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(Continued inside)

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

3 CFR

PROCLAMATIONS:

4062 12671
4063 12673

EXECUTIVE ORDERS:

10450 (see EO 11603) 12675
10924 (see EO 11603) 12675
11041 (superseded by EO 11603) 12675
11223 (see EO 11603) 12675
11250 (superseded by EO 11603) 12675
11470 (superseded by EO 11603) 12675
11603 12675

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Reorganization Plan No. 1 of 1971 (see EO 11603) 12675

5 CFR

213 12681

7 CFR

32 12681
210 12685
220 12685
250 12686
910 12687

PROPOSED RULES:

101 12695
980 12695
989 12696

9 CFR

76 12688

PROPOSED RULES:

113 12694

10 CFR

PROPOSED RULES:

50 12697

12 CFR

745 12688

14 CFR

39 12688

PROPOSED RULES:

39 12696

21 CFR

121 12692
135a 12691
135e 12691
420 12692

26 CFR

1 12689

30 CFR

PROPOSED RULES:

57 12693

32 CFR

722 12689

37 CFR

1 12689
3 12689

43 CFR

PUBLIC LAND ORDER:

5082 12690

46 CFR

531 12691

49 CFR

571 12691

Presidential Documents

Title 3—The President

PROCLAMATION 4062

White Cane Safety Day, 1971

By the President of the United States of America

A Proclamation

In our highly mobile society where city streets are jammed with motor vehicles, a number of safeguards such as traffic lights, "Walk" signs, and hatched crosswalks have been introduced to promote pedestrian safety. In the world of the blind and visually handicapped this same purpose is served by a single small device, often weighing less than half a pound. It is the white cane.

For its owner the white cane is at once a sensor and a guide, and even as it denotes his physical limitation it speaks eloquently for his capability. Training programs instituted throughout the Nation in recent years have developed travel techniques for white cane users that instill self-confidence and a sense of independence. As a result, the white cane has become a symbol of achievement—the achievement of its owner in learning to cope with his environment and to move readily on his way.

But this new mobility cannot be fully realized without the cooperation of fellow pedestrians and the willingness of motorists to give way. An understanding of the potential dangers which city streets hold for blind citizens is commendable, but adequate protection for them can be provided only by strict observance of safety measures.

Our recognition of the white cane and its significance must be immediate; and our reaction equally as rapid. It takes only a second for a motorist to accept second place, but that instant's inhibition may save a life. There is no better time to be our brother's keeper.

To make our people more fully aware of the significance of the white cane, and of the need for motorists to exercise caution and courtesy when approaching persons carrying a white cane, the Congress, by joint resolu-

tion, approved October 6, 1964 (78 Stat. 1003), has authorized the President to proclaim October 15 of each year as White Cane Safety Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim October 15, 1971 as White Cane Safety Day.

I call upon all our citizens to join individually in this observance, that blind persons in our society may continue to enjoy the greatest possible measure of personal independence.

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

Richard Nixon

[FR Doc.71-9541 Filed 7-1-71;3:27 pm]

PROCLAMATION 4063

National Star Route Mail Carriers Week

By the President of the United States of America

A Proclamation

In 1845 Congress provided that future mail transportation contracts were to be awarded by the Postmaster General "to the lowest bidder, tendering sufficient guarantees for faithful performance, without other reference to the mode of such transportation than may be necessary to provide for the due celerity, certainty, and security of such transportation."

That statute not only opened a colorful chapter in American postal service, but also set forth a bold new standard for transportation of the mails: "Celerity, Certainty, and Security." Bids from private contractors under the 1845 law were soon marked on the books of the Post Office Department with three stars, signifying the three points of that motto. Over time, the bids themselves became known as "star bids," and eventually the contract service for transporting the mail by all modes, except boats and railways, came to be known as "star route mail service."

Since the inception of this service 126 years ago, star route carriers have performed an important task for the American people, transporting the mail over thousands of miles of roads where regular postal service was unavailable. In recent years, the star route carriers have also made an important contribution to rural America, often supplementing the efforts of the regular carriers.

In recognition of the dedicated public service of our star route carriers, the Congress, by House Joint Resolution 583, has requested the President to issue a proclamation designating the last full week in July of 1971 as National Star Route Mail Carriers Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 25, 1971, as National Star Route Mail Carriers Week.

I urge the Postal Service, and all interested groups and organizations, to observe that week with appropriate recognition to the Nation's star route mail carriers.

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

Richard Nixon

[FR Doc.71-9571 Filed 7-2-71;8:48 am]

EXECUTIVE ORDER 11603

Assigning Additional Functions to the Director of ACTION

By virtue of the authority vested in me by the Peace Corps Act (75 Stat. 612, as amended; 22 U.S.C. 2501–2523) and section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I—PEACE CORPS—DELEGATION OF FUNCTIONS AND ALLOCATION OF FUNDS

SECTION 101. *Authority.* The Peace Corps, established as an agency in the Department of State pursuant to Executive Order No. 10924 of March 1, 1961 (26 F.R. 1789), and continued in existence in that Department under the Peace Corps Act (hereafter in this part referred to as the Act) pursuant to section 102 of Executive Order No. 11041 of August 6, 1962 (27 F.R. 7859), is hereby transferred to the agency created by Reorganization Plan No. 1 of 1971 and designated as ACTION. The Director of ACTION (hereinafter referred to as the Director) shall provide for its continuance under the Act as a component of that agency.

SEC. 102. *Delegation of functions to the Director of ACTION.* (a) Exclusive of the functions otherwise delegated or reserved to the President by this Order, and subject to the provisions of this Order, there are hereby delegated to the Director all functions conferred upon the President by the Act and Reorganization Plan No. 1 of 1971.

(b) The function of determining the portion of living allowances constituting basic compensation, conferred upon the President by section 912(3)(D) of the Internal Revenue Code of 1954, is hereby delegated to the Director and shall be performed in consultation with the Secretary of the Treasury.

(c) The functions of prescribing regulations and making determinations (relating to appointment of Peace Corps employees in the Foreign Service System) conferred upon the President by section 5(b) of the Act, as amended (79 Stat. 551), are hereby delegated to the Director.

(d) The functions of prescribing conditions, conferred upon the President by the second sentence of section 5(e) and the concluding phrase of section 6(3) of the Act (relating to providing health care in Government facilities) and hereinabove delegated to the Director, shall be exercised in consultation with the head of the United States Government agency responsible for the facility.

SEC. 103. *Allocation and transfer of funds.* (a) All funds appropriated or otherwise made available to the President for carrying out the provisions of the Act shall be deemed to be allocated without any further action of the President to the Director or to such subordinate officer as he may designate. The Director or such officer may allocate or transfer, as appropriate, any of such funds to any United States Government agency or part thereof for obligation or expenditures thereby consistent with applicable law.

SEC. 104. There is hereby delegated to the Secretary of State, with respect to laws administered by him, and to the Chairman of the Civil

Service Commission, with respect to the laws administered by the Commission, the function conferred upon the President by that portion of section 5(f)(1)(B) of the Act which reads "except as otherwise determined by the President" (relating to disallowance of credit for service as a volunteer in determining rights of former volunteers under the Civil Service and Foreign Service Systems).

SEC. 105. (a) Nothing in this Order shall be deemed to impair or limit the powers or functions vested in the Secretary of State by the Act.

(b) The negotiation, conclusion, and termination of international agreements pursuant to the Act shall be under the direction of the Secretary of State.

(c) Any substantial change in policies in effect on the date of this Order for the utilization of the Foreign Service Act of 1946, as amended, pursuant to section 7 of the Act, shall be coordinated with the Secretary of State.

PART II—RESERVED FUNCTIONS

SEC. 201. *Reservation of functions to the President.* There are hereby excluded from the delegation made by Part I of this Order the following-described powers and functions of the President:

(a) All authority conferred upon him by sections 4(b), 4(c)(2), 4(c)(3), 10(d), 11, 16(b), and 18 of the Act.

(b) The authority conferred upon him by section 4(a) of the Act to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred upon him by that portion of section 5(f)(1)(B) of the Act which reads "except as otherwise determined by the President" except as otherwise provided in section 104 of this Order.

(d) The authority conferred upon him by section 10(f) of the Act to direct any agency of the United States Government to provide services, facilities, and commodities to officers carrying out functions under the Act.

(e) The authority conferred upon him by section 12 of the Act to appoint persons to membership in the Peace Corps National Advisory Council and to determine the length of service of the members of that Council.

(f) The authority conferred upon him by section 19 of the Act to adopt and alter an official seal or emblem of the Peace Corps.

(g) The authority conferred upon him by the first sentence of section 22 of the Act to establish standards and procedures for security investigations to the extent not inconsistent with the proviso of section 303(a) of this Order.

PART III—INCIDENTAL PROVISIONS

SEC. 301. *Personnel.* Persons appointed, employed, or assigned under section 7(a) of the Act shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits

provided by section 528 of the Foreign Service Act of 1946 in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

SEC. 302. *Determination.* Pursuant to section 10(d) of the Act, it is hereby determined to be in furtherance of the purposes of the Act that functions authorized thereby may be performed without regard to the applicable laws specified in sections 1 and 2 and with or without consideration as specified in section 3 of Executive Order No. 11223 of May 12, 1965, but, except as may be inappropriate, subject to limitations set forth in that Order.

SEC. 303. *Security requirements.* (a) Pursuant to section 22 of the Act, the standards and procedures prescribed by Executive Order No. 10450 of April 27, 1953, are hereby established as the standards and procedures for the employment or assignment to duties of persons under the Act: *Provided,* That the Director may establish such additional standards and procedures with respect to the employment or assignment to duties of Volunteers as he may deem necessary to accomplish the purposes of the Act.

(b) Nothing in section 303(a) of this Part or in Executive Order No. 10450 or in any other Executive Order heretofore issued shall affect the exercise of the authority conferred upon the President by section 5(i) of the Act.

SEC. 304. *Definitions.* As used in this Part, the words "Volunteers," "functions," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act.

PART IV—NATIONAL VOLUNTARY ACTION PROGRAM

SEC. 401. The National Voluntary Action Program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems, established in the Executive Branch of the Government by section 1 of Executive Order No. 11470 of May 26, 1969, is hereby transferred to ACTION. That program shall supplement corresponding action by private and other non-Federal organizations such as the National Center for Voluntary Action. As used in Parts IV and V of this Order, the term "voluntary action" means the contribution or application of non-governmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and nonprofit, national and local, occupational, and altruistic) and by individual citizens.

SEC. 402. In addition to the functions assigned to the Peace Corps National Advisory Council by section 12 of the Peace Corps Act, the Council shall, upon the request of the Director, advise and assist him with respect to any function assigned to him by Reorganization Plan No. 1 or this Order and, to the extent permitted by law, shall perform such other duties as the Director may from time to time prescribe. In addition to such duties, the Council shall—

(a) Promote more widespread reliance and recognition of voluntary activities within the Federal Government and in State and local governments.

(b) Advise and participate in the development of new Federal initiatives for encouraging voluntary action.

PART V—DIRECTOR OF ACTION

SEC. 501. In addition to the functions vested in him by Reorganization Plan No. 1 of 1971 and Parts I–IV of this Order, the Director shall—

(a) Encourage local, national and international voluntary activities directed toward the solution or mitigation of community problems.

(b) Provide for the development and operation of a clearinghouse for information on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs, and coordinate, as consistent with law, Federal activities involving such action.

(d) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative voluntary action programs directed toward community problems.

SEC. 502. (a) The head of each Federal department and agency, or a representative designated by him, when so requested by the Director, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Order and Reorganization Plan No. 1 of 1971.

(b) The head of each Federal department or agency shall, when so requested by the Director, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

(c) The head of each Federal department or agency, or his designated representative, shall keep the Director informed of all proposed budgets, plans, and programs of his department or agency affecting the voluntary action program.

PART VI—GENERAL PROVISIONS

SEC. 601. Except as may for any reason be inappropriate—

(a) References in this Order to (1) "the Peace Corps Act" or "the Act," (2) any other act, or (3) any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(b) References in this Order, or in any other Executive Order, to this Order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(c) References in this Order to any prior Executive Order not superseded by this Order shall be deemed to include references thereto as amended from time to time.

SEC. 602. Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certifications, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this Order and not revoked, superseded, or otherwise made inapplicable before the

date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

SEC. 603. Nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the Executive Branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

SEC. 604. (a) To the extent permitted by law, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Director or to ACTION by this Order as the Director of the Office of Management and Budget shall determine shall be transferred to ACTION at such time or times as the latter Director shall direct.

(b) To the extent permitted by law, such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the provisions of this Order shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) The authority conferred by subsections (a) and (b) of this section shall supplement, not limit, the provisions of section 103 of this Order.

SEC. 605. Executive Order Nos. 11041, 11250, and 11470 are hereby superseded.

SEC. 606. The Order shall become effective on July 1, 1971.

Richard Nixon

THE WHITE HOUSE,
June 30, 1971.

[FR Doc.71-9540 Filed 7-1-71;3:26 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that the Schedule A exceptions of the following positions are extended for 2 years, until June 30, 1973: In the National Endowment for the Arts, one Special Assistant to the Chairman, Director of State and Community Operations (when filled at GS–15 or below) and his two Assistant Directors, eight Program Directors, four Project Evaluators, Assistant Directors, eight Program Directors, four Project Evaluators, Assistant Director for Museums, Assistant Director of Music Programs, and Director of Developing Arts Programs; and in the National Endowment for the Humanities, Director of Planning and Analysis (when filled at GS–15 or below) and one Assistant to the Director; Director and two Program Officers, Division of Fellowships and Stipends; Director and one Program Officer, Division of Research and Grants (formerly Division of Research and Publication); Director and two Program Officers, Division of Education Programs; Director and one Program Officer, Division of Public Programs; Director and one Program Officer, Division of State-based Programs; and one Special Assistant to the Chairman. Section 213.3182 is also amended to show that the following positions in the National Endowment for the Arts are excepted under Schedule A until June 30, 1973: One Director for Public Media Programs and one Assistant to the Chairman. Effective on publication in the FEDERAL REGISTER (7–3–71), paragraphs (a) and (b) are amended as set out below.

§ 213.3182 **National Foundation on the Arts and the Humanities.**

(a) *National Endowment for the Arts.*

(1) Until June 30, 1973, one Special Assistant to the Chairman.

(2) Until June 30, 1973, Director of State and Community Operations, when filled at GS–15 or below.

(3) Until June 30, 1973, eight Program Directors.

* * * * *

(11) Until June 30, 1973, four Project Evaluators.

(12) Until June 30, 1973, one Assistant Director for Museums.

(13) Until June 30, 1973, two Assistant Directors for State and Community Operations.

(14) Until June 30, 1973, one Assistant Director of Music Programs.

(15) Until June 30, 1973, one Director of Developing Arts Programs.

(16) Until June 30, 1973, one Director for Public Media Programs.

(17) Until June 30, 1973, one Assistant to the Chairman.

(b) *National Endowment for the Humanities.* * * *

(3) Until June 30, 1973, Director of Planning and Analysis, when filled at GS–15 or below.

(4) Until June 30, 1973, Director, Division of Fellowships and Stipends.

(5) Until June 30, 1973, Director, Division of Research and Grants.

(6) Until June 30, 1973, One Special Assistant to the Chairman.

(7) Until June 30, 1973, two Program Officers, Division of Education Programs.

(8) Until June 30, 1973, two Program Officers, Division of Fellowships and Stipends.

(9) Until June 30, 1973, Program Officer, Division of Research and Grants.

(10) Until June 30, 1973, one Assistant to the Director of Planning and Analysis.

(11) Until June 30, 1973, Director, Division of Education Programs.

(12) Until June 30, 1973, Program Officer, Division of Public Programs.

(13) Until June 30, 1973, Director, Division of Public Programs.

(14) Until June 30, 1973, one Director of State-Based Programs.

(15) Until June 30, 1973, one Program Officer, Division of State-Based Programs.

(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.71-9527 Filed 7-2-71;8:52 am]

Title 7—AGRICULTURE

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

PART 32—MOHAIR STANDARDS

On January 26, 1971, a notice of rulemaking was published in the FEDERAL REGISTER (36 F.R. 1204–1207) proposing to promulgate official standards of the United States for grades of grease mohair and provisions governing methods for determining the grade of grease mohair and the distribution of samples representative of official grease mohair grade standards (7 CFR Part 32), pursuant to authority conferred by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.). A 90-day period was provided within which interested persons could submit written data, views, or arguments concerning the proposal.

The comments submitted in response to the above notice as well as all other information available to the Department have been considered in arriving at a decision to promulgate the proposed standards, with a minor change noted below.

Statement of considerations. These grease mohair grade standards are issued under authority of the Agricultural Marketing Act of 1946, as amended, which provides for the issuance of official U.S. grade standards for agricultural products to designate different levels of quality for the voluntary use of producers, buyers, consumers, and others.

The grease mohair grade standards reflect the results of a Department study carried out with the cooperation of industry, the American Society for Testing and Materials, and the Mohair Council of America. In this study changes in average fiber diameter and fiber diameter variability due to processing grease mohair into mohair top were investigated. An equation was developed, based on this work, to estimate the average fiber diameter of grease mohair needed to produce a top of a given agerage fiber diameter. The equation is as follows: Estimated average fiber diameter of grease mohair, in microns $=-0.58+1.00$ (average fiber diameter of mohair top, in microns). The limits in average fiber diameter specifications included for each of the grease mohair grades were set by applying this equation to current industry mohair top specifications.

The official grease mohair standards provide specifications in terms of average fiber diameter and standard deviation of average fiber diameter for 12 grades—Finer than 40s, 40s, 36s, 32s, 30s, 28s, 26s, 24s, 22s, 20s, 18s, and Coarser than 18s. However, they also provide that if the standard deviation of the average fiber diameter exceeds the maximum permitted for the grade to which the average fiber diameter corresponds, the mohair is assigned a dual grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds. Also provided are provisions governing methods for determining the grade of grease mohair and the cost and distribution of samples representative of the official grease mohair grade standards.

A total of 22 comments on the proposed grease mohair grade standards were received from mohair producers and their

organizations, marketing agencies, research and educational workers and others. All but one favored immediate adoption of the proposal. Among those strongly supporting the proposal were such groups as the Texas Sheep and Goat Raisers Association, the Mohair Council of America, the National Wool Growers Association, and the National Association of Wool Manufacturers.

On the basis of the comments received and all other information available to the Department, it is concluded that, with the minor change noted herein, the adoption of the new grade standards proposed January 26, 1971, is in the best interest of the mohair industry and should be implemented.

Therefore, under the authority conferred by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the official standards of the United States for grades of grease mohair (7 CFR 32.1, 32.202, 32.203, 32.204, 32.400, and 32.401) are promulgated as proposed in the FEDERAL REGISTER (36 F.R. 1204–1207) except for the following minor change:

Subparagraph (8) of § 32.204(b) is modified by changing the sentence describing fibers excluded from measurement to read: "Fibers shorter than 200 microns or longer than 300 microns and those having distorted images shall be excluded from measurement."

