area office is to be determined on the basis of aggregate scores of rated applications. When an SF–101 fails to receive the prescribed score for inclusion of the project on the potential project list, the application and supporting documents will be returned to the applicant with advice as to areas of deficiency. Remedial action regarding the deficiencies must be undertaken before the proposal may be reconsidered.

Effective date. This regulation is effective July 1, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-9178 Filed 6-28-71;8:51 am]

Title 45—PUBLIC WELFARE

Chapter IX—Administration on Aging, Social and Rehabilitation Service, Department of Health, Education, and Welfare

PART 903—GRANTS FOR STATE AND COMMUNITY PROGRAMS FOR THE AGING

Miscellaneous Amendments

Notice of proposed regulations for the programs administered under title III, of the Older Americans Act of 1965, as amended, with respect to Areawide Model Projects on Aging and related amendments to existing regulations were published in the FEDERAL REGISTER on May 13, 1971 (36 F.R. 8816). After consideration of the views presented by interested persons, no changes have been considered necessary. Accordingly, Chapter IX is amended as set forth below.

Part 903 of Chapter IX, Title 45 of the Code of Federal Regulations is amended as set forth below.

1. Sections 903.1—903.49 are designated as "Subpart A—The State Plan."

2. Section 903.6 is revised to read as follows:

§ 903.6 Withholding of funds.

Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of a State plan approved under Title III of the Act, finds that (a) the State plan no longer complies with the provisions of the Act, or (b) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify such State agency that no further payments will be made to the State in connection with the State plan under Title III of the Act (or in his discretion, that further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied no further payments shall be made to such State in connection with the State plan under Title III of the Act (or payments shall be limited to programs under or portions of the State plan not affected by such failure).

3. Section 903.17 is revised to read as follows:

§ 903.17 Fiscal administration.

The State plan shall provide for such accounting systems and procedures as are adequate to control and support all fiscal activities carried on in connection with the State plan under Title III of the Act. The State plan shall provide for the maintenance by the State agency, and all community project grantees, of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the allotments to the States.

§§ 903.20, 903.23 [Amended]

4. In §§ 903.20(f) and 903.23, the dates for completion of the Study of Status and Needs and Report on Aging are changed from "July 1, 1971" to "December 31, 1971."

5. A new Subpart B is added to Part 903 to read as follows:

Subpart B—Areawide Model Projects on Aging

Sec.
903.70 General.
903.71 Program objective.
903.72 Conditions for approval of awards.
903.73 Categories of older persons.
903.74 Eligible applicants and review of applications.
903.75 Awards.
903.76 Project revisions.
903.77 Program evaluation.
903.78 Payments.
903.79 Termination.
903.80 Reports.
903.81 Expenditures.
903.82 Audits.
903.83 Contracts.

AUTHORITY: The provisions of this Subpart B issued under sec. 101 et seq., 79 Stat. 218–226, 81 Stat. 106–108, 82 Stat. 1101, 83 Stat. 108–115; 42 U.S.C. 3001 et seq.

Subpart B—Areawide Model Projects on Aging

§ 903.70 General.

Through grants to or contracts with State agencies as designated under § 903.10, the Commissioner is authorized to pay not more than 75 per centum of the cost of the development and operation of statewide, regional, metropolitan area, county, city, or other areawide model projects for carrying out the purpose of. Title III of the Act to be conducted by State agencies either directly or through contractual arrangements. Sections 903.71—903.82 deal with grants and § 903.83 with contracts.

§ 903.71 Program objective.

The objective of the Areawide Model Project on Aging program is to determine in geographic areas of high priority the needs of the elderly citizens, to satisfy these needs on a priority basis, and to change those conditions which either directly or indirectly pose significant barriers to those older persons who desire to live independently in the community and to participate in a full and meaningful way in community life.

§ 903.72 Conditions for approval of awards.

(a) Each application under this subpart submitted by a State agency shall include only one Areawide Model Project.

(b) Consideration will be given under this subpart only to those applications submitted by State agencies which:

(1) Establish that the area chosen for the conduct of the project contains large numbers of older persons, including a high percentage of individuals of low income;

(2) Provide for the designation of a suitable local agency of general purpose government, a local private nonprofit agency, or other local agency or entity approved by the Administration on Aging to conduct the project if the project is not to be conducted directly by the State agency, and set forth the contractual arrangement between the State agency and the local agency with respect to the conduct of the project. Such local agency must have the capacity to achieve the objective of the project throughout the area;

(3) Provide for the formation of a task force comprised of older persons and representatives of the major public and private agencies of the area having programs affecting the elderly; and for quartering of such task force in or by the local agency designated for the project, if any. Such task force shall assist in the development and implementation of the project which shall include the following functions:

(i) Identification of or updating data on the specific needs of the elderly of the area, and listing such needs in order of priority;

(ii) Planning on behalf of the elderly on an ongoing basis;

(iii) Development of a plan of action containing innovative program designs or alternative solutions, with special emphasis on cooperative and combined agency activity and joint funding arrangements, for meeting the objectives of the Areawide Model Project program and the highest priority needs of the elderly identified; and

(iv) Implementation of the plan developed on behalf of all older persons of the area having need for such services or activities specified in the plan.

(4) Propose to utilize to a maximum extent the existing public and private resources of the area to meet the needs and problems of the elderly which have been identified;

(5) Contain commitments from public and private agencies for joint and cooperative activities by such agencies to a maximum extent possible in the planning and implementation of the plan, including joint funding;

(6) Contain recognition for the project from the major political jurisdiction of the area;

(7) Provide for the use of State financial resources, wherever available, for meeting part of the cost of the project;

(8) Provide for the interrelationship of the project proposed with other related comprehensive planning or service delivery efforts of the area (if any);

(9) Provide for the employment by the State agency of a qualified staff person who will work full time, in providing leadership, technical assistance, and support to the Areawide Model Projects in the State;

(10) Provide that there will be a qualified staff person employed full time at the project level by the State agency or

by the designated local agency, if any, to coordinate the activities of the task force and to direct the implementation of the plan developed under subparagraph (3) (iii) of this paragraph, and the employment of such additional staff members as may be necessary to operate the project; and

(11) Set forth a budget containing proposed estimated expenditures for a budget period covering 12 months of project operations.

§ 903.73 Categories of older persons.

The plan proposed under § 903.72 must have as its goal that services or activities of the project be available and accessible to all older persons of the project area having need for such services or activities. Provision must be made for special efforts to reach low income older persons having need for such services.

§ 903.74 Eligible applicants and review of applications.

(a) Any State agency designated under § 903.10 may file an application for an Areawide Model Project on Aging with the Commissioner. Such application shall be submitted in writing and in accordance with guidelines issued by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(b) Applicants may be requested to submit additional information while a project application is being considered by the Administration on Aging. All applications which meet the legal requirements for an award will be considered for funding. The Commissioner will determine the action to be taken with respect to each application and notify the applicant accordingly in writing.

§ 903.75 Awards.

Within the limits of funds available for such purpose, the Commissioner will award a grant to those applicants whose proposed projects will, in his judgment, best promote the purposes of title III of the Act and the objectives set forth in this subpart. All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support within the project period, grantees must make separate application in accordance with the guidelines established.

§ 903.76 Project revisions.

Projects shall be conducted in accordance with the provisions of the application as it is approved. A project grantee shall request in writing that a project be revised whenever it is proposed that the approved plan of operation or method of financing will be materially changed. The request for revision shall be submitted for approval in the same manner as the original application. Project revisions may be initiated by the Commissioner, if, on the basis of reports, it appears that the project is ineffective, or if changes are made in Federal appropriations, laws, regulations, or policies governing Areawide Model Projects.

§ 903.77 Program evaluation.

The plan developed under an Areawide Model Project must propose a feasible plan, including participation in a national evaluation of the Areawide Model Project program, to evaluate the extent to which the objectives set forth under this subpart are being met, and the impact of the program on the lives of the elderly in the project area.

§ 903.78 Payments.

The Commissioner shall from time to time make payments to a grantee of all or a portion of any grant award either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this subpart throughout the project period subject to such limitations as the Commissioner may prescribe.

§ 903.79 Termination.

A grant may be terminated in whole or part at any time at the discretion of the Commissioner. Noncancelable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

§ 903.80 Reports.

The grantee shall make such reports to the Commissioner including reports of findings and results of evaluation, in such form and containing such information as may reasonably be necessary to enable him to perform his functions under this subpart and shall keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 903.81 Expenditures.

Grants under this subpart will be available to pay not to exceed 75 per centum of the costs of the project necessary to carry out the objectives set forth under this subpart and in keeping with policies set forth in Bureau of the Budget Circular A–87, or its revision.

§ 903.82 Audits.

All fiscal transactions by a grantee relating to grants under section 305 of the Act are subject to audit by the Department to determine whether expenditures have been made in accordance with the Act and this subpart.

§ 903.83 Contracts.

(a) *Eligibility.* Subject to applicable provisions in this subpart, the Commissioner is authorized to make contracts with State agencies designated under § 903.10 to carry out the purposes of Title III and section 305 of the Act.

(b) *Provisions.* Any contract under this subpart shall be entered into in accordance with, and shall conform to all applicable laws, regulations and Department policy.

(c) *Payments.* Payments under any contract under this subpart may be made in advance or by way of reimbursement and in such installments and on such conditions as the Commissioner may determine.

(Sec. 101 et seq., 79 Stat. 218–226, 81 Stat. 106–108, 82 Stat. 1101, 83 Stat. 108–115; 42 U.S.C. 3001 et seq.)

Effective date. These amendments shall become effective on the date of publication in the FEDERAL REGISTER (6–29–71).

Dated: June 14, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: June 25, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71–9252 Filed 6–28–71;8:52 am]

PART 906—RETIRED SENIOR VOLUNTEER PROGRAM

Notice of proposed regulations for the Retired Senior Volunteer Program, authorized under section 601 of the Older Americans Act, as amended, was published in the FEDERAL REGISTER on May 7, 1971 (36 F.R. 8525). After consideration of the views presented by interested persons, certain changes have been made as listed below and the proposed regulations, as changed, are hereby adopted:

1. Section 906.16 has been revised to expand the variety of advisory committee membership.

2. Section 906.20 now requires assurance of safety standards.

3. Section 906.21 has been changed to provide for insurance protection by the grantee for volunteers, in accordance with instructions to be issued by the Commissioner on Aging.

4. Minor clarifying and editorial changes have been made.

Part 906 of Chapter IX, Title 45, of the Code of Federal Regulations is revoked, and a new Part 906 with content related to the Revised Senior Volunteer Program is added to read as set forth below:

PURPOSE

Sec.
906.1 Purpose.
906.2 Nature of program.

GRANTS

906.3 Eligibility.
906.4 Applications.

Sec.
906.5 Cost sharing.
906.6 Awards.
906.7 Payments.
906.8 Expenditures and fiscal procedures.
906.9 Audits.
906.10 Records and reports.
906.11 Termination.

PROGRAM OPERATION

906.15 Volunteer stations.
906.16 Advisory Committee.
906.17 Volunteers.
906.18 Expenses of volunteers.
906.19 Training of staff and volunteers.
906.20 Safety standards.
906.21 Insurance.

CONTRACTS

906.30 Eligibility.
906.31 Provisions.
906.32 Payments.

AUTHORITY: The provisions of this Part 906 issued under sec. 101 et seq., 79 Stat. 218–226, 81 Stat. 106–108, 82 Stat. 1101, 83 Stat. 108–115, 42 U.S.C. 3001 et seq.

PURPOSE

§ 906.1 Purpose.

The purpose of the Retired Senior Volunteer Program is to develop a recognized role in the community and a meaningful life in retirement for older adults through significant volunteer service.

§ 906.2 Nature of program.

A Retired Senior Volunteer Program arranges varied opportunities for retired persons, age 60 and over, to serve as volunteers for the betterment of their community and themselves, with reimbursement for out-of-pocket expenses. It is organized and operated with Federal and non-Federal support in accord with the Retired Senior Volunteer Program Guide published by the Commissioner. The program is directed and coordinated in a community or service area by competent staff with the support of a local Retired Senior Volunteer Program Advisory Committee. The community or service area is defined in the approved grant application. Senior volunteers, aided by appropriate assignment, instruction and supervision, serve at a variety of volunteer stations, such as schools, courts, day care centers, hospitals, welfare agencies, nursing homes and institutions. Senior volunteers do not displace employed workers nor impair existing contracts for services. Awards and recognition appropriate to their service are given to senior volunteers.

GRANTS

§ 906.3 Eligibility.

Grants may be made to State agencies designated under § 903.10 of this chapter or other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer programs under this part, as determined by the Commissioner.

§ 906.4 Applications.

(a) An application under this part shall include information needed by the Commissioner to support findings that the requirements of section 601 of the Act will be met, as required in the various other sections of this part.

(b) In addition, an application will include:

(1) General goals for the proposed program, consistent with the purpose of this part.

(2) Individual objectives to be achieved during the projected budget period in support of the stated goals.

(3) A detailed budget and budget item justification.

(4) An explicit plan for maximizing non-Federal support of the program budget.

(5) Duties of projected staff positions and qualifications required for incumbents of the positions.

(6) Ways in which active coordination is to be established with other volunteer and aging related agencies and organizations, including the State agency.

(7) Membership and functions of a Retired Senior Volunteer Program Advisory Committee.

(8) Geographical boundaries to be served by the program.

(9) Copies of proposed or existing agreements with agencies or volunteer stations using senior volunteers.

(10) Available data on the population, age 60 and over, in the proposed service area.

(11) Existing senior volunteer service opportunities and those projected for development.

(12) Other information required by the Commissioner.

(c) The application shall be executed by a person authorized to act for the applicant, and to assume on behalf of the applicant the obligations imposed by the terms and conditions of an award, including the regulations in this part.

(d) A copy of the application (other than one by the State agency) shall be submitted by the applicant to the State agency which shall have 60 days after receipt to review it and make written recommendations to the Commissioner.

§ 906.5 Cost sharing.

Grant funds will pay part or all of the approved costs, as determined by the Commissioner, for development and operation of a Retired Senior Volunteer Program. In all cases, however, the applicant must demonstrate, through an acceptable plan, the intent to provide by a specified date and continue to develop non-Federal support in the form of cash or allowable in-kind contributions to the maximum extent permitted by local circumstances.

§ 906.6 Awards.

(a) Within the limits of funds available for the Retired Senior Volunteer Program, the Commissioner will award a grant to applicants whose proposals will in his judgment best serve the purposes of the program and this part. Awards will be in writing, specifying the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award.

(b) The initial grant award will specify the program period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees shall make separate application in accordance with the provisions of this part for each budget period.

(c) Awards will be made so as to achieve an equitable distribution of programs to the States from which applications eligible for funding are received.

§ 906.7 Payments.

Payments under this part pursuant to a grant may be made (after necessary adjustment, due to previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

§ 906.8 Expenditures and fiscal procedures.

(a) All expenditures are to be made in accordance with the approved program budget and are subject to such limitations as are set forth in instructions issued by the Commissioner.

(b) Payments received and expenditures made shall be fully recorded by or for the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards.

(c) The grantee shall provide or arrange for fiscal control and accounting procedures necessary to assure proper disbursement of, and accounting for, Federal funds received. Accounts and supporting documents relating to program expenditures shall be adequate to facilitate an accurate audit.

§ 906.9 Audits.

All fiscal transactions relating to an award under this part are subject to audit by the Federal Government to determine whether or not expenditures have been made in acordance with the award and Federal requirements.

§ 906.10 Records and reports.

The grantee shall keep records and make reports as required and shall retain and afford access to the records in a manner determined necessary by the Commissioner to allow for verification. Accounting records shall be retained for the period specified in § 901.4 of this chapter.

§ 906.11 Termination.

A grant may be terminated in whole or in part at the discretion of the Commissioner. Non-cancellable obligations properly incurred prior to receipt of the notice of termination will be honored. The grantee shall be promptly notified in writing of such termination and given reasons therefor.

PROGRAM OPERATION

§ 906.15 Volunteer stations.

(a) Volunteer stations are agencies, organizations or institutions which re-

ceive senior volunteers from the Retired Senior Volunteer Program. Volunteer stations at which volunteers serve will be in the community where such persons live or in nearby communities. Volunteer services will be performed either on publicly owned and operated facilities or projects or on local projects sponsored by private nonprofit organizations (other than political parties) other than projects involving construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place of religious worship.

(b) Volunteer stations to which senior volunteers are assigned by the program shall be party to a memorandum of understanding executed with the grantee containing mutually agreeable provisions relating to functions and conditions of service of volunteers and to responsibilities of both the program and the volunteer station. The purpose of the memorandum of understanding is to promote cooperation, establish channels of communication, and avoid misunderstanding.

§ 906.16 Advisory Committee.

(a) A Retired Senior Volunteer Program Advisory Committee shall be established for each program, prior to filing of the program application, to give advice on planning of the program and on drafting of the application and, after funding of the program, to give the grantee support, assistance and advice on significant decisions and actions. Membership of the Advisory Committee shall consist of representation from volunteer stations, specialists in the field of aging and volunteerism, representation from major private organizations and public agencies concerned with the best interests of older adults and volunteers, and other citizens of the community able to make a substantial contribution to the program, including persons competent in the field of service being staffed. At least one-fourth of the membership shall be persons aged 60 and over and must include senior volunteers. The Committee shall have regularly scheduled meetings. Transportation costs for attendance at Committee meetings subsequent to the grant award shall be reimbursed in the same manner as for transportation of the program's volunteers.

(b) The grantee shall request assistance of the Committee to coordinate activities of the program with other volunteer and older persons programs. The grantee shall also request the Committee to evaluate progress of the program at regular intervals.

§ 906.17 Volunteers.

(a) Each Retired Senior Volunteer Program will be responsible for development of a variety of opportunities for useful service in the community commensurate with abilities, preferences and availability of senior volunteers from varied levels of income, education and experience.

(b) Eligibility requirements for service as a senior volunteer are that a person:

(1) Be retired and age 60 or over,

(2) Be physically and mentally able to serve,

(3) Accept supervision as required,

(4) Commit the necessary time to carry out the assigned volunteer functions, usually a given number of hours on a regular basis.

§ 906.18 Expenses of volunteers.

Volunteers will not be compensated for their services. Reimbursement may be provided to senior volunteers for necessary out-of-pocket expenses incurred during, or as a result of, assigned volunteer activities in accord with allowable expense reimbursement prescribed in the Retired Senior Volunteer Program Guide. Such reimbursement shall be made from funds of the program.

§ 906.19 Training of staff and volunteers.

The program budget shall include such short-term instruction or training as may be necessary to make the most effective use of the skills and talents of those persons who are participating in the administration of the program and volunteers, including payment of necessary and reasonable expenses of trainees incurred during training.

§ 906.20 Safety standards.

Adequate standards of safety to protect older persons serving as senior volunteers at various volunteer stations shall be assured by the grantee.

§ 906.21 Insurance.

Senior volunteers shall be provided insurance protection in relation to their volunteer assignments by the grantee, as established in the Retired Senior Volunteer Program Guide.

CONTRACTS

§ 906.30 Eligibility.

The Commissioner is authorized to make contracts to carry out the purpose of this part with a public or private nonprofit agency or organization (other than the State agency).

§ 906.31 Provisions.

Any contract under this part shall be entered into in accordance with and shall conform to all applicable laws, regulations, and Department policy.

§ 906.32 Payments.

Payments for a contract under this part may be made in advance or by way of reimbursement and in such installments and on such conditions as the Commissioner may determine.

Effective date. These regulations shall be effective on date of publication in the FEDERAL REGISTER (6–29–71).

Dated: June 21, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: June 25, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-9253 Filed 6-28-71;8:52 am]

Title 49—TRANSPORTATION

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

[Docket No. 2–15; Notice 8]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Child Seating Systems

This notice amends Motor Vehicle Safety Standard No. 213, "Child Seating System", to allow additional forward horizontal movement of child seating systems, under test, when the vehicle seat is rearward of its forwardmost position. The amendment is intended to remove unjustified compliance burdens on child-seat manufacturers caused by certain vehicle seat belt configurations over which they have no control.

Motor Vehicle Safety Standard No. 213, specifying requirements for child seating systems, was issued March 23, 1970 (35 F.R. 5120), and amended September 23, 1970 (35 F.R. 14778) and April 10, 1971 (36 F.R. 6895). The standard presently limits the forward horizontal movement of a reference point on the torso block to 12 inches or less, when the torso block is installed in the child seating system and subjected to a 1,000-pound static force. Bolt Beranek and Newman, Inc. (on behalf of the Juvenile Products Manufacturers' Association) has requested that this requirement be changed in light of recent tests that have been conducted. It appears that in some cases involving late model passenger car front seats, the front outboard seat belt anchorage has been placed so that when the vehicle seat is adjusted to a rearward position, the angle of the seat belt is almost perpendicular to the floor when the belt is fastened. This angle, which the child seat manufacturer can in no way control, increases the forward movement of the torso block to more than 12 inches during the performance test.

The requirement for a maximum 12-inch forward movement is designed to limit as much as is practicable the forward movement of a child placed in a child seating system in the event of a crash. However, the distance between a child seat occupant and possibly injurious surfaces of the vehicle interior in front of the child increases as the vehicle seat is moved rearward. Thus the need to limit the forward horizontal movement to a fixed value, regardless of the adjusted position of the seat, is unwarranted in terms of the safety benefit achieved. The requirement of S4.11.1 (a) (3) of Standard No. 213, that the forward horizontal movement be limited to 12 inches or less, is hereby amended to allow for a greater forward movement than 12 inches when the vehicle seat is adjusted rearward of its forwardmost position, to the extent of the distance that the seat has been moved rearward.

In light of the above, paragraph S4.11.1 (a) (3) of Motor Vehicle Safety Standard No. 213, appearing at 49 CFR 571.21, is amended to read as follows:

(3) Restrict forward horizontal movement of the torso block reference point:

(i) When the vehicle seat is in its forwardmost adjustment position, to not more than 12 inches;

(ii) When the vehicle seat is rearward of its forwardmost adjustment position, to not more than 12 inches plus the distance, measured horizontally, that the vehicle seat is rearward of its forwardmost adjustment position.

This amendment relieves restrictions presently contained in the standard, and imposes no additional burdens on manufacturers. Accordingly, good cause exists for an effective date less than 30 days from the date of issuance, and this amendment is effective upon publication in the FEDERAL REGISTER (6-29-71).

(Secs. 103, 112, 114, and 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. secs. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.51)

Issued on June 23, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-9132 Filed 6-28-71;8:47 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1074]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Certain Trackage of Burlington Northern, Inc.

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 23d day of June 1971.

It appearing, that because present routes and trackage of the railroads serving Connell, Wash., are inadequate to handle certain traffic of shippers located on the Burlington Northern Inc., when destined to points located on the Union Pacific in Idaho; that the Burlington Northern Inc., has consented to use of approximately 4,302 feet of its main and side tracks at Connell, Wash., by the Union Pacific Railroad Co.; that the Commission is of the opinion that operation by the Union Pacific Railroad Co. over this trackage of the Burlington Northern Inc., is necessary in the interest of the public and the commerce of the people, pending final disposition of the application of the Union Pacific Railroad Co., in Finance Docket No. 26685, for permanent authority to operate over this trackage; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1074 Service Order No. 1074.

(a) *Union Pacific Railroad Co. authorized to operate over certain trackage of Burlington Northern Inc.* The Union Pacific Railroad Co. be, and it is hereby, authorized to operate over approximately 4,302 feet of main and side tracks of the Burlington Northern Inc., at Connell, Wash.

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

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 11:59 p.m., June 30, 1971.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-9160 Filed 6-28-71;8:50 am]

[5th Rev. S.O. 1061]

PART 1033—CAR SERVICE

Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 3d day of June 1971.

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

It is ordered, That:

§ 1033.1061 Service Order No. 1061.

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

(1) Exclude from all loading and return to owner empty, except as otherwise authorized in subparagraphs (4), (5), and (6) of this paragraph, all hopper cars owned by the following railroads:

The Akron, Canton & Youngstown Railroad Co.
Reporting marks: ACY.
Burlington Northern, Inc.
Reporting marks: BN, CB&Q, GN, NP, SP&S.
Chicago & Eastern Illinois Railroad Co.
Reporting marks: C&EI.
Chicago, Rock Island and Pacific Railroad Co.
Reporting marks: RI.
The Colorado and Southern Railway Co.
Reporting marks: C&S.
Illinois Central Railroad Co.
Reporting marks: IC.
Fort Worth and Denver Railway Co.
Reporting marks: FW&D.
Missouri-Illinois Railroad Co.
Reporting marks: M-I.
Missouri-Kansas-Texas Railroad Co.
Reporting marks: MKT, BKTY.
Missouri Pacific Railroad Co.
Reporting marks: MP.
St. Louis-San Francisco Railway Co.
Reporting marks: SLSF.
Texas-New Mexico Railway Co.
Reporting marks: T-NM.
The Texas and Pacific Railway Co.
Reporting marks: T&P, TP.
Union Pacific Railroad Co.
Reporting marks: UP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (4), (5), and (6) of this paragraph:

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

(3) The following companies will be considered as one railroad in the application of subparagraphs (1), (4), (5), and (6) of this paragraph:

Burlington Northern, Inc.
The Colorado and Southern Railway Co.
Fort Worth and Denver Railway Co.