The proposed regulation provides standards for voluntary use by those engaged in the mohair trade. The standards adopted are the same as those proposed in the notice of rule making except for a minor change made pursuant to comments received concerning the notice. It does not appear that further public participation in this rule making proceeding would make additional information available to this Department. Therefore, in accordance with the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further rule making procedure on the matter is unnecessary.

OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF GREASE MOHAIR

Sec.
32.1 Official grease mohair grades.

DEFINITIONS

32.200 Meaning of words.
32.201 Terms defined.

METHODS FOR DETERMINING GRADE OF GREASE MOHAIR

32.202 General.
32.203 Inspection method.
32.204 Measurement method.
32.205 Interpretation.

SAMPLES REPRESENTATIVE OF OFFICIAL GRADE STANDARDS OF THE UNITED STATES FOR GREASE MOHAIR

32.400 Standard samples of grease mohair grades; method of obtaining.
32.401 Cost of standard samples for grease mohair grades.

AUTHORITY: The provisions of this Part 32 issued under Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.).

OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF GREASE MOHAIR

§ 32.1 Official grease mohair grades.

The official grades for grease mohair and the specifications for each shall be those set forth in Table 1. However, mohair which qualifies for any of the grades on the basis of its average fiber diameter but whose standard deviation of average fiber diameter exceeds the maximum permitted for that grade shall be assigned a dual grade designation. In such case, the first designation shall indicate the grade based on the average fiber diameter and the second designation shall be that of the next coarser grade.

TABLE 1. SPECIFICATIONS FOR THE OFFICIAL GRADES OF GREASE MOHAIR

Grade	Fiber diameter		Approximate number of fiber measurements [1]
	Limits for average (microns)	Maximum standard deviation (microns)	
Finer than 40s	Under 23.01	7.2	1,000
40s	23.01–25.00	7.6	1,000
36s	25.01–27.00	8.0	1,200
32s	27.01–29.00	8.4	1,200
30s	29.01–31.00	8.8	1,400
28s	31.01–33.00	9.2	1,400
26s	33.01–35.00	9.6	1,600
24s	35.01–37.00	10.0	1,600
22s	37.01–39.00	10.5	1,800
20s	39.01–41.00	11.0	2,200
18s	41.01–43.00	11.5	2,200
Coarser than 18s.	43.01 and over		2,600

[1] The number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micron at a probability of 95 percent. Measurement of the approximate number of fibers for the grades listed above may serve as a guide to meet the required confidence limits. The numbers indicated are based on mohair matchings.

DEFINITIONS

§ 32.200 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 32.201 Terms defined.

For the purposes of this part, unless the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Administrator.* The Administrator of the Consumer and Marketing Service, or any officer or employee of the Consumer and Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) *Average fiber diameter.* The sum of the individual fiber diameter measurements divided by the number of fibers measured, as described in § 32.204(a).

(c) *Bulk sample.* A quantity of grease mohair selected for use in the preparation of standard samples.

(d) *Card sliver.* Mohair that has been scoured and carded and formed into a continuous, untwisted strand of loosely assembled fibers.

(e) *Consumer and Marketing Service.* The Consumer and Marketing Service of the Department.

(f) *Core sampling.* Coring packages of mohair by means of special tools to obtain a representative sample of the mohair according to the appropriate procedures described in § 32.204(a)(4).

(g) *Department.* The U.S. Department of Agriculture.

(h) *Director.* The Director of the Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(i) *Division.* The Livestock Division of the Consumer and Marketing Service.

(j) *Fineness.* Average fiber diameter.

(k) *Fleece.* The mohair of one Angora goat obtained by shearing.

(l) *Grade.* A numerical designation of mohair fineness based on average fiber diameter and variation of fiber diameter. It does not include characteristics such as length, crimp, strength, elasticity, luster, hand, and color, all of which affect the spinability of mohair and the properties of the yarn and fabric and which are usually referred to as "quality." Neither does it apply to mohair by geographic origin, manner of preparation for market, or a combination of characteristics which makes mohair appropriate for a specific use. These are usually referred to as "type."

(m) *Grease mohair.* Mohair as obtained from living Angora goats.

(n) *Hand sampling.* Drawing handfuls of mohair to obtain a sample according to the appropriate procedures described in § 32.204(a)(4).

(o) *Lot.* The entire quantity of mohair constituting the subject of consideration or test.

(p) *Matchings.* Sortings made by grouping together parts of mohair fleeces that are closely similar in fineness, length, and other qualities with the following removed, if necessary: Coarse neck, belly, britch, and stained portions.

(q) *Micron.* A unit of linear measurement equal to 1/1000 millimeter or 1/25400 inch.

(r) *Mohair.* Fiber from the Angora goat.

(s) *Mohair top.* A continuous untwisted strand of scoured mohair fibers from which the shorter fibers—noils—have been removed by combing.

(t) *Pulled mohair.* Mohair obtained from the pelts of slaughtered goats by pulling or similar means after subjecting the pelt to sweating, the use of a depilatory, or other auxiliary treatment to loosen the mohair fibers from the skin.

(u) *Sample.* A portion of a lot which is taken for grade determination.

(v) *Scoured mohair.* Mohair from which the bulk of the impurities have been removed by washing in warm water, soap, and alkali or by an equivalent process.

(w) *Standards.* The official standards of the United States for grades of grease mohair.

(x) *Standard samples.* Physical samples representative of the standards.

(y) *Test.* A determination, by measurement, of the average fiber diameter and standard deviation in fiber diameter of test specimens of mohair, in accordance with the procedures provided in § 32.204.

(z) *Test specimen.* A representative portion of the sample obtained and prepared as described in § 32.204(a)(5).

METHODS FOR DETERMINING GRADE OF GREASE MOHAIR

§ 32.202 General.

The official standards of the United States for grades of grease mohair as defined in § 32.1 shall be the basis for grade determination. Grade may be determined by (a) inspection or (b) by measuring the number of fibers of a sample needed to attain the required precision of the average, calculating the average fiber diameter, and standard deviation in fiber diameter, and comparing the average fiber diameter and standard deviation with the specifications for grades of grease mohair. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurment shall prevail. Although these standards are developed specifically for grease mohair and based primarily on tests of grease mohair matchings, they are applicable also to mohair in the pulled or scoured state, or to mohair in the form of card sliver.

§ 32.203 Inspection method.

Determination of the grade of grease mohair by inspection will be facilitated by comparing the fineness and variability in fineness of fibers of a sample of mohair representative of the lot or fleece with the fibers of valid standard grease mohair samples representative of the official grades. The grade assigned the lot or fleece shall be that of the standard mohair sample which most nearly matches the mohair being graded.

§ 32.204 Measurement method.

(a) The determination of the grade of grease mohair by measurement shall be by comparison of the measured average fiber diameter and standard deviation of the fiber diameter with the specifications of the Official Standards of the United States for Grades of Grease Mohair in § 32.1. This determination shall be made in accordance with the procedure for determining the average fiber diameter and the standard deviation of fiber diameter set forth in paragraph (b) of this section and the procedure for designating grade set forth in paragraph (c) of this section.

(b) Procedure for determining average fiber diameter and standard deviation of fiber diameter:

(1) *Principle of procedure.* The average fiber diameter and standard deviation of fiber diameter are determined by sectioning the fibers in a test specimen to a designated short length, mounting the sections on a slide, projecting the magnified image onto a wedge scale, and measuring the diameter of the required number of the fibers, as specified in this section.

(2) *Apparatus and material.* The following apparatus and material are needed and these shall comply with the following provisions:

(i) *Microprojector.* The miscroscope shall be equipped with a fixed body tube, a focusable stage responsive to coarse and fine adjustments, and a focusable substage with condenser and iris diaphragm and a vertically installed adequate light source to give a precise magnification of 500X when equipped with a 10 to 15X eyepiece, and a 20 to 21X objective with an aperture of approximately 0.50 centimeter.

(ii) *Stage micrometer.* Calibrated glass slide used for accurate setting and control of the magnification.

(iii) *Cross sectioning device, heavy duty.* An instrument approximately 2 inches in height, consisting essentially of a metal plate with slot for holding a quantity of fibers, a key for compressing the fibers, and a tongue-propelling arrangement by which the fiber bundle may be extruded for sectioning.

(iv) *Microscope slides.* 1" x 3" (25 x 75 mm.).

(v) *Cover glasses.* No. 1 thickness, ⅞" x 2" (22 x 50 mm.).

(vi) *Mounting medium.* Colorless mineral oil with a refractive index between 1.53 and 1.43, and of suitable viscosity.

(vii) *Wedge scales.* Strips of heavy paper or Bristol board, imprinted with a wedge for measurement of fiber diameter at a magnification of 500X. The wedge is usually divided into 2.5-micron intervals (cells).

(3) *Calibration.* The microscope shall be adjusted to give a magnification of 500X in the plane of the projected image. This shall be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the microscope into such adjustment that an interval of 0.20 mm. on the stage micrometer will measure 100.0 mm. when sharply focused in the center of the image plane.

(4) *Sampling.* The method of obtaining a sample representative of the fineness of a lot of grease mohair, pulled mohair, scoured mohair, or card sliver will differ according to the manner in which it is stored and the equipment available for sampling. Lots may be sampled either by coring or by hand. The sampling procedures are as follows:

(i) *Core sampling.* Core sampling of packaged scoured, pulled, or grease mohair is advisable. Acceptable procedures and schedules for core sampling grease mohair are those described for raw wool in current ASTM Standards on Textile Materials, Designation D 1060, "Standard Method of Core Sampling of Raw Wool Packages for Determination of Percentage of Clean Wool Fiber Present."[1] If a representative portion of the scoured mohair core sample resulting from the test for clean mohair fiber content is available, it may be used for fiber diameter measurements.

(ii) *Hand sampling an individual fleece.* A sample shall consist of approximately 60 grams of mohair and shall be drawn at random from all parts of a fleece.

(iii) *Hand sampling lots of scoured, pulled, and grease mohair.* A sample shall consist of at least 6 pounds of mohair. If the mohair is packaged, the sample shall be drawn by taking a total of at least 50 randomly selected handfuls of mohair from not less than 10 percent of the packages randomly selected from the lot. If the mohair is in piles, the sample shall be drawn by taking a handful from at least 50 locations throughout the pile.

(iv) *Hand sampling card sliver.* Mohair card sliver shall be sampled by drawing at random from the lot, preferably during the carding operation, ten 24-inch lengths of sliver.

(5) *Test specimens.* The method of obtaining a test specimen representative of a sample drawn in accordance with the procedures of subparagraph (4) of this paragraph will differ according to the type of sample and the equipment available for subsampling. The methods are as follows:

(i) *Obtaining test specimen from clean fiber core test residue.* The test specimen shall be obtained from the scoured mohair remaining after testing for clean fiber content by using the following procedure: The sample shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fibers shall be drawn at random to provide an aggregate test specimen of at least 40 grams. These fibers shall be mixed or blended to form the test specimen. For best blending results, test specimens from samples obtained by means of 1¼-inch and larger coring tubes should be machine blended. The machine blending of test specimens may be accomplished by carding the specimen three times, breaking the web and feeding at right angles after the first and second passes; or by gilling the specimens 15 times, breaking and combining the pieces of silver to maintain a convenient length. Core samples drawn with smaller coring tubes should not be machine blended since loss of fiber may occur.

(ii) *Obtaining test specimens from other samples (except card silver).* Test specimens may be obtained by hand sampling or core sampling as described herein:

(a) *Hand sampling.* Samples shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fiber to provide a test specimen of at least 40 grams shall be drawn at random. Test specimens of grease mohair and pulled mohair shall be scoured or otherwise cleaned. Clean specimens, except those from samples of mohair with fibers less than 1¼ inches in length, shall be further blended, preferably by machine, following the procedures described in subdivision (i) of this subparagraph (5).

(b) *Core sampling.* The sample shall be compressed in a suitable container. By means of a ½-inch coring tube with sharp tip, a sufficient number of cores shall be extracted at random to provide a test specimen of at least 40 grams of

[1] A publication containing these ASTM Standards is published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, for $22.

scoured mohair. Test specimens of grease mohair or pulled mohair shall be scoured or otherwise cleaned.

NOTE: An example of a suitable container would be a box 12 inches by 10 inches by 6 inches deep, equipped with a floating top which has 16 equally spaced holes three-fourth inch in diameter over its area. The mohair may be firmly compressed by applying pressure on the top. The top is held in place by two rods extending through holes in the side of the box and over the top. The coring tube is thrust through the holes in the top to sample the mohair.

(iii) *Obtaining test specimens from card sliver samples.* Portions—approximately one-tenth the width of a sliver—shall be stripped from each of the ten 24-inch pieces of sliver obtained in accordance with subparagraph (4)(iv) of this paragraph (b). These pieces shall be combined to form a composite sliver. This will constitute the test specimen.

(6) *Test condition.* Test specimens shall be preconditioned to approximate equilibrium in an atmosphere of 5 to 25 percent relative humidity at a temperature less than 122° F. (50° C.). Then the test specimens shall be conditioned for at least 4 hours in the standard atmosphere for testing, namely, 63 to 67 percent relative humidity at a temperature of 68° to 72° F. (19.0° to 22.1° C.).

(7) *Preparation of slides*—(i) *Filling cross section device.* A specimen in sliver form shall be placed in the slot of the cross section device at a section of the sliver estimated to be a full fiber length or more from the end of the sliver. The sliver shall be firmly compacted with the compression key which shall then be secured with the set screw. For specimens not in sliver form, from the bulk of the test specimen, small quantities of fibers shall be drawn at random, packing the slot to the required level. The specimen shall be compacted firmly with the compression key which shall then be secured with the set screw.

(ii) *Preliminary section.* The gripped fibers shall be cut off at the upper and lower surfaces of the plate. The fiber bundle shall be extruded to the extent of approximately 0.50 mm. in order to take up slack in the fibers and the propulsion mechanism. The projecting fibers shall be moistened with a few drops of mineral oil. This projecting fiber bundle shall be cut off with a sharp razor blade flush with the upper surface of the fiber holder plate. This section shall be discarded.

(iii) *Final section.* The fiber bundle shall again be extruded, approximately 0.25 mm. The fiber bundle shall be moistened with a few drops of mineral oil, blotting off the excess. The projecting fibers shall be cut off with a sharp razor blade flush with the holder plate. The fiber pieces should adhere to the razor blade.

(iv) *Mounting the fibers.* A few drops of mineral oil shall be placed on a clean glass slide. With a dissecting needle, the fiber pieces shall be scraped from the razor blade onto the slide. The fibers shall be thoroughly dispersed in the oil with the dissecting needle and the slide completed with a cover glass. Sufficient oil should be used in the preparation of the slide to insure thorough distribution of the fibers, but an excess must be avoided, as practically no oil should be permitted to flow out or be squeezed out beyond the borders of the cover glass. If the number of fibers is too great to permit proper distribution on the slide, or if an excess of oil has been used, a portion of the mixture, after thorough dispersion of the fibers, may be wiped away with a piece of tissue or cloth. Slides shall be measured the day they are prepared.

(8) *Measurement of fibers.* The slide shall be placed on the stage of the microprojector, cover glass toward the objective. Fiber diameter measurements shall be made at the approximate midlength of the fibers. Fiber edges appear as fine lines without borders when they are uniformly in focus. It is unusual, however, for both edges of the fiber to be in focus at the same time. If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. To record the measurement, it is necessary to mark the point where the wedge corresponds with the fiber image as determined by (i) the fine lines of both edges when they are uniformly in focus, or (ii) the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed in planned courses so that fibers on all portions of the slide will be measured. Successive fibers should be measured whose midpoints come within the field—a circle 4 inches in diameter, centrally located in the projected area. Fibers shorter than 200 microns or longer than 300 microns and those having distorted images shall be excluded from measurement. The marks on the wedge scale indicating the diameter of fibers measured are counted and combined into cells for calculation as indicated in paragraph (a)(11) of this section.

(9) *Nature of test.* A test shall comprise the measurement of the test specimen by two operators, each operator following independently the procedures of subparagraph (7) of this paragraph (b).

(10) *Number of fibers to measure.* The number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micron at a probability of 95 percent. The approximate number of fiber measurements needed for each of the grades—as listed in Table 1—may serve as a guide. However, the precise number of fibers to be measured can be calculated by using the equation shown below:

$$n=\left(\frac{1.96\sigma}{0.40}\right)^2$$

In this equation:

n = Number of fibers to be measured, and
σ = Standard deviation of fiber diameters.

(11) *Calculation and report.* The measurements of both operators shall be combined and the following calculations made by using the applicable formulae shown below:

(i) Total number of measurements (n)

(ii) The average diameter of fiber ($\bar{X}$)

$$\bar{X}=A+mE_1$$

(iii) The standard deviation (σ):

$$\sigma=m\sqrt{E_2-E_1^2}$$

In the formulae stated above:

A = Midpoint of cell containing the smallest measurement.
m = Cell interval.

$$E_1=\frac{\Sigma fx}{n}$$

$$E_2=\frac{\Sigma fx^2}{n}$$

Σ = Summation.
f = Observed frequency.
x = Deviation in cells from A.

An example of the calculations is set forth below:

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER, STANDARD DEVIATION, AND CONFIDENCE LIMITS OF MEAN

Cell No.	Cell boundary	A	Deviation in cells from A, x	Observed frequency, f	fx	fx^2
5	10.0–12.5	11.25	0	1	0	0
6	12.5–15.0		1	15	15	15
7	15.0–17.5		2	66	132	264
8	17.5–20.0		3	141	423	1,269
9	20.0–22.5		4	165	660	2,640
10	22.5–25.0		5	176	880	4,400
11	25.0–27.5		6	138	828	4,968
12	27.5–30.0		7	99	693	4,851
13	30.0–32.5		8	79	632	5,056
14	32.5–35.0		9	55	495	4,455
15	35.0–37.5		10	35	350	3,500
16	37.5–40.0		11	9	99	1,089
17	40.0–42.5		12	8	96	1,152
18	42.5–45.0		13	6	78	1,014
19	45.0–47.5		14	4	56	784
20	47.5–50.0		15	0	0	0
21	50.0–52.5		16	3	48	768
Total				1,000	5,485	36,225

Number of measurements (n) = 1,000.
A (midpoint of cell containing smallest diameter measurement) = 11.25 microns.
m (cell interval) = 2.5 microns.

$$E_1=\left(\frac{\Sigma fx}{n}\right)=\frac{5485}{1000}=5.4850 \text{ and } E_2=\left(\frac{\Sigma fx^2}{n}\right)=\frac{36,225}{1,000}=36.2250$$

Average diameter, $\bar{X}=A+mE_1=11.25+2.5(5.4850)=24.96$ microns.[1]

Standard deviation, $\sigma=m\sqrt{E_2-E_1^2}=2.5\sqrt{36.2250-30.0852}=2.5(2.4779)=6.19$ microns.[1]

Confidence limits of mean at 95 percent probability level $=\pm\frac{1.96\sigma}{\sqrt{n}}=\pm\frac{12.1324}{31.6127}=\pm0.38$ micron.[1]

[1] Round off the calculated values of average fiber diameter, standard deviation, and confidence limit of the mean to two decimal places as follows: If the figure in the third decimal place is 4 or less, retain the figure in the second decimal place unchanged; otherwise, increase the figure in the second decimal place by 1.