(4) Hopper cars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad. Cars located at a point other

than a junction with the car owner shall not be backhauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(5) Except as authorized in subparagraph (6) of this paragraph, hopper cars described in subparagraph (1) of this paragraph, empty at a junction with the owner, must be delivered to the owner at that junction.

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

(7) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 379, issued by E. J. McFarland, or reissues thereof, under the heading "Freight Connections and Junction Points."

(8) In using hopper cars owned by railroads not listed in subparagraph (1) of this paragraph, the railroads named therein shall restrict the use of such cars to traffic destined to a station closer to the car owner than the station at which the car was loaded, or to traffic routed to stations on the lines of the car owner, or to a junction with the car owner.

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

(10) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car for movements contrary to the provisions of subparagraph (4) or (5) of this paragraph.

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

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

(d) Effective date: This order shall become effective at 12:01 a.m., June 9, 1971.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-9254 Filed 6-28-71;9:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 13]

INCOME TAX

Amortization of Railroad Grading and Tunnel Bores

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, in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 29, 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 shoud submit his request, in writing, to the Commissioner by July 29, 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 reflect certain changes made by section 705 of the Tax Reform Act of 1969 (83 Stat. 672), relating to amortization of railroad grading and tunnel bores, such regulations are hereby amended as set forth below. Section 1.185–1 of the regulations hereby adopted supersedes those provisions of § 13.0 (temporary regulations concerning certain elections) of this chapter relating to section 185(c) of the Internal Revenue Code of 1954, which was prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. The following sections are added before § 1.211:

§ 1.185 Statutory provisions; amortization of railroad grading and tunnel bores.

SEC. 185. *Amortization of railroad grading and tunnel bores*—(a) *General rule.* In the case of a domestic common carrier by railroad, the taxpayer shall, at his election, be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of his qualified railroad grading tunnel bores. The amortization deduction provided by this section with respect to such property shall be in lieu of any depreciation deduction, or other amortization deduction, with respect to such property for any taxable year to which the election applies.

(b) *Amount of deduction*—(1) *In general.* The deduction allowable under subsection (a) for any taxable year shall be an amount determined by amortizing ratably over a period of 50 years the adjusted basis (for determining gain) of the qualified railroad grading and tunnel bores of the taxpayer. Such 50-year period shall commence with the first taxable year for which an election under this section is effective.

(2) *Special rule.* In the case of qualified railroad grading and tunnel bores placed in service after the beginning of the first taxable year for which an election under this section is effective, the 50-year period with respect to such property shall begin with the year following the year the property is placed in service.

(c) *Election of amortization.* The election of the taxpayer to take the amortization deduction provided in subsection (a) may be made for any taxable year beginning after December 31, 1969. Such election shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election. The election shall remain in effect for all taxable years subsequent to the first year for which it is effective and shall apply to all qualified railroad grading and tunnel bores of the taxpayer, unless, on application by the taxpayer, the Secretary or his delegate permits him, subject to such conditions as the Secretary or his delegate deems necessary, to revoke such election.

(d) *Definitions.* For purposes of this section—

(1) *Railroad grading and tunnel bores.* The term "railroad grading and tunnel bores" means all improvements resulting from excavations (including tunneling), construction of embankments, clearings, diversions of roads and streams, sodding of slopes, and from similar work necessary to provide, construct, reconstruct, alter, protect, improve, replace, or restore a roadbed or right-of-way for railroad track. If expenditures for improvements described in the preceding sentence are incurred with respect to an existing roadbed or right-of-way for railroad track, such expenditures shall be considered, in applying this section, as costs for railroad grading or tunnel bores placed in service in the year in which such costs are incurred.

(2) *Qualified railroad grading and tunnel bores.* The term "qualified railroad grading and tunnel bores" "means railroad grading and tunnel bores" the original use of which commences after December 31, 1968.

(e) *Treatment upon retirement.* If any qualified railroad grading or tunnel bore is retired or abandoned during a taxable year for which an election under this section is in effect, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this section shall continue with respect to such property. This subsection shall not apply if the retirement or abandonment is attributable primarily to fire, storm, or other casualty.

(f) *Investment credit not to be allowed.* Property eligible to be amortized under this section shall not be treated as section 38 property within the meaning of section 48(a).

(g) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(h) *Cross reference.* For special rule with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see section 1245.

[Sec. 185 as added by sec. 705, Tax Reform Act 1969 (83 Stat. 672)]

§ 1.185–1 Amortization of railroad grading and tunnel bores.

(a) *Allowance of deduction*—(1) *In general.* Under section 185(a) a domestic common carrier by railroad (as defined in paragraph (e) of § 1.185–2) shall, at its election, be entitled to a deduction with respect to the amortization of the adjusted basis for determining gain (see part II (section 1011 and following), subchapter O, chapter 1 of the Code) of its qualified railroad grading and tunnel bores (as defined in paragraph (b) of § 1.185–2) based on a period of 50 years. Such amortization deduction with respect to such property shall be in lieu of any depreciation deduction, or other amortization deduction, with respect to such property for any taxable year to which the election applies.

(2) *Election to amortize.* (i) Under section 185(c) the taxpayer may elect to take the amortization deduction provided by section 185(a) beginning with any taxable year beginning after December 31, 1969, in which such taxpayer has qualified railroad grading and tunnel bores on the first day of such taxable year. Thus, for example, if, during 1969, a domestic common carrier by railroad, which is a calendar year taxpayer, places in service (within the meaning of paragraph (d) of § 1.185–2) qualified railroad grading, it may make such election on its income tax return filed for its taxable year beginning January 1, 1970, or on its income tax return filed for any subsequent taxable year. For rules with respect to the time and manner of making the election see paragraph (a) of § 1.185–3.

(ii) An election made under section 185(c) shall remain in effect for all taxable years subsequent to the first year for which it is effective. Such election shall apply to all qualified railroad grading and tunnel bores of the taxpayer, unless, on application filed by the taxpayer in the manner prescribed in paragraph (b)(1) of § 1.185–3, the Commissioner of Internal Revenue permits him, subject to such conditions as the Commissioner deems necessary in the individual case, to revoke such election. Such revocation shall be effective only as of the beginning of a taxable year.

In addition, if before [the date of publication in the FEDERAL REGISTER of the Treasury decision] an election under section 185 has been made, consent is hereby given to revoke such election without the consent of the Commissioner in the manner prescribed in paragraph (b)(2) of § 1.185–3.

(iii) In the case of qualified railroad grading and tunnel bores placed in service (as defined in paragraph (d) of § 1.185–2 after the beginning of the first taxable year for which an election under section 185 is effective, the 50-year period with respect to such property shall begin with the taxable year following the taxable year in which the property is placed in service. See paragraph (a)(2) of § 1.185–3 for the statement required relating to such qualified railroad grading and tunnel bores.

(3) *Amount of deduction.* (i) With respect to each taxable year of each 50-year period the deduction for amortization for the taxable year is determined by dividing the adjusted basis (for determining gain) of the property at the beginning of the taxable year by the number of years (including the year for which the deduction is computed) remaining in the 50-year period. The adjusted basis (for determining gain) for any taxable year shall be computed without regard to the amortization deduction under section 185 for such taxable year.

(ii) If qualified railroad grading or a qualified tunnel bore is sold or exchanged or otherwise disposed of during a particular taxable year, the amortization deduction (if any) allowable to the transferor in respect of that year shall be that portion of the amount to which such person would be entitled for a full year which the number of days in such year during which such property was held by such person bears to the total number of days in such year. For treatment upon retirement see subparagraph (5) of this paragraph.

(4) *Treatment of assets amortized under section 185 subsequent to revocation with consent or in the case of revocation of an election made prior to [the date of publication in the "Federal Register" of the Treasury decision].* A taxpayer whose application to revoke an election under section 185(c), made in the manner prescribed in paragraph (b)(1) of § 1.185–3, is approved or who elects under subparagraph (2)(ii) of this paragraph and paragraph (b)(2) of § 1.185–3 to revoke an election under section 185(c) with respect to its qualified railroad grading and tunnel bores shall use the method of accounting it would have used for such assets but for the application of this section. If the taxpayer so revokes the amortization deduction under section 185 such taxpayer shall not be entitled to any further amortization deduction under section 185 with respect to such qualified railroad grading and tunnel bores. However, such amortization deduction shall be available with respect to qualified railroad grading and tunnel bores placed in service subsequent to the effective date of such revocation provided a proper election is made (see paragraph (a)(2) of this section).

(5) *Treatment upon retirement.* If any qualified railroad grading or tunnel bore is retired (within the meaning of paragraph (a) of § 1.167(a)–8) or abandoned during a taxable year for which an election under section 185 is in effect, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this section shall continue with respect to such property. However, this subparagraph shall not apply if the retirement or abandonment is attributable primarily to fire, storm, or other casualty. For purposes of this subparagraph the term "casualty" shall have the meaning assigned to such term by § 1.165–7.

(b) *Special rules* — (1) *Investment credit not to be allowed.* Property which is eligible to be amortized under section 185 shall not be treated as section 38 property within the meaning of section 48. See section 185(f).

(2) *Certain corporate acquisitions.* (i) If the assets of a domestic common carrier by railroad which has elected to take the amortization deduction under section 185 are acquired by another electing railroad in a transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies, the acquiring corporation is to be treated as if it were the transferor or distributor corporation for purposes of this section.

(ii) If the acquiring corporation has elected to take the amortization deduction provided for by section 185 and the transferor or distributor corporation has not so elected, then any qualified railroad grading or tunnel bores of the distributor or transferor railroad shall be deemed for purposes of section 185(b)(2) to have been placed in service by the acquiring corporation on the date of distribution or transfer. Thus, for example, if A corporation, a domestic common carrier by railroad which has elected to take the amortization deduction provided for by section 185, acquires the assets (which include qualified railroad grading and tunnel bores) of B corporation, which has not so elected, during a taxable year subsequent to the first taxable year for which A's election under section 185 is effective, A must begin taking the amortization deduction provided for by section 185 with respect to the qualified railroad grading and tunnel bores of B corporation with the taxable year succeeding the taxable year during which the transfer of assets from B to A occurred. The statement required by paragraph (a)(2) of § 1.185–3 must be attached to A's income tax return for such succeeding taxable year.

(iii) If the acquiring corporation has not elected to take the amortization deduction provided for by section 185 and the distributor or transferor corporation has so elected, then the acquiring corporation shall be deemed to have elected the amortization deduction under section 185 beginning with the taxable year following the taxable year during which the distribution or transfer occurred, unless the acquiring corporation files an application for permission to revoke an election made under section 185 in the time and manner provided for in paragraph (b)(1) of § 1.185–3. For purposes of this subdivision the qualified railroad grading and tunnel bores of the distributor or transferor corporation will be deemed placed in service by the acquiring corporation in the year in which the distribution or transfer occurred. Thus, for example, if A corporation, a domestic common carrier by railroad which has not elected to take the amortization deduction provided for by section 185, acquires, in a transaction to which section 381 applies, the assets (which include qualified railroad grading and tunnel bores) of B corporation, which has so elected, during a taxable year for which B's election under section 185 is effective, A shall be deemed to have elected to take the amortization deduction provided by section 185 with respect to its own qualified railroad grading and tunnel bores and to those acquired from B corporation beginning with the taxable year succeeding the taxable year during which the transfer of assets from B to A occurred. The statement required by paragraph (a)(2) of § 1.185–3 must be attached to A's income tax return for such succeeding taxable year.

(3) *Cross reference.* For special rules with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to section 185 see section 1245 and the regulations thereunder.

(c) *Examples.* This section may be illustrated by the following examples:

Example (1). In July 1969 X Corporation, a domestic common carrier by railroad, which uses the calendar year as its taxable year, completes qualified railroad grading A (as defined in paragraph (b) of § 1.185–2) which is immediately placed in service. The cost of the grading is $100,000. On its income tax return filed for 1970 (the first year for which the grading was eligible for amortization under section 185) the corporation elects to take the amortization deduction provided by section 185 with respect to its qualified railroad grading and tunnel bores. As of January 1, 1970 (the first day of the taxable year succeeding the year in which the grading was placed in service) the adjusted basis (for determining gain) of grading A (its only qualified railroad grading or tunnel bores) is $100,000 (determined without regard to the amortization deduction under section 185(b) for that year). The allowable amortization deduction with respect to such grading for the taxable years 1970 and 1971 is $2,000 each year, computed as follows:

1970: $100,000 divided by 50 ..... $2,000
1971: $98,000 ($100,000 minus $2,000) divided by 49 2,000

Example (2). Assume the same facts as in example (1). Assume further that during January, 1971 X completes and places in service qualified railroad grading B at a cost of $50,000. X would not be entitled to an amortization deduction for 1971 for the new grading. However, it would be required to take the amortization deduction on its income tax return filed for 1972. X's total amortization deduction for 1972 would therefore be $3,000, computed as follows:

1972 amortization deduction for railroad grading A is $96,000 ($98,000 minus $2,000) divided by 48	$2,000
1972 amortization deduction for railroad grading B is $50,000 divided by 50	1,000
Total amortization deduction for 1972	3,000

Example (3). Assume the same facts as in examples (1) and (2). Assume further that on September 10, 1972, X files an application for permission to revoke an election in accordance with paragraph (b)(1) of § 1.185–3, which application is duly approved. The adjusted bases of railroad grading A and B as of January 1, 1973, the first day as of which the revocation is deemed effective, are $94,000 and $49,000, respectively, computed as follows:

Grading A:	
Adjusted basis at beginning of amortization period	$100,000
Less: Amortization deductions ($2,000 each year for 1970, 1971, and 1972)	6,000
Adjusted basis upon revocation of amortization	94,000
Grading B:	
Adjusted basis at beginning of amortization period	$50,000
Less: Amortization deduction	1,000
Adjusted basis upon revocation of amortization	49,000

Example (4). During 1970 and 1971 Y Corporation, a domestic common carrier by railroad, which uses the calendar year as its taxable year, places in service qualified railroad grading and tunnel bores. Y does not elect to take the amortization deduction under section 185. During 1974 the corporation places in service additional railroad grading and tunnel bores. On its income tax return filed for 1976 the corporation elects in the manner provided for in paragraph (a) of § 1.185–3 to take the amortization deduction under section 185. Y would be required to amortize the qualified railroad grading and tunnel bores placed in service during 1970, 1971, and 1974 over a 50-year period commencing with 1976.

§ 1.185–2 Definitions.

(a) *Railroad gradings and tunnel bores.* The term "railroad grading and tunnel bores" means all improvements resulting from excavations (including tunneling), construction of embankments, clearings, diversions of roads and streams, sodding of slopes, and from similar work necessary to provide, construct, reconstruct, alter, protect, improve, replace, or restore a roadbed or right-of-way for railroad track. If expenditures for improvements described in the preceding sentence are incurred with respect to an existing roadbed or right-of-way for railroad track, such expenditures shall be considered, in applying this section, as costs for railroad grading or tunnel bores placed in service in the year in which such costs are incurred.

(b) *Qualified railroad grading and tunnel bores.* The term "qualified railroad grading and tunnel bores" means railroad grading and tunnel bores the original use of which commences after December 31, 1968.

(c) *Original use.* For purposes of paragraph (b) of this section, the term "original use" means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer.

(d) *Placed in service.* For purposes of section 185, the principles set forth in paragraph (d) of § 1.46–3 are applicable in determining when property is placed in service.

(e) *Domestic common carrier by railroad.* For purposes of section 185 the term "domestic common carrier by railroad" means a railroad subject to regulations under part I of the Interstate Commerce Act (49 U.S.C. 1 et seq.) or a railroad which would be subject to regulations under part I of the Interstate Commerce Act if it were engaged in interstate commerce.

§ 1.185–3 Time and manner of making and terminating elections.

(a) *Election of amortization.*—(1) *Initial election.* Under section 185(c), an election by the taxpayer to take the amortization deduction provided in section 185(a) shall be made on a statement attached to its income tax return filed for any taxable year beginning after December 31, 1969 during which year the taxpayer has qualified railroad grading or tunnel bores which are eligible for such deduction (see paragraph (a)(2)(i) of § 1.185–1). If the taxpayer does not file a timely return (taking into account extension of the time for filing) for the taxable year for which the election is first to be made, the election shall be filed at the time the taxpayer files his first return for that year. The election may be made with an amended return only if such amended return is filed no later than the time prescribed by law (including extensions thereof) for filing the return for the taxable year of election. If an election is not made within the time and in the manner prescribed in this paragraph, no election may be made (by the filing of an amended return or in any other manner) with respect to such taxable year. The statement required by this subparagraph shall include the following information:

(i) A description clearly identifying each qualified railroad grading or tunnel bore of the taxpayer (see paragraphs (a) and (b) of § 1.185–2);

(ii) The date on which the original use of the property commenced (see paragraph (c) of § 1.185–2);

(iii) The adjusted basis (for determining gain) of each qualified railroad grading and tunnel bore of the taxpayer; and

(iv) The annual amortization deduction allowable with respect to each railroad grading and tunnel bore of the taxpayer.

(2) *Special rule.* In the case of qualified railroad grading and tunnel bores placed in service (as defined in paragraph (d) of § 1.185–2) after the beginning of the first taxable year for which the election made under subparagraph (1) of this paragraph is effective, the statement required by such subparagraph (1) with respect to such additional railroad grading and tunnel bores must be attached to the taxpayer's income tax return filed for the taxable year succeeding the taxable year in which such additional qualified railroad grading and tunnel bores are placed in service. Thus, for example, if a domestic common carrier by railroad attaches the statement required by subparagraph (1) of this paragraph to its income tax return filed for 1972 and during 1975 places in service additional qualified railroad grading and tunnel bores, the statement required by this subparagraph must be attached to its income tax return filed for 1976.

(b) *Revocation of election.*—(1) *Revocation with consent.* An application for consent to revoke an election under section 185 shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Washington, D.C. 20224. The application for consent to revoke the election shall set forth the name and address of the taxpayer, state the taxable years for which the election was in effect, and state the reason for revoking the election. The application shall be signed by the taxpayer or a duly authorized officer of the taxpayer and shall be filed at least 90 days prior to the time, but not including extensions thereof, prescribed by law for filing the income tax return for the first taxable year for which the election is to terminate. In the case of a transaction to which paragraph (b)(2)(iii) of § 1.185–1 applies the application required by this paragraph shall be filed at the time provided for in the preceding sentence or 90 days from the date of the distribution or transfer, whichever is later.

(2) *Revocation of elections prior to [the date of publication in the Federal Register of the Treasury decision].* If before [such date] an election under section 185 has been made, such election may be revoked (see paragraph (a)(2)(ii) of § 1.185–1) by filing on or before [the 90th day after such date] a statement of revocation of an election under section 185(a) in accordance with the requirements in subparagraph (1) of this paragraph for filing an application to revoke an election. If such election to revoke is for a period which falls within one or more taxable years for which an income tax return has been filed on or before [such 90th day] amended income tax returns shall be filed for any such taxable years in which deductions were taken under section 185.

[FR Doc.71–9117 Filed 6–28–71;8:46 am]

[26 CFR Parts 1, 13]

INCOME TAX

Sales and Exchanges of Bonds and Other Evidences of Indebtedness by Financial Institutions

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the

final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 29, 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 29, 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) and section 433(d)(2) of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 624).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 582 and 1243 of the Internal Revenue Code of 1954 to section 433 of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 623), such regulations are amended as set forth hereinafter. Section 1.582-1 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 433(d)(2) of such Act which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. Section 1.582 is amended by revising the heading thereof, by revising the heading of section 582, by revising section 582(c), and by revising the historical note. These revised provisions read as follows:

§ 1.582 Statutory provisions; bad debts, losses, and gains with respect to securities held by financial institutions.

SEC. 582. *Bad debts, losses, and gains with respect to securities held by financial institutions* * * *

(c) *Bond, etc., losses and gains of financial institutions*—(1) *General rule.* For purposes of this subtitle, in the case of a financial institution to which section 585, 586, or 593 applies, the sale or exchange of a bond, debenture, note, or certificate or other evidence of indebtedness shall not be considered a sale or exchange of a capital asset.

(2) *Transitional rule for banks.* In the case of a bank, if the net long-term capital gains of the taxable year from sales or exchanges of qualifying securities exceed the net short-term capital losses of the taxable year from such sales or exchanges, such excess shall be considered as gain from the sale of a capital asset held for more than 6 months to the extent it does not exceed the net gain on sales and exchanges described in paragraph (1).

(3) *Special rules.* For purposes of this subsection—

(A) The term "qualifying security" means a bond, debenture, note, or certificate or other evidence of indebtedness held by a bank on July 11, 1969.

(B) The amount treated as capital gain or loss from the sale or exchange of a qualifying security shall be determined by multiplying the amount of capital gain or loss from the sale or exchange of such security (determined without regard to this subsection) by a fraction, the numerator of which is the number of days before July 12, 1969, that such security was held by the bank, and the denominator of which is the number of days the security was held by the bank.

[Sec. 582 as amended by sec. 34, Technical Amendments Act 1958 (72 Stat. 1632); sec. 433 (a) and (c), Tax Reform Act 1969 (83 Stat. 623, 624)]

PAR. 2. Section 1.582-1 is amended by revising the heading thereof, by adding headings to paragraphs (a) and (b), by revising paragraph (c), and by adding new paragraphs (d), (e), and (f). These revised and added provisions read as follows:

§ 1.582-1 Bad debts, losses, and gains with respect to securities held by financial institutions.

(a) *Bad debt deduction for banks.* A bank, as defined in section 581, is allowed a deduction for bad debts to the extent and in the manner provided by subsections (a), (b), and (c) of section 166 with respect to a debt which has become worthless in whole or in part and which is evidenced by a security (a bond, debenture, note, certificate, or other evidence of indebtedness to pay a fixed or determinable sum of money) issued by any corporation (including governments and their political subdivisions), with interest coupons or in registered form.

(b) *Worthless stock in affiliated bank.* For purposes of section 165(g)(1), relating to the deduction for losses involving worthless securities, if the taxpayer is a bank (as defined in section 581) and owns directly at least 80 percent of each class of stock of another bank, stock in such other bank shall not be treated as a capital asset.

(c) *Pre-1970 sales and exchanges of bonds, etc., by banks.* For taxable years beginning before July 12, 1969, with respect to the taxation under subtitle A of the Code of a bank (as defined in section 581), if the losses of the taxable year from sales or exchanges of bonds, debentures, notes, or certificates, or other evidences of indebtedness, issued by any corporation (including one issued by a government or political subdivision thereof), exceed the gains of the taxable year from such sales or exchanges, no such sale or exchange shall be considered a sale or exchange of a capital asset.

(d) *Post-1969 sales and exchanges of securities by financial institutions.* For taxable years beginning after July 11, 1969, the sale or exchange of a security is not considered the sale or exchange of a capital asset if such sale or exchange is made by a financial institution to which any of the following sections applies: Section 585 (relating to banks), 586 (relating to small business investment companies and business development corporations), or 593 (relating to mutual savings banks, domestic building and loan associations, and cooperative banks). This paragraph shall apply to determine the character of gain or loss from the sale or exchange of a security notwithstanding any other provision of subtitle A of the Code, such as section 1233 (relating to short sales). However, this paragraph shall have no effect in the determination of whether a security is a capital asset under section 1221 for purposes of applying any other provision of the Code, such as section 1232 (relating to original issue discount). For purposes of this paragraph, a security is a bond, debenture, note, or certificate or other evidence of indebtedness, issued by any person. See paragraphs (e) and (f) of this section for special transitional rules applicable, respectively, to banks and to small business investment companies and business development corporations.

(e) *Transition rule for qualifying securities held by banks*—(1) *In general.* Notwithstanding the provisions of paragraph (d) of this section, if the net long-term capital gain from sales and exchanges of qualifying securities exceeds the net short-term capital loss from such sales and exchanges in any taxable year beginning after July 11, 1969, such excess shall be treated as long-term capital gain, but in an amount not to exceed the net gain from sales and exchanges of securities in such year. See section 1222 and the regulations thereunder for definitions of the terms "net long-term capital gain" and "net short-term capital loss". For purposes of this paragraph:

(i) The term "security" means a security within the meaning of paragraph (d) of this section.

(ii) The term "qualifying security" means a security which is held by the bank on July 11, 1969, and continuously thereafter until it is first sold or exchanged by the bank.

(2) *Computation of capital gain or loss.* For purposes of this paragraph, the amount of gain or loss from the sale or exchange of a qualifying security treated as capital gain or loss is determined by multiplying the amount of gain or loss recognized from such sale or exchange by a fraction the numerator of which is the number of days before July 12, 1969, that such security was held by the bank and the denominator of which is the sum of the number of days included in the numerator and the number of days the security was held by the bank after July 11, 1969.

(3) *Special rules.* For purposes of subparagraphs (1) and (2) of this paragraph, the following items are not taken into account:

(i) Any amount which, without regard to section 582(c) and this section, would be treated as gain or loss from the sale or exchange of property which is not a capital asset, such as an amount which is treated as original issue discount under section 1232, or an amount which is realized from the sale of exchange of a

security which is held by a bank as a dealer in securities, and

(ii) Any capital loss carryover allowed under section 1212.

(4) *Holding period in certain cases.* For purposes of this paragraph—

(i) The time a security received in an exchange is deemed to have been held by a bank includes a period of time determined under section 1223(1) with respect to such security.

(ii) The time a security transferred to a bank from another bank is deemed to have been held by the transferee bank includes a period of time determined under section 1223(2) with respect to such security.

For example, if a bank on December 3, 1972, surrendered an obligation of the United States which it held as a capital asset on July 11, 1969, in a transaction to which section 1037 applied, the time during which the newly received obligation is deemed to have been held includes the time during which the surrendered obligation was deemed to have been held by the bank. Because the surrendered obligation was held on July 11, 1969, the newly acquired obligation is deemed to have been held on that date and is a qualifying security. The period during which the surrendered obligation is deemed to have been held is taken into account in computing the fraction determined under subparagraph (2) of this paragraph with respect to the newly received obligation.

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

Example (1). Bank A, a calendar year taxpayer, purchased a qualifying security on July 14, 1968, and held it to maturity on August 20, 1970, when it was redeemed. The redemption resulted in a taxable gain of $10,000. The security was held by the bank for 363 days before July 12, 1969, and for a total of 768 days. During the taxable year, the bank had no other gains and no losses from sales or exchanges of qualifying securities, but had a net loss of $4,000 from sales of securities other than qualifying securities. The portion of the gain from the redemption of the qualifying security treated as capital gain under subparagraph (2) of this paragraph is $4,726.56 (363/768 x $10,000). Because the net gain of the taxable year from sales and exchanges of securities, $6,000 ($10,000−$4,000), exceeds the portion of the gain on the sale of the qualifying security treated as capital gain under this paragraph, $4,726.56 is treated as long-term capital gain on the sale of the qualifying security for the taxable year.

Example (2). Assume the same facts as in example (1), except that the bank's net loss of the taxable year from the sale of securities other than qualifying securities was $7,000. The amount considered as long-term capital gain under this paragraph is limited by the amount of gain on the sale of securities to $3,000 ($10,000−$7,000).

(f) *Small business investment companies and business development corporation—(1) Election.* In the case of a small business investment company or a business development corporation, described in section 586(a), section 582(c) does not apply for taxable years beginning after July 11, 1969, and before July 11, 1974, unless the taxpayer elects that such section shall apply. In the case of a small business investment company, see paragraph (a)(1) of § 1.1243–1 if such an election is made, but see paragraph (a)(2) of § 1.1243–1 if such an election is not made. Such election applies to all such taxable years and, except as provided in subparagraph (3) of this paragraph, is irrevocable. Such election must be made not later than (i) the time, including extensions thereof, prescribed by law for filing the taxpayer's income tax return for its first taxable year beginning after July 11, 1969, or (ii) June 8, 1970, whichever is later.

(2) *Manner of making election.* An election pursuant to the provisions of this paragraph is made by the taxpayer by a written statement attached to the taxpayer's income tax return (or an amended return) for its first taxable year beginning after July 11, 1969. Such statement shall indicate that the election is made pursuant to section 433(d) of the Tax Reform Act of 1969 (83 Stat. 624). The taxpayer shall attach to its income tax return for each subsequent taxable year to which such election is applicable a statement indicating that the election has been made and the amount to which it applies for such year.

(3) *Revocation of election.* An election made pursuant to subparagraph (2) of this paragraph shall be irrevocable unless—

(i) A written application for consent to revoke the election, setting forth the reasons therefor, is filed with the Commissioner within 90 days after the permanent regulations relating to section 433(d)(2) of the Tax Reform Act of 1969 (83 Stat. 624) are filed with the Office of the Federal Register, and

(ii) The Commissioner consents to the revocation.

The revocation is effective for all taxable years to which the election applied.

PAR. 3. Section 1.1243 is amended by revising section 1243(1) and the historical note to read as follows:

§ 1.1243 Statutory provisions; loss of small business investment company.

SEC. 1243. *Loss of small business investment company.* * * *

(1) A loss is on stock received pursuant to the conversion privilege of convertible debentures acquired pursuant to section 304 of the Small Business Investment Act of 1958, and

* * * * *

[Sec. 1243 as added by sec. 57, Technical Amendment Act 1958 (72 Stat. 1645); as amended by sec. 433(b), Tax Reform Act 1969 (83 Stat. 624)]

PAR. 4. Section 1.1243–1 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.1243–1 Loss of small business investment company.

(a) *In general—(1) Taxable years beginning after July 11, 1969.* For taxable years beginning after July 11, 1969, a small business investment company to which section 582(c) applies, and which sustains a loss as a result of the worthlessness, or on the sale or exchange, of the stock of a small business concern (as defined in section 103(5) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 662(5)) and in 13 CFR 107.3), shall treat such loss as a loss from the sale or exchange of property which is not a capital asset if—

(i) The stock was issued pursuant to the conversion privilege of the convertible debentures acquired in accordance with the provisions of section 304 of the Small Business Investment Act of 1958 (15 U.S.C. 684) and the regulations thereunder,

(ii) Such loss would, but for the provisions of section 1243, be a loss from the sale or exchange of a capital asset, and

(iii) At the time of the loss, the company is licensed to operate as a small business investment company pursuant to regulations promulgated by the Small Business Administration (13 CFR Part 107).

If section 582(c) does not apply for the taxable year, see subparagraph (2) of this paragraph.

(2) *Taxable years beginning before July 11, 1974.* For taxable years beginning after September 2, 1958, but before July 11, 1974, a small business investment company to which section 582(c) does not apply, and which sustains a loss as a result of the worthlessness, or on the sale or exchange, of the securities of a small business concern (as defined in section 103(5) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 662(5)) and in 13 CFR 107.3), shall treat such loss as a loss from the sale or exchange of property which is not a capital asset if—

(i) The securities are either the convertible debentures, or the stock issued pursuant to the conversion privilege thereof, acquired in acordance with the provisions of section 304 of the Small Business Investment Act of 1958 (15 U.S.C. 684) and the regulations thereunder,

(ii) Such loss would, but for the provisions of this subparagraph, be a loss from the sale or exchange of a capital asset, and

(iii) At the time of the loss, the company is licensed to operate as a small business investment company pursuant to regulations promulgated by the Small Business Administration (13 CFR Part 107).

If section 582(c) applies for the taxable year, see subparagraph (1) of this paragraph.

(b) *Material to be filed with return.* A small business investment company which claims a deduction for a loss on the convertible debentures (pursuant to paragraph (a)(2) of this section) or stock (pursuant to paragraph (a)(1) or (a)(2) of this section) of a small business concern shall submit with its income

tax return a statement that it is a Federal licensee under the Small Business Investment Act of 1958 (15 U.S.C. ch. 14B). The statement shall also set forth: the name and address of the small business concern with respect to whose securities the loss was sustained, the number of shares of stock or the number and denomination of debentures with respect to which the loss is claimed, the basis and selling price thereof, and the respective dates of purchase and sale of the securities, or the reason for their worthlessness and the approximate date thereof. For the rules applicable in determining the worthlessness of securities, see section 165 and the regulations thereunder.

[FR Doc.71-9116 Filed 6-28-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 934]

[Docket No. AO -372]

SPEARMINT OIL PRODUCED IN WASHINGTON AND CERTAIN OTHER STATES

Decision and Referendum Order With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Richland, Wash., February 24–26, 1971, after notice thereof published in the FEDERAL REGISTER (36 F.R. 1535) on a proposed marketing agreement and order for regulating the handling of spearmint oil produced in the States of Washington, Idaho, and Oregon, and designated part of California, Nevada, Utah, and Montana, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on May 21, 1971, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 71–7424; 36 F.R. 9640).

Ruling on exceptions. Several exceptions to the recommended decision were filed within the time provided.

One exception requested a 45-day extension of time for filing exceptions or in the alternative the question of acting on the order be postponed and that additional hearing be held to consider an exception for oil produced under contract. The notice of hearing was published in the FEDERAL REGISTER on February 2, 1971. A public hearing was held in Richland, Wash., on February 24–26, 1971, at which all interested persons were afforded an opportunity to be heard. The harvesting of spearmint plants will soon take place. Shortly thereafter the oil will be distilled. Therefore, time is of the essence if the order is to become effective and provide the maximum benefits to the producers of spearmint oil for the 1971–72 season.

In view of the fact that the exception was filed with the request, and because of the time factor as stated above the request is denied.

Some exceptions stated that a longer period for filing exceptions should have been provided. Under the circumstances it would not be fair to the industry as a whole to delay this decision any longer.

Exceptions were filed objecting to the definition of the term "handler," on the basis that it would impose restrictions on handlers beyond those performing the kind of handling function which were intended to be regulated. It is intended that only those who first handle spearmint oil should pay assessments, comply with the set-aside requirements, and file reports on their inventory and receipts. Accordingly, §§ 934.8 *Handler;* 934.47 *Set-aside;* 934.60 *Reports;* and 934.61 *Records* are amended to expressly so limit the regulatory impact of the order.

Other exceptions objected to a production area that does not include all of the spearmint producing regions of the United States. Others exceptions objected to the application of the set-aside to oil produced under contract signed prior to January 28, 1971, which provides for the purchase of all or a percentage of such oil during the years 1971–72 and 1972–73.

Other exceptions were with respect the authority which would permit a cooperative to vote for its members in any producer referendum.

Some exceptions were with respect to the provisions which would authorize the committee, through its duly authorized agent and the secretary to examine handlers books, records, and premises with respect to matters under the order. Some of these exceptions erroneously assumed that the committee's authorized agent and the Secretary would not be limited to matters under the order.

Each point raised in each exception was carefully and fully considered in conjunction with the record evidence and the recommended decision pertaining thereto in arriving at the findings and conclusions set forth in this decision. To the extent any such exception is not specifically ruled upon and is at variance with the findings, conclusions, and actions decided upon in this decision, all such exceptions are denied.

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 71–7424; 36 F.R. 9640), as hereinafter modified, are hereby approved and adopted as the material issues, findings, and conclusions, rulings, and the general findings of this decision as if set forth in full herein.

1. Section 934.7 *Handler* (36 F.R. 9651) is revised.

2. Section 934.8 *Handle* (36 F.R. 9651) is revised.

3. Paragraph (a) of § 934.47 (36 F.R. 9654) is revised.

4. Paragraphs (a) and (b) of § 934.60 (36 F.R. 9654) are revised.

5. Section 934.61 (36 F.R. 9654) is revised.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Spearmint Oil Produced in the States of Washington, Idaho, and Oregon, and designated part of California, Nevada, Utah, and Montana" and "Order Regulating the Handling of Spearmint Oil Produced in the States of Washington, Idaho, and Oregon, and designated part of California, Nevada, Utah, and Montana," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.41 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers, who, during the period June 1, 1970 through May 31, 1971 (which period is hereby determined to be a representative period for the purpose of such referendum) were engaged within the production area in the production of spearmint oil for market to ascertain whether such producers favor the issuance of the said annexed order regulating the handling of spearmint oil.

Allan E. Henry, William C. Knope, and John E. Coop, Jr., Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 506, Washington Building, 1218 Southwest Washington Street, Portland, OR 92705, are hereby designated agents of the Secretary to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR 900.400 et seq.).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order which will be published with this decision.

Dated: June 24, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] *Regulating the Handling of Spearmint Oil Produced in Washington, Idaho, and Oregon, and Designated Part of California, Nevada, Utah, and Montana*

Sec.

934.0 Findings and determinations.

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AUTHORITY: The provisions of this Part 934 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 934.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Richland, Wash., February 24–26, 1971, upon a proposed marketing agreement and a proposed marketing order regulating the handling of spearmint oil produced in Washington, Idaho, and Oregon, and designated parts of California, Nevada, Utah, and Montana. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order regulating the handling of spearmint oil grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of spearmint oil produced in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of spearmint oil produced in the production area, as defined in said order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore ordered, That, on and after effective date hereof, all handling of spearmint oil produced in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 934.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 934.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 934.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 934.4 Spearmint oil or oil.

"Spearmint Oil" or "Oil" is a farm commodity and means the essential oil extracted by distillation from plants, grown in the production area, of the genus Mentha, species cardiaca (commonly referred to as Scotch spearmint), spicata (commonly referred to as native spearmint), or such other species, grown in the production area, that produce a spearmint flavored oil. Spearmint oil shall be segregated into classes according to the following terms and conditions:

"Class 1" shall include that oil produced, from the first cutting during any season, from fields classified as scotch spearmint.

"Class 2" shall include that oil produced, from cuttings other than the first cutting, made during any season, from fields classified as scotch spearmint.

"Class 3" shall include that oil produced, from the first cutting during any season, from fields classified as native spearmint.

"Class 4" shall include that oil produced, from cuttings other than the first cutting, made during any season, from fields classified as native spearmint.

"Class 5" shall include that oil produced by redistillation of the condensate water from any or all classes.

"Class 6" shall include that oil which has a spearmint flavor, extracted from plants, other than Mentha cardiaca or Mentha spicata, grown in the production area.

Classification of particular lots of oil including any mixture shall be determined in accordance with rules and regulations adopted by the committee.

§ 934.5 Production area.

"Production area" means all of the area in the continental United States north of the 37th parallel and west of the 111th meridian except Alaska. The area shall be divided into the following districts;

(a) "District 1" shall include the area in the State of Washington west of the Okanogan River and west of the Columbia River below its confluence with the Okanogan River.

(b) "District 2" shall include the area in the State of Washington not included in District 1.

(c) "District 3" shall include the State of Idaho, and that portion of the State of Montana and that portion of the State of Utah included in the production area.

(d) "District 4" shall include the State of Oregon and that portion of the State of California and that portion of the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

State of Nevada included in the production area.

§ 934.6 Producer.

"Producer" is synonymous with "grower" and means any person that produces spearmint oil or causes it to be produced.

§ 934.7 Handler.

"Handler" means any person who handles spearmint oil.

§ 934.8 Handle.

"Handle" means to purchase oil from a producer, or to sell spearmint oil, use oil commercially of own production, to acquire, transport or ship (except as a common or contract carrier of oil owned by another), or otherwise place spearmint oil into the current of commerce within the production area or from the production area to any point outside thereof following distillation, except that the preparation, sale, or transportation of spearmint oil by a producer to a handler within the production area shall not be construed as handling.

§ 934.9 Marketing year and crop year.

"Marketing Year" and "Crop Year" are synonymous and means the 12 months from July 1 to the following June 30, inclusive, or such other period as recommended by the committee and approved by the Secretary.

ADMINISTRATIVE BODIES

§ 934.20 Designation of administrative bodies.

A Spearmint Oil Administrative Committee and a Spearmint Oil Marketing Advisory Board are hereby established. The membership shall be selected in accordance with provisions of §§ 934.21 through 934.28, inclusive.

§ 934.21 Spearmint Oil Administrative Committee—membership and term of office.

(a) The Spearmint Oil Administrative Committee (hereinafter referred to as "Committee") shall consist of 11 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five (5) of the members and their respective alternates shall each be a producer, or an officer or employee thereof, in District 1; two (2) members and their respective alternates shall each be a producer, or an officer or employee thereof in District 2; two (2) members and their respective alternates shall each be a producer, or an officer or employee thereof, in District 3; and two (2) members and their respective alternates shall be a producer, or an officer or employee thereof, in District 4.

(b) The term of office of committee members and their respective alternates shall be for 2 years beginning April 1 and ending March 31; *Provided,* That the initial term of office shall begin on the effective date of the order and shall end March 31, 1973.

§ 934.22 Nominations for Spearmint Oil Administrative Committee members.

(a) *Initial members.* Nominations for each of the initial members and alternate members may be submitted to the Secretary, not later than 15 days after the effective date of this part, by individual producers, including officers or employees thereof, or groups of producers. Such nominations may be made by means of separate group meetings of the producers concerned in each district, which meetings shall be publicized and open to all producers. In the event nominations for initial members or alternate members of the committee are not submitted pursuant to and within the time specified in this paragraph, the Secretary may select such initial members or alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 934.21.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than March 1 of each odd-numbered year, meetings of producers in each district for the purpose of designating nominees for successor members and alternate members of the committee whose term of office expires on March 31 of that year. Such meetings shall be publicized and open to all producers. At each such meeting, a chairman and a secretary shall be elected by the producers eligible to participate therein. The eligible person receiving the highest number of votes for a member or alternate member position shall be the nominee for the respective position. The chairman shall announce at each meeting the results of nominations for members and alternate members and shall submit promptly to the committee a complete report concerning such meetings. Should the committee find it impracticable to conduct nomination meetings in one or more districts during any marketing year, nominations may be submitted to the Secretary based on the results of balloting by mail. Whenever ballots are to be cast by mail, the committee shall give public notice, and mail to all producers of record, ballots containing the names of the candidates, blank spaces in which names of candidates may be written for each position, and instructions as to the voting procedure. The committee shall submit all nominations to the Secretary on or before March 15 of such year. In the event nominations for successor members or alternate members of the committee are not submitted pursuant to and within the time specified in this paragraph, the Secretary may select such successor members or alternate members without regard to nominations; but selections shall be on the basis of the representation provided for in § 934.21.

(2) Only producers, including duly authorized officers or employees thereof, who are present at nomination meetings may participate in the nomination and election of nominees for committee members and alternate members. Each producer shall be entitled to cast only one vote for each position to be filled. No producer or any agent thereof shall participate in the election of nominees in more than one district. In case a person produces spearmint oil in more than one district, he shall select one district in which he will cast nominating votes and notify the committee as to the district in which he will, until further notice, cast nominating votes.

§ 934.23 Selection of Spearmint Oil Administrative Committee members.

(a) *Initial members.* From the persons nominated pursuant to § 934.22(a), or from other qualified persons, the Secretary shall select the initial members and alternate members for the committee on the basis of the district representation provided for in § 934.21.

(b) *Successor members.* From the nominations made pursuant to § 934.22 (b), or from other qualified persons, the Secretary shall appoint the successor members and alternate members on the basis of the district representation provided for in § 934.21.

§ 934.24 Spearmint Oil Marketing Advisory Board—membership and term of office.

The Spearmint Oil Marketing Advisory Board (hereinafter referred to as "board") shall consist of five members, each of whom shall have an alternate, all of whom shall be handlers or officers or employees of handlers. The term of office of board members and their respective alternate shall be for 2 years beginning April 1 and ending March 31: *Provided,* That the term of office of the initial members and their alternates shall end March 31, 1973. Members and alternate members shall serve in such capacities for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 934.25 Nomination for Spearmint Oil Marketing Advisory Board.

(a) *Initial members.* Nominations for each of the initial members and alternate members of the board may be submitted to the Secretary not later than 15 days after the effective date of this part, by individual handlers or groups of handlers, as appropriate. The four handlers who individually handled the greatest quantity of spearmint oil during the past marketing year (hereinafter the four major handlers) shall each furnish the name of a person for one of the four members and the name of a person for one of the four alternate member's position on the board. All other handlers shall nominate an individual for the remaining member position and another individual for the remaining alternate member position on the board. Such nomination shall be by means of a mail ballot conducted by the Northwest Marketing Field Office. In the event nominations for initial members or

alternate members of the board are not submitted pursuant to and within the time specified by this paragraph, the Secretary may select such initial members and alternate members without regard to nominations.

(b) *Successor members.* Nominations for successor members and alternate members of the board shall be made in the following manner: The four handlers who individually handled the greatest quantity of spearmint oil during the past marketing year (hereinafter the four major handlers), shall each furnish the name of a person for one of the four member and the name of a person for one of the four alternate member positions on the board. All other handlers shall nominate an individual for the remaining member position and another individual for the remaining alternate member position on the board. Such nominations shall be by means of a mail ballot conducted by the committee. The names of all such nominees shall be submitted to the committee for transmission to the Secretary not later than March 15 of each odd-numbered year, together with such information deemed pertinent, including the ballots cast in the mail voting, or requested by the Secretary. In the event nominations for successor members or alternate members of the board are not submitted pursuant to and within the time specified in this paragraph, the Secretary may select such successor members or alternate members without regard to nominations.

§ 934.26 Selection of Spearmint Oil Marketing Advisory Board Members.

(a) *Initial members.* The Secretary shall select the initial members and alternate members for the board from the persons nominated pursuant to § 934.25 (a), or from other qualified persons.

(b) *Successor members.* The Secretary shall select the successor members and alternate members for the board from persons nominated pursuant to § 934.25 (b), or from other qualified persons.

§ 934.27 Acceptance.

Any persons selected by the Secretary as a member or alternate member of the committee or the board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 934.28 Vacancies.

To fill any vacancy occasioned by the failure to qualify of any person selected as a member or as an alternate member of the administrative committee or of the advisory board or in the event of the death, removal, resignation, or disqualification of any member or alternate member of either the administrative committee or of the advisory board, a successor for the unexpired term of such member or alternate shall be nominated and selected in the manner specified in §§ 934.22 and 934.23 or §§ 934.25 and 934.26, as applicable. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, except that selections to fill vacancies shall be made on the basis of representation provided for in § 934.21 or in § 934.25.

§ 934.29 Alternate members.

An alternate member of the committee or of the board, during the absence or at the written request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of any member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event that both a member and his alternate are unable to attend a meeting, the administrative body may designate any other alternate member from the same body and the same district, where applicable, to serve in such member's place and stead.

§ 934.30 Powers of the Spearmint Oil Administrative Committee.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its term;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 934.31 Duties of the Spearmint Oil Administrative Committee.

The Committee shall have, among others, the following duties:

(a) To select from among its membership such officers and adopt such rules or bylaws for the conduct of its meetings as it deems necessary;

(b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;

(c) To appoint such subcommittees or other committees as it may deem necessary;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the Committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of financial operations of the Committee and to make copies of each such statement available to producers and handlers for examination at the office of the Committee;

(f) To cause its books to be audited by a certified public accountant at least once each marketing year and at such other times as the Committee may deem necessary, or as the Secretary may request, to submit two copies of each such audit report to the Secretary and to make available a copy which does not contain confidential data, for inspection by producers and handlers at the offices of the Committee;

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to spearmint oil;

(i) To submit to the Secretary such available information as he may request or the Committee may deem desirable and pertinent;

(j) To notify producers and handlers of all meetings of the Committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(k) To give the Secretary the same notice of meetings of the committee and its subcommittees or other committees as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee; *Provided,* That any such changes shall reflect, insofar as practicable, shifts in spearmint oil production within the districts and the production area; and

(n) To consult, cooperate and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

§ 934.32 Procedure of the Spearmint Oil Administrative Committee.

At any assembled meeting, nine members of the committee shall constitute a quorum and all votes shall be cast in person. Decisions of the committee at assembled meetings shall require the concurring vote of at least eight members. The committee may vote by mail, telephone, or other means of communication on matters other than the formulation of marketing policies and recommendation of regulation; *Provided,* That each proposition is explained accurately and fully to each member available and all such votes shall be confirmed in writing. Eight concurring votes shall be required for approval of a committee action by such method of voting.

§ 934.33 Duties of the Spearmint Oil Marketing Advisory Board.

The duties of the board shall consist of selecting from its members such officers, establishing such by-laws as it deems necessary for performing its functions, making such recommendations with respect to marketing policies, and considering and recommending such other matters as it may deem advisable or the committee may request.

§ 934.34 Compensation and expenses.

Members and alternate members of the committee and of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in connection with their duties under this part.

§ 934.35 Annual report.

The committee shall, as soon as practicable after the close of each marketing year, prepare and mail an annual report to the Secretary and make a copy available to each handler and producer who requests it. This annual report shall contain at least:

(a) A complete review of the regulatory operations during the marketing year;

(b) A review of the effect upon the spearmint oil industry of the regulatory operations; and

(c) Any recommendations for changes in the program.

§ 934.36 Funds and other property.

(a) All funds received by the committee, pursuant to the provisions of this part shall be used solely for the purpose specified in this part; and the Secretary may require the committee and its members to account for all receipts and disbursements.

(b) Upon the resignation, removal, or expiration of the term of any member or employee of the committee, all books, records, funds, and other property in his possession belonging to the committee shall be delivered to the committee or to his successor in office; and such assignments and other instruments shall be executed as may be necessary to vest in the committee full title to all the books, records, funds, and other property in the possession or under the control of such member or employee, pursuant to the provisions of this part.

EXPENSES AND ASSESSMENTS

§ 934.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of said committee and of the board under this part during each marketing year. The funds to cover such expenses shall be acquired by levying of assessments as prescribed in § 934.41. The committee shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such year.

§ 934.41 Assessments.

(a) *Requirements for payment.* Each person who first handles spearmint oil shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each such person's pro rata share shall be the rate of assessment fixed by the Secretary times the salable quantity of spearmint oil which he handles as first handler thereof. The payment of assessments for the maintenance and functioning of the committee and the board may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Rate of assessment.* The Secretary shall fix the rate of assessment to be paid by each first handler. At any time during or after the marketing year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all spearmint oil handled during the applicable marketing year. In order to provide funds for the administration of the provisions of this part during the first part of a marketing year before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 934.42 Accounting.