(c) Procedure for designating grade:

(1) *Single grade designation.* If the measured average fiber diameter and standard deviation correspond to requirements set forth for a single grade, that shall be the grade assigned to the sample. Example: Measured average fiber diameter=28.50 microns; standard deviation=8.1 microns; the grade designation is 32s.

(2) *Dual grade designation.* If the standard deviation exceeds the limits for the grade to which the average fiber diameter corresponds, the mohair shall be assigned a dual grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds. Example: Measured average fiber diameter =28.50 microns; standard deviation =8.6 microns; the grade designation is 32s/30s.

§ 32.205 Interpretation.

Since all the portions of a lot of mohair may not be of the same grade, the grade determined represents only the average grade of the entire lot. It should not be construed to represent the grade of any component part of the lot.

SAMPLES REPRESENTATIVE OF OFFICIAL GRADE STANDARDS OF THE UNITED STATES FOR GREASE MOHAIR

§ 32.400 Standard samples of grease mohair grades; method of obtaining.

Samples certified as representative of the official standards of the United States for grades of grease mohair will be furnished as follows, subject to other conditions of this section, upon filing of an approved application and prepayment of the costs thereof as fixed in § 32.401. The certification will be issued by the U.S. Department of Agriculture and will be signed by the Director of the Livestock Division or other official duly authorized by him.

(a) Samples representative of each of the standard grades of grease mohair:

(1) *Complete set.* Ten certified samples of grease mohair, grades 40s through 18s.

(2) *Individual sample.* Individual certified samples of grease mohair.

NOTE: A certified sample consists of grease mohair randomly selected from a bulk sample. The measured average and standard deviation of fiber diameter of the bulk sample were within the limits corresponding to the grade of the standard sample as set forth in § 32.1.

(b) Each application for standard samples of grease mohair shall be upon an application form furnished or approved by the Consumer and Marketing Service, shall be signed by the applicant, and shall be accompanied by certified check, draft, post office money order, or express money order, payable to the "Consumer and Marketing Service," in an amount to cover the cost of the samples requested, and shall incorporate the following agreement.

(1) That no samples representative of the official grease mohair standards shall be considered or used as representing such standards after cancellation in accordance with this section.

(2) That the said standard samples shall be subject to inspection by the Secretary or by any duly authorized officer or agent of the Department of Agriculture during usual business hours of the person having custody of the samples.

(3) That the certificate covering any of the samples representative of the standards may be revoked and canceled by the Director of the Livestock Division, if it is found upon such inspection that the said samples are not representative of the official standards.

§ 32.401 Cost of standard samples for grease mohair grades.

(a) *Complete set.* $22 each, delivered to any destination within the United States and $25 each, delivered to any destination outside the United States.

(b) *Individual sample.* $2.50 each, delivered to any destination within the United States, and $3 each, delivered to any destination outside the United States.

The foregoing standards shall become effective August 1, 1971.

Done at Washington, D.C., this 29th day of June 1971.

JOHN C. BLUM,
Acting Deputy Administrator, Marketing Services.

[FR Doc.71-9474 Filed 7-2-71;8:49 am]

Chapter II—Food and Nutrition Service, Department of Agriculture

SUBCHAPTER A—SCHOOL LUNCH PROGRAM

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Second Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, Fiscal Year 1971

Pursuant to section 11 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1971, are reapportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$7,775,517	$7,711,462	$64,055
Alaska	203,343	203,343	
Arizona	1,677,339	1,677,339	
Arkansas	4,703,869	4,648,657	55,212
California	10,303,585	10,303,585	
Colorado	1,643,795	1,471,549	172,246
Connecticut	1,120,623	1,120,623	
Delaware	363,023	362,979	44
District of Columbia	776,943	776,943	
Florida	6,868,176	6,868,176	
Georgia	8,634,687	8,634,687	
Guam	144,632	144,632	
Hawaii	463,331	427,211	36,120
Idaho	678,195	657,035	21,160
Illinois	6,966,528	6,966,528	
Indiana	3,397,651	3,397,651	
Iowa	2,873,092	2,593,932	279,160
Kansas	2,087,513	2,087,513	
Kentucky	6,289,351	6,289,351	
Louisiana	7,094,939	7,094,939	
Maine	1,127,799	1,022,553	105,246
Maryland	2,758,725	2,756,078	2,647
Massachusetts	2,852,835	2,852,835	
Michigan	8,376,372	4,933,257	443,115
Minnesota	3,589,638	3,580,775	8,863
Mississippi	6,925,178	6,925,178	
Missouri	5,039,790	5,039,790	
Montana	676,880	607,175	69,405
Nebraska	1,717,951	1,443,891	274,060
Nevada	171,698	170,153	1,545
New Hampshire	434,328	434,328	
New Jersey	3,008,622	2,609,870	398,752
New Mexico	1,586,703	1,586,703	
New York	11,172,182	11,172,182	
North Carolina	11,095,546	11,095,546	
North Dakota	926,659	770,310	156,349
Ohio	6,777,616	6,090,112	687,504
Oklahoma	3,497,700	3,497,700	
Oregon	1,178,996	1,178,996	
Pennsylvania	6,911,064	6,078,626	832,438
Puerto Rico	5,874,347	5,874,347	
Rhode Island	694,021	694,021	
South Carolina	6,475,400	6,458,162	17,238
South Dakota	1,173,038	1,173,038	
Tennessee	7,634,378	7,579,719	54,659
Texas	15,994,796	15,617,142	377,654
Utah	665,232	665,232	
Vermont	486,599	486,599	
Virginia	6,537,986	6,512,860	25,126
Virgin Islands	66,988	66,988	
Washington	1,776,906	1,717,306	59,600
West Virginia	3,445,264	3,402,801	42,463
Wisconsin	2,707,884	2,191,281	516,603
Wyoming	285,514	285,514	
Samoa, American	56,443	56,443	
Total	204,747,000	200,065,736	4,681,264

(Secs. 2-12, 60 Stat. 230-233, as amended. 76 Stat. 946; 42 U.S.C. 1751-1760)

Dated: June 28, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-9370 Filed 7-2-71;8:45 am]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Second Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1971

Pursuant to section 5 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1971, are reapportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$268,580	$254,393	$14,187
Alaska	26,044	26,044	
Arizona	123,976	123,976	
Arkansas	143,632	138,266	5,366
California	1,089,320	1,089,320	
Colorado	145,885	128,348	17,537
Connecticut	323,887	323,887	
Delaware	36,211	36,211	
District of Columbia	78,810	78,810	
Florida	435,722	435,722	
Georgia	373,017	373,017	
Guam	7,662	7,662	
Hawaii	59,357	43,515	15,842
Idaho	54,843	50,414	4,429
Illinois	626,052	626,052	
Indiana	326,866	326,866	
Iowa	186,449	176,474	9,975
Kansas	167,712	167,712	
Kentucky	242,603	242,603	
Louisiana	326,637	326,637	
Maine	109,339	102,911	6,428
Maryland	171,293	171,293	
Massachusetts	803,815	803,815	
Michigan	853,097	791,979	61,118
Minnesota	273,063	271,181	1,882
Mississippi	250,387	250,387	
Missouri	252,740	252,740	

State	Total apportionment	State agency	Withheld for private schools
Montana	83,687	80,385	3,252
Nebraska	120,556	111,456	9,100
Nevada	55,483	50,249	5,234
New Hampshire	83,005	83,005	
New Jersey	7,736,186	671,368	64,818
New Mexico	69,095	69,095	
New York	1,149,808	1,149,808	
North Carolina	386,729	386,729	
North Dakota	49,284	45,370	3,914
Ohio	719,024	618,039	100,985
Oklahoma	136,352	136,352	
Oregon	113,268	113,268	
Pennsylvania	1,142,193	747,685	394,508
Puerto Rico	255,321	255,321	
Rhode Island	87,454	87,454	
South Carolina	248,227	233,153	15,074
South Dakota	70,699	70,699	
Tennessee	256,115	242,970	13,145
Texas	491,983	453,415	38,568
Utah	85,460	85,460	
Vermont	30,261	30,261	
Virginia	252,898	227,715	25,183
Virgin Islands	10,412	10,412	
Washington	143,104	108,744	34,360
West Virginia	120,323	117,452	2,871
Wisconsin	312,918	258,513	54,405
Wyoming	28,789	28,789	
Samoa, American	4,417	4,417	
Total	15,000,000	14,097,819	902,181

(Secs. 2, 5, 6, and 8 through 116, 80 Stat. 885-890; U.S.C. 1771, 1774, 1775, 1777-1785)

Dated: June 28, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-9371 Filed 7-2-71;8:45 am]

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

[Amdt. 14]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

Miscellaneous Amendments

The regulations for the operation of the Food Distribution Program (31 F.R. 14297), as amended, are further amended, as follows, to:

(1) Revise the title of the program and the heading of this part to use the word "food" instead of "commodity,"

(2) Give all distributing agencies broader discretion in the use of operating expense funds,

(3) Expressly refer to the eligibility of Indian tribal councils to become distributing agencies, and

(4) Modify or interpret provisions concerning the administration of this program. The major provisions here involve recordkeeping, right of inspection and audit and the use of donated foods in feeding persons sharing common food facilities with eligible recipients and children.

A revision and republication of this entire part is being undertaken. When it is published, all references to "commodity" will be changed to "food."

1. The heading for Part 250 is revised to read as set forth above.

2. The table of sections and the section headings for §§ 250.4, 250.7, and 250.15 are revised to read as follows:

Sec.
250.1 General purpose and scope.
250.2 Administration.
250.3 Definitions.
250.4 Availability of donated foods.
250.5 Eligibile distributing agencies.
250.6 Obligations of distributing agencies.
250.7 Disposition of damaged or out-of-condition foods.
250.8 Eligible recipient agencies.
250.9 Eligible recipients.
250.10 Miscellaneous provisions.
250.11 Where to obtain information.
250.12 Amendments.
250.13 Special Feeding Programs.
250.14 Supplemental Food Program.
250.15 Operating Expense Funds for distributing agencies.

3. Paragraph (a) of § 250.5 is revised to read as follows:

§ 250.5 Eligible distributing agencies.

* * * * *

(a) *State and Federal agencies.* Such State and Federal agencies as are designated by the Governor of the State, by the State legislature, or by proper Federal authority and approved by the Secretary shall be eligible to become distributing agencies. Federal agencies means those administrations, bureaus, services and similar offices in the Executive Branch of the U.S. Government and expressly includes the governing bodies of Indian reservations if they are deemed Federal agencies by the Bureau of Indian Affairs.

* * * * *

4. Paragraph (q) of § 250.6 and the last sentence of paragraph (s) are revised to read as follows:

§ 250.6 Obligations of distributing agencies.

* * * * *

(q) *Records.* Accurate and complete records shall be maintained with respect to the receipt, disposal and inventory of donated foods, including the determination made as to liability for any improper distribution or use of, or loss of, or damage to, such foods and the results obtained from the pursuit of claims arising in favor of the distributing agency. Accurate and complete records shall also be maintained with respect to the receipt and disbursement of funds arising from operation of the distribution program. Distributing agencies shall require all subdistributing and recipient agencies to maintain accurate and complete records with respect to the receipt, disposal and inventory of donated foods and with respect to any funds which arise from the operation of the distribution program. Any person who contracts with a distributing agency, subdistributing agency or recipient agency to repackage, process or prepare any donated foods shall be required to keep records with respect to the receipt, disposal and inventory of such foods similar to those required of distributing, subdistributing and recipient agencies under this paragraph. In addition, such person shall be required to keep formulae, recipes, loadout sheets, bills of lading, and other processing and shipping records to substantiate the use made of such foods and their subsequent redelivery (in whatever form) to any such agency. All recipient agencies shall be required to keep accurate and complete records showing the data and method used to determine the number of eligible persons served by that agency. All records required by this section shall be retained for a period of 3 years from the close of the Federal fiscal year to which they pertain.

* * * * *

(s) *Right of inspection and audit.* * * * Subdistributing agencies, recipient agencies, and persons contracting to repackage, process, or prepare donated foods shall be required to permit similar inspection and audit by the Department.

* * * * *

5. In § 250.10 a new paragraph (d) is added, as follows:

§ 250.10 Miscellaneous provisions.

* * * * *

(d) *Persons sharing common food facilities.* It shall not be deemed a failure to comply with the provisions of this part if recipient agencies serve meals containing donated foods to persons other than those who are eligible under this part, when such persons share common preparation, serving or dining facilities with eligible persons (needy persons, disaster victims, children) and one or both of the following is true:

(1) Such other persons are common beneficiaries with the eligible persons of the program of the recipient agency, or

(2) Such other persons are few in number compared to the eligible persons and receive their meals as an incident of their service to the eligible persons. Such other persons include, but are not limited to, teachers, disaster relief workers, and staff members.

Nothing in this paragraph shall be construed as authorizing allocation or issuance of donated foods to recipient agencies in greater quantity than that authorized for the assistance of persons eligible under this part, or as relieving the recipient agency of the responsibility for purchasing a volume of food which is at least adequate to feed all persons who are not eligible under this part.

6. Section 250.15 is revised to read as follows:

§ 250.15 Operating expense funds for distributing agencies.

(a) *Purpose.* The Department will make payments to distributing agencies, other than private agencies, to assist them in meeting operating expenses incurred in administering food distribution programs for needy persons in households.

(b) *Use of funds.* Distributing agencies shall make every reasonable effort to insure the availability of a food distribution program for needy persons in households residing within the area served by the distributing agency but outside an area where the Food Stamp Program is in operation and shall assign priority, in the use of any funds received under this section, to accomplishing that objective. Any remaining funds shall be

used to expand and improve distribution to households. Such funds may be used for any costs which are allowable under Bureau of the Budget Circular A–87 (a copy of which may be obtained from FNS) and which are incurred in distributing donated foods to households, including determining eligibility of recipients, except for the purchase cost of land and buildings. In no event shall such funds be used to pay any portion of any expenses if reimbursement or payment therefor is claimed or made available from any other Federal source.

(c) *Apportionment of funds.* From the funds available for the purpose of this section for any fiscal year, the Department shall first reserve funds in an amount sufficient to meet the requirements of subparagraph (3) of this paragraph and then shall apportion the remaining funds, as follows:

(1) Twelve and one-half percent of the remaining available funds shall be apportioned among the distributing agencies for Guam, Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the governing bodies of Indian reservations which are also distributing agencies. The proportion of funds apportioned to each of these distributing agencies shall be such amount as FNS determines is necessary to effectuate the purpose of this section.

(2) The remainder of the funds shall be apportioned among the other State distributing agencies which are, or may be, responsible for food distribution programs to households. The amount of the funds apportioned to each shall be established by dividing 10 percent of such remaining funds equally among such distributing agencies and dividing the remainder among them on the basis of two factors: (i) Per capita income within the State as related to the national per capita income, and (ii) the number of poor in such State, as determined by FNS, who do not reside in areas where a Food Stamp Program operates or is approved for operation by the Secretary, or in areas where distribution is made by the Department or is financially assisted with funds made available under Part 251 of this chapter, as related to the total number of poor in the United States who do not reside in such areas.

(3) If any program of financial assistance conducted under Part 251 of this chapter or any food distribution program operated by the Department is terminated and the Food Stamp Program will not be administered within the same area in which such terminated program was conducted, there shall be added to the amount of funds available to the distributing agency under subparagraph (2) of this paragraph all amounts which would have been paid to a distributing agency or recipient agency or which would have been expended by the Department with respect to such terminated program.

(4) The apportionment of funds under this paragraph shall not be regarded as conveying to any distributing agency a vested right to any fixed amount of funds.

(d) *Notification of availability.* As soon as practicable after funds for the purpose of this section are made available, written notification of the amount of funds apportioned and the period for which they are available shall be given to the distributing agency for which such funds are available.

(e) *Payment of funds.* Upon receiving notification of the amount of funds available to it, each distributing agency shall advise FNS of the amount estimated to be required for the fiscal year. FNS shall, if it concurs, issue a Letter of Credit to the appropriate Federal Reserve Bank in favor of the distributing agency. The distributing agency shall obtain funds needed through presentation by designated officials of a Payment Voucher on Letter-of Credit to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department. The distributing agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims.

(f) *Agreements.* Each distributing agency which desires to receive funds under this section shall execute and submit to FNSRO a letter of acceptance agreeing to: (1) Expend any funds received solely for the purposes of this section; (2) furnish reports under this part; and (3) amend the existing agreement between the distributing agency and the Department to incorporate contractual provisions required in Government contracts, including the Equal Opportunity clause (section 202 of Executive Order No. 11246 of Sept. 24, 1965) and provisions required by the Contract Work Hours Standards Act (40 U.S.C. 327–330) and the Service Contract Act of 1965 (41 U.S.C. 351–357).

(g) *Records, reports, audits.* Distributing agencies shall (1) maintain, and retain for 3 years from the close of the Federal fiscal year to which they pertain, complete and accurate records of all amounts received and disbursed under this section, (2) keep such accounts and records as may be necessary to enable FNS to determine whether there has been compliance with this section, and (3) permit representatives of the Department and of the General Accounting Office of the United States to inspect, audit, and copy such records and accounts at any reasonable time. Distributing agencies shall submit monthly reports to FNS on Form FNS 60 concerning the obligations, expenditure and status of funds received under this section. In addition, distributing agencies receiving funds under this section shall submit any other reports in such form as may be required from time to time by the Department.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall become effective on July 1, 1971.

Signed at Washington, D.C., on June 29, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-9476 Filed 7-2-71;8:49 am]

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

[Lemon Reg. 487]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.787 Lemon Regulation 487.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has

been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 29, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 4, 1971, through July 10, 1971, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 300,000 cartons;

(iii) District 3: Unlimited.

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

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

Dated: July 1, 1971.

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

[FR Doc.71-9515 Filed 7-2-71;8:51 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-580]

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)(5) relating to the State of Texas, subdivision (i) relating to Eastland, Galveston, Harris, Parker, and Tom Green Counties is amended to read:

(5) *Texas.* (i) Galveston, Harris, Parker, and Tom Green Counties.

(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 all of Eastland County, Tex., 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 Eastland County, Tex., 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 24th day of June 1971.

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

[FR Doc.71-9494 Filed 7-2-71;8:50 am]

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 745—CLARIFICATION AND DEFINITION OF ACCOUNT INSURANCE COVERAGE

Notification of Depositors/Shareholders; Correction

The document adopting Part 745 of Chapter VII of Title 12 of the Code of Federal Regulations, published in the FEDERAL REGISTER on Friday, February 5, 1971, at 36 F.R. 2477–2479, is corrected by changing § 745.12, lines 15 and 16, the word "chartered" to read "insured".