(a) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately 1 marketing year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 934.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers: *Provided,* That any sum paid by a first handler in excess of his pro rata share of the expenses during any marketing year may be applied by the committee at the end of such marketing year to any outstanding obligations due the committee from such person. Each handler's share of such excess funds shall be the amount of assessments he paid in excess of his pro rata share.

(b) *Disposition of funds upon termination of order.* Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate; *Provided,* That to the extent practicable, such funds will be returned pro rata to the first handler from whom such funds were collected.

REGULATION

§ 934.43 Marketing policy.

(a) Each season, prior to May 31, the committee shall hold such meetings as necessary for it to adopt a marketing policy for the ensuing crop year: *Provided,* That with respect to the initial marketing year the committee shall hold such meetings as soon as practicable after the effective date of this part. The committee shall submit such marketing report to the Secretary prior to making any recommendation pursuant to § 934.44. Such marketing policy report shall contain information relative to:

(1) The estimated pounds of each class of oil in the hands of producers.

(2) The desirable carryout of each class of oil at the end of crop year.

(3) The amount of each class of oil in the set-aside.

(4) The estimated carryover of each class of salable oil by handlers.

(5) The estimated demand for each class of oil.

(6) The estimated production in the ensuing crop year by class or the known production in the current crop year, as applicable.

(7) The current prices being received and the probable general level of prices to be received for each class of oil.

(8) The recommendation of the Advisory Board and the information submitted in support thereof.

§ 934.44 Recommendations for regulations.

(a) Whenever the considerations enumerated in § 934.43 indicate a need for limiting the quantity of any class of spearmint oil marketed, the Committee shall not later than June 1 recommend to the Secretary a salable percentage and a set-aside percentage of the currently available oil of that class: *Provided,* That with respect to any recommendation for the initial marketing year, the Committee shall make its recommendation as soon as practicable after the effective date of this part.

(b) The failure of the Advisory Board to make a recommendation with respect to regulation authorized by § 934.45, after having received notice of the intention of the Committee to meet for the purpose of receiving such recommendations, shall not preclude the Committee from submitting recommendations and supporting information to the Secretary.

(c) All assembled meetings of the Committee shall be open to growers and handlers and other interested persons. The Committee shall publish notice of such meetings in such newspapers as it deems appropriate and shall mail notice of such meetings to producers and handlers and any other person who has filed his name and address with the Committee for such purpose.

§ 934.45 Issuance of regulations.

(a) When the Secretary finds, but no later than June 15 of each year, or such later date as may be appropriate during the initial marketing year, on the basis of the committee's recommendations or other information, that the anticipated supply of spearmint oil by class produced by producers in the production area is in excess of the market demand for that class, he shall establish a salable percentage and a set-aside percentage which shall be used to determine the amount of spearmint oil of each class that may be purchased from or handled on behalf of each producer by all handlers.

(b) Each producer's salable quantity of oil of any class for any marketing year shall be that oil the quantity of which equals the product obtained by multiplying the quantity of spearmint oil delivered to a handler for handling (such delivered quantity may be composed of oil produced by the producer during the marketing year in question, oil produced during any prior marketing year(s) but which was not purchased by a handler or handled on his behalf by handlers, or set-aside oil that was released to him on July 1 of any calendar year) by the salable percentage for that class. The remaining balance shall be the set-aside

oil for that class. Handlers may acquire and freely handle the salable quantity of each producer: *Provided*, That there is set-aside from each delivery, in the name of the producer, the appropriate set-aside quantity.

§ 934.46 Modification of volume regulation.

(a) During the first week in October and February, or such other dates as recommended by the committee and approved by the Secretary, and at such other times as the committee deems appropriate, the committee shall review its recommendations of the set-aside percentages for each class of spearmint oil. If it is determined that such percentage did not result in an adequate salable quantity of any class of oil, it shall recommend a reduction of the set-aside percentage for that class of oil.

(b) Whenever the Secretary finds, from the recommendation and information submitted by the Committee or from other available information, that a regulation for any class of oil should be modified in order to effectuate the declared policy of the act, he shall modify such regulation: *Provided*, That no such modification shall increase the set-aside percentage for any class of oil previously established for the then current marketing year.

§ 934.47 Set-aside.

(a) Whenever the Secretary has fixed the set-aside percentage for any marketing year as provided in § 934.45, each first handler who purchases spearmint oil from or otherwise handles spearmint oil on behalf of any producer shall set aside in the name of such producer at such time and in such manner and form as the Committee may prescribe, a portion of the spearmint oil he acquired from such producer by purchase or for handling during such period that will fulfill the set-aside requirements. Such set-aside portion shall be equal to the product obtained by multiplying the quantity of spearmint oil of each class so acquired from each producer during the marketing year by the set-aside percentage as fixed by the Secretary after a recommendation therefor by the Committee.

(b) Set-aside spearmint oil shall be held by the handler for the account of the producer until such oil is released to the owner thereof on the next following July 1 or until relieved of such responsibility by the Committee. Handlers shall store set-aside spearmint oil in suitable containers, apart from other spearmint oil, in accordance with good commercial practices, and maintained the same as when acquired except for normal and natural deterioration, loss through fire, acts of God, or other conditions beyond the handler's control. The Committee may, with the approval of the Secretary, establish rules and regulations to effectuate the provisions of this § 934.47. Such rules and regulations may be with respect to, but not limited to, such matters as storage of the set-aside, transfer of the set-aside from one handler to another, transfer of the set-aside from one location to another and identification of set-aside spearmint oil and minimum quantity exemptions.

§ 934.48 Exempt spearmint oil.

Oil held in the hands of a producer or handler on the effective date of this order shall be free of regulations under this order if reported to and identified to the committee not later than 30 days after the effective date of the order. If not so reported and identified to the committee, it shall be presumed that such oil was produced after the effective date of this order.

REPORTS AND RECORDS

§ 934.60 Reports.

(a) *Inventory*. Each first handler who purchases spearmint oil from or otherwise handles spearmint oil on behalf of any producer shall file with the committee a certified report showing such information as the committee may specify with respect to any spearmint oil held by him on such dates as the committee may designate.

(b) *Receipts*. Each first handler who purchases spearmint oil from or otherwise handles spearmint oil on behalf of any producer shall, upon request of the committee, file with the committee a certified report showing for each lot of spearmint oil received the identifying marks, class, weight, place of production, and the producer's name and address.

(c) *Other reports*. Upon the request of the committee, as approved by the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 934.61 Records.

Each first handler shall maintain such records pertaining to all spearmint oil handled under the provisions of this part as will substantiate the required reports. All such records shall be maintained for at least 2 years after the termination of the marketing year to which the records relate.

§ 934.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers the Secretary and the committee, through its duly authorized employees, shall have access of any premises where applicable records are maintained, where spearmint oil is received or held, and, at any time during reasonable business hours, shall be permitted to inspect oil on hand and any or all records of such handlers with respect to matters within the purview of this part.

§ 934.63 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of, the committee which contain data or information constituting a trade secret or disclosing the trade position, financial conditions, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from the records shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 934.70 Compliance.

No person shall handle spearmint oil, the handling of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle spearmint oil except in conformity with the provisions and the regulations issued under this part.

§ 934.71 Rights of the Secretary.

Members of the committee and of the board, and any agent, employee, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance there or in accordance therewith prior to such disapproval by the Secretary.

§ 934.72 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the Act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 934.73 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 934.74 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee or agent, except for acts of dishonesty, willful misconduct or negligence.

§ 934.75 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 934.76 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

§ 934.77 Effective term.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 934.78.

§ 934.78 Termination.

(a) *Failure to effectuate.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this order whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this part at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary, produced for market more than 50 percent of the volume of spearmint oil so produced in the production area.

(c) *Termination of act.* The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 934.79 Proceedings after termination.

Upon termination of the provisions of this part the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. The said trustees shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (c) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto. Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 934.80 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

[FR Doc.71-9130 Filed 6-28-71;8:47 am]

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945). This marketing order program regulates the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations by the Idaho-Eastern Oregon Potato Committee reflect its appraisal of the crop and prospective market conditions. Shipments of new crop potatoes from the production area are expected to begin July 20, however, storage potatoes from last year's crop will be shipped throughout the month of July. The proposed regulation provided herein is necessary to prevent potatoes of lower grades, undesirable sizes, and potatoes of lesser maturities from being distributed in the channels of commerce to improve the returns to producers for preferred grades and sizes. The specific requirements, hereinafter set forth, regulate the handling of potatoes by grade, size, cleanliness, and maturity so as to (1) promote orderly marketing, (2) standardize the quality of the potatoes shipped from the production area, and (3) maximize returns to the producers pursuant to the declared policy of the act.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washintgon, D.C. 20250, not later than 3 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 945.330 Limitation of shipments.

During the period July 10, 1971, through July 31, 1972, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties: U.S. No. 2, or better grade.

(2) *Size.* (i) Round red varieties: 1⅞ inches minimum diameter.

(ii) All other varieties: 2 inches minimum diameter, or 4 ounces minimum weight.

(iii) All varieties: Size B if U.S. No. 1, or better grade.

(iv) When containers of long varieties of potatoes are marked with a count or similar designation they must meet the weight range for the count designation listed below:

Count designation	*Weight range*
Larger than 50 count	15 ounces or larger.
50 count	12–19 ounces.
60 count	10–16 ounces.
70 count	9–15 ounces.
80 count	8–13 ounces.
90 count	7–12 ounces.
100 count	6–10 ounces.
110 count	5–9 ounces.
120 count	4–8 ounces.
130 count	4–8 ounces.
140 count	4–8 ounces.
Smaller than 140 count.	4–8 ounces.

The following tolerances, by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(*a*) Not to exceed 5 percent for undersize; and,

(*b*) Not to exceed 10 percent for oversize.

(3) *Cleanliness.* All varieties: "Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose and red skin varieties.* During the period July 10, 1971, through December 31, 1971, "moderately skinned" and thereafter they may be handled without regard to the maturity requirements.

(2) *All other varieties.* "Slightly skinned."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and

address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;

(ii) Certified seed;

(iii) Seed pieces cut from stock eligible for certification as certified seed;

(iv) Experimentation;

(v) Canning, freezing, and "other processing" as hereinafter defined:

Provided, That shipments of potatoes for the purposes specified in subdivision (v) of this subparagraph shall be exempt from inspection requirements specified in § 945.65 and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export: Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling: Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(d) *Safeguards.* Each handler making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, canning, freezing, and "other processing" as hereinafter defined, export, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(3) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(4) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(5) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* Effective July 10, 1971, through August 31, 1971, the terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540—51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." From September 1, 1971, through July 31, 1972, the terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540—51.1566 of this title effective September 1, 1971, as published in the FEDERAL REGISTER of December 1, 1970, 35 F.R. 18257), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421—52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(g) *Applicability to imports.* Pursuant to section 608e–1 of the Act and § 980.1 "Import regulations" (§ 980.1 of this chapter), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated: June 24, 1971.

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

[FR Doc.71–9177 Filed 6–28–71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 171]

[Docket No. HM–22; Notice No. 71–21]

TRANSPORTATION OF HAZARDOUS MATERIALS

Matter Incorporated by Reference

The Hazardous Materials Regulations Board of the Department of Transportation is considering amending § 171.1(d) of the Hazardous Materials Regulations by adding subparagraph (7). Paragraph (d)(7) will list Bureau of Explosives pamphlets referenced in Parts 170–189 of the Hazardous Materials Regulations.

The Board has been petitioned by the Bureau of Explosives, Association of American Railroads, to make this revision.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 171 as follows:

In § 171.7, paragraph (d)(7) would be added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(7) Bureau of Explosives, Association of American Railroads:

(i) Bureau of Explosives Pamphlet No. 6 is titled, "Illustrating Methods for Loading and Bracing Carload and Less than Carload Shipments of Explosives and other Dangerous Articles," 1962 edition.

(ii) Bureau of Explosives Pamphlet No. 6A (includes Appendix No. 1, October 1944, and Appendix No. 2, December 1945) is titled, "Illustrating Methods for Loading and Bracing Carload and Less Than Carload Shipments of Loaded Projectiles, Loaded Bombs, etc.," 1943 edition.

(iii) Bureau of Explosives Pamphlet No. 6C is titled, "Illustrating Methods for Loading and Bracing Trailers and Less-Than Trailer Shipments of Explosives and Other Dangerous Articles via Trailer-on-Flat-Car (TOFC) or Container-on-Flat-Car (COFC)," September 1968.

(iv) Bureau of Explosives Pamphlet No. 22 is titled, "Handling Collisions and Derailments Involving Explosives, Gasoline and Other Dangerous Articles," revised September 1969.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before August 3, 1971, will be considered before final action is taken on the

proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on June 23, 1971.

WILLIAM K. BYRD,
Acting Chairman, Hazardous Materials Regulations Board.

[FR Doc.71-9115 Filed 6-28-71;8:48 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Light-Water-Cooled Nuclear Power Reactors; Correction

In F.R. Doc. 71-8049 appearing at page 11113 in the issue for Wednesday, June 9, 1971, the first sentence of footnote 3 is corrected to read as follows: "An exposure rate such that a hypothetical individual continuously present in the open at any location on the boundary of the site or in the offsite environment would not incur an annual exposure in excess of 10 millirems."

Dated at Washington, D.C., this 23d day of June 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-9139 Filed 6-28-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[21 CFR Part 420]

DINITRO-o-CYCLOHEXYLPHENOL AND ITS DICYCLOHEXYLAMINE SALT

Proposed Revocation of Pesticide Chemical Tolerances

As a result of the 1950 spray residue public hearings and pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, tolerances were established in Part 420 for residues of the insecticide dinitro-o-cyclohexylphenol in or on citrus fruits at 1 part per million (§ 420.144) and for residues of the dicyclohexylamine salt of dinitro-o-cyclohexylphenol in or on apples, apricots, beans, blackberries, boysenberries, celery, cherries, citrus fruits, dewberries, grapes, loganberries, nectarines, peaches, pears, plums (fresh prunes), quinces, raspberries, strawberries, and youngberries at 1 part per million (§ 420.143).

In line with the Environmental Protection Agency policy of reducing existing tolerances to levels no higher than necessary and reviewing pesticide tolerances with respect to changes in pesticide usage, new scientific data, and information, as well as in keeping with the recommendations of the President's Science Advisory Committee report (May 15, 1963), a review was made of the established tolerances for dinitro-o-cyclohexylphenol and its dicyclohexylamine salt to determine whether current agricultural practices and available data justify the continuation of these tolerances. The review revealed that the tolerances are unnecessary since the manufacture, sale, and use of dinitro-o-cyclohexylphenol and its dicyclohexylamine salt as an insecticide have been discontinued.

The Pesticides Regulation Division advises that there are no registrations for either compound.

Based on consideration given to the above information and other relevant material, it is concluded that the subject tolerances should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m)), under authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and delegated by him to the Deputy Assistant Administrator for Pesticide Programs of the Environmental Protection Agency (36 F.R. 9038), it is proposed that Part 420 be amended by the revocation of § 420.143 *Dicyclohexylamine salt of dinitro-o-cyclohexylphenol; tolerances for residues* and § 420.144 *Dinitro - o-cyclohexylphenol; tolerance for residues.*

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-9134 Filed 6-28-71;8:47 am]

[45 CFR Part 1201]

QUALIFICATIONS OF LOW-EMISSION VEHICLES

Notice of Proposed Rule Making

Notice is hereby given of a proposal to promulgate regulations establishing procedures in accordance with which the Administrator of the Environmental Protection Agency will determine whether an applicant vehicle qualifies as a "low-emission vehicle" under section 212 of the Clean Air Act (42 U.S.C. 1857 f–1 et seq.), as amended by the "Clean Air Amendments of 1970" (Public Law 91–604). It is proposed to publish the new regulations as Subpart S of Part 1201 of Title 45 of the Code of Federal Regulations.

Section 212 of the Clean Air Act requires the Federal Government to purchase certified low-emission vehicles in lieu of other vehicles if the cost of the certified vehicles does not exceed 150 percent of the cost of the vehicles for which they are to substitute. The proposed regulations relate only to the Administrator's determination of whether a vehicle qualifies as a "low-emission vehicle" and should be considered in conjunction with the regulations of the Low-Emission Vehicle Certification Board (40 CFR Part 400). The proposed regulations are applicable to vehicles which the applicant seeks to have certified as a suitable substitute for light-duty motor vehicles. Regulations relating to vehicles which the applicant seeks to substitue for heavy-duty motor vehicles will be proposed as soon as practicable.

Any interested person may within 30 days from the date of publication of this notice in the FEDERAL REGISTER submit in triplicate comments, views, data, or arguments concerning the proposal to the Office of Air Programs, Environmental Protection Agency, 5600 Fishers Lane, Rockville, MD 20852. All relevant comments postmarked no later than 30 days after publication of the regulations will be considered and the regulations will be amended as the Administrator deems appropriate after consideration of such comments. The regulations will become effective on the date of republication in the FEDERAL REGISTER.

Dated: June 24, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart S—Low-Emission Vehicles

Sec.

1201.320 Definitions.
1201.321 Low-emission vehicle.
1201.322 Application for certification.
1201.323 Test vehicle selection.
1201.324 Data reporting.
1201.325 Testing by the Administrator.
1201.326 Administrator's determination.
1201.327 Post-certification testing.

AUTHORITY: The provisions of this Subpart S issued under sec. 212, 84 Stat. 1676, Public Law 91–664.

§ 1201.320 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Clean Air Act (42 U.S.C. 1857 f–1 et seq.) and in § 1201.1:

(1) "Motor vehicle" means any self-propelled vehicle designed for use in the United States on the highways, other than a vehicle designed or used for military field training, combat, or tactical purposes.

(2) "Inherently low-polluting vehicle" means any low-emission vehicle which is powered by a propulsion system which does not require control devices, for exhaust emissions, external to the engine.

(3) "Anticipated certification period" means the 1-year period which begins 270 days after submission of a completed certification application to the Administrator.

(4) "Model year" as used in this subpart shall have the same meaning as that term has under section 202(b)(3)(A)(i) of the Clean Air Act.

(5) "Light-duty motor vehicle" as used in this subpart means a motor vehicle which the applicant seeks to have certified as a suitable substitute for a class or model of light-duty motor vehicle as defined at § 1201.1(a)(5).

§ 1201.321 Low-emission vehicle.

(a) A "low-emission vehicle" means any light-duty motor vehicle for which a completed certification application has been filed in accordance with § 1201.322 and which—

(1) Meets the most stringent crankcase emission and fuel evaporative standards which will apply under section 202 of the Clean Air Act during any part of the anticipated certification period to motor vehicles of that type; and

(2) Produces exhaust emissions of (i) hydrocarbons or carbon monoxide which meet the emission standards applicable under section 202 of the Act to model year 1975 vehicles, or (ii) oxides of nitrogen which meet emission standards applicable under section 202 to model year 1976 vehicles; and

(3) Does not exceed the following exhaust emission standards:

(i) Hydrocarbons—3 grams per vehicle mile;

(ii) Carbon monoxide—28 grams per vehicle mile; and

(iii) Oxides of nitrogen—3.1 grams per vehicle mile; and

(4) Emits no air pollutant other than those pollutants which are emitted by the class or model of motor vehicles for which the applicant seeks to substitute its vehicle, unless the Administrator determines that such other emissions will not contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare; and

(5) Does not significantly increase the emissions of any air pollutant not subject to an emission standard under section 202 of the Act by comparison to the emissions of such pollutant by the class or model of motor vehicles for which the applicant seeks to substitute its vehicle.

(b) The applicable test procedures for determining compliance with the standards established by paragraph (a) of this section shall be those in effect under section 202 of the Act for 1975 model year light-duty gasoline-powered motor vehicles, except as provided in § 1201.322(b).

§ 1201.322 Application for certification.

(a) Any person desiring certification of a test vehicle under section 212 of the Clean Air Act shall submit to the Administrator a notice of intent to submit a certification application with respect to such vehicle. The notice of intent shall include a statement of the propulsion system and the fuel which is used by the vehicle, the class or model of vehicles for which the prospective applicant seeks to substitute its vehicle, and such other information as the Administrator may request.

(b) If the Administrator determines that the test procedures required under § 1201.321(b) are inapplicable to a vehicle for which he has received a notice of intent under paragraph (a) of this section, he shall prescribe test procedures for determining whether such vehicle is a low-emission vehicle and, if necessary, he shall establish emission standards equivalent to those in effect under paragraph (a) of § 1201.321.

(c) After completion of testing of durability test vehicles in accordance with applicable test procedures and with § 1201.323, the person desiring certification shall submit to the Administrator a written application signed by an authorized representative. The application shall contain a description of the applicant vehicle and an identification of the class or model of vehicles presently being purchased by the Federal Government for use by its agencies for which the applicant vehicle is proposed as a substitute. The application shall also contain all emission data from the tests of the durability test vehicles and all data required by the Low-Emission Vehicle Certification Board under 40 CFR 400.4, relative to the following vehicle characteristics:

(1) Safety;
(2) Performance characteristics;
(3) Reliability potential;
(4) Serviceability;
(5) Fuel availability;
(6) Noise level; and
(7) Maintenance costs.

(d) Any certification application which asserts that the applicant test vehicle meets the requirement of paragraph (a)(2)(i) of § 1201.321 must be filed prior to January 1, 1973, in order for that vehicle to be eligible for certification. Any certification application which asserts that the applicant test vehicle meets the requirement of paragraph (a)(2)(ii) of § 1201.321 must be filed prior to January 1, 1974, in order for that vehicle to be eligible for certification.

(e) In addition to the information requirement under this section, and under 40 CFR 400.4 the Administrator may require the applicant to submit any other information which the Administrator deems necessary in determining whether the test vehicle is a low-emission vehicle. The application for certification shall not be considered complete until all information required by the Administrator and the Low-Emission Vehicle Certification Board has been submitted.

§ 1201.323 Test vehicle selection.

(a) The test vehicles covered by the application for certification shall be divided by the applicant into engine families in accordance with § 1201.89(a)(2) unless the Administrator approves an alternative procedure under § 1201.322(b).

(b) Except as the Administrator may require pursuant to § 1201.322(b), the applicant shall test or cause to be tested two durability vehicles for each engine system combination for which the applicant seeks certification as a suitable substitute. To the extent feasible, the test vehicles shall employ the engine displacement/transmission/inertia weight/fuel-system combination which is most similar to that used in the model or class of vehicles which the Federal Government purchases in greatest quantity from among the models or classes for which the applicant seeks to substitute its vehicles.

(c) After the submission of the application in accordance with § 1201.322, the Administrator will select emission data test vehicles as provided in § 1201.89(b).

§ 1201.324 Data reporting.

(a) All data on durability test vehicles shall be reported in accordance with § 1201.191(d).

(b) The data on all emission data test vehicles shall be reported to the Administrator only at the completion of the testing of all emission data test vehicles.

(c) For the purpose of this subpart § 1201.91(e) shall not apply.

§ 1201.325 Testing by the Administrator.

The Administrator may require that any one or more of the applicant's test vehicles be submitted to him, at such place or places and at such time or times as he may designate for the purpose of conducting emission tests.

§ 1201.326 Administrator's determination.

(a) The Administrator shall, within 90 days after receipt of a completed application for certification, determine whether the applicant vehicle is a low-emission vehicle. Such determination shall be based upon an evaluation of the data provided to the Administrator in the application for certification, any supporting information the Administrator may obtain from the applicant, and the results of any testing the Administrator may have conducted in accordance with this § 1201.326.

(b) The Administrator shall, immediately upon making the determination required in paragraph (a) of this section, publish in the FEDERAL REGISTER notice of such determination and the reasons therefor.

(c) The Administrator may make any recommendation which he deems appropriate concerning whether any applicant vehicle is an inherently low-polluting vehicle.

(d) If at any time after making an affirmative determination under paragraph (a) but prior to certification by the Board the Administrator obtains information which demonstrates that the applicant vehicle is not a low-emission vehicle, he may revoke such determination. The Administrator must immediately thereafter notify the Board and publish in the FEDERAL REGISTER notice of such revocation and the reasons therefor.

§ 1201.327 Post-certification testing.

The Administrator shall, at the request of the Board, test the emissions from certified low-emission vehicles purchased by the Federal Government. If these tests show that the emissions exceed the rates on which the Administrator based his determination under § 1201.326, the Administrator shall notify the Board.

[FR Doc.71-9186 Filed 6-28-71;8:52 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND FINANCE, BUREAU FOR EAST ASIA

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby redelegate to the Director, Office of Capital Development and Finance, authority to exercise any of the functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate loan agreements and amendments thereto, with respect to loans authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan;

2. Authority to implement loan agreements with respect to loans authorized under the Act and by the Board of Directors of the Corporate Development Loan Fund including the following:

(a) Authority to prepare, negotiate, sign, and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers in satisfaction of conditions precedent to financing under such loan agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan agreements; and

(d) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto and invitations for bids with respect to such contracts financed by funds made available under such loan agreements.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director, EA/CDF, in an "Acting" capacity.

The authorities enumerated above may be redelegated to East Asia Mission Directors in whole or in part as may be deemed necessary or desirable.

This redelegation of authority is effective immediately.

RODERIC L. O'CONNOR,
Assistant Administrator, East Asia.

JUNE 21, 1971.

[FR Doc.71-9149 Filed 6-28-71;8:49 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

FINISHED TUBELESS TIRE VALVES FROM WEST GERMANY

Antidumping Proceeding Notice

JUNE 22, 1971.

On April 26, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that finished tubeless tire valves from West Germany are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-9172 Filed 6-28-71;8:51 am]

TUBELESS TIRE VALVES FROM CANADA

Withholding of Appraisement Notice

Information was received on July 20, 1970, that tubeless tire valves from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of August 21, 1970, on page 13396. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of tubeless tire valves from Canada is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison will be between purchase price and home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting from the duty-paid delivered price to the United States inland freight charges, duty, and warehousing allowance, as applicable. Canadian sales tax and Canadian duty rebates on raw materials refunded or not collected upon exportation are likely to be added back.

It appears that home market price will be based on a discounted weighted average price less sales commission and delivery costs.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than home market price.

Customs officers are being directed to withhold appraisement of tubeless tire valves from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations,

shall become effective upon publication in the FEDERAL REGISTER (6–29–71). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: June 24, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71–9212 Filed 6–28–71;8:52 am]

Internal Revenue Service

[Order No. 67 (Rev. 8)]

SIGNING OF COMMISSIONER OR ACTING COMMISSIONER'S NAME OR ON HIS BEHALF

Delegation of Authority

Effective as of 12:01 a.m., June 23, 1971, all outstanding authorizations to sign the name of, or on behalf of, Randolph W. Thrower, Commissioner of Internal Revenue, are hereby amended to authorize the signing of the name of, or on behalf of, Harold T. Swartz, Acting Commissioner of Internal Revenue.

This order supersedes Delegation Order No. 67 (Rev. 7), issued April 1, 1969.

Effective date: June 23, 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner.

[FR Doc.71–9144 Filed 6–28–71;8:48 am]

Office of the Secretary

ALUMINUM CHLORIDE (ANHYDROUS) FROM CANADA

Notice of Tentative Negative Determination

JUNE 24, 1971.

Information was received on June 29, 1970, that aluminum chloride (anhydrous) from Canada was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of August 21, 1970, on page 13396.

I hereby make a tentative determination that aluminum chloride (anhydrous) from Canada is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Sales to the United States were made to unrelated parties within the meaning of section 207 of the Act (19 U.S.C. 166).

Based on the available information, it was determined that insufficient quantities of such or similar merchandise were sold in the home market to furnish an adequate basis for fair value comparisons.

Accordingly, for fair value purposes, purchase price was compared with the price at which such or similar merchandise was sold to third countries.

Purchase price was calculated by deducting from the c.i.f. delivered duty-paid price for exportation to the United States the included selling expenses, freight charges, duty, and brokerage.

Third country price was computed on the basis of the c.i.f. third country port prices. Appropriate adjustments were made for inland freight, loading and container charges, ocean freight, marine insurance, and packing.

Comparison of purchase price with adjusted third country price revealed that purchase price was higher than adjusted third country price.

In accordance with § 153.33(b), Customs Regulations (19 CFR 153.33(b)), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs Regulations (19 CFR 153.33).

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

[FR Doc.71–9210 Filed 6–28–71;8:52 am]

BICYCLE TIRES AND INNER TUBES FROM JAPAN

Notice of Intent To Discontinue Antidumping Investigation

JUNE 24, 1971.

Information was received on August 27, 1969, that bicycle tires and inner tubes from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of January 23, 1970, on page 991.

I hereby announce an intent to discontinue the antidumping investigation of bicycle tires and inner tubes from Japan.

Statement of reasons on which this notice of intent to discontinue antidumping investigation is based. It was determined that a sufficient quantity of such or similar merchandise was sold in the home market to form a basis for the use of home market price for comparison. Sales were made to unrelated parties in the United States. Comparisons were, therefore, made between home market price and purchase price.

Purchase price was based on the sale price to the United States with deductions for included inland insurance and freight, shipping charges, marine insurance, and ocean freight, as applicable.

Adjusted home market price was based on the weighted average home market price for such or similar merchandise with a deduction for inland freight and adjustments for differences in packing costs, credit charges, and production costs, as applicable.

The comparisons made revealed some instances where purchase price was lower than the adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of sales involved.

Subsequently, formal assurances were received from the manufacturers that they would make no future sales at less than fair value within the meaning of the Act.

These facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views. Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraph, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

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

[FR Doc.71–9213 Filed 6–28–71;8:52 am]

DOOR LOCKS AND LATCHES FROM JAPAN

Notice of Tentative Negative Determination

JUNE 24, 1971.

Information was received on May 25, 1970, that door locks and latches from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as

"the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of July 28, 1970, on page 12079.

I hereby make a tentative determination that door locks and latches from Japan, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. It was determined that the appropriate basis of comparison for fair value purposes was between home market price and purchase price.

The home market price was based upon sales of identical or similar merchandise, as appropriate, in the home market. Where similar merchandise was used, due allowance was made for differences in the merchandise. Included inland freight was deducted and adjustments made for cost differences between home market and export packing. Adjustments, as appropriate, were also made for advertising costs in behalf of a purchaser, and for differences in interest cost, warranties and general selling expenses to the extent of the export commission. Purchase price was based on either the c.i.f. or exfactory price to the unrelated purchasers in the United States. Where the sale was on a c.i.f. basis, the included costs for ocean freight, insurance, shipping charges, handling charges, and inland freight in Japan were deducted. Selling commissions, where applicable, were deducted. Purchase price was found to be higher than the home market price in all cases.

In accordance with § 153.33(b), Customs Regulations (19 CFR 153.33(b)), interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs Regulations (19 CFR 153.33).

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

[FR Doc.71-9211 Filed 6-28-71;8:52 am]

TAPERED ROLLER BEARINGS FROM JAPAN

Determination of Sales at Not Less Than Fair Value

JUNE 24, 1971.

On January 9, 1971, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that tapered roller bearings manufactured by the Koyo Seiko Co., Tokyo, Japan, were not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination. Presentations were made by both the attorney for the complainant and the attorney for the Japanese manufacturer.

Upon review of all information submitted and for the reasons stated in the tentative determination, I hereby determine that tapered roller bearings manufactured by the Koyo Seiko Co., Tokyo, Japan, are not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(c), Customs Regulations (19 CFR 153.33(c)).

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

[FR Doc.71-9214 Filed 6-28-71;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS DRAINAGE SALE OFFSHORE LOUISIANA

Environmental Impact Statement

JUNE 22, 1971.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf drainage oil and gas lease sale. The environmental statement considers 19 tracts of Outer Continental Shelf lands which have been identified for drainage potential. All 19 tracts are located in the Gulf of Mexico offshore Louisiana.

The draft environmental statement is available for public review. Copies may be obtained from the Department of the Interior, Director, Bureau of Land Management (310), Washington, D.C. 20240. Anyone wishing to comment on the draft environmental statement should submit their comments in writing within 30 days to:

U.S. Department of Interior, Director, Bureau of Land Management (310), Washington, D.C. 20240.

After all comments have been received and analyzed, a final environmental statement will be prepared.

HARRISON LOESCH,
Assistant Secretary of the Interior.

[FR Doc.71-9310 Filed 6-28-71;11:18 am]

Bureau of Mines

SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Mandatory Health Standards; Objections Filed and Hearings Requested

Pursuant to the authority vested in the Secretary of the Interior under section 101 (e) and (i) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173; 30 U.S.C. 801) to publish proposed mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare, there was published, as proposed rulemaking, in the FEDERAL REGISTER for January 7, 1971 (36 F.R. 252), Part 71, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, entitled Mandatory Health Standards—Surface Work Areas of Underground Coal Mines and Surface Coal Mines.

Interested persons were afforded a period of 45 days following publication within which to submit to the Director, Bureau of Mines, written comments, suggestions, or objections to a proposed mandatory standard, stating the grounds therefor, and to request a public hearing on such objections.

Section 101(f) of the Act directs the Secretary of the Interior to publish in the FEDERAL REGISTER as soon as practicable after the period for filing such objections has expired, a notice specifying the proposed mandatory health standards to which objections have been filed and a hearing requested.

Notice is hereby given that written objections were timely filed with the Director, Bureau of Mines, stating the grounds for objections and requesting a public hearing on paragraph (f) of § 71.2 of Subpart A, and on substantially all standards set out in Subparts B through G, inclusive, of the proposed Part 71.

Pursuant to section 101(g) of the Act, the Secretary of Health, Education, and

Welfare shall issue notice of the time and place at which a public hearing will be held for the purpose of receiving relevant evidence to the objections received and hearing requested.

W. T. PECORA,
Acting Secretary of the Interior.

JUNE 23, 1971.

[FR Doc.71-9150 Filed 6-28-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INDIAN TRIBES IN SOUTHWEST UNITED STATES

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of various Indian Tribes in the States of Arizona and New Mexico and San Juan County, Utah, has been materially increased and become acute because of the current severe drought of several months in length, and its damaging effect on their grazing lands. These lands are reservation or other lands designated for Indian use and are utilized by members of the Indian Tribes for grazing.

2. The use of feed grains or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determination, I hereby declare the reservation and grazing lands of these tribes to be an acute distress area and authorize the donation of feed grains owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior to be needy members of tribes utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the prevailing drought conditions or at such time as may be stated later in a notice issued by the Secretary of Agriculture.

Signed at Washington, D.C., on June 23, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-9131 Filed 6-28-71;8:47 am]

MEAT IMPORT LIMITATIONS

Third Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following third quarterly estimates are published.

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1971 is 1,160 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1971 is 1,025 million pounds.

Since the estimated quantity of imports continues to exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, under the Act limitations for the calendar year 1971 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10), and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20) are required to be imposed but may be suspended. Such limitations were imposed by Proclamation 4037 of March 11, 1971, and were suspended during the balance of the calendar year 1971 unless because of changed circumstances further action under the Act becomes necessary.

Done at Washington, D.C., this 24th day of June 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-9176 Filed 6-28-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ALLIED COLLOIDS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2682) has been filed by Allied Colloids, Inc., 1 Robinson Lane, Ridgewood, N.J. 07450, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of sodium polyacrylate as a dispersant of pigments used in the manufacture of paper and paperboard for contact with aqueous and fatty foods.

Dated: June 23, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-9108 Filed 6-28-71;8:45 am]

ETHICON, INC.

Notice of Filing of Petition Regarding Color Additive D&C Green No. 5

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 1C0099) has been filed by Ethicon, Inc., Somerville, N.J. 08876, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the certification and safe use of D&C Green No. 5 as a dyeing agent for nylon nonabsorbable surgical sutures (U.S.P.).

Dated: June 23, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-9106 Filed 6-28-71;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY (PUBLIC AFFAIRS)

Statement of Mission, Organization, and Functions

Chapter 1-H has been added to describe the mission, organization, and functions of the Assistant Secretary (Public Affairs).

SECTION 1-H.00 *Mission.* The Assistant Secretary (Public Affairs) serves as a principal adviser to the Secretary and a major policy coordinating official, with principal concern for the responsibilities of the Department of Health, Education, and Welfare for public reporting, public information, and for services generally responsive to public needs, in accordance with legislative authorities and Administration goals. The Assistant Secretary (Public Affairs) establishes information policy and provides direction and counsel to HEW agencies.

SEC. 1-H.10 *Organization.* A. The Assistant Secretary (Public Affairs) reports to the Secretary.

B. The Assistant Secretary (Public Affairs) directs the Office of Public Affairs which consists of:

1. The Deputy Assistant Secretary for Public Affairs (Communications).

a. Communications Office.

2. The Deputy Assistant Secretary for Public Affairs (Operations).

a. Operations Office.

SEC. 1-H.20 *Functions.* A. The Assistant Secretary (Public Affairs): plans, directs, coordinates, and evaluates the Department of Health, Education, and Welfare's nationwide public affairs programs with a view to developing general public understanding of the services and programs available to it from this Department. Serves as the central public affairs communications office of the Department; counsels and acts for the Secretary and his staff in carrying out responsibilities under statutes, Presidential directives, and Secretary's orders for informing the general public, specific publics, and Department and other Federal employees of the programs, policies,

and services of the Department. Coordinates the public information activities of the Department at all levels. Integrates the public affairs communications processes with Department policies and objectives, and establishes and enforces those policies which effect a clear, efficient, and consistent flow of information to the general public and other audiences about Department programs and activities.

B. The Deputy Assistant Secretary for Public Affairs (Communications) represents the Office of Public Affairs on matters relating to information flow and processing and interface with various publics on substantive matters of Department policies and positions related to: News services, audiovisual and photo services, publications and graphics services, and speakers bureau and speech writing.

C. The Deputy Assistant Secretary for Public Affairs (Operations) represents the Office of Public Affairs on matters relating to management and administration of public affairs activities and interface with pertinent Department publics and organizations related to: Communications planning and evaluation, field services and agency liaison, administrative services, general public services, outside organization liaison, and special information task forces.

Approved: June 22, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-9145 Filed 6-28-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-36-1]

NEW ENGLAND NUCLEAR CORP.

Filing of Petition

Notice is hereby given that the New England Nuclear Corp., 575 Albany Street, Boston, MA, by letter dated May 26, 1971, has filed with the Atomic Energy Commission a petition for rule making to amend the general license in § 36.24(b) of 10 CFR Part 36 for export of tritium with a specific activity of not more than 10 curies per gram of hydrogen in labeled organic compounds.

The petition requests that the specific activity restriction of "10 curies per gram of hydrogen" be deleted. The petition states further that if the Commission considers that additional controls would be required with deletion of the specific activity restriction, the single shipment restriction of § 36.24(b) could simultaneously be reduced from 10 curies to 1 curie.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 23d day of June 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc. 71-9100 Filed 6-28-71;8:45 am]

CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER POWER REACTORS

Interim Policy Statement

The Atomic Energy Commission has adopted the interim statement of policy set forth below providing interim acceptance criteria for emergency core cooling systems for light-water power reactors.

INTERIM ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER POWER REACTORS

I. GENERAL

The Atomic Energy Commission has recently been reevaluating the theoretical and experimental bases for predicting the performance of emergency core cooling systems, including new information obtained from industry and AEC research programs in this field. As a result of this reevaluation, the interim criteria of section IV of this policy statement have been adopted by the Commission for use in the licensing of light-water power reactors.

II. BACKGROUND

Protection against a highly unlikely loss-of-coolant accident has long been an essential part of the defense-in-depth concept used by the nuclear power industry and the AEC to assure the safety of nuclear power plants. In this concept, the primary assurance of safety is accident prevention by correctly designing, constructing, and operating the reactor. Extensive and systematic quality assurance practices are required and applied at every step to achieve this primary assurance of safety. Nevertheless, deviations from expected behavior are postulated to occur, and protective systems are installed to take corrective action as required in such events. Notwithstanding all this, the occurrence of serious accidents is postulated, in spite of the fact that they are highly unlikely, and engineered safety features are installed to mitigate the consequences of these unlikely events. The loss-of-coolant accident is such a postulated improbable accident; the emergency core cooling system is one of the engineered safety features installed to mitigate its consequences.

Emergency core cooling system design considerations were reviewed in a 1967 report to the AEC by an ad hoc Advisory Task Force on Power Reactor Emergency Core Cooling. The Task Force recommended that additional assurance could and should be obtained that substantial fuel melting can be prevented by emergency core cooling systems. Improvements in primary system integrity, development of improved analytical methods for predicting core cooling performance, and performance of confirmatory experiments were recommended.

Extensive design, analysis, and research programs were initiated by the AEC and the nuclear industry in these areas, and much new information has been developed. Additionally, practices in the design, manufacture, installation, and inspection of power reactor primary systems have been markedly improved.

Later, in 1969, an AEC Internal Study Group recommended greater emphasis on quality assurance, and confirmed the use of postulated unlikely accidents (such as the loss-of-coolant accident) as design bases for reactor safety.

The ongoing industry and AEC programs have produced a large amount of information not available at the time of the earlier reviews. This new information has led to changes in the various emergency core cooling system designs for power reactors, and also in the analytical methods used in the evaluation of system performance. Development by the reactor vendors, and independently by the AEC, of new methods of analysis—computer codes—more complex and sophisticated by far than those formerly in use, gave new insight into the processes, and problems, in predicting emergency core cooling system performance.

The nuclear industry as well as the AEC has sponsored a great deal of confirmatory experimentation in this field. Blowdown experiments performed on nonnuclear simplified models of pressurized systems were used to check and correct the new codes. Some of these experiments in the small LOFT Semiscale Blowdown System at the National Reactor Testing Station in Idaho showed deviations from the predictions of the codes then in use. For example, the emergency core cooling water was ejected from the system during the blowdown. Although there are differences between the small LOFT Semiscale experiments and large power reactors, this experimental result has been taken into account where applicable in the evaluation models of Appendix A by including the conservative assumption that all of the water injected by the accumulators during blowdown is lost.

The process of code development and experimentation using models is expected to continue. The Commission plans to place the necessary additional emphasis on such work in Commission programs and expects the nuclear industry to accelerate its efforts.

In view of the large amount of new information available, the AEC has again conducted a review of the present state of emergency core cooling system technology, and has reevaluated the basis previously used for accepting system designs for current types of light-water reactors.

III. EVALUATION OF EMERGENCY CORE COOLING SYSTEM PERFORMANCE

The course of a loss-of-coolant accident, and the performance of the emergency core cooling system, are evaluated with a sequence of calculations. For calculation, the system is divided into many control volumes ("nodes"). Each volume contains the heat sources and sinks appropriate to the component being modeled. During the entire calculation, temperatures in the core are calculated as function of time. The cooling processes are primary coolant flow during blowdown and flow of emergency core cooling water as it becomes available.

Ideally, one would have available analytical methods capable of detailed realistic prediction of all phenomena known or suspected to occur during a loss-of-coolant accident, supported in every aspect by definitive experiments directly applicable to the accident. In the absence of such perfection, adequate assurance of safety can be obtained from an appropriately conservative analysis based on available experimental information. In areas of incomplete knowledge, conservative assumptions or procedures must be applied. When further experimental information or improved calculational techniques become available, the conservatisms presently imposed will be reevaluated and a more realistic approach will be taken.

Detailed technical reviews have been performed by the AEC of the computer codes currently available for predicting emergency core cooling system performance. The AEC has developed sets of suitably conservative assumptions and procedures which together with the computer codes comprise three appropriately conservative evaluation models to use for evaluation. The codes used in one of these evaluation models (described in Part 1 of Appendix A) are available from the AEC. Codes used in the other two evaluation models (described in Parts 2 and 3 of Appendix A) contain proprietary material, for which summaries are or soon will be publicly available. Other evaluation models are under review by the AEC.

The three acceptable evaluation models presently included in Appendix A are different in many respects, and the sets of conservative assumptions and procedures also differ from one another. These differences arise from two principal causes: (1) Differences in approach and calculational methods of the different analyses, leading to different areas where imperfect knowledge or analysis require conservative treatments, and (2) differences in hardware among the various reactor designs, such as spray vs. flood cooling and hot leg vs. cold leg vs. direct vessel injection.

IV. INTERIM ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS

The criteria for acceptance of emergency core cooling systems have been developed in the context of the defense-in-depth concept, with the primary assurance of safety being accident prevention, achieved by correct design, construction, and operation and by adequate quality assurance. The loss-of-coolant accidents postulated in the criteria thus presuppose a highly unlikely event as a starting point.

These criteria are applicable to all light-water power reactors except as otherwise provided. Improvements are expected in analytical techniques, and experimental programs are expected to provide increased and improved knowledge about ECCS performance. On the basis of such improvements in technology, these criteria will be modified from time to time.

The Commission believes that these criteria for emergency core cooling systems provide reasonable assurance that such systems will be effective in the unlikely event of a loss-of-coolant accident. Nevertheless, in connection with water power reactors yet to be designed and constructed the possibility of accomplishing by changes in design further improvements in the capability of emergency core cooling systems should be considered.

A. *Criteria for all light-water power reactors.* These general requirements have been the basis of AEC safety review for some time. On the basis of today's knowledge, the performance of the emergency core cooling system is judged to be acceptable if the calculated course of the loss-of-coolant accident[1] is limited as follows:

1. The calculated maximum fuel element cladding temperature does not exceed 2,300° F. This limit has been chosen on the basis of available data on embrittlement and possible subsequent shattering of the cladding. The results of further detailed experiments could be the basis for future revision of this limit.

2. The amount of fuel element cladding that reacts chemically with water or steam does not exceed 1 percent of the total amount of cladding in the reactor.

3. The clad temperature transient is terminated at a time when the core geometry is still amenable to cooling, and before the cladding is so embrittled as to fail during or after quenching.

4. The core temperature is reduced and decay heat is removed for an extended period of time, as required by the long-lived radioactivity remaining in the core.

B. *Criteria for specific reactors.* Each reactor shall be evaluated in accordance with the general criteria of section IV.A, and using a suitable evaluation model. Examples of acceptable evaluation models are described in Appendix A.[2] These evaluation models are acceptable to the Commission but their use is not mandatory. Other evaluation models may be proposed by applicants for review in indvidual cases.

C. *Application of criteria to reactor licensing*—1. *Application to operating reactors.* (a) For each reactor holding an operating license on the effective date of these criteria and not covered by paragraph (b) below, an analysis of the performance of the emergency core cooling system presently installed, using methods equivalent to those in Appendix A, shall be submitted to the AEC as soon as practicable, but not later than October 1, 1971. Each such operating reactor shall be shown by that date to be in compliance with the criteria of sections IV A and B.

(b) For reactors granted operating licenses on or before January 1, 1968, compliance with the criteria of sections IV A and B will not be required until July 1, 1974. Each such reactor, to the extent that it is not in compliance with the criteria, shall be subject to the following additional requirements:

(1) An analysis of the performance of the emergency core cooling system presently installed, using methods equivalent to those in Appendix A, shall be submitted to the AEC as soon as practicable, but in no case later than January 1, 1972.

(2) A program of improvements, and a schedule for effecting them before July 1, 1974, together with supporting analysis based on an evaluation model equivalent to those in Appendix A, shall be submitted to the AEC as soon as practicable, but in no case later than July 1, 1972.

The licensee shall make, as soon as practicable, such interim improvements in operating techniques as are practical and worthwhile in improving emergency core cooling system performance or reliability.

(3) An augmented inservice inspection program shall be inaugurated promptly covering those portions of the system piping, pumps, and valves with a nominal diameter of 4 inches or greater and for whose postulated failure the performance of the installed emergency core cooling system would not be in compliance with the criteria. The augmented program shall be based on the American Society of Mechanical Engineers' Boiler and Pressure Vessel Code, section XI, except that the frequency of inspection shall be tripled.

(4) Equipment shall be installed as soon as practical if needed to facilitate detection of primary-system leakage by at least two different methods. The technical specifications regarding allowable rates of identified and unidentified leakage shall be reduced to the lowest practical values.

2. *Variances.* (a) The Commission may authorize variances from these criteria

[1] A loss-of-coolant accident is a postulated accident that results from the loss of reactor coolant at a rate in excess of the capability of the reactor coolant makeup system from breaks in the reactor coolant pressure boundary, up to and including a break equivalent in size to the double-ended rupture of the largest pipe of the reactor coolant system.

[2] Westinghouse Electric Corp. proposals for subatmospheric and ice condenser containments, and proposals from The Babcock and Wilcox Co. and Combustion Engineering, Inc., are under review by the AEC.

where their application is not practicable or for other good cause.

(b) The Commission may also authorize variances from these criteria for a limited period of time to allow completion of testing programs.

(c) The application of these criteria is expected to permit normal electrical power output of all, or almost all, power reactors. However, if a limitation should result, and if an urgent short-term need for additional power occurs because of unusual or peak demand, outage of other equipment, or other similar reasons the Commission may authorize full power operation of the reactor for a limited period.

(d) Any variance authorized hereunder shall be based upon a determination of reasonable assurance that the proposed action will not adversely affect the health and safety of the public.

APPENDIX A—ACCEPTABLE EVALUATION MODELS INCLUDING THEIR CONSERVATIVE ASSUMPTIONS AND PROCEDURES

PART 1—AEC EVALUATION MODEL FOR PRESSURIZED-WATER REACTORS

Analyses should be performed for the entire break spectrum, from 0.5 ft.² up to and including the double-ended severance of the largest pipe of the reactor coolant pressure boundary. The combination of systems used for analysis should be derived from a failure mode and effects analysis, using the single failure criterion.

The following analytical techniques should be used:

1. Thermohydraulic calculation during blowdown—IN–1321, "RELAP 3—A Computer Program for Reactor Blowdown Analysis," June 1970.

2. A suitable refill and reflood calculation from the end of blowdown onward.

3. Fuel element heatup calculation—IN–1445, "THETA 1–B, A Computer Code for Nuclear Reactor Core Thermal Analysis," February 1971. Inputs from 1 and 2 will be used for this calculation.

The user of these codes should assure himself that he has reviewed available "updated memos" and is using the correct versions and choice of options within the code.

The following assumptions and procedures are to be used. Any assumptions not specified should be fully justified.