HERMAN NICKERSON, Jr.,
Administrator.

JUNE 29, 1971.

[FR Doc.71-9452 Filed 7-2-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-SO-116; Amdt. 39-1234]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman G-159 Airplanes

Amendment 39-344, AD 67-4-1 requires inspection of the lower wing planks for corrosion on Grumman Model G-159 airplanes. After issuing Amendment 39-344, the agency determined that the wing plank paint finish system contained in Grumman Gulfstream I Aircraft Service Change No. 190 provides sufficient corrosion protection to warrant extension of the repetitive inspection interval from 6 months to 1 year. Therefore, the AD is being amended to provide for extension of the repetitive inspection interval from 6 months to 1 year when the corrosion protective paint system of Aircraft Service Change 190 or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region, is incorporated.

Since this amendment relieves a restriction, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39.344, AD 67-4-1 is amended to by adding the following new paragraph (d) at the end thereof:

(d) The repetitive inspection interval of 26 weeks may be extended to 1 year following incorporation of the protective paint system described in Grumman Gulfstream I Aircraft Service Change No. 190, dated 28 June 1971, or an equivalent system approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

This amendment becomes effective upon publication in the FEDERAL REGISTER (7-3-71).

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

Issued in East Point, Ga., on June 15, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-9455 Filed 7-2-71;8:48 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7122]

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

Returns and Annual Reports of Exempt Organizations

Correction

In F.R. Doc. 71-7911 appearing at page 11025 in the issue of Tuesday, June 8, 1971, the third line of § 1.6033-2(e) reading "on or before the 15th calendar month" should read "on or before the 15th day of the fifth calendar month".

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 722—REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

A new Part 722 is added to read as follows:

Sec.
722.1 Purpose.
722.2 Report of DoD and Defense Related Employment (DD Form 1787); submission of.
722.3 Action.
722.4 Availability of forms.

AUTHORITY: The provisions of this Part 722 issued under 10 U.S.C. 5031 and Part 166 of this title.

SOURCE: SECNAV Instruction 5314.5, March 1, 1971.

§ 722.1 Purpose.

This Part 722 implements within the Department of the Navy the reporting procedures on defense related employment established in Part 166 of this title.

§ 722.2 Reports of DoD and Defense Related Employment (DD Form 1787); submission of.

Individuals required by Public Law 91-121, section 410 (November 19, 1969) and § 166.4(e) of this title, to submit reports of DoD and Defense Related Employment (DD Form 1787) to the Secretary of the Navy shall submit such reports in duplicate, not later than October 15 following the close of each fiscal year, to:

(a) If former or retired Navy officers: The Chief of Naval Personnel (Pers-Of), Navy Department, Washington, D.C. 20370.

(b) If former or retired Marine Corps officers: The Commandant of the Marine Corps (Code DNC), Navy Department, Washington, D.C. 20380.

(c) If present civilian employees: The Director of Civilian Manpower Management (Administrative Office (01B)), Navy Department, Washington, D.C. 20390, via the commanding officer or head of the activity in which they are employed.

(d) If former civilian employees: The Director of Civilian Manpower Management (Administrative Office (01B)), Navy Department, Washington, D.C. 20390.

§ 722.3 Action.

(a) The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, shall include notification, as prescribed in § 166.5(c)(1) of this title, in separation or retirement counseling procedures, and in appropriate publications directed at individuals in the category described in § 166.4(a) of this title.

(b) All chiefs and heads of commands, bureaus, and offices, and all commanding officers, shall direct attention within their organizations or commands to the requirement of Public Law 91-121 and insure that all civilian personnel within their organizations or commands, who are subject to this requirement, are familiar with the provisions of this part. Further, they shall (1) include notification, as prescribed in § 166.5(c)(1) of this title, in entrance orientation and exit interview or separation counseling procedures; and (2) notify, as prescribed in § 166.5(c)(1) of this title, all civilian personnel who become subject to the requirement of Public Law 91-121 by virtue of a promotion or step increase after initial employment.

(c) The Chief of Naval Material shall bring the contents of this part to the attention of the principal officer of each contractor identified, pursuant to § 166.5(a) of this title, doing business with the Department of the Navy and request that such officer inform all former or retired Naval Establishment personnel within his organization of the requirement of Public Law 91-121 and the provisions of this part.

(d) The Chief of Naval Personnel, the Commandant of the Marine Corps, and the Director of Civilian Manpower Management, as provided in § 722.2, shall receive for the Secretary of the Navy all reports required by Public Law 91-121 and § 166.4(e) of this title, and review all such reports in the manner prescribed by § 166.7(a) of this title. Not later than November 15 of each year they shall each forward to the Administrative Officer of the Navy Department the forms received by them and reports based upon them prepared in the manner specified in § 166.7(b) of this title.

(e) Not later than November 21 of each year the Administrative Officer of the Navy Department shall forward to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) the forms and report specified in § 166.7(b) of this title.

(f) Not later than November 30 of each year the Assistant Secretary of the Navy (Manpower and Reserve Affairs) shall forward to the Assistant Secretary of Defense (Manpower and Reserve Affairs) the forms and report specified in § 166.7(b) of this title.

(g) The Judge Advocate General of the Navy and the General Counsel of the Navy shall provide, within their respective areas of jurisdiction, legal advice regarding questions which may arise under this part. Additionally, the deputy counselors designated in § 721.5(c) of this chapter shall provide advice in local areas.

§ 722.4 Availability of forms.

Supplies of DD Form 1787 (Report of DoD and Defense Related Employment) are available in Forms and Publication Segment of the Navy Supply System under Stock No. 0102-025-5090. Individuals required to submit reports should obtain forms from local commands or organizations or from the officer designated in § 722.2 to whom reports are to be submitted. Use of facsimile copies of the same size is authorized.

By direction of the Secretary of the Navy.

MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General of the Navy.

JUNE 28, 1971.

[FR Doc.71-9446 Filed 7-2-71;8:47 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

PART 3—FORMS FOR PATENT CASES

Division-Continuation Program

The current Rule 147 divisional practice and the "streamlined continuation" program set forth in the notices of February 11, 1966 (824 O.G. 1); May 13, 1966 (827 O.G. 2); May 31, 1966 (828 O.G. 1085) and October 14, 1969 (869 O.G. 1) are superseded by this change in the rules.

The practice under § 1.60 permits persons having authority to prosecute the prior application to file a continuation or divisional application without an oath or declaration, if the continuation or divisional application is a copy of the prior application as filed. However, some of the claims in the prior application as filed may be canceled by amendment in order to reduce the filing fee. An amendment presenting additional claims may accompany the request for filing an application under § 1.60 but such amendment will not be entered until after the filing date has been granted.

Form 3.54 is designed as an aid for use by both applicant and the Patent Office and should simplify filing and processing of applications under § 1.60.

Application copies may be prepared and submitted by the applicant, his attorney or agent, provided they are verified as true copies. No charges will be made for preparation of copies that are retained by the Office.

Notice of proposed rule making regarding a revision of §§ 1.41 and 1.75, an

addition of §§ 1.60 and 3.54 and revocation of § 1.147 of Title 37, Code of Federal Regulations, relating to a division-continuation program, was published in the FEDERAL REGISTER of January 28, 1971 (36 F.R. 1357).

Interested persons were given an opportunity to participate in the rule making process through submission of comments in writing and at an oral hearing held on March 23, 1971.

Full consideration has been given to the comments received and changes in the text of the original proposal have been made in view thereof.

In consideration of the foregoing and pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), Parts 1 and 3 of Chapter I of Title 37 of the Code of Federal Regulations are hereby amended as follows:

1. In § 1.41, paragraph (a) is revised to read as follows:

§ 1.41 Applicant for patent.

(a) A patent must be applied for and the application papers must be signed and the necessary oath or declaration executed by the actual inventor in all cases, except as provided by §§ 1.42, 1.43, and 1.47. (See § 1.60)

* * * * *

2. A new § 1.60 is added to read as follows:

§ 1.60 Continuing application for invention disclosed and claimed in a prior application.

A continuation or divisional application (filed under the conditions specified in 35 U.S.C. 120 or 121), which discloses and claims only subject matter disclosed in a prior application may be filed as a separate application before the patenting or abandonment of or termination of proceedings on the prior application. If the application papers comprise a copy of the prior application as filed, signing and execution by the applicant may be omitted provided the copy either is prepared and certified by the Patent Office or is prepared by the applicant and verified by an affidavit or declaration by the applicant, his attorney or agent, stating that it is a true copy of the prior application as filed. Certification may be omitted if the copy is prepared by and does not leave the custody of the Patent Office. Only amendments reducing the number of claims or adding a reference to the prior application (§ 1.78(a)) will be entered before calculating the filing fee and granting of the filing date.

3. In § 1.75, paragraph (d)(2) is revised to read as follows:

§ 1.75 Claim(s).

* * * * *

(d) * * *

(2) See §§ 1.141 to 1.146 as to claiming different inventions in one application.

* * * * *

§ 1.147 [Revoked]

4. Section 1.147 is revoked.

5. Section 3.54 is added to read as follows:

§ 3.54 Division-continuation program application transmittal form.

IN THE UNITED STATES PATENT OFFICE

Docket No. _____

THE COMMISSIONER OF PATENTS,
Washington, D.C. 20231.

SIR: This is a request for filing a
☐ Continuation
application under 37 CFR 1.60,
☐ Divisional
of pending prior application Serial No. _____

filed on _____ of _____
(date) (inventor)

for _____
(title of invention)

1. ☐ Enclosed is a copy of the prior application as originally filed and an affidavit or declaration verifying it as a true copy.
2. ☐ Prepare a copy of the prior application.
3. ☐ The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELED BY AMENDMENT

For	Number filed	Number extra	Rate	Basic fee $65
Total claims	−10=	×	$2	=
Independent claims	−1=	×	10	=
Total filing fee				

4. ☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. _____. A duplicate copy of this sheet is enclosed.
5. ☐ A check in the amount of $_____ is enclosed.
6. ☐ Cancel claims _____.
7. ☐ Amend the specification by inserting before the first line the sentence: —This is a ☐ continuation, ☐ division, of application Serial No. _____, filed _____.—
8. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
9. ☐ The prior application is assigned to _____.
10. ☐ The power of attorney in the prior application is to _____
_____
(name, reg. No., and address)
    a. ☐ The power appears in the original papers of the prior application.
    b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
    c. ☐ Recognize as associate attorney and address all future communications to _____
_____
(name, reg. No., and address)

_____
(Signature)
☐ Inventor(s)
☐ Assignee of Complete Interest
☐ Attorney or agent of record in prior application

Effective date. These amendments shall become effective on September 1, 1971, and will apply to applications filed after that date.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: June 29, 1971.

JAMES H. WAKELIN, JR.,
Assistant Secretary for Science and Technology.

[FR Doc.71-9484 Filed 7-2-71;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5082]

[Wyoming 28423]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. § 300 (1964), it is ordered as follows:

1. The departmental order of December 28, 1922, enlarging Stock Driveway Withdrawal No. 128 (Wyoming No. 13), is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 86 W.,
Sec. 34, S½N½, N½SW¼, W½SE¼, SE¼SE¼.

The area described contains 360 acres in Washakie County.

2. This revocation is made in furtherance of an exchange under section 8 of the Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. sec. 315g (1964), by which the offered lands will benefit a Federal land program. Accordingly, the land described in this order is hereby classified, pursuant to section 7 of said act, 43 U.S.C. sec. 315f (1964), as suitable for such exchange. The land, therefore, will not be subject to other use or disposition under the public land laws in

the absence of a modification or revocation of such classification (43 CFR 2440.4).

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 28, 1971.

[FR Doc.71-9447 Filed 7-2-71;8:47 am]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Tariff Circular 3; Exemption Application 9]

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

Exemption; Carriage of U.S. Coin and Currency Between U.S. Atlantic Coast Ports and Ports in Puerto Rico

Application for exemption from the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, and regulations applicable thereto, for U.S. coins and currency shipped by the Federal Reserve Banks between U.S. Atlantic Coast ports on the one hand and on the other ports in Puerto Rico was filed in the FEDERAL REGISTER.

The effect of such an exemption would be to permit movements of U.S. coins and currency for the Federal Reserve Banks with freedom from tariff filing requirements and regulations with respect to the reasonableness of rates.

The proposed operations are highly specialized. Insurance requirements are high. Security requires armed guards and makes it desirable not to publish precise points of origin and destination. The conditions under which the operation must be conducted make rate and tariff regulations an unnecessary and undue burden.

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

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

Section 531.26 is amended by the addition of a new paragraph (e), reading as follows:

§ 531.26 Exemptions.

* * * * *

(e) The provisions of the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, as amended, shall not apply to the service provided by Sea-Land Service, Inc., for U.S. coins and currency shipped by the Federal Reserve Banks between U.S. Atlantic Coast ports and ports in Puerto Rico.

Effective date. The exemption granted herein shall become effective upon publication of this order in the FEDERAL REGISTER (7-3-71).

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9424 Filed 7-2-71; 8:45 am]

Title 49—TRANSPORTATION

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

[Docket No. 3-3; Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Flammability of Interior Materials in Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

Correction

In F.R. Doc. 71-190 appearing at page 289 in the issue of Friday, January 8, 1971, in Motor Vehicle Safety Standard No. 302 (§ 571.21), the first sentence of paragraph S4.3 should read as follows: "Material described in S4.1 and S4.2 shall not burn, or transmit a flame front across its surface, at a rate of more than 4 inches per minute."

Title 21—FOOD AND DRUGS

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

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Triamcinolone Acetonide Cream

The Commissioner of Food and Drugs has evaluated a new animal drug application (46-146V) filed by E. R. Squibb & Sons, Inc., New Brunswick, N.J. 08903, proposing the safe and effective use of triamcinolone acetonide cream for use in dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding the following new section:

§ 135a.16 Triamcinolone acetonide cream.

(a) *Specifications.* Triamcinolone acetonide cream contains 0.1 percent triamcinolone acetonide in an aqueous vanishing cream base.

(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is recommended for use on dogs as an anti-inflammatory, antipruritic, and antiallergic agent for topical treatment of allergic dermatitis and summer eczema.

(2) The drug is applied by rubbing into affected areas two to four times daily for 4 to 10 days.

(3) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon pubication in the FEDERAL REGISTER (7-3-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: June 24, 1971.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.71-9469 Filed 7-2-71;8:49 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Dichlorvos

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (40-848V) filed by Shell Chemical Co., Agricultural Chemical Division, 110 West 51st Street, New York, N.Y. 10020, proposing a revision in the declaration of the quantity of dichlorvos to be administered and revised labeling for use of the drug in swine feed. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended in § 135e.54 by revising paragraphs (c), (d), and (e) and by revising the information in the "Amount" column of the table in paragraph (f), as follows:

§ 135e.54 Dichlorvos.

* * * * *

(c) *Assay limits.* Finished feed must contain 80-130 percent of the labeled amount of dichlorvos.

(d) *Special considerations.* (1) Dichlorvos is to be included in meal or mash or mixed with feed in crumble form only after the crumble feed has been manufactured. Do not mix in feeds to be pelleted nor with pelleted feed. Do not soak the feed or administer as wet mash. Feed must be dry when administered. Do not use in animals other than swine. Do not allow fowl access to feed containing this preparation or to feces from treated animals.

(2) Dichlorvos is a cholinesterase inhibitor. Do not use this product in animals simultaneously or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides, or chemicals. If human or animal poisoning should occur, immediately consult a physician or a veterinarian. Atropine is antidotal.

(3) Labeling for feed supplements must include a statement that containers

or materials used in packaging such supplements are not to be reused and all such packaging materials must be destroyed after the product has been used.

(4) Finished feeds processed from feed supplements containing 0.384 percent or 0.192 percent of dichlorvos and complying with this paragraph and paragraph (f) of this section are exempt from the requirements of section 512(m) of the act.

(e) *Related tolerances.* See § 135g.75 of this chapter.

(f) *Conditions of use.* It is used as follows:

	Amount (Percent)	Limitations	Indications for use
1. Dichlorvos	0.0384	* * *	* * *
2. Dichlorvos	0.0528	* * *	* * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (7–3–71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360 b(i))

Dated: June 24, 1971.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.71-9465 Filed 7-2-71;8:48 am]

PART 121—FOOD ADDITIVES

Chapter III—Environmental Protection Agency

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

Succinic Acid 2,2-Dimethylhydrazide

A. A petition (PP 0F0990) was filed by Uniroyal Chemical Division, Uniroyal, Inc., Bethany, CO 06525, proposing establishment of tolerances for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on the raw agricultural commodities peanuts at 20 parts per million, peanut hay and hulls at 10 parts per million, and poultry kidney at 1 part per million.

Subsequently, the petitioner amended the petition by changing the proposed tolerances on peanuts to 30 parts per million and in poultry kidney to 2 parts per million. The petitioner also proposed tolerances in eggs and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, sheep, and poultry (except poultry kidney) at 0.2 part per million and in milk at 0.02 part per million (negligible residue).

Prior to December 2, 1970, the Secretary of Agriculture certified that the plant regulator is useful for the purposes for which the tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objections to the proposed tolerances.

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

Based on consideration given the data submitted in the petition, and other relevant material, it is concluded that 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)), and the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.246 is revised to read as follows:

§ 420.246 Succinic acid 2,2-dimethylhydrazide; tolerances for residues.

Tolerances are established for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on raw agricultural commodities as follows:

55 parts per million in or on sour cherries.

20 parts per million in or on apples, peaches, peanuts, and sweet cherries.

10 parts per million in or on grapes and peanut hay and hulls.

2 parts per million in poultry kidney.

0.2 part per million in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry (except poultry kidney), and sheep.

0.2 part per million in eggs.

0.2 part per million (negligible residue) in or on tomatoes.

0.02 part per million (negligible residue) in milk.

B. Having evaluated the data in an accompanying food additive petition (FAP 0H2553) submitted by the aforementioned petitioner, and other relevant material, it is concluded that the food additive regulations should be amended to establish a food additive tolerance of 90 parts per million for residues of the subject plant regulator in peanut meal and that such food additive tolerance is safe.

Therefore, pursuant to provisions of the Act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)) and under authority delegated as cited above, Part 121 is amended by adding the following new section to Subpart C:

§ 121.335 Succinic acid 2,2-dimethylhydrazide.

A tolerance of 90 parts per million is established for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in peanut meal resulting from application of the plant regulator to the growing raw agricultural commodity peanuts.

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 of brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (7–3–71).

(Secs. 408(d)(2), 409(c) (1), (4), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348 (c) (1), (4))

Dated: June 25, 1971.

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

[FR Doc.71-9578 Filed 7-2-71;10:15 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 57]

METAL AND NONMETALLIC UNDERGROUND MINES

Variances From Mandatory Standards Relating to Exposure to Concentrations of Radon Daughters

On Tuesday, December 8, 1970, there was promulgated in the FEDERAL REGISTER (35 F.R. 18591), pursuant to the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740), a mandatory standard relating to the underground mining of uranium. The mandatory standard is as follows:

57.5–42 *Mandatory.* If levels of permissible exposures to concentrations of radon daughters different from those prescribed in 57.5–38 are recommended by the Environmental Protection Agency and approved by the President, no employee shall be permitted to receive exposures in excess of those levels after the effective dates established by the Agency.