1. Core and System Noding.

a. RELAP—at least 3 core nodes, at least 7 nodes in the primary side of each steam generator model, and one containment node.

b. THETA—at least 4 radial fuel nodes and one radial cladding node; at least 7 axial fluid nodes.

2. Pump Model—The pump resistance, K, used for analysis should be fully justified. The effect of pump speed upon K should be considered. The more conservative of two assumptions (locked or running) should be used for the pump during the blowdown calculation.

3. Break Characteristics—For large breaks in the range 0.6 to 1 times the total area of the double-ended break of the largest cold-leg pipe, two break models should be used. The first model should be the double-ended severance (guillotine), which assumes that there is break flow from both ends of the broken pipe, but no communication between the broken ends. The second model should assume discharge from a single node (split).

4. A break discharge coefficient (C_D) of 1 should be used for all break sizes.

5. Decay heat—The decay heat curve described in the proposed ANS Standard, with a 20 percent allowance for uncertainty, should be used. The fraction of decay heat generated in the hot rod should be considered to be 100 percent of this value unless a smaller value is justified.

6. Time to departure from nucleate boiling—use any calculated option in the code.

7. Heat transfer after departure from nucleate boiling—use programed transition boiling correlation option.

8. Film boiling heat transfer—use Groeneveld correlation (equation 5.7 of AECL–3281, December 1969).

9. Metal-worker reaction rate—use the Baker-Just equation, with a coefficient of 1.

10. Core flow—use 0.8 x RELAP smoothed flow at the junction which is entering core. If flows are opposed, use zero flow.

11. Enthalpy and pressure—use entering plenum conditions.

12. Accumulator Bypass—For cold leg breaks, all of the water injected by the accumulators prior to end-of-blowdown shall be assumed to be lost. In this context the end-of-blowdown shall be specified as the time at which zero break flow is first computed.

13. Reflood—a calculation for the reflooding heat transfer should be performed. The contaminant back pressure assumed for the analysis should not be higher than the initial pre-break pressure plus 80 percent of the increase in pressure calculated for the accident. The following items should be constraints on the calculation:

a. No steam flow should be permitted in intact loops during the time period that accumulators are injecting.

b. Core exit quality should be calculated from entering mass flow rate and nominal FLECHT heat transfer.

c. Pump resistance, K, should be calculated on the basis of a locked rotor.

d. The effects of the nitrogen gas in the accumulator, which is discharged following accumulator water discharge, should be taken into account in calculating steam flow as a function of time.

e. The pressure drop in the steam generator should be calculated with the existing fluid conditions and associated loss coefficients.

f. All effects of cold injection water, in either a hot or cold leg, on steam flow (and ΔP) should be included in the calculation.

g. The heat transfer coefficient during reflood should be derived from FLECHT data.

PART 2—GENERAL ELECTRIC EVALUATION MODEL

Analyses should be performed for the entire break spectrum, up to and including a double-ended severance of the largest pipe of the reactor collant pressure boundary. The combinations of systems used for analysis should be derived from a failure mode and effects analysis, using the single failure criterion as indicated in Table 2–1 of the topical report "Loss-of-Coolant Accident and Emergency Core Cooling Models for General Electric Boiling Water Reactors," NEDO–10329. The analytical techniques described in NEDO–10329 and its supplement should be used with the following exceptions:

1. During the period of flow coastdown after the minimum critical heat flux ratio at the hot spot is less than one and until the top of the jet pumps uncover, the heat transfer coefficient should be calculated using the D. C. Groeneveld correlation (AECL–3281, equation 5.7).

2. During the period of lower plenum flashing until the core becomes uncovered, the heat transfer coefficient should be calculated using Groeneveld's correlation as in 1 above.

3. The heat transfer coefficients associated with rated core spray flow should correspond to those derived from experimental data, assuming the cladding and channel box emissivity is equal to 0.9.

4. It should be assumed that channel wetting does not occur until 60 seconds following the wetting time calculated using the Yamanouchi analysis.

5. A range of conservatively calculated peaking factors should be studied and the combination selected which results in the most severe thermal transient for the break spectrum and combinations of systems analyzed.

6. The decay heat curve described in the proposed ANS Standard, with a 20 percent allowance for uncertainty, should be used. The fraction of decay heat generated in the hot rod should be considered to be 100 percent of this value unless a smaller value is justified. The effect of voids on reactivity during the blowdown may be taken into account.

PART 3—WESTINGHOUSE EVALUATION MODEL

Analyses should be performed for the entire break spectrum, up to and including the double-ended severance of the largest pipe of the reactor coolant pressure boundary. The combination of systems used for analyses should be derived from a failure mode and effects analysis, using the single-failure criterion.

The analytical techniques to be used are described in the topical report, "Westinghouse PWR Core Behavior Following a Loss-of-Coolant Accident" WCAP–7422–L January 1970 (Proprietary), and a supplementary proprietary Westinghouse report, "Emergency Core Cooling Performance," received June 1, 1971, and in an appropriate nonproprietary report to be furnished by Westinghouse, with the following exceptions:

For breaks greater than 0.5 ft.²—

1. The break discharge coefficient, (C_D), used with the Moody discharge flow model should be equal to 1 for all break sizes.

2. The decay heat curve described in the proposed ANS Standard, with a 20 percent allowance for uncertainty, should be used. The fraction of decay heat generated in the hot rod may be considered to be 95 percent of this value.

3. For large breaks in the range 0.6 to 1 times the total area of the double-ended break of the largest cold-leg pipe, two break models should be used. The first model should be the double-ended severance (Guillotine), which assumes that there is break flow from both ends of the broken pipe, but no communication between the broken ends. The second model should assume discharge from a single node (split).

4. The time after the break for the onset of departure from nucleate boiling at the hot spot should be equal to 0.1 second.

5. For cold leg breaks, all of the water injected by the accumulators prior to end-of-blowdown shall be assumed to be lost. In this context the end-of-blowdown shall be specified as the time at which zero break flow is first computed. The containment back pressure assumed for the blowdown analysis should not be higher than the initial pre-break pressure plus 90 percent of the increase in pressure calculated for the accident under consideration.

6. The pump resistance, K, used for analysis should be fully justified. The effect of pump speed upon K should be considered. The more conservative of two assumptions (locked or running) should be used for the pump during the blowdown calculation.

7. A calculation for the reflooding heat transfer should be performed. The containment back pressure assumed for the analysis should not be higher than the initial pre-break pressure plus 80 percent of the increase

in pressure calculated for the accident under consideration.

The following items should be constraints on the calculation:

a. No steam flow should be permitted in intact loops during the time period that accumulators are injecting.

b. Core exit quality should be calculated from entering mass flow rate and nominal FLECHT heat transfer.

c. Pump resistance should be calculated on the basis of a locked rotor.

d. The effects of the nitrogen gas in the accumulator, which is discharged following accumulator water discharge, should be taken into account in calculating steam flow as a function of time.

e. The pressure drop in the steam generator should be calculated with the existing fluid conditions and associated loss coefficients.

f. All effects of cold injection water, in either a hot or cold leg, on steam flow (and ΔP) should be included in the calculation.

g. The heat transfer coefficient during reflood should be derived from FLECHT data.

In view of the public health and safety considerations discussed above, the Commission has found that the interim acceptance criteria contained herein should be promulgated without delay, that notice of proposed issuance and public procedure thereon are impracticable, and that good cause exists for making the statement of policy effective upon publication in the FEDERAL REGISTER. The Commission invites all interested persons who desire to submit written comments or suggestions for consideration in connection with the statement of policy to send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. The Commission will consider all such comments and suggestions with the view to possible amendments and will issue a report. Additionally, the Commission will consider holding an informal public rule making hearing on this interim policy statement.

(Sec. 161, 68 Stat. 948, 80 Stat. 383, 81 Stat. 54; 42 U.S.C. 2201, 5 U.S.C. 552, 553)

Dated at Washington, D.C., this 25th day of June 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-9185 Filed 6-28-71;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23542; Order 71-6-127]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1971.

By Opinion and Order 70-12-165, December 31, 1970, the Board passed upon the provisions of a resolution of the carrier members of the Air Traffic Conference of America (ATC)[1] relating to the establishment of commission rates for travel agent sales of domestic air transportation and providing for certain amendments to the ATC process for the selection and retention of travel agents.[2] During the course that proceeding issues were raised with respect to whether the procedures employed by ATC in adopting the resolution, i.e., ATC's unanmious voting requirement, were contrary to the public interest because such had resulted in an inherently unfair compromise which was reflected by the inadequate level of agent compensation provided for in the resolution.[3]

In response to these allegations we concluded that the substantial issues raised by the unanimous features of ATC's bylaws warranted a general inquiry independent of our concern with the commission resolutions there before us. Consequently, we stated that we would address ourselves to the initiation of an inquiry relative to the unanimity voting procedures at a subsequent date, Order 70-12-165, supra, pages 14-15.

Accordingly, we are herein instituting a general investigation of all the ATC bylaws—not only those which encompass the unanimous voting procedures. We have concluded that the most appropriate avenue of exploring those issues raised by the unanimous voting procedures would be in the context of a thorough and complete investigation into the framework of the conference in which they are employed.

We have concluded that a formal evidentiary hearing is the most satisfactory means of resolving all of the issues raised by the ATC bylaws and would be in the public interest. Our limited experience with the unanimity provisions of the bylaws during the course of the proceedings in Docket 21305 has demonstrated to us that it would be extremely difficult if not essentially impossible to fully explore all of the issues raised by each provision of the bylaws on the basis of written comments alone.

The basic issue to be resolved in the proceeding will be whether the ATC bylaws should be approved or disapproved under section 412 of the Act. Of course, the subsidiary issues are subject to delineation at the prehearing conference. We would expect that such issues include the following: whether the unanimous voting procedures currently employed by ATC should be maintained and if not, whether a representative determination of the conference membership can and should be effected by different voting procedures; whether a carrier which seeks to take action independent of that which the whole conference has decided upon should be allowed to do so pursuant to requirements more flexible than the current ones; whether it is in the public interest to require membership in ATA as a condition to full membership in ATC; and related thereto whether it is in the public interest for ATC to function as part of ATA.[4]

Accordingly, it is ordered, That:

1. An investigation to be known as the "ATC Bylaws Investigation" be initiated for the purpose of determining whether such bylaws or any provisions thereof are adverse to the public interest and whether they should be approved under section 412 of the Act;

2. Said investigation be and it hereby is set for hearing before an examiner of the Board at a place and time to be hereafter designated; and

3. ATA, ATC, all carrier members of ATC, each travel agent and travel agent association participating in the commission proceeding in Docket 21305, and the Departments of Justice and Transportation be served with copies of this order and made parties to the proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-9168 Filed 6-28-71;8:50 am]

[1] ATC is one of four conferences of the Air Transport Association of America, the domestic scheduled air carrier industry trade association. The other conferences are: The Airline Finance and Accounting Conference; the Personnel Relations Conference; and the Airline Operations Conference. ATC deals primarily in traffic and sales matter and has a stated purpose of increasing the use and usefulness of air transportation and furthering the interest of the member carriers to deal with their mutual traffic, sales, and advertising problems.

[2] Agreements CAB 5044-A144, Docket 21305.

[3] This allegation was raised initially by by ARTA which was later joined therein by the Department of Justice which argued that the Board consider the unanimous voting procedures either in the commission proceeding or in a subsequent proceeding.

[4] We do not intend in this proceeding to reexamine our approval of any prior resolution adopted by ATC and approved by the Board, since the status of such resolutions under section 412 has already been examined and determined. To the extent the outcome of the investigation affects any extant resolution, we shall consider such matters subsequent to the conclusion of the investigation.

[Docket No. 22118]

HAWAIIAN SERVICE INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled investigation is postponed until August 3, 1971, at 10 a.m., e.d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

The date for filing requests for information and evidence, proposed statements of issues, and procedural dates by counsel for the Bureau of Air Operations is accordingly postponed until July 12, 1971, and the date for similar filings by Aloha and Hawaiian Airlines, and by any other parties, is postponed until July 26, 1971.

Dated at Washington, D.C., June 23, 1971.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[FR Doc.71-9166 Filed 6-28-71;8:50 am]

[Docket No. 22628; Order 71-6-119]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority June 23, 1971.

By Order 71-6-56, dated June 9, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the Joint Conferences of the International Air Transport Association (IATA). The agreement amends IATA resolutions recently approved by the Board, in that it would permit the combinability of normal fares in conjunction with excursion fares and that the stopover points covered by such normal fares shall not be counted for the purposes of determining the number of permissible stopovers under the excursion fares' rules.

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 71-6-56 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22472 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-9170 Filed 6-28-71;8:51 am]

[Docket No. 22034]

REOPENED TAG-WRIGHT CASE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will be held on July 6, 1971, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Ross I. Newmann.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on May 12, 1971, the Supplemental Prehearing Conference Report served on June 17, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 23, 1971.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[FR Doc.71-9167 Filed 6-28-71;8:50 am]

SEMO AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority June 22, 1971.

The Postmaster General filed a notice of intent June 7, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 59.48 cents per great circle aircraft mile for the transportation of mail by aircraft between Oklahoma City, Okla., and Dallas, Tex., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Semo Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 59.48 cents per great circle aircraft mile between Oklahoma City, Okla., and Dallas, Tex., based on five round trips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Semo Aviation, Inc., the Postmaster General, American Airlines, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Braniff Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Semo Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed with 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Semo Aviation, Inc., the Postmaster General, American Airlines, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., and Braniff Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-9169 Filed 6-28-71;8:51 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for Higher Education, Office of Education.

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

[FR Doc.71-9120 Filed 6-28-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of

the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Special Assistant to the Secretary for Civil Rights and Deputy Director, Office for Civil Rights, Office of the Secretary.

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

[FR Doc.71-9123 Filed 6-28-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary, Office of the Secretary.

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

[FR Doc.71-9124 Filed 6-28-71;8:46 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant Secretary for Workplace Standards.

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

[FR Doc.71-9121 Filed 6-28-71;8:46 am]

U.S. INFORMATION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the U.S. Information Agency to fill by noncareer executive assignment in the excepted service the position of Assistant Director (Motion Pictures and Television), Office of the Assistant Secretary.

By direction of the Commission.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-9122 Filed 6-28-71;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1075) has been filed by The Dow Chemical Co., Post Office Box 1706, Midland, MI 48640, proposing establishment of tolerances (21 CFR Part 420) for residues of the herbicide 2-*sec*-butyl-4,6-dinitrophenol applied as the phenol or its readily hydrolyzable salts (alkanolamine salts, ammonium salt, or sodium salt) in or on the raw agricultural commodities alfalfa and alfalfa hay, barley forage and straw, bean forage, birdsfoot trefoil and trefoil hay, clover and clover hay, oat forage and straw, pea vines, peanut vines, rye forage and straw, soybean forage, sweetclover and sweetclover hay, vetch and vetch hay, and wheat forage and straw at 1 part per million; and in or on almonds, apples, apricots, barley (grain), beans, blackberries, blueberries, boysenberries, cherries, citrus fruits, corn kernels and cobs (field corn, popcorn, and sweet corn), corn fodder and forage (field corn, popcorn, and sweet corn), cottonseed, cotton forage cucurbits, currants, dates, figs, filberts, garlic, gooseberries, grapes, hops, loganberries, nectarines, oats (grain), olives, onions, peaches, peanuts, pears, peas, pecans, peppermint, plums, potatoes, prunes, raspberries, rye (grain), soybeans, spearmint, strawberries, walnuts, and wheat (grain) at 0.1 part per million (negligible residue).

The analytical method proposed for determining residues of the herbicide is a colorimetric procedure in which the residue is extracted, buffered, and reextracted with 3-pentanone. The optical absorbance of the 2-*sec*-butyl-4,6-dinitrophenol salt is measured directly in 3-pentanone spectrophotometrically at 380 and 433 nanometers.

Dated: June 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-9135 Filed 6-28-71:8:47 am]

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1157) has been filed by Elanco Products Co. of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing establishment of tolerances (21 CFR Part 420) for residues of the fungicide 2-aminobutane in or on the raw agricultural commodities citrus fruits at 50 parts per million; kidney of cattle at 3 parts per million; and fat, liver, meat, and milk of cattle at 0.75 part per million.

The analytical method proposed in the petition for determining residues of the fungicide is a technique in which the volatile amines are converted to their 2,4-dinitrophenyl derivatives and are then separated by thin layer chromatography. Analysis is by gas chromatography with an electron affinity detector.

Dated: June 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-9136 Filed 6-28-71;8:47 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1150) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing establishment of a tolerance (21 CFR Part 420) for combined residues of the insecticide carbofuran and its metabolite 2,3-dihydro - 2,2 - dimethyl - 3 - hydroxy - 7 - benzofuranyl-N-methylcarbamate in or on the raw agricultural commodity potatoes at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a microcoulometric-gas chromatographic procedure with a nitrogen detector.

Dated: June 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-9137 Filed 6-28-71;8:47 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1163) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing establishment of tolerances (21 CFR Part 420) for combined residues of the insecticide carbofuran and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy - 7 - benzofuranyl-*N*-methylcarbamate in or on the raw agricultural commodities subar beet tops at 1 part per million and sugar beet roots at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic

technique using a nitrogen-specific microcoulometric detection system.

Dated: June 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-9138 Filed 6-28-71;8:48 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

EXCHANGE BANK

Notice of Application for Exemption

Pursuant to authority granted the Corporation under section 12 (h) and (i) of the Securities Exchange Act of 1934, as amended, notice is hereby given to all interested parties that The Exchange Bank, Attalla, Ala., has applied to the Federal Deposit Insurance Corporation for exemption from certain provisions of that Act. The bank has asked the Corporation to exempt it from the requirements of section 12 of the Act. Even though they have only requested an exemption from section 12, such an exemption would also exempt them from the requirements of sections 13, 14, and 16 of the Act.

Interested persons are given the opportunity to present their written views or comments on this application within 20 days following the date of publication of this notice in the FEDERAL REGISTER. Communications should be addressed to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

Dated: June 24, 1971.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] HANNAH R. GARDINER,
Acting Secretary.

[FR Doc.71-9159 Filed 6-28-71;8:50 am]

FEDERAL MARITIME COMMISSION

[No. 71-17]

MILITARY SEALIFT COMMAND

Permission To Intervene and Schedule for Replies Regarding Nonassessment of Fuel Surcharges on Rates

Violations of sections 14 Fourth, 16 First and 17, Shipping Act, 1916, in the nonassessment of fuel surcharges on Military Sealift Command (MSC) rates under the MSC request for rate proposals (RFP) bidding system.

Military Sealift Command, on behalf of the Department of Defense, has petitioned to intervene in this proceeding on the grounds that the outcome of the proceeding may have an impact on the rates which the U.S. Government must pay the respondent carriers. Petitioner's interest is apparent and accordingly the petition to intervene is hereby granted.

Military Sealift Command has also filed a memorandum of law in support of its position in this matter. In fairness to other parties to this proceeding the filing schedule is hereby revised to permit replies to interveners memorandum of law by all parties to this proceeding. Any such replies shall be submitted on or before June 30, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9148 Filed 6-28-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. CS71-800 etc.]

MOLTREY OIL CORP. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 18, 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 July 12, 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,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS71-800	5- 3-71	Moltrey Oil Corp., 1912 The 600 Bldg., Corpus Christi, Tex. 78401.
CS71-801	5- 3-71	A. O. Morgan, 1912 The 600 Bldg., Corpus Christi, Tex. 78401.
CS71-802	5- 3-71	A. Frank Ausanka d.b.a. Ausanka Oil Operations, 606 Oil and Gas Bldg., Wichita Falls, Tex. 76301.
CS71-803	5- 3-71	V. H. Honeymon, Box 94413, Oklahoma City, OK 71319.
CS71-804	5- 3-71	D. H. Bolin, 1120 Oil and Gas Bldg., Wichita Falls, Tex. 76301.
CS71-805	5- 3-71	Bolin Oil Co., 1120 Oil and Gas Bldg., Wichita Falls, Tex. 76301.
CS71-806	5- 3-71	Janana Darby Cranfield and Job S. Darby, Jr., 10825 Roaring Brook Lane, Houston, TX 77024.
CS71-807	5- 3-71	Sheldon K. Beren, 1776 Lincoln St., Suite 601, Denver, CO 80203.
CS71-808	5- 3-71	A. G. Ollphant, Operator, 602 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.
CS71-809	5- 3-71	Puenticitas Oil Co., Agent (Operator), et al., Post Office Box 466, Robstown, TX 78380.
CS71-810	5- 3-71	Susybelle Wilkinson Lyons, 1500 Beck Bldg., Shreveport, La. 71101.
CS71-811	5- 3-71	William O. Watson, Jr., 1500 Beck Bldg., Shreveport, La. 71101.
CS71-812	5- 3-71	George L. Logan, 903 Beck Bldg., Shreveport, La. 71101.
CS71-813	5- 3-71	J. C. Barnes, Jr., Post Office Box 505, Midland, TX 79701.
CS71-814	5- 3-71	Russell J. Ramsland, Post Office Box 505, Midland, TX 79701.
CS71-815	5- 3-71	W. F. Wynn, Post Office Box 505, Midland, TX 79701.
CS71-816	5- 3-71	Barnes Adelante Trusts, Post Office Box 505, Midland, TX 79701.
CS71-817	5- 3-71	Barnes Adelante Trusts No. 2, Post Office Box 505, Midland, TX 79701.
CS71-818	5- 3-71	Trusts under Trust Indenture dated Nov. 21, 1961, Post Office Box 505, Midland, TX 79701.
CS71-819	5- 3-71	Harry Bourg Corp., Suite 2211, 225 Baronne St., New Orleans, LA 70112.
CS71-820	5- 3-71	Superwell Development Corp., Post Office Box 36389, Houston, TX 77036.
CS71-821	5- 3-71	W. Howell Cocke, Jr., 1560 Post Oak Tower, Houston, Tex. 77027.
CS71-822	5- 3-71	Mrs. Evelyn Schaefer Luke, 13727 Tosca Lane, Houston, TX 77024.
CS71-823	5- 3-71	The First National Bank of Shreveport, Trustee U/W of James R. Nowery, Post Office Box 1116, Shreveport, LA 71102.
CS71-824	5- 3-71	Joseph F. Fritz Operating Co., Post Office Box 206, Clinton, MS 39056.
CS71-825	5- 3-71	Cleary Petroleum Corp., 310 Kermac Bldg., Oklahoma City, Okla. 73102.
CS71-826	4-26-71	Commercial National Bank in Shreveport, Trustee for Mrs. Jean Whitwell Carpenter, Post Office Box 1110, Shreveport, LA 71102.
CS71-827	4-26-71	Commercial National Bank in Shreveport, Trustee for Mrs. Marcia Whitwell Persons, Post Office Box 1119, Shreveport, LA 71102.
CS71-828	5- 4-71	Estate of W. P. Prentiss, 730 Lane Bldg., Shreveport, La. 71101.
CS71-829	5- 4-71	Marine Minerals, Inc. (Operator) et al., 665 San Jacinto Bldg., Houston, Tex. 77002.