On Tuesday, May 25, 1971, the Administrator of the Environmental Protection Agency published in the FEDERAL REGISTER (36 F.R. 9480), a document entitled "Radiation Protection Guidance for Federal Agencies" with respect to the underground mining of uranium ore. The Administrator has decided that there is no basis for modifying the guidance approved by the President in a memorandum published in the FEDERAL REGISTER on December 18, 1970, that an annual exposure level of miners to radon daughters in underground uranium mines should be no more than 4 WLM, effective as of July 1, 1971.

The Administrator recognizes that the magnitude of risk attributable to radiation exposures incident to uranium mining is still in dispute among the participants in the Interagency Uranium Mining Radiation Review Group (IUMRRG). Following a review and analysis of certain information, the Administrator reached the following conclusions, in part:

a. The major areas of consideration in connection with determining radiation protection guidance for uranium miners are:

(1) Protection of the health of uranium miners.

(2) Technical feasibility of achieving various levels of exposure.

(3) Economic impact of achieving various levels of exposure.

* * * * *

d. A standard of 4 WLM per year would not have a severe impact on the underground uranium mining community, provided additional time is allowed for compliance in certain instances. * * *

In his decision the Administrator further stated, in part:

The authority which EPA derived from the former FRC is limited to recommending guidance for Federal agencies. Other agencies are responsible for setting and enforcing standards. It is for these agencies to consider what provision it is appropriate to make, in enforcement of standards, for those cases where immediate enforcement of a 4 WLM per year standard would cause excessive financial loss which would compel the closing of mines resulting in substantial loss of employment for miners. It is the Administrator's concern that, if variances are granted for specific mines by the appropriate regulatory agencies, such mines be brought into compliance with the 4 WLM per year guidance at the earliest possible time.

In view of the guidance furnished by Administrator, the conclusion reached by the Administrator that a standard of 4 WLM per year would not have a severe impact on the underground uranium mining community, provided additional time is allowed for compliance in certain instances, it is proposed to amend § 57.24 as stated below and to add a new § 57.25 to Part 57 of Subchapter N of Title 30, Code of Federal Regulations, to provide procedures by which operators of underground uranium mines may obtain a variance from the 4 WLM per year standard in those cases where immediate compliance with a 4 WLM standard is technically infeasible and a plan to obtain a 4 WLM annual exposure level has been filed with and approved by the Director, Bureau of Mines.

It is the policy of the Department of the Interior to provide a period of 30 days in which comments, suggestions, and objections may be made to proposed rulemaking when notice of hearing is not required by statute. In this instance it has been determined that the proposed amendments to Part 57 are rules applying to a general statement of policy or procedure, and that by reason of the effective date of July 1, 1971, after which the recommended annual exposure level of miners to radon daughters in underground mines should be no more than 4 WLM, it is found that notice of the proposed rule making for a full period of 30 days is impracticable. It is further determined, in accordance with 5 U.S.C. 553 that the proposed substantive rules are those which grant or recognize an exemption or relieve a restriction and that by reason of the short period of time which exists from publication of this notice to July 1, 1971, good cause is found for a shorter period of time than 30 days in which comments, suggestions, and objections may be made to the proposed rules.

Therefore, interested persons may make comments, suggestions, and objections to the proposed amendments to Part 57 to the Director, Bureau of Mines, Department of the Interior, Washington, DC 20240, within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

It is proposed to amend § 57.24 as set forth below and to add a new § 57.25 to Part 57, Subchapter N, Title 30, Code of Federal Regulations, Health and Safety Standards—Metal and Nonmetallic Underground Mines.

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

JUNE 30, 1971.

1a. The heading of § 57.24 will be revised to read as follows:

§ 57.24 Variances; mandatory standards other than those relating to exposure to concentrations of radon daughters.

b. The first sentence of 57.24–1 will be revised to read as follows:

57.24–1 Except as provided in 57.24–7, the Director, Bureau of Mines, may, in accordance with the provisions of this § 57.24, permit a variance from a mandatory standard in this part other than those relating to exposure to concentrations of radon daughters. * * *

c. Item 57.24–7 will be revised by deleting the reference to mandatory standards relating to exposure to concentrations of radon daughters, and will be revised to read as follows:

57.24–7 The Director is not authorized to grant a variance under the provisions of § 57.24 from any mandatory standard relating to exposure to concentrations of airborne contaminants.

2. A new § 57.25 will be added to Part 57 to provide for the granting in certain cases and under certain conditions a variance from a mandatory standard relating to annual exposure levels of employees to radon daughters in excess of 4 WLM from and after July 1, 1971. The new § 57.25 will read as follows:

§ 57.25 Variance; mandatory standards relating to exposure to concentrations of radon daughters.

57.25–1 Following the recommendations, concerns, conclusions, and decision of the Administrator of the Environmental Protection Agency and the guidance provided in a document entitled "Radiation Protection Guidance for Federal Agencies—Underground Mining of Uranium Ore" published in the FEDERAL REGISTER on Tuesday, May 25, 1971 (36 F.R. 9480), the Director, Bureau of Mines, in accordance with the provisions of this § 57.25 is authorized to permit a variance from a mandatory standard in this part 57 relating to annual exposure levels of employees to radon daughters in excess of 4 WLM from and after July 1, 1971. The Director may permit such a variance only by means of a written decision specifically describing the variance permitted and the restrictions and conditions to be observed and finding that immediate compliance with the 4 WLM

per year standard at the underground uranium mine is technically infeasible. The Director may, in writing, delegate the authority conferred by this 57.25–1 to the Deputy Director—Health and Safety and such authority may not be redelegated.

57.25–2 Any variance permitted shall be subject to the following terms and conditions:

(a) No variance shall be granted for a period of time longer than that necessary for the mine to be brought into compliance with an annual maximum exposure of 4 WLM. The period of time for which a variance may be permitted shall not exceed 6 months for each variance granted: *Provided, however*, That additional and successive extensions may be granted according to the then existing circumstances at the mine.

(b) All miners exposed to levels of exposure to radon daughters which exceed 4 WLM shall wear at all times respirators of a type approved by the Bureau of Mines for use in uranium mines. The variance shall specify the kind and type of respirator which shall be worn by miners and any conditions or restrictions which may be imposed on the use of such respirators.

(c) The variance shall specify the plan of operations to be instituted by the operator of the mine to reduce exposures of employees to concentrations of radon daughters to 4 WLM per year, or less, at the earliest possible time.

(d) Mine atmospheres shall be sampled to determine the concentrations of radon daughters which are present, and such sampling shall be performed in the manner, places and times specified in the variance.

(e) Complete individual exposure records shall be kept for all employees subjected to exposure in excess of 0.3 working level and such records shall be in the form and contain such information as may be specified by the Director.

(f) The Director shall specify the highest level of exposure which shall not be exceeded during the period of variances, which may be set in terms of periodic reduction of levels, and which shall be at the lowest level attainable but in no event shall any employee be permitted to receive an exposure of more than 6 WLM in any consecutive 3-month period and not more than 12 WLM in any consecutive 12-month period.

57.25–3 An application for a variance must be in writing and filed with the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240. A copy of the application must be mailed or otherwise delivered to the District Manager of the Metal and Nonmental Mine Health and Safety District of the Bureau of Mines in which the mine is located and a copy must be mailed or otherwise delivered to the State agency responsible for health and safety in the mine.

57.25–4 Before an application for a variance is filed, the person making such application shall give notice of the contents of the application to all persons employed in the area of the mine that would be affected by the variance if granted. Such notice may be given by the delivery of a copy to each such employee individually; or by the delivery of a copy of the application to an organization, agency, or individual authorized by the employees to represent them; or by posting a copy on a bulletin board at the mine office or in some other appropriate place at the mine adequate to give notice to the employees. An application will be rejected if it does not show that the notice required by this subsection has been given.

57.25–5 An application for a variance must:

(a) Specify the mandatory standard or standards from which the variance is requested;

(b) Describe the variance requested;

(c) Specify the range of annual exposure of employees to radon daughters which then exist at the mine and the lowest maximum annual exposure which can be maintained at the commencement of the period for which the variance is granted;

(d) Identify the areas of the mine that would be affected by the variance;

(e) Give the reasons why the standard or standards cannot be strictly complied with, and show fully why immediate compliance with a 4 WLM per year standard is technically infeasible;

(f) Describe all protective measures which will be taken during the period of variance;

(g) Describe the work assignments of persons employed in affected areas of the mine, specifying the number of persons having each work assignment;

(h) Describe the plan of operations to be undertaken during the period of the variance to reduce annual exposure levels of employees to radon daughters to 4 WLM per year, and the estimated time required to institute such procedures and accomplish the results;

(i) Describe fully the sampling procedures and exposure records to be kept during the period of variance, including time, interval, method, and instruments to be used in such sampling;

(j) Specify the time period for which the variance is requested;

(k) Indicate the authority of the person signing the application; and

(l) Include a statement describing how, and on what dates, the notice required in subsection 57.25–4 was given.

57.25–6 For a period of 15 days following the date on which an application for a variance is filed, any interested person may submit to the Director, Bureau of Mines, written data, views, objections, or arguments respecting the application. Copies of such comments shall be mailed or otherwise delivered to the District Manager of the Health and Safety District of the Bureau of Mines in which the mine is located, to the State agency responsible for health and safety in the mine, and to the person making the application. The Director may hold a public hearing if he determines that such a hearing would contribute to his consideration of the application. The Director may cause radiation surveys to be made at the mine when he deems such necessary to assist him in his consideration of the variance. The Director shall issue a decision on the application as soon as practicable following the expiration of the period of 15 days, or the conclusion of any hearing held, or completion of radiation surveys which may be conducted.

57.25–7 Notwithstanding the provisions of 57.25–6, the Director may issue a temporary variance, specifying the conditions thereof, for the period of time necessary to permit his full consideration of the application under the provisions of § 57.25, or may take such other action as he may deem appropriate to delay the application of the 4 WLM exposure level prior to his decision.

[FR Doc.71-9487 Filed 7-2-71;8:50 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Proposed Standard Requirements

Notice is hereby given in accordance with the provisions contained in section 533(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The proposed amendment to § 113.3 would authorize a new system for selecting samples. The proposed amendment to § 113.27 would authorize the use of medium as a rehydrating agent for desiccated vaccine.

1. Section 113.3 is amended by revising paragraph (a) to read:

§ 113.3 Sampling of biological products.

* * * * *

(a) An employee of the Department, of the licensee, or of the permittee, as designated by the Director shall select prerelease samples of biological product to be tested by the Division. Such samples shall be forwarded to the place designated by the Director and in the number and quantity as prescribed.

(1) Selection shall be made as follows:

(i) Nonviable liquid biological products—either bulk or final container samples of completed product shall be selected for purity, safety, or potency tests. Biological product in final container shall be selected to test for viable bacteria and fungi.

(ii) Viable liquid biological products; samples shall be in final containers and shall be randomly selected at the end of the filling operation. Bulk containers of completed product may be sampled when authorized by the Director.

(iii) Desiccated biological products; samples shall be in final containers and shall be randomly selected if desiccated in the final container. Biological products desiccated in bulk shall be sampled at the end of the filling operation.

(iv) Representative samples of each serial or subserial in each shipment of imported biological products shall be selected.

(2) Comparable samples shall be used by the Division, the licensee, and the permittee for similar tests.

* * * * *

2. Section 113.27 is amended by revising paragraph (a)(3) to read:

§ 113.27 Detection of viable extraneous bacteria and fungi in live vaccines.

* * * * *

(a) *Live viral vaccines.* * * *

(3) Immediately prior to starting the tests:

(i) Frozen liquid vaccine shall be thawed, and

(ii) Desiccated vaccine shall be rehydrated with the accompanying sterile diluent as recommended on the label or with sterile Soybean Casein Digest Medium. Sterile distilled water may be used for those desiccated vaccines packaged without diluents.

* * * * *

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to

the Veterinary Biologics Division, Federal Center Building, Hyattsville, Md. 20782, within 10 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 29th day of June 1971.

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

[FR Doc.71-9475 Filed 7-2-71;8:49 am]

Consumer and Marketing Service

[7 CFR Part 101]

COTTON WAREHOUSES

Weights To Be Shown on Receipts Issued by Licensed Warehousemen

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C., section 553, that Consumer and Marketing Service, pursuant to the authority conferred by section 28 of the United States Warehouse Act (7 U.S.C. 268) is considering amending warehouse regulations appearing in Part 101 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations in the following respect:

Section 101.38 would be amended to read as follows:

§ 101.38 **Weighing of cotton; weighing apparatus.**

(a) All cotton before being stored in a licensed warehouse, shall be weighed at the warehouse by a licensed weigher, and the weight so determined shall be stated on the warehouse receipt; except that in lieu thereof, if requested by the depositor, and subject to the provisions of § 101.16(a)(9), the weight of the cotton may be determined by any weigher at the gin where the cotton was ginned and such weight may be stated on the receipt: *Provided*, That no licensed warehouseman shall, directly or indirectly by any means whatever, compel or attempt to compel the depositor of any cotton in his warehouse to request the omission of weighing of the cotton at the warehouse by a licensed weigher and the issuance of a warehouse receipt on the basis thereof.

In certain regions of the country it is trade practice for receipts issued for cotton stored in nonfederally licensed warehouses to show weights established at the gin rather than at the storing warehouse. Warehousemen licensed under the United States Warehouse Act would be agreeable to acceptance of cotton on this basis as it would facilitate the handling of the cotton. However, except in the case of multiple bale lots, warehousemen licensed under the Act are currently prohibited from accepting cotton on this basis.

The proposed amendment would permit a federally licensed warehouseman to accept cotton for storage and issue warehouse receipts on the basis of gin weights provided: (1) The warehouse receipt contains a statement that the weight is not determined by a licensed weigher at the warehouse; and (2) the depositor has requested that warehouse receipts be issued based on gin weights only.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day 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)).

Done at Washington, D.C., June 29, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-9470 Filed 7-2-71;8:49 am]

[7 CFR Part 980]

ONIONS

Importation

Notice is hereby given of proposed quality requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, regulations to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oreg.

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 980.110 **Onion import regulation.**

Except as otherwise provided, during the period July 15, 1971, through August 31, 1971, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Quality requirement.* At least "moderately cured."

(b) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(c) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(d) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e-1 of the act.

(e) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e-1 (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables, and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 310, Austin, TX 78767 (Phone—512-385-8385).	1 day.
All Arizona point.	B. O. Morgan, Post Office Box 1614, Nogales, AZ 85621 (Phone—602-287-2662).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, CA 90021 (Phone—213-622-8750).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, HI 96814 (Phone—808-941-3071).	1 day.
New York City.	Edward J. Beller, Room 28A Hunts Point Market, Bronx, NY 10474 (Phone—212-991-7669—7668).	Do.
New Orleans...	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70113 (Phone—504-527-6741—6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202-388-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: "Meets import requirements of 7 U.S.C. 608e–1."

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(g) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. The term "moderately cured" means that the onions are definitely fairly well cured but need not be completely dry. "Importation" means release from custody of the U.S. Bureau of Customs.

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

Dated: June 29, 1971.

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

[FR Doc.71-9471 Filed 7-2-71;8:49 am]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Term of Validity of Certain Inspection Certificates

Notice is hereby given of a proposal to change the term of validity for inspection certificates on lots of packed raisins from 21 calendar days to 90 calendar days. This action would be in accordance with § 989.59(d) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Raisin Administrative Committee, hereinafter referred to as the "Committee", established under the order.

Section 989.59 of the order provides, in part, that any inspection certificate issued pursuant to paragraph (d) thereof shall be valid only for such period of time as the Committee may specify, with the approval of the Secretary, in appropriate rules and regulations. Paragraph (e) of § 989.159 provides, in part, that any handler who fails to ship or make other final disposition for human consumption of any lot of packed raisins within 21 calendar days after the date of the last inspection of the lot or has any shipment or portion of a shipment of packed raisins returned to his inspection point or storage premises within the area, shall, before any such shipment or final disposition, or before blending with other raisins, have such raisins inspected for condition and shall furnish promptly to the Committee a copy of the inspection certificate showing that the packed raisins meet the requirements of this part for shipment, final disposition or blending.

The Committee has examined numerous inspection certificates, including condition inspection certificates, issued on lots of packed raisins which were not shipped within 21 calendar days from the date of the last inspection. Such examination indicates that there have been only two instances in the past 15 years where such packed raisins failed to meet the aforesaid applicable requirements. An anlysis of all of the inspection certificates issued on 128 lots of raisins which were packed from August 24 through September 30, 1970, indicates that 767 condition inspections were subsequently made on such lots, or portions of such lots. The last of such condition inspections occurred on January 15, 1971. All of the raisins covered by the original inspection certificates or by the condition inspection certificates subsequently issued met applicable requirements. Of the aforesaid 767 condition inspections, only eight of them were requested later than 90 days from the date issue of the original inspection certificate.

Based upon the foregoing, the Committee concluded that a term of 90 days for valid inspection certificates in lieu of the current 21-day term for such certificates should have no adverse effect upon the quality of shipments or blending of packed raisins. The recommended change would greatly reduce the number of requests for condition inspection and certification, thereby saving the time and salaries of those inspectors heretofore required to perform such inspections and certifications.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 12, Administration Building, Washington, D.C. 20250, not later than the eighth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend subparagraph (1) of § 989.159(e) by substituting therein "90" for "21" so that the amended subparagraph reads as follows:

§ 989.159 Regulation of the handling of raisins subsequent to their acquisition.

* * * * *

(e) *Term of inspection certificate.* Any handler who:

(1) Fails to ship or make other final disposition for human consumption of any lot of packed raisins within 90 calendar days, or of any lot of natural condition raisins within 5 calendar days, after the date of the last inspection of the lot; or

* * * * *

Dated: June 29, 1971.

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

[FR Doc.71-9472 Filed 7-2-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 71-SO-115]

GRUMMAN G–159 AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Grumman Model G–159 airplanes. There have been cracks of the wing to fuselage fittings that could result in loss of the wing and/or fuselage failsafe capabilities. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection of the wing to fuselage fittings for cracks and repair, if necessary, on Grumman Model G–159 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before August 1, 1971, will be considered by

the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

GRUMMAN. Applies to all Model G-159 airplanes.

Compliance required as indicated.

To detect cracking in the wing to fuselage attachment fittings at Butt Line 9 of Grumman Model G-159 airplanes, accomplish the following:

a. Within 6 months time in service after the effective date of this AD, unless already accomplished, inspect the wing to fuselage attachment fittings, P/Ns 159WM10064 and 159WM10065 (P/N 159WM10223 assembly), and P/N 159WM10045 at Butt Line 9 Left and Right, wing front beam for cracks, deformation, gaps, or improper shimming in accordance with Grumman Gulfstream I Aircraft Service Change No. 190, dated June 28, 1971, or later FAA approved revision or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

b. If cracks, deformation, gaps, or improper shimming are found when conducting the inspection required by paragraph a. within 100 hours time in service after detection correct in accordance with Aircraft Service Change 190 or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

c. Upon request of the operator and FAA Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region, the initial inspection time may be adjusted to coincide with inspections for wing corrosion required by AD 67-4-1.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 15, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-9454 Filed 7-2-71;8:48 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Fracture Toughness Requirements for Nuclear Power Reactors

The Atomic Energy Commission has under consideration amendments of its regulations in 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would add new appendices entitled "Fracture Toughness Requirements" and "Reactor Vessel Material Surveillance Program Requirements." The purpose of the proposed amendments is to specify minimum fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary and to require surveillance of the fracture toughness specimens of the reactor vessel material by periodic tests. These amendments would apply only to boiling and pressurized water power reactors.

Criterion 31 of the "General Design Criteria for Nuclear Power Plants" (Appendix A of Part 50) states that the reactor coolant pressure boundary shall be designed with sufficient margin to assure that when stressed under operating, maintenance, testing, and postulated accident conditions (a) the boundary behaves in a nonbrittle manner and (b) the probability of rapidly propagating fracture is minimized. The criterion also requires that the design reflect consideration of service temperatures and other conditions of the boundary material under operating, maintenance, testing, and postulated accident conditions and the uncertainties in determining (a) material properties, (b) the effects of irradiation on material properties, (c) residual, steady-state and transient stresses, and (d) size of flaws.

The proposed amendments would specify minimum fracture toughness requirements needed to assure that Criterion 31 is satisfied and describe methods by which the fracture toughness of reactor coolant pressure boundary materials should be determined. Because of the special importance to safety of the reactor vessel and because the fracture toughness properties of the reactor vessel beltline region may change as a result of neutron irradiation, special requirements for periodic testing of irradiated specimens of reactor vessel beltline materials would be specified.

Recent fracture toughness test data indicate that the rules of currently applicable industry codes pertaining to the required fracture toughness properties of ferritic materials used in nuclear powerplants may not assure, in some cases, adequate margins of safety under certain conditions of operations. The proposed fracture toughness criteria are based on the theoretical methods of elastic fracture mechanics, currently under further development under the AEC-funded Heavy Section Steel Technology (HSST) Program at Oak Ridge National Laboratory and on recent fracture toughness test data obtained by organizations such as the Naval Research Laboratory, Westinghouse Electric Corp., and General Electric Co.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should 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. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

1. In § 50.55a, the introductory language in paragraph (b) is amended, paragraphs (h) and (i) are redesignated as paragraphs (i) and (j), respectively, the reference to paragraph (h) in paragraph (b)(1) is amended to refer to paragraph (i), and a new paragraph (h) is added to read as follows:

§ 50.55a Codes and standards.

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

* * * * *

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

* * * * *

(h) Fracture toughness requirements: For construction permits issued on or after January 1, 1971, ferritic materials of pressure-retaining components of the reactor coolant pressure boundary shall meet the requirements set forth in Appendices G and H to this part.

* * * * *

2. New Appendices G and H are added to read as follows:

APPENDIX G—FRACTURE TOUGHNESS REQUIREMENTS

I. INTRODUCTION AND SCOPE

This appendix specifies minimum fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary of water cooled power reactors in order to provide adequate margins of safety under normal reactor operating conditions, system hydrostatic tests, and during transient conditions to which the system may be subjected over its service lifetime.

These requirements apply to carbon and low alloy ferritic steels (including welds and weld heat-affected zones in such materials) whose specified minimum yield strength, as defined in section II.B, does not exceed 50,000 p.s.i. Adequacy of fracture toughness of ferritic materials with higher specified minimum yield strength shall be demonstrated to the commission on an individual case basis.

II. DEFINITIONS

A. "System hydrostatic tests" mean those pressurization cycles to which the reactor coolant pressure boundary, or portions thereof, will be subjected during all hydrostatic tests of the system. Such tests include those required to comply with the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code—Section XI—"Rules for Inservice Inspection of Nuclear Reactor Coolant Systems" as well as tests conducted prior to initial and subsequent plant startups.

B. "Specified minimum yield strength" is the minimum yield strength in the unirradiated condition of a material specified in the rules of the construction code under which the component is built, pursuant to § 50.55a.

C. "Lowest pressurization temperature" of a component is the lowest temperature at which coolant pressure within the component exceeds 25 percent of the reactor coolant system normal operating pressure, or at which the rate of temperature change in the component material exceeds 50° F./hr., during normal reactor operation, system hydrostatic tests or transient conditions.

D. "Adjusted fracture energy" is the fracture energy of ferritic material, at a given temperature, obtained from the Charpy V-notch curve adjusted in accordance with paragraph III.B.1.

E. "Beltline region of reactor vessel" comprises the shell material, including welds and weld heat-affected zones, which directly surrounds the effective height of the fuel element assemblies, and any additional height of shell material for which the predicted shift of the Charpy V-notch (C_v) fracture energy curve exceeds 100° F.

F. "Material surveillance program" means the provisions for the placement of reactor vessel material specimens in the reactor vessel, and the program of periodic withdrawal and testing of such specimens to monitor, over the service life of the vessel, changes in the fracture toughness properties of the vessel as a result of neutron irradiation.

G. "Integrated surveillance programs" means the combination of individual material surveillance programs as applied to one or more reactor vessels to yield results which serve to monitor the changes in fracture toughness properties for a group of vessels.

III. FRACTURE TOUGHNESS TESTS

A. To demonstrate compliance with the fracture toughness requirements of section IV.A, both unirradiated and irradiated ferritic materials shall be tested for fracture toughness properties by means of the Charpy V-notch impact test specified by the American Society for Testing and Materials (ASTM A–370). In addition, unirradiated ferritic materials shall be tested by means of the dropweight test (ASTM E–208). Charpy V-notch impact tests shall be conducted in accordance with the following requirements, and the adjusted fracture energy levels determined as specified in section III.B:

1. Charpy V-notch (C_v) impact tests shall be conducted to define the C_v test curve (including the upper-shield energy level) using Type A specimens oriented with respect to the "weak" direction (WR orientation in plates) of plates, forgings, castings, pipe, and tubes intended for pressure-retaining components.

2. In lieu of the specimens specified in section III.A.1, C_v specimens oriented with respect to the "strong" direction (RW orientation in plates) may be used provided test correlation data obtained from ferritic materials of the same specification are available to convert the C_v test curve (RW orientation) to the C_v test curve (WR orientation).

3. In lieu of the requirement of section III.A.2, C_v specimens oriented with respect to the "strong" direction may be used to demonstrate adequate fracture toughness provided that materials exhibit, at the lowest pressurization temperature, adjusted fracture energy levels no lower than two times the energy levels of section IV.A.

4. Materials used to prepare test specimens shall be representative of the actual properties of the finished component as required by the applicable rules of the construction code under which the component is built, pursuant to § 50.55a, except that ferritic materials intended for the reactor vessel beltline region shall comply with the requirements of section III.A.5.

5. Materials used to prepare test specimens for the reactor vessel beltline region shall be taken directly from excess material and welds in the vessel shall course(s) following completion of the production longitudinal weld joint, and subjected to the heat treatment equivalent to that received by the vessel throughout its fabrication process. Where seamless shell forgings are used, the test specimens shall be taken from a separate weldment using excess material from the shell forging(s) and welded under the same production welding conditions applied in joining the shell forgings.

6. Charpy V-notch impact test machines used to determine fracture toughness properties for comparison with the criteria of sections IV.A and IV.B shall have been calibrated at least once in each 6-month interval using methods outlined in ASTM E23–60, and employing standard specimens obtained from U.S. Army Materials Research Center.

7. Temperature instrumentation used to control test temperature of specimens, for both Charpy V-notch impact tests and dropweight tests, shall have been calibrated at least once in each 3-month interval.

8. Persons performing fracture toughness tests shall be qualified by training and experience, and shall have demonstrated competency to perform the tests in accord with written procedures of the component manufacturer or the licensee.

9. Fracture toughness test results shall be recorded and shall include a certification by the licensee or person performing the tests for the licensee that:

(a) The test data are correctly reported and identified with the material intended for a pressure-retaining component,

(b) The teste have been conducted using machines and instrumentation with available records of periodic calibration, and

(c) Records of the qualifications of the individuals performing the tests are available upon request.

B. Adjusted fracture energy:

The Charpy V-notch (C_v) test curve as derived from the tests in section III.A shall be adjusted to establish the adjusted fracture energy of each material tested and to determine compliance with the acceptance requirements specified in section IV.A as follows:

1. The Charpy V-notch curve of paragraph III.A shall be translated to the right along the temperature coordinate by a temperature increment equal to the sum of:

(a) The difference between the Nil-Ductility Transition (NDT) temperature derived from the dropweight test (DWT), and the temperature corresponding to a Charpy V-notch energy value of 15 ft.-lbs. as obtained from tests on unirradiated specimens (to be applied only when the NDT temperature is higher than the temperature corresponding to the 15 ft.-lbs. Charpy V-notch energy), and

(b) A "size-effect" increment of 7° F. per inch, or fraction thereof, of material thickness.

2. The adjusted fracture energy, as read from the adjusted C_v curve of section III.B.1 at the lowest pressurization temperature, shall be used to determine compliance with the fracture toughness requirement of section IV.A.

IV. FRACTURE TOUGHNESS REQUIREMENTS

A. Ferritic materials of pressure-retaining components of the reactor coolant pressure boundary (except as qualified under section IV.E) shall exhibit throughout their service lifetime, at the lowest pressurization temperature, adjusted fracture energy levels no lower than the following:

Section thickness t (inches):	*Minimum Charpy V-notch adjusted fracture energy (ft.-lbs.)*
$t \geq 5$	[1] 50
$2 \leq t < 5$	45
$t < 2$	40

[1] For reactor vessel beltline region this minimum fracture energy level may be inadequate for plates and forgings thicker than 12 inches. The proposed minimum fracture toughness for such vessels shall be subject to review and approval by the Commission on an individual case basis.

B. The initial upper shelf fracture energy levels, as determined by Charpy V-notch tests, shall be at least 15 ft.-lbs. higher than the values specified under section IV.A, except for reactor vessel beltline material which shall meet the additional requirements of section IV.C.

C. For the reactor vessel beltline region the upper shelf fracture energy levels for unirradiated material, as determined by Charpy V-notch tests, shall meet the following requirements, except where it can be conservatively demonstrated to the Commission by appropriate data and analyses that lower values of upper shelf fracture energy are adequate.

1. For reactor vessels for which it can be conservatively demonstrated by experimental data and tests performed on comparable vessel steels, and making proper allowances for all uncertainties in the measurements, that the adjusted fracture energy level of the reactor vessel beltline region will meet the requirements of section IV.A at a temperature of 100° F., over the entire service lifetime of the reactor vessel, the upper shelf fracture energy levels for unirradiated material shall meet the requirements of section IV.B.

2. For reactor vessels which do not meet the conditions of section IV.C.1 but for which it can be conservatively demonstrated by experimental data and tests performed on comparable vessel steels that the adjusted fracture energy levels of the reactor vessel beltline region will meet the requirements of section IV.A at a temperature of 200° F., over the service lifetime of the reactor vessel, the upper shelf fracture energy levels for unirradiated material shall be at least 20 ft.-lbs. higher than the values specified in section IV.A.

3. For reactor vessels which do not meet the conditions of section IV.C.2, the upper shelf fracture energy levels for unirradiated material shall be at least 25 ft.-lbs. higher than the values specified in section IV.A.

D. Reactor vessels which do not meet the conditions of section IV.C.2 shall be designed to permit a thermal annealing treatment to recover material toughness properties of ferritic materials of the reactor vessel beltline.

E. Ferritic material one-half inch and less in thickness, when made to fine-grain practice, may be used in pressure retaining components of the reactor coolant pressure

boundary without compliance with the requirements of section IV.A provided their lowest pressurization temperature is not less than 100° F.

V. INSERVICE REQUIREMENT—REACTOR VESSEL BELTLINE MATERIAL

A. Reactor vessels shall have their beltline region materials and weld properties monitored by a material surveillance program conforming to the "Reactor Vessel Material Surveillance Program Requirements", set forth in Appendix H.

B. Reactor vessels shall be acceptable for continued operation for that service period within which the predicted adjusted fracture energy, at the lowest pressurization temperature (as predicted from the test results of the material surveillance program of section V.A.), satisfies the requirements of section IV.A.

C. In the event that the requirements of section IV.A cannot be satisfied, reactor vessels are acceptable for continued operation provided the following requirements are satisfied for the specified conditions:

1. If the predicted adjusted fracture energy level is not less than 35 ft.-lbs., the beltline region of the vessel shall be subjected to essentially 100 percent volumetric examination in accord with the rules of ASME Boiler and Pressure Vessel Code, "Rules for Inservice Inspection of Nuclear Reactor Coolant Systems," section XI, and a fracture mechanics analysis shall be performed which conservatively demonstrates, making proper allowances for all uncertainties in the measurements, that adequate safety margins exist for continued operation. Such analysis shall be based on:

(a) Flaw sizes detected by the inservice inspection,

(b) Valid fracture toughness data (as defined by: "Tentative Method of Test for Plane-Strain Fracture Toughness of Metallic Materials," ASTM Designation: E 399-70T) for the base metal, welds, and weld heat-affected zones, irradiated to a level equivalent to that of the reactor vessel beltline region, and

(c) Stress analyses of the beltline region.

2. If the predicted adjusted fracture energy level is lower than 35 ft.-lbs., the reactor vessel beltline region shall be subject to a thermal annealing treatment to effect recovery of material toughness properties. The degree of such recovery shall be monitored by testing specimens from the surveillance program capsules before and after annealing treatment, and shall be adequate to satisfy the requirements of section IV.A at the end of the proposed service period.

3. If the requirements of section V.C. 1 or 2 cannot be satisfied, the licensee shall demonstrate, by other appropriate means, that adequate safety margins exist for continued operation.

The proposed programs for satisfying the requirements of section V.C. 1, 2, or 3, shall be reported to the Commission for review and approval on an individual case basis at least 3 years prior to the date when the predicted fracture energy levels will no longer satisfy the requirements of section IV.A.

APPENDIX H—REACTOR VESSEL MATERIAL SURVEILLANCE PROGRAM REQUIREMENTS

I. INTRODUCTION

The purpose of the material surveillance program required by this appendix is to monitor changes in the fracture toughness properties of ferritic materials in the reactor vessel beltline region of water cooled power reactors as a consequence of neutron irradiation. Under this program, fracture toughness test data are obtained from material specimens withdrawn periodically from the reactor vessel which will permit determining the conditions under which the vessel can be operated with adequate margins of safety against fracture throughout its service life.

II. SURVEILLANCE PROGRAM CRITERIA

Reactor vessels constructed of ferritic materials shall have their beltline region monitored by a surveillance program complying with the practice recommended by the American Society for Testing and Materials (ASTM) in "Surveillance Tests on Structural Materials in Nuclear Reactors", ASTM Designation: E 185-70, except as modified by the following requirements:

A. Surveillance specimens shall be taken directly from the excess shell course material, welds, and heat-affected zones of the beltline region of the reactor vessel, which are used to conduct the fracture toughness tests in meeting the requirements of section IV of Appendix G. The specimen type shall comply with the requirements of section III.A of Appendix G.

B. Irradiation capsules containing the surveillance specimens shall be located as close as practicable to the inside vessel wall, but shall not be attached to the wall. In any case, the capsule locations shall be such that the calculated neutron flux received by the innermost (with respect to the reactor core) irradiation specimens will not exceed three times the calculated maximum neutron flux at the inside wall of the vessel. The design and location of the capsules shall permit insertion of replacement capsules.

C. The required number of capsules and their withdrawal schedule are as follows:

1. For reactor vessels for which it can be conservatively demonstrated by experimental data and tests performed on comparable vessel steels, and making proper allowances for all uncertainties in the measurements, that the adjusted fracture energy level of the reactor vessel beltline region will meet the requirements of section IV.A of Appendix G at a temperature of 100° F. over the service lifetime of the reactor vessel, at least three capsules shall be provided for subsequent withdrawal as follows:

	Withdrawal schedule
First capsule	One-fourth service life.
Second capsule	Three-fourth service life.
Third capsule	Standby.

In the event the surveillance specimens exhibit, at one-quarter of the vessel's service life, a shift of the Charpy V-notch (C_v) fracture energy curve greater than originally predicted by test data, the remaining withdrawal schedule shall be modified as follows:

	Revised withdrawal schedule
Second capsule	One-half service life.
Third capsule	Standby.

2. For reactor vessels which do not meet the conditions of section II.C.1 but for which it can be conservatively demonstrated by experimental data and tests performed on comparable vessel steels that the adjusted fracture energy levels of the reactor vessel beltline region will meet the requirements of section IV.A of Appendix G, at a temperature of 200° F. over the service lifetime of the reactor vessel, at least four capsules shall be provided for the subsequent withdrawal as follows:

	Withdrawal schedule
First capsule	At the time when predicted shift of C_v adjusted fracture energy curve is approximately 50° F. or at one-fourth service life, whichever is earlier.
Second capsule	At approximately one-half of the time interval between first and third capsule withdrawal.
Third capsule	Three-fourths service life.
Fourth capsule	Standby.

3. For reactor vessels which do not meet the conditions of section II.C.2, at least five capsules shall be provided for subsequent withdrawal as follows:

	Withdrawal schedule
First capsule	At the time when predicted shift of C_v adjusted fracture energy curve is approximately 50° F. or at one-fourth service life, whichever is earlier.
Second and third capsules.	At approximately one-third and two-thirds of the time interval between first and fourth capsule withdrawal.
Fourth capsule	Three-fourths of service life.
Fifth capsule	Standby.

4. Withdrawal schedules may be modified to coincide with those refueling outages or plant shutdowns most closely approaching the withdrawal schedule.

5. Sufficient archive material shall be retained to prepare additional surveillance specimens (as recommended by ASTM Designation: E 185-70 "Surveillance Tests on Structural Materials in Nuclear Reactors") except for reactor vessels which meet the conditions of section II.C. 1 or 2. The archive material shall be obtained from the excess shell course material, welds, and heat-affected zone as identified in section II.A.

III. INTEGRATED SURVEILLANCE PROGRAM

A. For multiple reactors located at a single site, each of which meets the conditions of section II.C.1, the minimum surveillance program requirements of section II.C.1 shall be met for each reactor.

B. For multiple reactors located at a single site, each of which meets the conditions of section II.C.2, an integrated surveillance program may be employed, provided that:

1. All reactor vessels meet the following additional conditions:

(a) The reactor vessels are of the same design, ordered to the same design specification, and constructed by the same fabricator using the materials produced to the same specifications, and employing the same fabrication procedures.

(b) All reactors will be operated under comparable conditions and service.

(c) Each vessel contains material specimens obtained from its respective beltline region as required by the provisions of sections II.A.