Docket No.	Date filed	Name of applicant
CS71-830...	5- 4-71	(i) Frank C. Nelms, (ii) Estate of H. G. Nelms, (iii) Estate of Wheeler Nazro, 665 San Jacinto Bldg., Houston, Tex. 77002.
CS71-831...	5- 4-71	Katherine Adger Atkins et al., Post Office Box 1838, Shreveport, LA 71102.
CS71-832...	5- 4-71	Gladstone Gasoline Co., Post Office Box 1838, Shreveport, LA 71102.
CS71-833...	5- 4-71	W. W. F. Oil Corp., Post Office Box 1746, Shreveport, LA 71102.
CS71-834...	5- 4-71	Rosett & Motes, Inc., Post Office Box 910, Shreveport, LA 71101.
CS71-835...	5- 4-71	John B. Atkins, Jr., Post Office Box 1838, Shreveport, LA 71102.
CS71-836...	5- 4-71	William J. Atkins, Post Office Box 1838, Shreveport, LA 71102.
CS71-837...	5- 4-71	Mrs. Caroline A. Crawford, Post Office Box 1838, Shreveport, LA 71102.
CS71-838...	5- 4-71	O K Oil Operators et al. (successor to O K & B Drilling Co.), 4545 Lincoln Blvd., Oklahoma City, OK 73105.
CS71-839...	5- 5-71	Hugh L. Umphres, Jr., S. Keith Tuthill, and Bill J. Barbee, 211 Vaughn Bldg., Amarillo, Tex. 79101.
CS71-840...	5- 5-71	Prentice Oil & Gas Co., Post Office Box 1030, Houma, LA 70360.
CS71-841...	5- 5-71	David Crow et al., 2000 Beck Bldg., Shreveport, LA 71101.
CS71-842...	5- 5-71	Roy Lee Rogers, Jr., 509 Ray P. Oden Bldg., Post Office Box 362, Shreveport, LA 71102.
CS71-843...	5- 5-71	Margaret B. Smitherman, 903 Beck Bldg., Shreveport, LA 71101.
CS71-844...	5- 5-71	Donald A. Beadle, The 600 Bldg., Corpus Christi, Tex. 78401.
CS71-845...	5- 5-71	LaCoastal Petroleum Corp., 1868 West Mockingbird Lane, Dallas, TX 75235.
CS71-846...	5- 5-71	Trinity Gas Corp., 1150 Mercantile Dallas Bldg., Dallas, Tex. 75201.
CS71-847...	5- 5-71	Phillip Lynn Sampson, 3710 Ella Lee Lane, Houston, TX 77027.
CS71-848...	5- 5-71	Edward W. Sampson, Jr., 1317 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS71-849...	5- 5-71	Estate of Annie R. Bass, 12th Floor, Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS71-850...	5- 5-71	Eugene H. Perry, 1005 Trans-American Life Bldg., Fort Worth, Tex. 76102
CS71-851...	5- 5-71	Voit Gilmore, Post Office Box 289, Southern Pines, NC 28387.
CS71-852...	5- 5-71	McMahon Oil Co., 1313 8th St., Wichita Falls, TX 76301.
CS71-853...	5- 5-71	Marshall Exploration, Inc., Post Office Box 729, Marshall, TX 75670.
CS71-854...	5- 5-71	Jack Bleakley, Post Office Box 408, San Angelo, TX 76901.
CS71-855...	5- 5-71	W. Earl Rowe, Operator et al., 930 Milam Bldg., San Antonio, Tex. 78205.
CS71-856...	5- 5-71	W. T. Waggoner Estate, Post Office Box 2130, Vernon, TX 76384.
CS71-857...	5- 6 71	Investors Royalty Co., Inc., 510 Oklahoma Natural Bldg., Tulsa, Okla. 74119.
CS71-858...	5- 6-71	Fair Oil Co., Post Office Box 689, Tyler, TX 75701.
CS71-859...	5- 6-71	A. M. Jackson, 730 Lane Bldg., Shreveport, La. 71101.
CS71-860...	5- 6-71	James A. Ford d.b.a. Cypress Gas Co., Post Office Box 9111, Amarillo, TX 79105.
CS71-861...	5- 6-71	Merlin C. Stickelber, 114 East 5th St., Tulsa, OK 74103.
CS71-862...	5- 6-71	Moran Bros., Inc., 1000 Petroleum Bldg., Wichita Falls, Tex. 76301.
CS71-863...	5- 6-71	Joe J. Peters, 2621 South Terwillega Blvd., Tulsa, OK 74116.
CS71-864...	5- 6-71	Chaparral Oil & Gas Co., Post Office Box B, Aztec, NM 87410.
CS71-865...	5- 6-71	James R. McEldowney, Box 94413, Oklahoma City, OK 71319.
CS71-866...	5- 6-71	Marion Corp., 114 East 5th St. Tulsa, OK 74103.
CS71-867...	5- 6-71	Hoover & Bracken, Inc., 1702 Fidelity Bank Bldg., Oklahoma City, Okla. 73102.
CS71-868...	5- 6-71	Robert M. Hoover, Jr., 1702 Fidelity Bank Bldg., Oklahoma City, Okla. 73102.
CS71-869...	5- 7-71	H. C. and Gertrude B. Andrewski, Post Office Box 60089, Oklahoma City, OK 73106.
CS71-870...	5- 7-71	Amarex Funds of Delaware, Inc., 614 East Bldg., 2000 Classen Center, Oklahoma City, OK 73106.
CS71-871...	5- 7-71	S. R. Cohagan, 1734 Milam Bldg., San Antonio, Tex. 78205.
CS71-872...	5- 7-71	Harry Kilian, 2130 Chamber of Commerce Bldg., Houston, Tex. 77002.
CS71-873...	5- 7-71	Cooper Bryant, 1084 Parkwood Pl., Jackson, MS 39206.
CS71-874...	5- 7-71	William V. Conover, Suite 710, 2001 Kirby Dr., Houston, TX 77019.
CS71-875...	5- 4-71	Robert P. Evans, 1502 Beck Bldg., Shreveport, La. 71101.
CS71-876...	5- 4-71	Jones-O'Brien, Inc., Post Office Box 5152, Shreveport, LA 71105.
CS71-877...	5- 3-71	The Boswell Corp., 310 Kermac Bldg., Oklahoma City, Okla. 73102.
CS71-878...	5- 6-71	Hurley Petroleum Corp., 400 Petroleum Bldg., Shreveport, La. 71101.
CS71-879...	5- 6-71	Hurley Oil and Gas Co., 400 Petroleum Bldg., Shreveport, La. 71101.
CS71-880...	5- 7-71	Gus Canales, 1010 Wilson Bldg., Corpus Christi, Tex. 78401.
CS71-881...	5- 7-71	Comet Petroleum Corp., Suite 500, 200 West Douglas, Wichita, KS 67202.
CS71-882...	5-10-71	Robert B. Prentice, Post Office Box 1030, Houma, LA 70360.
CS71-883...	5-10-71	Roger H. Davis, 1150 Mercantile Continental Bldg., Dallas, Tex. 75201.
CS71-884...	5-10-71	P. G. LeGendre, 523 Gladstone Blvd., Shreveport, LA 71104.
CS71-885...	5-10-71	Tibor St. John de Cholnoky, 140 East 47th Street, Apt. 5c, New York, NY 10017.
CS71-886...	5-10-71	Douglas R. Cummings, 3141 Northwest 61st St., Oklahoma City, OK 73112.
CS71-887...	5-10-71	Harry L. Blackstock, Jr. (Operator), et al., 300 Hightower Bldg., Oklahoma City, Okla. 73102.
CS71-888...	5-10-71	Wood Oil Co., 800 Thurston National Bldg., Tulsa, Okla. 74103.
CS71-889...	5-10-71	Sutton Producing Corp., Operator, et al., 2145 Zercher Rd., San Antonio, TX 78209.
CS71-890...	5-10-71	Paladin Petroleum, Inc., 421 Cravens Bldg., Oklahoma City, Okla. 73102.
CS71-891...	5-10-71	M & M Producing Co., 604 Johnson Bldg., Shreveport, La. 71101.
CS71-892...	5-10-71	W. F. Whitfield et al., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-893...	5-10-71	B. J. Brown, 701 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS71-894...	5-10-71	C. M. Jeffries, 2237 Beech Lane, Pampa, TX 79065.
CS71-895...	5-10-71	Allan C. King, 538 Main Bldg., Houston, Tex. 77002.
CS71-896...	5-10-71	W. J. Goldston, 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-897...	5-10-71	Goldrus Drilling Co., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-898...	5-10-71	Goldking Production Co., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-899...	5-10-71	Royal Oil & Gas Corp., Clark Bldg., 115 South 6th St., Indiana, PA 15701.

[FR Doc.71-9037 Filed 6-28-71;8:45 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEES

Order Designating Additional Members

JUNE 21, 1971.

The Federal Power Commission by order issued April 6, 1971, established three Technical Advisory Committees of the National Gas Survey.

1. *Membership.* Additional members to the Technical Advisory Committees, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

TECHNICAL ADVISORY COMMITTEE—SUPPLY

Leroy Culbertson.	Vice president	Phillips Petroleum Co.
Arthur Fain	Assistant general manager.	Texaco, Inc.
John R. Grey	Vice president	Standard Oil Co. of California.
Arthur T. Guernsey.	Planning manager.	Shell Oil Co.
Stanley Learned	Consultant	Independent.
Richard J. Murdy.	Assistant to the president.	Consolidated Natural Gas Co.
Howard McKinley.	Vice president	Continental Oil Co.
Ernest L. Petree	Vice president	Gulf Oil Co.
John W. Phenicie.	Vice president	Amoco Production Co.

TECHNICAL ADVISORY COMMITTEE—TRANSMISSION

Orval C. Davis	President	Natural Gas Pipeline Co. of America.
George F. Kirby	President	Texas Eastern Transmission Corp.
Wilber H. Mack	President	Michigan Wisconsin Pipe Line Co.
John W. Morton	President	Cities Service Gas Co.

TECHNICAL ADVISORY COMMITTEE—DISTRIBUTION

Buell G. Duncan	Chairman	Piedmont Natural Gas Co., Inc.
James F. Gary	President	Honolulu Gas Co., Ltd.
Calvin R. Henze	President	Memphis Light, Gas & Water Division.
Robert R. Herring.	President	Houston Natural Gas Corp.
C. C. Ingram	Chairman	Oklahoma Natural Gas Co.
Paul W. Kraemer	President	Minneapolis Gas Co.
Ward C. McCallister.	President	The Peoples Gas Light & Coke Co.
John W. Partridge.	Chairman	Columbia Gas System, Inc.
Thomas L. Pelican.	President	Colorado Interstate Gas Co.
Joseph R. Rensch.	President	Pacific Lighting Service Co.
William P. Woods	Chairman	Washington Natural Gas Co

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-9103 Filed 6-28-71;8:45 am]

FEDERAL TRADE COMMISSION

STATEMENT OF ORGANIZATION

Field Offices; Correction

In F.R. Doc. 71-6865 appearing at pages 9044-9045 in the issue for Tuesday, May 18, 1971, the address of the St. Louis Field Station starting in the sixth line of section 18(b)(5) should read as follows:

Federal Trade Commission, Room 1414, 210 North 12th Street, St. Louis, MO 63101.

By direction of the Commission dated June 23, 1971.

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

[FR Doc. 71-9165 Filed 6-28-71;8:50 am]

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

DRAFT ENVIRONMENTAL STATEMENT

Notice of Availability and Request for Comments From State and Local Agencies and Private Interests

Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that this agency has prepared a draft statement which discusses environmental considerations relating to the proposed enlargement of the existing Hackney Floodway and the closure of Mission Floodway, both located south of McAllen, Hidalgo County, Tex. A copy of the statement is being placed in the Office of the Country Director for Mexico, Room 3906-A, Department of State, 21st Street and Virginia Avenue NW., Washington, DC, in the office of the Project Superintendent, U.S. Section, International Boundary and Water Commission, 208 South F Street, Harlingen, TX, and in the office of the U.S. Section, Chief of Planning and Reports, 809 Southwest Center, El Paso, TX. The environmental analysis statement was prepared as a part of the study of the necessary improvements to the existing flood control project being undertaken by the two countries.

Comments are particularly invited from State and local agencies or groups which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved, from which comments have not been specifically requested.

Copies of the draft environmental statement have been sent to the Environmental Protection Agency; Department of Health, Education, and Welfare; Department of Agriculture, Soil Conservation Service; Department of the Interior, Bureau of Sport Fisheries and Wildlife, National Park Service, Bureau of Outdoor Recreation; Department of the Army, Corps of Engineers; Division of Planning Coordination, Office of the Governor, State of Texas; Lower Rio Grande Development Council; and various conservation associations in Texas.

Comments are requested within 60 days of publication of this notice in the FEDERAL REGISTER. If any such State, local or Federal agency which has not received a specific request for comments fails to provide the U.S. Section with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed the agency has no comments to make.

Comments are also requested from any interested individual or association within 60 days of publication of this notice in the FEDERAL REGISTER.

Comments concerning the environmental effect of the construction proposed should be addressed to D. D. McNealy, Principal Engineer, Projects, U.S. Section, International Boundary and Water Commission, Post Office Box 1859, El Paso, TX 79950.

Copies of the draft statement, dated June 18, 1971, and the comment thereon of Federal and State agencies (whose comments are being separately requested by the U.S. Section) will be supplied to such local agencies, individuals or associations upon request addressed to the Commissioner, U.S. Section, International Boundary and Water Commission, Post Office Box 1859, El Paso, TX 79950.

Dated at El Paso, Tex., this 18th day of June 1971.

FRANK P. FULLERTON, *Executive Assistant.*

[FR Doc.71-9109 Filed 6-28-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2943]

CASYNDEKAN, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

JUNE 23, 1971.

I. Casyndekan, Inc. (issuer), a Colorado corporation, Suite 1050 Holly Sugar Building, Chase Stone Center, Colorado Springs, Colo. 80902, filed with the Commission on February 18, 1970, a notification on Form 1-A and an offering circular relating to an offering of 100,000 shares of common stock at $3 per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The offering circular stated that the shares were to be sold by James B. Wahrenbrock, Treasurer, and the issuer's officers, directors, and employees and that no commissions were to be paid on the sales. The offering commenced on April 1, 1970, and was completed on December 31, 1970.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A were not complied with in that:

1. Offers and sales of the aforementioned securities of the issuer were made to individuals who were not furnished with an offering circular as required by Rule 256(a).

2. The issuer failed to file all sales material used in connection with the offering as required by Rule 258.

3. Offers and sales of the aforementioned securities of the issuer were made in States other than as listed in response to Item 8 of the Form 1-A filed by the issuer.

4. The Form 2-A report filed by the issuer failed to respond adequately and accurately to the items of that form with respect to use of proceeds from the offering.

5. The offering circular failed to state adequately and accurately the method by which the securities of the issuer were to be offered as required by Item 5 of Schedule I.

6. The offering circular failed to state accurately the use to which proceeds of the offering would be applied as required by Item 6(a) of Schedule I.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to state that salaries of officers and directors were to be paid from proceeds of the offering, and the failure to state correctly the amount of proceeds to be used for computer and office equipment rent.

2. The failure to state that proceeds from sale of the aforementioned securities were to be held in escrow as required by the Colorado Securities Commissioner until 85 percent of the offering was sold.

3. The failure to name each State in which the issuer's securities were to be sold.

4. The names of all those individuals who were engaging in underwriting activities on behalf of the issuer.

C. Sales literature used in connection with the offer and sale of the aforementioned securities contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The products offered by the issuer, and the marketing of those products.

2. The services offered and to be offered by the issuer and the marketing of those services.

3. The progress of the issuer during the first half of 1970.

4. The sales efforts anticipated for the last half of 1970.

D. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the matters described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a), of the general rules and regulations under the Securities Act of 1933, as

amended, that the exemption of Casyndekan, Inc., under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 13th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-9152; Filed 6-28-71;8:49 am]

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

JUNE 23, 1971.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange, and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 24, 1971, through July 3, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-9153 Filed 6-28-71;8:49 am]

[811-2042]

FIRST MINNEAPOLIS GROWTH INVESTMENT FUND

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 23, 1971.

Notice is hereby given that First Minneapolis Growth Investment Fund (Applicant), 120 South Sixth Street, Minneapolis, MN 55402, a collective investment fund established in the State of Minnesota registered as an open-end, diversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant represents that it registered under the Act on March 11, 1970, by filing a notification of registration on Form N-8A.

Applicant states that at the time of registration sales of the units of participation which it planned to offer to the public were prohibited, pending the approval of the Comptroller of the Currency. The Comptroller is now precluded from granting such approval and, therefore, the Fund will not engage in the business of an investment company. Applicant has not offered or sold any securities to the public. Further, Applicant does not intend to initiate other registrations. For this reason the Applicant has requested that its registration be withdrawn.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 12, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-9154 Filed 6-28-71;8:49 am]

[811-2043]

FIRST MINNEAPOLIS INCOME INVESTMENT FUND

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 23, 1971.

Notice is hereby given that First Minneapolis Income Investment Fund (Applicant), 120 South Sixth Street, Minneapolis, MN 55402, a collective investment fund established in the State of Minnesota, registered as an open-end, diversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant represents that it registered under the Act on March 11, 1970, by filing a notification of registration on Form N-8A.

Applicant states that at the time of registration, sales of the units of participation which it planned to offer to the public were prohibited, pending the approval of the Comptroller of the Currency. The Comptroller is now precluded from granting such approval and, therefore, the Fund will not engage in the business of an investment company. Applicant has not offered or sold any securities to the public. Further, Applicant does not intend to initiate other registrations. For this reason the Applicant has requested that its registration be withdrawn.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 12, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-9155 Filed 6-28-71;8:49 am]

[File No. 500-1]

MEDICAL INVESTMENT CORP.

Order Suspending Trading

JUNE 22, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Medical Investment Corp. (a Minnesota corporation) and all other securities of Medical Investment Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 23, 1971, through July 2, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-9157 Filed 6-28-71;8:49 am]

[812-2938]

PACIFIC SILVER CORP.

Notice of Filing of Application for Order Declaring That Company is Not an Investment Company

JUNE 23, 1971.

Notice is hereby given that Pacific Silver Corp. (Applicant), 1320 Ala Moana Building, 1441 Kapiolani Boulevard, Honolulu, HI 96814, organized under the laws of the State of Hawaii, has filed an application for an order of the Commission pursuant to section 3(b)(2) of the Investment Company Act of 1940 (Act) declaring that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority owned subsidiaries, or through controlled companies conducting similar types of businesses. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant's assets were valued at $1,625,461 on January 31, 1971. On that date, Applicant owned 242,730 shares of common stock of Silver King Mines, Inc. (King), a Nevada corporation engaged in various mining activities, whose stock Applicant carried at $1,360,054, an average of $5.60 a share. As of April 19, 1971, Applicant's holding in King had increased to 267,730 shares which represented 13.95 percent of the outstanding shares of King. In addition Applicant has the right to acquire, pursuant to the terms of a subscription agreement dated June 1, 1970, an additional 50,000 shares of King at $4.50 per share. Upon exercise of its right, Applicant would own 317,730 shares of King or 16.55 percent of the amount outstanding, with an average cost price to Applicant at such time of $5.34 per share. Applicant states that on April 12, 1971, King stock was quoted at $7.25 a share in the over-the-counter market.

Applicant, because of its stockholding in King, which amounts to more than 40 percent of its assets, concedes that it is within the provisions of section 3(a)(3) of the Act. Applicant states, however, that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities through its controlled company, King. Applicant states in support of its contention that it controls King that it is the largest shareholder of King, and that the only other shareholder owning over 5 percent of the outstanding shares of King is Kay L. Stoker, President and Chairman of the Board of Applicant, who owns approximately 6.7 percent of the outstanding shares of King. Stoker is also president and a director of King. Applicant states that its officer and directors as a group own 11.57 percent of the outstanding shares of King and that when such shares are added to the shares owned directly by Applicant and the 50,000 shares to be acquired pursuant to the subscription agreement, the total represents 28.12 percent of the outstanding shares of King. Applicant states that considering the wide disbursement of the stock of King and the amount owned and controlled by Applicant and its officers, it has the power to exercise a controlling influence over the management or policies of King within the meaning of section 2(a)(9) of the Act.

Applicant states that on March 1, 1970, Applicant and King entered into a joint venture agreement (the "Agreement") for an equal participation in properties and projects known as the Seven Devils Mining District, Idaho, and the Tybo Mining District, Nevada (the "Districts"). The Agreement provides that the operations will be under the supervision of a joint board consisting of five members with three nominees from King, which will actually operate the properties, and two nominees from Applicant, which will participate equally as to all expenditures and receipts. However, Applicant represents that due to common directors, three of the five members of the joint board are directors of Applicant. Applicant valued its investment in the joint venture at $197,208 on January 31, 1971. Article 10 of the Agreement provides that if either Applicant or King acquires any additional property within the Districts, then the other party shall be given an opportunity to elect to have such property transferred to the joint venture upon reimbursing the purchaser for one-half of the amount paid. Article 10 also provides that if either Applicant or King acquires any property not located in the Districts and offers a joint participation to a third party, the other contracting party shall have a first right to enter into such joint participation on the same terms and conditions as was offered to the third party. Applicant asserts that both prior to and at the time of its entry into the Agreement, it controlled King, and through this control was itself directly engaged in the mining business, and thus would have then been entitled to an order pursuant to section 3(b)(2) of the Act.

Applicant, which was formed in 1964, states that it has had virtually no income, either by way of dividend on its King stock or from any other source since 1968, and that the financing of its operations has been out of capital. The only revenue received by Applicant since 1968 has come principally from interest paid pursuant to the terms of stock subscriptions.

Applicant also states that its involvement in the mining business both through its direct participation in joint ventures and indirectly through its control of King is underscored by the fact that the training and experience of the common principal executive officer is exclusively in the mining business, and that of its 12 directors, six serve as directors of King which has 13 directors. Applicant also states that the business of King and Applicant are substantially the same. The interrelationship of the two companies, Applicant states, is further evidenced by King's ownership of 9.15 percent of the outstanding shares of Applicant. Applicant states that such ownership will be reduced if a contemplated public offering by Applicant and a secondary offering by King, for which a registration statement on Form S–3 has been filed with the Commission, is successful. Applicant further states that a substantial portion of the proceeds of such public offering will be used to develop the properties jointly held by Applicant and King.

Section 3(b)(2) of the Act, among other things, excepts from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than July 15, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–9158 Filed 6–28–71;8:49 am]

[File No. 500–1]

PIED PIPER YACHT CHARTERS CORP.

Order Suspending Trading

JUNE 22, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pied Piper Yacht Charters Corp. (a Delaware corporation) and all other securities of Pied Piper Yacht Charters Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 22, 1971, 3:30 p.m., e.d.s.t., through July 2, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–9156 Filed 6–28–71;8:49 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4, Rev. 2; Amdt. 5]

ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Revocation of Authority To Declare Disasters

Delegation of Authority No. 4, Revision 2 (35 F.R. 13234), as amended (35 F.R. 16759, 36 F.R. 653, 36 F.R. 8537, and 36 F.R. 11491), is hereby further amended by revoking Items I.E. and I.F. in their entirety.

Item I.E. gave the Associate Administrator for Financial Assistance the authority to extend the original disaster period resulting from a disaster declaration and Item I.F. gave him the authority to declare a disaster area and period in the absence of both the Administrator and Deputy Administrator.

All authority previously delegated by the Administrator to the Associate Administrator for Financial Assistance in the above-mentioned items is hereby revoked without prejudice to actions taken under such delegation prior to the effective date hereof.

Effective date: June 3, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71–9112 Filed 6–28–71;8:45 am]

[Delegation of Authority No. 50, Rev. 3; Amdt. 4]

ASSOCIATE ADMINISTRATOR FOR OPERATIONS AND INVESTMENT

Delegation of Authority To Declare Disasters

Delegation of Authority No. 50, Revision 3 (25 F.R. 7418), as amended (26 F.R. 4440, 27 F.R. 1303, and 31 F.R. 13563), is hereby further amended by adding subsections I.E. and I.F. as follows:

I. * * *

E. To declare a disaster area and period.

F. To extend the original disaster period resulting from a disaster declaration.

Effective date: June 3, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71–9114 Filed 6–28–71;8:45 am]

[Delegation of Authority No. 1, Rev. 2; Amdt. 1]

DEPUTY ADMINISTRATOR

Delegation of Authority To Declare Disasters

Delegation of Authority No. 1, Revision 2 (32 F.R. 177), is hereby amended by adding the following new paragraph to the end of the present delegation:

The Deputy Administrator is authorized to declare a disaster area and period and to extend the original disaster period resulting from a disaster declaration.

Effective date: June 3, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71–9113 Filed 6–28–71;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[Docket No. 100–71]

ARO, INC.

Notice of Hearing Regarding Violation of Contract

The Director of the Office of Federal Contract Compliance (hereinafter the Director), having reason to believe that the provisions of the contracts referred to herein have been violated, having given ARO, Inc. (hereinafter the respondent), notice of proposed termination of existing contracts and determination of contract ineligibility under the authority of Executive Order 11246, as amended (30 F.R. 12319; 32 F.R. 14303), and the regulations pursuant thereto (41 CFR Ch. 60), and respondent having requested a hearing on these proposed actions, hereby sets this matter down for hearing to be conducted in accordance with specific procedures established for use at this hearing, copies of which may

be obtained by submitting a written request to the Director, OFCC, U.S. Department of Labor, Washington, D.C. 20210, or by calling 202–961–3418.

The allegations on which the Director's proposed action is based are as follows:

1. Respondent, ARO, Inc., is a corporation organized under the laws of the State of Tennessee. Its single establishment is located at Arnold Air Force Station, TN 37389, where approximately 3,100 persons are employed. Respondent is engaged in the operation and maintenance of advanced flight simulation testing facilities (Arnold Engineering and Development Center) for the U.S. Air Force; its operations include research, development, testing, and evaluation of aerospace components and vehicles.

2. At all times material hereto, respondent has had contracts with the United States and thus has been subject to the contractual obligations imposed by Executive Order 11246, as amended, and its predecessors.

3. In accordance with the requirements of section 202 of Executive Order 11246, as amended (30 F.R. 12319; 32 F.R. 14303), and the corresponding sections of preceding Executive orders, the contract(s) between respondent and the United States contain an "equal employment opportunity clause." This "equal employment opportunity clause" provides in part: "(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment; upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship."

4. The representatives of respondent's approximately 1,364 bargaining unit employees is the Air Engineering Metal Trades Council and Affiliated Unions, AFL–CIO (hereinafter the Metal Trades Council), a labor organization comprised of the following 13 local unions: Local 515, Truck Drivers and Helpers; Local 51, Sheet Metal Workers International Association; Local 2113, International Brotherhood of Electrical Workers; Local 456, Brotherhood of Painters, Decorators and Paperhangers of America; Local 352, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada; Local 174, International Hod Carriers, Building and Common Laborers' Union of America; Local F–14, International Association of Fire Fighters; Local 1501, International Association of Machinists; Local 57, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers; Local 917, International Union of Operating Engineers; Local 704, International Association of Bridge, Structural and Ornamental Iron Workers; Local 2470, Tri-State Carpenters District Council; Local 572, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

5. The Metal Trades Council has entered into collective bargaining agreements with respondent concerning wages, hours, and other terms and conditions of employment for operations, maintenance, and service employees at its establishment.