(d) The most conservative value of adjusted fracture energy levels determined from tests of specimens withdrawn from any of the reactors will be applied to all reactor vessels in establishing operational limitations.

2. The required number of capsules and their withdrawal schedule are as follows:

(a) At least four capsules for each vessel shall be provided for subsequent withdrawal.

(b) The withdrawal schedule for the vessel initially placed in service shall correspond to the schedule specified in section II.C.2.

(c) The withdrawal schedule for the other vessels shall correspond approximately to the schedule for the withdrawal of the last two capsules from the vessel initially placed in service, and the remaining two capsules shall be retained as standbys.

C. For multiple reactors located at a single site, which do not meet the conditions of section II.C.2, an integrated surveillance program may not be employed.

IV. FRACTURE TOUGHNESS TESTS

A. Fracture toughness testing of the specimens withdrawn from the capsules shall be conducted in accordance with the requirements of section III of Appendix G, "Fracture Toughness Requirements."

B. The test results shall be adjusted in accordance with the procedure specified under section III of Appendix G to verify that the fracture toughness requirements of section IV.A of Appendix G are satisfied.

V. REPORT OF TEST RESULTS

A. Each specimen withdrawal and the fracture toughness test shall be the subject of a summary technical report to be provided to the Commission. The report shall include a schematic diagram of the capsule locations in the reactor vessel, identification of specimens withdrawn, the test results, and the translation of the measured results to those expected in the reactor vessel beltline region.

B. The report shall also include the dosimetry measurements performed at each specimen withdrawal, analyses of the results which yield the calculated neutron fluence which the reactor vessel beltline region has received at the time of the tests, and comparisons with the originally predicted values.

C. The lowest pressurization temperature established for the period of operation of the reactor vessel between any two surveillance specimen withdrawals shall be specified in the report, including any changes in operational procedures which are adopted to assure meeting such temperature limitations.

(Sec. 161, 68 Stat. 948, 42 U.S.C. 2201)

Dated at Washington, D.C., this 4th day of June 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-9453 Filed 7-2-71;8:47 am]

Notices

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

POULTRY INSPECTION

Notice of Intended Designation of Kentucky

Subsection 5(c) of the Poultry Products Inspection Act (21 U.S.C. 454(c)) required the Secretary of Agriculture to designate promptly after August 18, 1970, any State as one in which the requirements of sections 1–4, 6–10, and 12–22 of said Act would apply to intrastate operations and transactions, and to persons engaged therein, with respect to poultry, poultry products, and other articles subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements at lease equal to those under sections 1–4, 6–10, and 12–22, with respect to establishments within the State (except those that would be exempted from Federal inspection under paragraph 5(c)(2) of the Act), at which poultry is slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State the additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Kentucky, that the State would develop and activate the prescribed requirements by August 18, 1971, and accordingly allowed the State the additional period of time for this purpose. However, the Governor of the State of Kentucky has now advised the Secretary that the State will not be in a position to enforce such requirements. Therefore, notice is hereby given that the Secretary of Agriculture will designate said State under subsection 5(c) of the Act as soon as necessary arrangements can be made for determining which establishments in this State are eligible for Federal inspection, providing inspection at the eligible establishments, and otherwise enforcing the applicable provisions of the Federal Act with respect to intrastate activities in this State when the designation is made and becomes effective. As soon as these arrangements are completed, notice of the designation will be published in the FEDERAL REGISTER. Upon the expiration of 30 days after such publication, the provisions of sections 1–4, 6–10, and 12–22 of the Act shall apply to intrastate operations and transactions and persons engaged therein in said State to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in said State which conducts any slaughtering of poultry or processing of poultry products as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 5(c)(2) or section 15 of the Act.

Therefore, the operator of each such establishment in said State who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Acting Regional Director specified below:

Dr. George Harner, Director, Mid-Atlantic Region for Meat and Poultry Inspection Programs, Post Office Box 25231, Raleigh, NC 27611.
Telephone: AC 919/755-4220.

Done at Washington, D.C., on June 25, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-9414 Filed 7-2-71;8:45 am]

POULTRY INSPECTION

Notice of Intended Designation of Nebraska

Subsection 5(c) of the Poultry Products Inspection Act (21 U.S.C. 454(c)) required the Secretary of Agriculture to designate promptly after August 18, 1970, any State as one in which the requirements of sections 1–4, 6–10, and 12–22 of said Act would apply to intrastate operations and transactions, and to persons engaged therein, with respect to poultry, poultry products, and other articles subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements at least equal to those under sections 1–4, 6–10, and 12–22, with respect to establishments within the State (except those that would be exempted from Federal inspection under paragraph 5(c)(2) of the Act), at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State the additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Nebraska, that the State would develop and activate the prescribed requirements by August 18, 1971, and accordingly allowed the State the additional period of time for this purpose. However, the Governor of the State of Nebraska has now advised the Secretary that the State will not be in a position to enforce such requirements. Therefore, notice is hereby given that the Secretary of Agriculture will designate said State under subsection 5(c) of the Act as soon as necessary arrangements can be made for determining which establishments in this State are eligible for Federal inspection, providing inspection at the eligible establishments, and otherwise enforcing the applicable provisions of the Federal Act with respect to intrastate activities in this State when the designation is made and becomes effective. As soon as these arrangements are completed, notice of the designation will be published in the FEDERAL REGISTER. Upon the expiration of 30 days after such publication, the provisions of sections 1–4, 6–10, and 12–22 of the Act shall apply to intrastate operations and transactions and persons engaged therein in said State to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in said State which conducts any slaughtering of poultry or processing of poultry products as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 5(c)(2) or section 15 of the Act.

Therefore, the operator of each such establishment in said State who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Acting Regional Director specified below:

Dr. M. J. Hatter, Acting Director, Central Region, Meat and Poultry Inspection Program, Room 905, U.S. Courthouse Building, 811 Grand Avenue, Kansas City, MO 64106.

Telephone: AC 816/374-2621

Done at Washington, D.C., on June 25, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-9413 Filed 7-2-71;8:45 am]

Office of the Secretary

MISSISSIPPI

Extension of Time for Making Initial Emergency Loans

The document dated February 26, 1971 (36 F.R. 4711, Mar. 11, 1971) stated that initial emergency loans would not be made after June 30, 1971, in Leflore County, Miss., to victims of the major disaster cited in the document. The period for making such initial emergency

loans in such county is hereby extended to the end of December 31, 1971.

Done at Washington, D.C., this 30th day of June 1971.

T. K. COWDEN,
Assistant Secretary.

[FR Doc.71-9495 Filed 7-2-71;8:51 am]

OREGON

Extension of Time for Making Initial Emergency Loans

The document dated February 26, 1971 (36 F.R. 4303, Mar. 4, 1971) stated that initial emergency loans would not be made after June 30, 1971, in Clatsop and Tillamook Counties, Oreg., to victims of the major disaster cited in the document. The period for making such initial emergency loans in such counties is hereby extended to the end of December 31, 1971.

Done at Washington, D.C., this 30th day of June 1971.

T. K. COWDEN,
Assistant Secretary.

[FR Doc.71-9496 Filed 7-2-71;8:51 am]

Rural Electrification Administration

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a loan application from the Colorado-Ute Electric Association, Inc., of Montrose, Colo. This loan application, together with funds from other sources, includes financing for 20 percent (approximately 50 MW) of a generating unit to be installed in an existing plant at Hayden, Colo.

Additional information may be secured on request submitted to Mr. James N. Myers, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies 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 requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines of April 23, 1971. The Draft Environmental Statement may be examined during regular business hours at the offices of REA, in the South Agriculture Building, 12th and Independence Avenue SW., Washington, DC, Room 4322, or at the office of Colorado-Ute Electric Association, Inc., Post Office Box 1149, Montrose, Colo. 81401.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers, at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed use of loan funds.

Any loan which may be made pursuant to this application will be subject to, and release of funds thereunder contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and after compliance with Environmental Statement procedures required by the National Environmental Policy Act.

Dated at Washington, D.C., this 30th day of June 1971.

E. C. WEITZELL,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.71-9497 Filed 7-2-71;8:51 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-266]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application To Amend Freight Service Line

Notice is hereby given that American Export Isbrandtsen Lines, Inc., has applied for permission to amend its Line B (Trade Route No. 10) Freight Service between U.S. Atlantic ports (Maine-North Carolina, inclusive) and the Mediterranean area to include calls at ports in South Carolina, Georgia, and Florida.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on July 15, 1971, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitioner for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: June 29, 1971.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-9500 Filed 7-2-71;8:51 am]

PACIFIC FAR EAST LINE, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that Pacific Far East Line, Inc., has applied for approval, pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises:

Ship	Approximate cruise dates	Itinerary
Mariposa	Jan. 16-Jan. 29, 1972	San Francisco, Los Angeles, Honolulu, San Francisco, Los Angeles.
Do	Mar. 9-June 8, 1972	San Francisco, Los Angeles, Nuku Hiva, Papeete, Nukualofa, Suva, Wellington, Sydney, Port Moresby, Bali, Singapore, Penang, Madras, Colombo, Port Victoria, Mombasa, Durban, Capetown, Rio de Janeiro, Salvador-Bahia, Trinidad, Curacao, Panama Canal, Balboa, Acapulco, Los Angeles, San Francisco.
Do	July 20-Aug. 10, 1972	San Francisco, Los Angeles, Honolulu, Los Angeles.
Do	Aug. 10-Aug. 20, 1972	Los Angeles, Honolulu, San Francisco.
Do	Aug. 20-Aug. 30, 1972	San Francisco, Honolulu, San Francisco.
Do	Oct. 11-Oct. 29, 1972	San Francisco, Los Angeles, Honolulu, Kona, Lahaina, Nawiliwili, San Francisco.
Do	Dec. 16-Dec. 21, 1972	San Francisco, Los Angeles, Honolulu, San Francisco.
Do	Dec. 21, 1972-Jan. 8, 1973	San Francisco, Los Angeles, Honolulu, Hona, Lahaina, Nawiliwili, San Francisco.
Monterey	Mar. 31-Apr. 11, 1972	San Francisco, Los Angeles, Honolulu, San Francisco.
Do	May 28-June 8, 1972	San Francisco, Honolulu, Los Angeles.
Do	June 8-June 18, 1972	Los Angeles, Honolulu, San Francisco.
Do	June 19-July 2, 1972	San Francisco, Los Angeles, Vancouver, Juneau, Glacier Bay Skagway, Sitka, Victoria, San Francisco.
Do	July 2-July 15, 1972	Do.
Do	July 15-July 26, 1972	San Francisco, Los Angeles, Honolulu, San Francisco.
Do	July 27-Aug. 6, 1972	San Francisco, Honolulu, San Francisco.
Do	Aug. 6-Aug. 16, 1972	San Francisco, Honolulu, Los Angeles.
Do	Aug. 16-Aug. 26, 1972	Los Angeles, Honolulu, Los Angeles.
Do	Aug. 26-Sept. 5, 1972	Los Angeles, Honolulu, San Francisco.
Do	Sept. 6-Sept. 16, 1972	San Francisco, Honolulu, Los Angeles.
Do	Sept. 16-Sept. 26, 1972	Los Angeles, Honolulu, San Francisco.
Do	Sept. 27-Nov. 26, 1972	San Francisco, Los Angeles, Honolulu, Yokohama, Kobe, Keelung, Hong Kong, Singapore, Djakarta, Bali, Port Moresby, Green Island, Sydney, Noumea, Suva, Apia, Honolulu, San Francisco.
Do	Nov. 27-Dec. 8, 1972	San Francisco, Los Angeles, Honolulu, San Francisco.

Any person, firm or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on July 19, 1971.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: June 29, 1971.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-9499 Filed 7-2-71;8:51 am]

Office of the Secretary

HOWARD UNIVERSITY

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

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

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

Docket No. 71-00133-33-46040. Applicant: Howard University, Purchasing Department, Washington, D.C. 20001. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for research on the ultrastructural morphology of lymphatic capillaries during the normal and the inflammatory states, with special attention to the lymphatic anchoring filaments that serve to attach these vessels to the adjoining connective tissue areas; for studies on the precise nature in which these filaments are bound to the lymphatic endothelial plasma membrane; and for a precise identification of the pathological changes exhibited by the lymphatic endothelium during inflammation.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides externally adjustable cathode-anode spacing for optimum illumination at the lower accelerating voltages. The most closely comparable domestic electron microscope is the Model EMU-4C which is manufactured by Forgflo Corp. (Forgflo). The EMU-4C does not provide externally adjustable cathode-anode spacing for optimum illumination at the lower accelerating voltage. We are advised by the Department of Health, Education, and Welfare in its memorandum dated March 19, 1971, that the externally adjustable cathode-anode spacing is a pertinent characteristic of the foreign article.

For this reason, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-9449 Filed 7-2-71;8:47 am]

NATIONAL ACCELERATOR LABORATORY

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

The notice of decision published October 14, 1970 (35 F.R. 16096) and amended November 6, 1970 (35 F.R. 17134) and February 3, 1971 (36 F.R. 1920) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897), Docket No. 70-00735-98-42900, is hereby further amended in that the description of the article is to read as follows:

Article: Magnetic coils for 200 BeV accelerator. Manufacturer: Alsthom Societe Generale, Belfort, France (136 B-1 bending magnet coils and 482 B-2 bending magnet coils); Lintott Engineering Co., Ltd., Horsham, United Kingdom (220 B-1 bending magnet coils); English Electric Co., Yorkshire, United Kingdom (154 4-foot and 342 7-foot quadrupole coils). Multiple shipments will be made by each manufacturer of the indicated quantities. Final shipment to be made on or about June 1, 1971.

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

[FR Doc.71-9448 Filed 7-2-71;8:47 am]

PACIFIC STATE HOSPITAL

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

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

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

Docket No. 71-00130-33-43780. Applicant: Pacific State Hospital, 3530 West Pomona Boulevard, Post Office Box 100, Pomona, CA 91766. Article: Visual perception apparatus (Pandora's box). Manufacturer: AIM bioSciences Ltd., United Kingdom.

Intended use of article: The article will be used to investigate visual perception and brain function in determining differences in brain functioning between normal and retarded children.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides temporal, intensity, and stimulus parameters which are easily programed, and which interface without modification to existing stimulus control equipment.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 22, 1970, that the characteristics described above are pertinent to the purposes for which the foreign article is intended to be used. HEW further advises, that it knows of no comparable apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is available in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-9450 Filed 7-2-71;8:47 am]

ST. MICHAELS HIGH SCHOOL, ST. MICHAELS, MD.

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

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

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

of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00180-16-61800. Applicant: St. Michaels High School, Talbot County Public Schools, St. Michaels, Md. 21663. Article: Planetarium and auxiliary projectors, Model Apollo. Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article, which may be operated manually, will be used for instruction in grades 1 through 12 in such subjects as astronomy, navigation, earth-space relationship, elementary science, water cycles, causes of weather, and solar system.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires for its purposes an apparatus that could be used with domes of approximately 10 feet in diameter; is easily movable from one classroom to another and from one school to another; can be automatically as well as manually controlled; provides a minimum of 750 stars and automatic phasing of the moon and has facilities for automatically pointing to any given planet or star. (1) The Spitz Model A4 planetarium has a density of 1,345 stars, but specifies a 30-foot dome. The Spitz Model A4 is primarily designed for fixed installation in museums and similar places for viewing by larger groups. The Spitz Model A4, therefore, does not provide the characteristic of mobility which is considered to be pertinent to the purposes for which the foreign article is intended to be used. (2) The Nova Model III planetarium provides 750 stars and can be equipped for use with domes of 10 feet in diameter. The Nova Model III is also capable of being operated both automatically and manually. However, it is not designed for portability. Moreover, the Model III does not provide any means for automatically pointing to and identifying and particular stars or planets. (3) The Observa Dome Model A-24 planetarium is a fixed installation which provides 1,200 stars, but lacks portability as well as the facility for automatically pointing out a given star or planet.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 15, 1970, that the automatic pointer cited above is pertinent to the purposes for which the foreign article is intended to be used. For the foregoing reasons, we find that neither the Spitz Model A4, the Nova Model III, nor the Observa Dome Model A-24 is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.71-9451 Filed 7-2-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-244; NADA No. 9-199V, etc.]

ARMOUR-BALDWIN LABORATORIES ET AL.

Adrenocorticotropic Hormone; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 10, 1971 (36 F.R. 6908), proposing to withdraw approval of new animal drug applications for the following drugs which contain adrenocorticotropic hormone as the designated active ingredient:

1. Dynamone; NADA (new animal drug application) No. 9-199V; Armour-Baldwin Laboratories, Division of Armour Pharmaceutical Co., Box 3113, Omaha, Nebr. 68103;

2. D-40; NADA No. 9-199V; Armour-Baldwin Laboratories;

3. Corticotropin Solution; NADA No. 9-058V; Armour-Baldwin Laboratories; and

4. ACTH (Veterinary); NADA No. 9-027V; Invenex Laboratories, 2176 Palou Avenue, San Francisco, Calif. 94124.

Armour-Baldwin Laboratories, holder of NADA No. 9-199V for the drugs Dynamone and D-40 and NADA No. 9-058V for the drug Corticotropin Solution responded to said notice by advising the Commisioner of Food and Drugs that production and marketing of these products has been discontinued and that they elect to waive the opportunity for a hearing.

Invenex Laboratories, holder of NADA No. 9-027V for the drug ATCH (Veterinary), did not file a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing. This is construed as an election by said firm not to avail itself of the opportunity for a hearing.

Based on the grounds set forth in and the response to said notice, the Commissioner concludes that approval of the above-listed new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9-199V, NADA No. 9-058V and NADA No. 9-027V including all amendments and supplements thereto is hereby withdrawn effective on the date of the signature of this document.

Dated: June 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-9460 Filed 7-2-71;8:48 am]

[Docket No. FDC-D-357; NADA No. 12-747V]

NORDEN LABORATORIES

Nortran Solution; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of November 18, 1969 (34 F.R. 18394, DESI 10782V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of a report received from the Academy on the product Nortran Solution, NADA (new animal drug application) No. 12-747V, marketed by Norden Laboratories, Lincoln, Nebr. 68501. The drug was found to be probably effective for veterinary use as a tranquilizer. Norden Laboratories advised the Commissioner that said drug had been withdrawn from the market and discontinued as part of their product line.

Based on the grounds set forth in said announcement and on the company's discontinued marketing of the drug the Commissioner concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA 12-747V including all amendments and supplements thereto is hereby withdrawn effective on the date of signature of this document.

Dated: June 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-9459 Filed 7-2-71;8:48 am]

NCC FOOD CORP.

Canned Apricots Deviating From Identity Standards; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401

(21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to NCC Food Corp., 1657 Rollins Road, Burlingame, Calif. 94010. This permit covers limited interstate marketing tests of canned apricots deviating from the standard of identity (21 CFR 27.10) in that the food will be packed in a medium of clear juice of white grapes. The liquid medium will be single strength grape juice.