6. Respondent has engaged in employment practices which have discriminated against Negroes on the basis of their race and color in the hiring, assignment, transfer, promotion, layoff, and recall of employees.

7. Respondent has had a policy of hiring and assigning its employees on the basis of race and color; hiring Negroes for and assigning them to low-paying, menial jobs in the laborer, janitor, and track laborer classifications, and failing or refusing to hire them for traditionally white jobs in the bargaining unit. All or virtually all of respondent's Negro employees who were hired or transferred into the bargaining unit have been adversley affected by this policy.

8. Respondent has engaged and continues to engage in employment practices which perpetuate the effects of past discrimination and which have discriminated and continue to discriminate against Negroes on the basis of their race and color in hiring, promotion, transfer, layoff, recall, and other conditions of employment. These practices include:

(a) Maintenance of traditionally Negro jobs, located in the building service, laborer, and track laborer seniority groups, to which all but one of respondent's Negro bargaining unit employees were assigned upon entry into the unit.

(b) Maintenance of a seniority system for promotion, transfer, layoff, recall, and shift preference, which makes it difficult or impossible for Negro employees to have an equal opportunity to compete with their similarly situated white contemporaries for more desirable, better paying, traditionally white jobs.

(c) Failure or refusal to implement the changes in terms or conditions of employment described in the Agreement of June 27, 1970, between respondent, the Agency for International Development and the Office of Federal Contract Compliance, and/or other appropriate affirmative action to correct fully the present effects of past discrimination.

9. The discriminatory policies and practices of respondent have been repeatedly brought to the attention of its officials by the Department of Defense, the Agency for International Development, and the Office of Federal Contract Compliance over an 18-month period beginning October 27, 1969. Government officials have made reasonable, but unsuccessful, efforts within a reasonable time limitation to obtain voluntary compliance with the requirements of Executive Order 11246, as amended, by means of conference, conciliation, mediation, and persuasion. Such efforts have included numerous contacts between the respondent and Government representatives during 1970, including conciliation conferences held on June 26, 1970, and September 10, 1970.

10. The acts and practices of respondent described in paragraphs 6, 7, and 8 above constitute violations of the contractual obligations imposed upon it by virtue of Executive Order 11246, as amended, and the rules, regulations and orders pursuant thereto.

Wherefore, a hearing examiner designated by the Chief Hearing Examiner under the direction of the Secretary of Labor shall hear and determine this matter in accordance with the attached Rules of Procedure, and recommend to the Secretary whether,

(a) Pursuant to section 209(a)(5) of Executive Order 11246, as amended, the Secretary shall cause to be terminated all existing contracts or any portion or portions thereof which the respondent holds with agencies and departments of the Federal Government and all subcontracts as defined in 41 CFR 60–1.3(w); and

(b) Pursuant to sections 202 and 209(a)(6) of Executive Order 11246, as amended, and 41 CFR 60–1.26(b), the Secretary shall declare the respondent ineligible for further contracts, subcontracts, and extensions of existing contracts or subcontracts until the respondent has satisfied the Secretary that it has established and will carry out personnel and employment policies in compliance with the provisions of Executive Order 11246, as amended; and

(c) Other appropriate action authorized by section 209 of Executive Order 11246, as amended, shall be taken.

The Hearing will be convened at 9:30 a.m., on July 20, 1971, at the Arnold Air Force Station, Main Conference Room, Administrative and Engineering Building.

This notice has been signed and issued pursuant to 41 CFR 60–1.26(b) and 60–1.27 at Washington, D.C., this 17th day of June 1971.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[FR Doc.71–9111 Filed 6–28–71;8:45 am]

Office of the Secretary

EMERSON TELEVISION AND RADIO CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of April 2, 1971, the U.S. Tariff Commission made its report of the results of its investigation (TEA–W–77) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of workers of the Emerson Television and Radio Co. plant located in Jersey City, N.J. In this report, the Commission, being equally

divided, made no finding with respect to whether articles like or directly competitive with television receivers, radios, and phonographs produced by Emerson Television and Radio Co. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of workers at the plants concerned. The President subsequently decided, under the authority of section 330 (d)(1) of the Tariff Act of 1930 as amended to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation. Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 9154; 29 CFR Part 90). In the recommendation, he noted that imports of television receivers (both monochrome and color), like or directly competitive with those produced at Emerson Television and Radio Co., more than quadrupled during the 1965–70 period preceding the closing of the plant. During this period production, and consequently employment, dropped precipitously. The bulk of layoffs began to occur on October 23, 1969, and continued until the plant ceased production operations in June 1970. As of May 14, 1971, about 88 workers were still employed at the plant. About 40 of these workers will be terminated around September 1971. The remaining 48 will be retained by the company. After due consideration, I make the following certification:

All hourly and salaried workers of the Emerson Television and Radio Co. plant located at Jersey City, N.J., who became or will become unemployed or underemployed after October 23, 1969, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 16th day of June 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-9142 Filed 6-28-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

BIVIN TRANSFER CO., INC., ET AL.

Assignment of Hearings

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 82080 Sub 4, Bivin Transfer Co., Inc., now assigned July 26, 1971, at Indianapolis, Ind., postponed indefinitely.

MC 83539 Sub 273, C & H Transportation Co., and MC 113855 Sub 217, International Transport, Inc., continued to September 1, 1971, at Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC 126714 Sub 3, Southwest Delivery Co., Inc., continued to September 13, 1971, and October 11, 1971, at Portland, Oreg., at the Thunderbird Motor Inn, 1401 North Hayden Island Drive.

MC 61592 Sub 203, Jenkins Truck Line, Inc., now assigned July 12, 1971, at St. Louis, Mo., postponed indefinitely.

MC 108449 Sub 302, Indianhead Truck Lines, Inc., MC 120800 Sub 24, Capitol Truck Line, Inc., now assigned July 19, 1971, postponed indefinitely.

MC 109337 Sub 11, Watson Bros. Van Lines and Heavy Hauling Co., application dismissed.

MC 83835 Sub 58, Wales Transportation, Inc., application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-9164 Filed 6-28-71;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 24, 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. 42232—*Propylene Oxide to Points in West Virginia.* Filed by Southwestern Freight Bureau, Agent (No. B-246), for interested rail carriers. Rates on propylene oxide, in tank carloads, as described in the application, from specified points in Louisiana and Texas, to Institute and South Charleston, W. Va.

Grounds for relief—Market competition.

Tariff—Supplement 12 to Southwestern Freight Bureau, Agent, tariff ICC 4922. Rates are published to become effective on July 24, 1971.

FSA No. 42233—*Bulgur and Mill Feed from Points in Montana.* Filed by North Pacific Coast Freight Bureau, Agent, (No. 71-6), for and on behalf of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Rates on bulgur and mill feed, in carloads, as described in the application, from points in Montana, to North Pacific Coast Ports.

Grounds for relief—Unregulated truck competition.

Tariff—Supplement 74 to North Pacific Coast Freight Bureau, Agent, tariff ICC 1117. Rates are published to become effective on July 26, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-9161 Filed 6-28-71;8:50 am]

[Notice 319]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 23, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Sub-No. 255 TA), filed June 16, 1971. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A and C of Appendix I to the report in *Description in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and skins), from the plansite and warehouse facilities of Swift Fresh Meats Co. at Brownwood, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetss, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restricted to shipments originating at Brownwood, Tex., plantsite and destined to the abovenamed States, for 150 days. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: District Supervisor Melvin F. Kirsch, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 11722 (Sub-No. 25 TA), filed June 16, 1971. Applicant: BRADER

HAULING SERVICE, INC., Post Office Box 655, Zillah, WA 98953. Applicant's representative: Ronald R. Brader (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, in rolls, from Seattle, Wash., to Yakima, Wash., for 180 days. Supporting shipper: Yakima Herald-Republic, Republic Publishing Co., 114 North Fourth Street, Yakima, WA 98901. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multonomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 87720 (Sub-No. 108 TA), filed June 14, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Star Route A, Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles, together with materials, supplies, and equipment* used in connection with the manufacture, distribution or sale of the aforementioned articles, between Riegelsville, Milford, Warren Glen, and Hughesville, N.J., on the one hand, and, on the other, West Salem, Ill., for the account of Riegel Paper Corp., for 150 days. Supporting shipper: Riegel Paper Corp., Paper Division, 260 Madison Avenue, New York, NY 10018. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Comimssion, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 100666 (Sub-No. 192 TA), filed June 17, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, 1129 Grimmett Drive, Shreveport, LA 71107. Applicant's representative: Dean Williamson, Suite 280, National Foundation Life Center, 3535 NW. 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from Diboll, Tex., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, for 180 days. Supporting shipper: Temple Industries, Diboll, Tex. 75941; Mr. Henry H. Holubec, Jr., Vice President, Marketing. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 108207 (Sub-No. 321 TA), filed June 17, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Oklahoma City, Okla., to points in Arkansas, California, Louisiana, Mississippi, Texas, Nebraska, Missouri, Kansas, Illinois, and Memphis, Tenn., for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Bunte Candies, Inc., Oklahoma City, Okla. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 108207 (Sub-No. 340 TA), filed June 17, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Omaha, Nebr., to points in Kansas City, Kans., Kansas City, Mo., commercial zone, for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Morton Meats of Omaha, Inc., 1209–15 Howard Street, Omaha, NE 68102. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, Room 13C12, 1100 Commerce Street, Dallas, TX 75202.

No. MC 114194 (Sub-No. 163 TA), filed June 17, 1971. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, IL 62201. Applicant's representative: Donald D. Metzler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Witch hazel*, in bulk, in tank vehicles, from East Hampton, Conn., to Chicago, Ill., for 180 days. Supporting shipper: S. M. Blankenbiller, President, American Distilling and Manufacturing Co., Inc., Lake Pocotopaug, East Hampton, Conn. 06424. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 116810 (Sub-No. 7 TA), filed June 17, 1971. Applicant: BAIR TRANSPORT, INC., Post Office Box 216, Riverside, NJ 08075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs group: bakery goods, chips, twists or puffs; popcorn; pork skins; or bacon rinds, fried; potato chips;* in packages, from Berwick, Pa., to points in New Jersey, New York, and Maryland, for 180 days. Supporting shipper: Wise Foods, Division of Borden Foods, Borden, Inc., Berwick, Pa. 18603. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 121570 (Sub-No. 3 TA), filed June 16, 1971. Applicant: MAURICE SMITH AUSLEY, II, doing business as AUSLEY MOTOR FREIGHT, 935 South Miles Street, El Reno, OK 73036. Applicant's representative: Dean Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, (1) between Oklahoma City, and Frederick, Okla., over State Highway 152 to its intersection with State Highway 146, west of Binger, Okla., thence south on State Highway 146, to Fort Cobb., thence over State Highway 9 to Gotebo, thence south on State Highway 54 to its intersection with State Highway 19, south of Cooperton, thence over State Highway 19 to Roosevelt, thence over U.S. Highway 183 to Manitou, thence over State Highway 5C to Tipton, thence over State Highway 5 to Frederick, Okla., and return over the same route serving Oklahoma City, Cooperton, Manitou, Tipton, and Frederick; (2) between Oklahoma City and Frederick over H. E. Bailey Turnpike, from Oklahoma City to its intersection with State Highway 5, thence over State Highway 5 to Frederick, and return over the same route for operating convenience only serving no intermediate points; and (3) between Oklahoma City and Watonga, Okla., over Interstate Highway 40, from Oklahoma City to its intersection with U.S. Highway 270, thence over U.S. Highway 270 to Geary, Okla., thence over U.S. Highway 281 to Watonga and return over the same route, serving Oklahoma City, Calumet, Geary, Greenfield, and Watonga, Okla., for 180 days.

NOTE: Applicant states it will interline with other carriers at Oklahoma City, Okla. Supporting shippers: Oklahoma Hardware Co., 31 East California, Oklahoma City, OK; Fry Furniture, Pos Office Box 546, Frederick, OK; O'Hara Drug Co., 107 West Main, Watonga, OK; Gay Dress Shop, 126 North Main, Frederick, OK; Burrell Implement, Watonga, Okla.; Hursh-Gose Ford, Noble and Highway 33, Watonga, Okla.; National Bank of Frederick-Frederick Hardware Co., Frederick, Okla.; Gish's Home Furnishings, Frederick, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 126844 (Sub-No. 11 TA), filed June 17, 1971. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Road, Post Office Drawer S, Vineland, NJ 08360. Applicant's representative: Terrence D. Jones, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Computer-printed letters*, from Pleasantville, N.J., to Chicago, Ill., for 180 days. Supporting shipper: Spencer Gifts, Inc., 1601 Albany Avenue Boulevard, Atlantic City, NJ 08401. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 134022 (Sub-No. 4 TA) (Substitution), filed May 12, 1971, published FEDERAL REGISTER, issue of May 27, 1971, and republished this issue. Applicant: RICHARD A. ZIMA, doing business as

ZIPCO, 4008 Schuster Drive, Post Office Box 115, West Bend, WI 53095. Applicant's representative: William E. McCarty, Midland Bank Building, 211 West Wisconsin Avenue, Milwaukee, WI 53203. NOTE: The purpose of this republication is to show that the above individual has been substituted as applicant in lieu of Contract Transportation, Inc. The remainder of the notice of filing remains as previously published.

No. MC 134232 (Sub-No. 16 TA), filed June 16, 1971. Applicant: JAY LINES, INC., Post Office Box 1644, 6210 River Road, Amarillo, TX 79105. Applicant's representative: Gailyn L. Larsen, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Playground apparatus and children's recreational equipment, and gas lite posts*, from Bossier City, La., to points in California, Oregon, Washington, Utah, Nevada, and Colorado, for 180 days. Supporting shipper: Thomas R. Ufert, Traffic Manager, Gym-Dandy, Inc., Post Office Box 5637, Bossier City, LA. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 134477 (Sub-No. 12 TA), filed June 17, 1971. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, cooked, cured, or preserved*, requiring mechanical refrigeration, from St. Paul, Minn., to Laurens and Sioux City, Iowa, for 180 days. Supporting shipper: Peters Meat Products, Inc., 344–370 South Robert Street, St. Paul, MN 55107. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134856 (Sub-No. 3 TA), filed June 16, 1971. Applicant: STANFORD NORRIS, 1744 Northwest Estelle Avenue, Roseburg, OR 97470. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden box cleats*, from Roseburg, Oreg., and the plantsite of Poteet Products, near Roseburg, Oreg., to El Dorado, Calif., for 150 days. Supporting shipper: Poteet Wood Products, Route 1, Box 970, Roseburg, OR. Send protests to: Albert E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 135530 (Sub-No. 1 TA), filed June 16, 1971. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 111 Market Street, Winona, MN 55987. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and vehicle parts, electrical and electronic goods, electrical and electronic appliances and instruments and parts thereof, electrical and electronic supplies, equipment, fittings, and accessories, metals and metal articles, wire and wire products, and wire stripping machines, and equipment, materials and supplies* used in manufacturing, processing, or repairing said communities, (a) between Winona, Minn., Lewiston and Rushford, Minn., Decorah, Iowa, and Galesville, Wis., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, and West Virginia; and (b) between Winona, Minn., and Lewiston and Rushford, Minn., on the one hand, and, on the other, points in Iowa and Wisconsin; and (c) between Decorah, Iowa, on the one hand, and, on the other, points in Iowa and Wisconsin; and (d) between Galesville, Wis., on the one hand, and, on the other, points in Iowa and Minnesota; all for the account of Lake Center Switch Co., Rush Products Co., Deco Products Co., and Gale Products Co., for 150 days. Supporting shippers: Lake Center Switch Co., Winona, Minn., Rush Products Co., Winona, Minn., Gale Products Co., Winona, Minn., Deco Products Co., Winona, Minn. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135685 (Sub-No. 3 TA), filed June 16, 1971. Applicant: LILY TRANSPORT LINES, INC., 25 Denby Road, Allston, MA 02134. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass bottles*, from Wharton, N.J., to Lawrence, Mass., Buckfield, Maine, and Highland, N.Y., (2) *tin cans*, from Edison Township, N.J., to Lawrence, Mass., Buckfield, Maine, and Highland, N.Y. Restriction: The operations authorized above in (1) and (2) are limited to a transportation service to be performed, under a continuing contract, or contracts with Lincoln Foods, Inc., of Lawrence, Mass., (3) *canned or preserved foods*, from Lawrence, Mass., to points in Connecticut, Maine, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont, and (4) *canned foods*, from Kennett Square, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Restriction: The operations authorized above in (3) and (4) are limited to a transportation service to be performed, under a continuing contract, or contracts with S. S. Pierce Co. of Boston, Mass., for 180 days. Supporting shipper: Lincoln Foods, Inc., One Newbury Street, Lawrence, MA; S. S. Pierce Co., 133 Brookline Avenue, Boston, MA. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, J. F. K. Federal Building, Room 2211–B, Government Center, Boston, Mass. 02203.

No. MC 135687 TA, filed June 16, 1971. Applicant: OAKDALE SERVICE CO., INC., 1990 College Avenue NE., Atlanta, GA 30317. Applicant's representative: Jack M. McLaughlin, Suite 220, 17 Executive Park Drive NE., Atlanta, GA 32309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, and concrete block*, from the manufacturing plants of Bickerstaff Clay Products Co., Inc., located in Cobb County, Ga.; Russell and Jefferson Counties, Ala.; and Escambia County, Fla., to points in Alabama, Georgia, Mississippi, and Tennessee and in Florida in and west of Hamilton, Suwanee, Lafayette, and Dixie Counties, and from points in the aforesaid destination territory to points in Alabama, Georgia, Tennessee, Mississippi, and in that portion of Florida in and west of Hamilton, Suwannee, Lafayette, and Dixie Counties, for 180 days. Supporting shipper: Bickerstaff Clay Products Co., Inc., Columbus, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

MOTOR CARRIER OF PASSENGERS

No. MC 135674 (Sub-No. 1 TA), filed June 17, 1971. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, 176 East Fifth Street, St. Paul, MN 55101. Applicant's representative: Byron D. Olsen (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, from Helena, Mont., to Butte, Mont., and return, handling only National Railroad Passenger Corp. (AMTRAK) passengers traveling between Helena and points beyond Butte over Interstate Highway 15, and U.S. Highway 91. No service will be provided to any intermediate points nor will local passengers traveling only between Butte and Helena be handled. All ticketing will be by AMTRAK, who will make no additional charge for transportation to or from Helena over and above the presently published tariff rates to and from Butte, from other points on the AMTRAK Railroad System, for 180 days. Supported by: Affidavits by George N. Page, Vice President and General Manager of Northern Pacific Transport Co., and Richard K. Mossmam, Assistant Vice President, Executive Department of Burlington Northern, Inc., and National Passenger Corp. Operations Officer. Send protests to: District Supervisor E. C. Sjogren, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

By the Commission.

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

[FR Doc.71-9162 Filed 6-28-71;8:50 am]

[Notice 320]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 24, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2310 (Sub-No. 5 TA) (correction), filed June 9, 1971, published FEDERAL REGISTER issue June 11, 1971, and corrected, and republished in part as corrected this issue. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, 620 Boston Street, La Porte, IN 46350. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. NOTE: The purpose of this partial republication is to include Youngstown, Cincinnati, Belle Fontaine, Lima, Columbus, Dayton, and Xenia, Ohio, as destination points, which were inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 64932 (Sub-No. 495 TA) (correction), filed May 7, 1971, published FEDERAL REGISTER June 2, 1971, corrected and republished in part as corrected this issue. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. NOTE: The purpose of this partial republication is to include the restriction, *in bulk, in tank vehicles*, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 92319 (Sub-No. 3 TA), filed June 14, 1971. Applicant: KENNETH GRAHAM, Route No. 1, Box 41–A, Brimley, Mich. 49715. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to St. Ignace, Mich., under continuing contract with Mackinaw Distributing Co., St. Ignace, Mich., for 120 days. Supporting shipper: Mackinaw Distributing Co., 590 North State Street, St. Ignace, MI 49781. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 119619 (Sub-No. 55 TA), filed June 17, 1971. Applicant: DISTRIBUTORS SERVICE CO., 200 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (b) from the plantsites and facilities of Swift and Co., at or near St. Charles, Ill., to points in Indiana, Ohio, Michigan, Pennsylvania, New York, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New Jersey, Maryland, Delaware, District of Columbia, Virginia, West Virginia, and Louisville, Ky., restricted to traffic originating at the plantsites and facilities of Swift and Co. at or near St. Charles, Ill., for 180 days. Supporting shipper: Swift Processed Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 124673 (Sub-No. 12 TA), filed June 14, 1971. Applicant: FEED TRANSPORTS, INC., Pullman Road, Post Office Box 2167, South Amarillo, TX 79105. Applicant's representative: L. M. Maples (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry livestock feed and feed ingredients*, in bulk and/or in bags, in hopper-type trailers, from points in Harris County, Tex., to points in New Mexico on and east of Interstate Highway 25 (except Curry County, N. Mex.), and points in Colorado on and east of Interstate Highway 25, for 150 days. NOTE: Applicant states it does intend to tack the authority in MC–124673. Supporting shipper: Occidental Chemical Co., Post Office Box 1185, Houston, TX 77001. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 134534 (Sub-No. 3 TA), filed June 17, 1971. Applicant: LUIS BASTERRECHEA, doing business as BASTERRECHEA DISTRIBUTING, 341 Colorado, Gooding, ID 83330. Applicant's representative: Jay L. Depew, Post Office Box 23, Twin Falls, ID 83301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bags, from points in Skagit County, Wash., to points in Idaho south of the Salmon River, for 180 days. NOTE: Applicant states it does not intend to tack or interline authority sought herein. Supporting shipper: Smith & Ardussi, Inc., 115 South Dawson Street, Seattle, WA 98108. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, Boise, Idaho 83702.

No. MC 134777 (Sub-No. 14 TA), filed June 17, 1971. Applicant: SOONER EXPRESS, INC., Office: Sooner Building, Highway 70 South, Post Office Box 219, Madill, OK 73446. Applicant's representative: Dale Waymire (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and/or warehousing facilities of Wilson Certified Foods at Oklahoma City, Okla., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. NOTE: Carrier does not intend to tack its authority. Supporting shipper: Wilson Certified Foods, Inc., 4545 Lincoln Boulevard, Oklahoma City, OK 73105. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 135179 (Sub-No. 4 TA) (Correction), filed May 28, 1971, published FEDERAL REGISTER issue June 11, 1971, corrected, and republished in part as corrected this issue. Applicant: EASTERN TRANSPORT, INC., 320 Stiles Street, Linden, NJ 07036. Applicant's representative: George A. Olsen, Traffic Consultant, 69 Tonnele Avenue, Jersey City, NJ 07306. NOTE: The purpose of this partial republication is to reflect the correct publishing date as June 11, 1971, in lieu of June 7, 1971. The rest of the application remains the same.

No. MC 135686 TA, filed June 16, 1971. Applicant: BRUCE FIELDS AND GLEN PIATT, a partnership, North Third Street, Union City, TN 38261. Applicant's representative: Glen Piatt (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasolines, diesel fuel, and kerosene*, in bulk, in tank trailers, from Shell Oil Co. terminal at Paducah, Ky., to the plant and bulk storage facilities of the Fields Oil Co., Inc., at Paris, Tenn. Restriction: Transportation restricted to contract carriage on shipments originating at Shell Oil Co. terminal at Paducah, Ky., and destined to Fields Oil Co., at Paris, Tenn., for 180 days. Supporting shipper: Field Oil Co., Inc., Post Office Box 589, Paris, TN 38242. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Office Building,

167 North Main Street, Memphis, TN 38103.

MOTOR CARRIER OF PASSENGERS

No. MC 129038 (Sub-No. 6 TA), filed June 14, 1971. Applicant: TRI-STATE COACH LINES, INC., Post Office Box 547, Gary, IN 46401. Applicant's representative: Harold M. Olsen, 712 South Second, Springfield, IL 62704. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, from Milwaukee, Wis., to O'Hare Airport, Chicago, Ill., serving intermediate points of junction I–94 and Wisconsin 50; junction I–94 and Wisconsin 20, I–94 into I–294 and return. Restricted to transportation of passengers, baggage, and express having an immediate prior or subsequent transportation by air, for 150 days. Supporting shippers: Wery Travel Service, Inc., 634 North 27th Street, Milwaukee, WI 53208; International House of Travel, 6733 West Capitol Drive, Milwaukee, WI 53216; Mr. and Mrs. Walter R. Novak, 3200 Barbara Drive, Racine, WI 53404; Massey-Ferguson Inc., Post Office Box 240, Racine, WI 53401; Travel Ideas, Inc., 885 North Jefferson Street, Milwaukee, WI 53202; Howard Johnson's Motor Lodge, Interstate 94 and Wisconsin 50, Kenosha, WI 53140; American Express, 326 East Mason Street, Milwaukee, WI 53202; Thos. Cook & Son, Inc., 320 Wisconsin Avenue, East Milwaukee, WI 53202. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

By the Commission.

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

[FR Doc.71-9163 Filed 6-28-71;8:50 am]

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