The principal display panel of each container's label will bear the statement "Packed in clear juice of white grapes."

This permit shall expire 18 months after the date of this notice's publication in the FEDERAL REGISTER.

Dated: June 25, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-9458 Filed 7-2-71;8:48 am]

[DESI 9344]

BETAZOLE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for subcutaneous or intramuscular use for gastric secretion test:

Histalog Injection containing betazole hydrochloride; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 9-344).

Such drug is regarded as a new drug (21 U.S.C. 321(p)). A supplemental new drug application is required to revise the labeling in and to update the previously approved application providing for such drug. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that betazole hydrochloride is effective for the clinical testing of gastric secretion.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and an abbreviated supplement to the previously approved new drug application under conditions described herein.

1. *Form of drug.* Betazole hydrochloride is in sterile aqueous solution form suitable for subcutaneous or intramuscular administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

Betazole hydrochloride is indicated in the clinical testing of gastric secretion. In the recommended dosage, it will produce stimulation of gastric secretion equal to that obtained with the usual dosage of histamine, but it has minimal effects on other organs and hence produces less severe side effects.

It is not recommended for use in other conditions in which histamine is used clinically.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a) (1) (i), (ii), and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a) (3) (ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 9344, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office at Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 11, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-9463 Filed 7-2-71;8:48 am]

[DESI 6168]

CERTAIN PREPARATIONS CONTAINING METHYLBENZETHONIUM CHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs containing methylbenzethonium chloride marketed by Breon Laboratories, Inc., Subsidiary of Sterling Drug, Inc., 90 Park Avenue, New York, New York 10016.

1. Diaparene Antiseptic Diaper Rinse Precrushed Tablets (NDA 6-168).

2. Diaparene Ointment (NDA 6-595).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. These drugs are possibly effective in preventing diaper rash and eliminating the cause of diaper rash (ammonia dermatitis).

2. They lack substantial evidence of effectiveness when labeled for use as antiseptics, disinfectants, or general antimicrobial agents.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new-drug application for which a drug is classified in paragraph A.2 above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A.2

above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6168, directed to the attention of the office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 11, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-9461 Filed 7-2-71;8:48 am]

[DESI 8312]

OXYTETRACYCLINE HYDROCHLORIDE TOPICAL POWDER

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Terramycin Topical Powder containing oxytetracycline hydrochloride; Chas. Pfizer & Co., Inc., 235 East 42d St., New York, N.Y. 10017 (8-312).

The Food and Drug Administration has concluded that oxytetracycline hydrochloride topical powder is possibly effective for its labeled indications relating to the treatment of superficial infections of the skin and infected dermatoses.

Preparations containing oxytetracycline hydrochloride are subject to the antibiotic procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act.

Batches of the drug which bear labeling with the indications evaluated as possibly effective will be accepted for release by the Food and Drug Administration for a period of six months from the publication date of this announcement in the FEDERAL REGISTER to allow any applicant additional time to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in these conditions.

To be acceptable for consideration in support of the effectiveness of a drug any such data must be previously unsubmitted, well-organized and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such use. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness such drug will no longer be acceptable for release or certification.

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Drug Efficacy Study Information Control (BD-67), Bureau of Drugs, 5600 Fishers Lane, Rockville, Md. 20852.

All other communications forwarded in response to this announcement should be identified with the reference number DESI 8312 and directed to the Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 11, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-9462 Filed 7-2-71;8:48 am]

[DESI 12019]

PAROMOMYCIN SULFATE

Drugs for Human Use; Drug Efficacy Study Implementation

In a notice (DESI 12019) published in the FEDERAL REGISTER of May 13, 1970 (35 F.R. 7667) the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study on Humatin (paromomycin sulfate) Kapseals and Syrup Pediatric; Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232. The notice stated that these drugs are regarded as effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that substantial evidence of effectiveness for those indications has not been submitted.

On November 13, 1970, and January 13, 1971, Parke, Davis submitted data intended to support the possibly effective indications. On February 25, 1971, the firm was informed that the data submitted are inadequate to support those indications.

Batches of drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification.

Any person who will be adversely affected by deletion from labeling of the indications for which the drug has been reclassified from possibly effective to lacking substantial evidence of effectiveness may, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, petition for the issuance of a regulation providing for other certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

A petition for issuance of said regulations should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 71-9464 Filed 7-2-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-368]

ARKANSAS POWER & LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Arkansas Power & Light Co., Ninth and Louisiana Streets, Post Office Box 551, Little Rock, AR 72203, pursuant to the Atomic Energy Act of 1954, as amended,

has filed an application dated September 17, 1970, for authorization to construct and operate a pressurized water nuclear reactor designated as Arkansas Nuclear One, Unit 2, adjacent to Arkansas Nuclear One, Unit 1, on a peninsula in the Dardanelle Reservoir on the Arkansas River in Pope County, Ark. The site is located about 2 miles southeast of the village of London, Ark.

The proposed reactor will be designed for operation at approximately 2,760 megawatts (thermal) with an electrical output of approximately 950 megawatts (electrical).

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after June 19, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and a copy has been sent to the Arkansas River Valley Regional Library, Dardanelle, Ark. 72834, Mrs. Robert Keathly, Librarian.

Dated at Bethesda, Md., this 7th day of June 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-8285 Filed 6-18-71;8:45 am]

[Docket No. 50-389]

FLORIDA POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

The Florida Power and Light Co., 4200 Flagler Place, Post Office Box 3100, Miami, FL 33101, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, dated April 30, 1971, for authorization to construct and operate a pressurized water nuclear reactor, designated as the Hutchinson Island Nuclear Power Plant, Unit No. 2, on Hutchinson Island in St. Lucie County, Fla. The 1,132-acre site is located about 10 miles from Fort Pierce and 10 miles from Stuart on the east coast of Florida.

The proposed facility is designed for initial operation at approximately 2,440 thermal megawatts with a net electrical output of approximately 890 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after June 12, 1971.

A copy of the application is available for public inspection at the Commission Public Document Room, 1717 H Street NW., Washington, DC, and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, FL 33450.

Dated at Bethesda, Md., this 1st day of June 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-7833 Filed 6-11-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 21670, 22412; Order 71-6-141]

FRONTIER AIRLINES, INC.

Order To Show Cause Regarding Subsidy Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of June 1971.

By this order the Board is proposing to establish an increased temporary subsidy rate for Frontier Airlines, Inc., by temporarily paying Frontier at the Class Rate V level, effective August 1, 1970. This rate will provide the carrier with temporary subsidy approximating $8.64 million for the period August 1, 1970, through June 30, 1971.

Frontier has been on an open subsidy rate since December 2, 1969, when it petitioned the Board to establish an increased final rate for its operations. In accordance with Board policy, the carrier continued to receive, as temporary subsidy, payments at the level provided by Class Rate IV-B,[1] the final rate under which it had been paid prior to its petition. Subsequently, the Board proposed Class Rate V as a new final subsidy rate for the nine local service carriers, including Frontier,[2] to be effective from August 1, 1970 (the date as of which Class Rate IV-B was reopened by the Board for the local service group),[3] through June 30, 1971. In the absence of objection the Board exercised its prerogative to make the rate final for the eight other local service carriers, but raised a question which had to be determined with respect to the subsidy rate for Frontier before a final subsidy rate could be established for that carrier. The question was whether monies realized by Frontier from the payment of a judgment of over $7.9 million awarded against RKO General[4] should be considered as "other revenue" within the meaning of section 406 of the Federal Aviation Act, and thus should be considered in determining the carrier's subsidy need. Because of the novelty and complexity of the issue the Board decided that it should be litigated in a formal proceeding. We therefore proposed that Class Rate V should be made final for Frontier with a proviso subjecting Frontier's rate to adjustment in accordance with the Board's resolution of the "other revenue" issue.[5]

Thus, if the new proposal had been made final, the carrier would have received an estimated $9,248,000 on an annual basis (or approximately $8.46 million for the August 1, 1970–June 30, 1971, period) as its final rate, subject to reduction for the "other revenue" item. However, Frontier filed a notice of objection and answer objecting to the revised proposal, challenging the Board's action for a variety of reasons, and at the same time requested that its temporary subsidy rate be fixed at the Class Rate V level. In a supplemental letter dated April 23, 1971, the carrier submitted additional information to support its contention that it is in critical need of additional funds to maintain its financial integrity pending decision on its final rate. Frontier stated that it had a working capital deficit of $477,000 in December 1970 even after inclusion of funds involved in the "other revenue" controversy, and that because of operating losses and debt repayments the deficit would approximate $4 million by the end of April.

The Board finds that Frontier has a critical need for funds and that temporary payment at the Class Rate V level is appropriate. While there does exist the possibility of overpayment, the problem is much the same as the one before us when we proposed to fix Class Rate V as the final rate for the carrier, subject to repayment of amounts found to be "other revenue." The same novelty and complexity still characterizes the "other revenue" issue as before. In the special circumstances here present, our policy in § 399.30 of the policy statements of denying temporary subsidy "where overpayment might otherwise appear likely to result" need not bar grant of the requested relief. Moreover, we now have the additional factor of a substantial working capital deficit calling for immediate action. In these peculiar circumstances, discretionary temporary rate relief is desirable.

We emphasize that this temporary rate proposal is by no means a prejudgment of the issues involved in establishing a final subsidy rate for the carrier. As the result of Frontier's objection and answer in Order 71-3-7, all issues relevant to the determination of Frontier's fair and reasonable rate are open, including the "other revenue" issue, and that rate may be higher or lower than the amount pro-

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[1] Class Rate IV-B was established by Orders 69-7-6, July 1, 1969, and 69-7-86, July 17, 1969. That rate provided Frontier $6,339,000 of subsidy annually.

[2] Order 71-1-143, Jan. 29, 1971.

[3] Order 70-7-148, July 31, 1970.

[4] The judgment was awarded as the result of a suit by minority stockholders of Frontier pursuant to section 16(b) of the Securities Exchange Act of 1934 to recover profits from insider trading by RKO General in connection with the Frontier merger with Central Airlines. The amount realized is increased by interest of an additional $553,363 but may be decreased by a currently undetermined sum for attorneys' fees.

[5] Order 71-3-7, Mar. 1, 1971.

vided by the Class Rate V formula, quite apart from the "other revenue" question. All relevant issues will therefore be considered in the final rate proceeding, and will be decided solely on the basis of the record developed in that proceeding. If for whatever reason the final subsidy rate should be fixed at an amount lower than the temporary rate, Frontier will, of course, be obliged to refund all temporary rate payments in excess of its need as finally determined by the Board.

Accordingly, it is ordered, That:

1. Frontier Airlines, Inc., is directed to show cause why the fair and reasonable temporary rate of compensation to be paid Frontier for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points between which the carrier has been, is presently, or hereafter may be authorized to transport mail by its certificates of public convenience and necessity during the period August 1, 1970, through June 30, 1971, should not be fixed and determined as equal to the rate specified in Order 71-1-143 (which is hereby incorporated by reference herein), pending the fixing of final subsidy rates for Frontier in the instant proceedings.

2. The temporary subsidy provided herein shall be in lieu of, and not in addition to, subsidy payments heretofore received by Frontier for mail transported on and after August 1, 1970.[6]

3. If there is any objection, notice thereof must be filed within 8 days, and, if notice is filed, written answer and supporting documents must be filed within 15 days, after the date of service of this order.

4. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days after service of this order, all parties shall be deemed to have waived all further procedural steps before final decision, and the Board may enter a final order fixing the temporary subsidy rate specified herein.

5. If answer is filed, further procedures shall be in accordance with Rule 310 of the rules of practice.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-9483 Filed 7-2-71;8:49 am]

[Docket No. 23433]

UNIVERSAL AIRLINES, INC.

Notice of Proposed Approval

Application of Universal Airlines, Inc., for disclaimer of jurisdiction or exemption from section 408 of the Federal Aviation Act of 1958, Docket 23433.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 30, 1971.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

Application of Universal Airlines, Inc., Docket 23433, for disclaimer of jurisdiction or exemption from section 408 of the Federal Aviation Act of 1958.

Universal Airlines, Inc. (UVA), requests that the Board disclaim jurisdiction over the lease/sale of four Armstrong-Whiteworth AW-650 (Argosy) aircraft to Sagittair, Ltd., or grant an exemption pursuant to section 416(b) from section 408 of the Federal Aviation Act of 1958, as amended (the Act) or for such other relief as the Board may find in the public interest.

The aircraft are being sold under a lease/purchase arrangement for amounts varying from $250,000 to $465,000 and covering varying periods from 24 to 60 months, the first aircraft to be delivered in May 1971.

UVA has eight Argosys which are relatively short-range cargo aircraft manufactured in England. Because of this, UVA has tried, since the aircraft were taken out of service in 1969, to dispose of them in Europe.[1] Sagittair is a British carrier operating out of London's Heathrow Airport and has developed an expanding business transporting newspapers by charter air service, originally to Switzerland and later to Malta, Sweden, and Palma. Sagittair has applications pending to provide regular service between England and France.

In support of its request for disclaimer of jurisdiction, UVA submits that the four aircraft involved herein are not a substantial part of its properties since it operates four DC8-61F and 12 L188 Electra aircraft and has four other nonoperating Argosy aircraft. Thus, the Argosys involved herein represent less than 20 percent of the total number, market value or capacity of UVA's total fleet, the criteria established in Part 299 of the Board's Economic Regulations which provides an exemption to air carriers for certain lease transactions.[2] Even if the 10 percent criteria previously applicable were applied, UVA contends that a disclaimer would be warranted in view of the nonoperating status of the aircraft.

No comments relative to the application have been received.

Upon consideration of the foregoing, it is concluded that UVA is an air carrier, that Sagittair is a person engaged in a phase of aeronautics and that the transaction is subject to section 408(a)(2) of the Act. In this connection, it is noted that the four aircraft involve more than 10 percent of UVA's fleet[3] and thus exceed the jurisdictional criteria applied to such transactions.[4] However, it has been further concluded, pursuant to applicants general prayer for relief, that approval of the transaction is warranted.[5] Disposal of the four aircraft does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and thereby restraining competition and does not jeopardize any other air carrier. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The determination by a carrier of the type and quantity of aircraft it requires in its operations are not matters with which the Board is inclined to interfere.[6] Therefore, it is not found that the transaction will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following date of such publication, both in accordance with the provisions of section 408(b) of the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing transaction should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered, That:

The lease/purchase of the four Argosy aircraft as described herein by Sagittair from UVA be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations 14 CFR 385.50, may file such petitions within 5 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-9482 Filed 7-2-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Correction

In F.R. Doc. 71-9138 appearing at page 12252 in the issue for Tuesday, June 29, 1971, the word "subar" in the 13th line should read "sugar".

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[6] This order is not intended to affect Frontier's service mail rates as established in other orders of the Board.

[7] Dissenting statement of Member Minetti filed as part of the original document.

[1] By Order 71-3-64, Mar. 10, 1971, the Board approved the purchase of two of the aircraft by Nittler Air Transport, a Luxembourg carrier. This arrangement was subsequently terminated.

[2] The instant transaction does not qualify under Part 299 since Sagittair is not an air carrier as defined in the Act.

[3] A recent press article indicates that UVA may be considering renewed use of the remaining aircraft of this type which it still possesses.

[4] Orders 70-11-13 and 70-11-14, Nov. 4, 1970.

[5] An exemption would not be appropriate since the burden of section 408(a)(2) is upon the acquiring party, which in this case is not an air carrier within the meaning of sec. 416(b).

[6] Cf. Loftleidir, H.F., and Seaboard World Airlines, Inc., Order 70-5-111, May 21, 1970.

PESTICIDES CONTAINING ARSENIC AND LEAD

Request for Submission of Views With Respect to Uses

This Agency has the responsibility for the continuous review of all registered economic poisons. Of particular concern in this process at present are the persistent or permanent pesticides which may build up in the environment and are potentially hazardous to man and wildlife. Data is accumulating on environmental contamination by certain heavy metals. Among these are arsenic and lead which have pesticides uses. The Agency is, therefore, undertaking an extensive review of all the pesticide uses of arsenic and lead compounds.

This review is being conducted on a use-by-use, benefit versus risk basis, to determine what action is in the public interest with respect to registration of products containing these compounds under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.). Areas of particular concern involve the following uses:

(1) Herbicidal uses on drainage ditchbanks and utility rights-of-ways.

(2) Uses in aquatic environments for mosquito larval control.

(3) Fungicidal, herbicidal, and insecticidal uses on food and ornamental crops.

(4) Uses in antifouling paints.

All other uses of arsenic and lead are likewise being reviewed including those for treatment of textiles, plastics, and industrial items, uses for ant control in the home, uses as wood preservatives, uses on lawns and turf, etc.

This notice is to afford interested persons an opportunity within 60 days of publication to submit their views on uses of arsenic and lead compounds subject to registration under the Federal Insecticide, fungicide, and Rodenticide Act. This refers to uses for which notices of cancellation of registration have not been previously issued. When preparing and submitting views or comments, the following items should be covered in the submission: (1) Use pattern, i.e., crops or articles treated and formulations and rates of application; (2) the pest control achieved including expected damage without the use of arsenic and lead compounds; (3) substitutes that are available with comments on the safety and effectiveness of use; (4) data in relation to environmental contamination or other hazards of use.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same in triplicate with the Director, Pesticides Regulation Division, Environmental Protection Agency, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. Please make reference in any submission to "F.R. Arsenic and Lead Notice."

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business.

Dated: June 25, 1971.

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

[FR Doc.71-9478 Filed 7-2-71;8:49 am]

FEDERAL MARITIME COMMISSION

CITY OF LOS ANGELES AND FREIGHTCARE, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Roger Arnebergh, City Attorney, City of Los Angeles, Post Office Box 151, San Pedro, CA 90733.

Agreement No. T-2538, between the City of Los Angeles (City) and Freightcare, Ltd. (Freightcare), provides for the nonexclusive preferential berth assignment of the north half of Berth 158, Los Angeles, Calif., for the docking and mooring of vessels, embarking and disembarking of passengers, and the loading, unloading, and handling of breakbulk and containerized cargo. As compensation for the above, Freightcare will pay the city $4,480 monthly in lieu of all tariff charges except dockage and wharfage, which will be assessed in accordance with the port of Los Angeles Tariff No. 3 and paid to the city. The assignment itself is made in accordance with the above tariff.

Dated: June 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9426 Filed 7-2-71;8:45 am]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 3103-44 between member lines of the Japan-Atlantic and Gulf Freight Conference amends Article 6(c) of the basic agreement, as amended, to enable the Conference to regulate compensation payable to forwarders, consolidators, truckers, CFS, and terminal receiving operators to the extent fixed by resolution for services rendered at Conference ports of origin.

Dated: June 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9428 Filed 7-2-71;8:45 am]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement, filed by:

Elliott B. Nixon, Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 7670–6 modifies (1) Articles XVI(a) and XVI(c) of the basic agreement to increase the amount of each Conference member's financial guarantee to $25,000 and (2) the first paragraph of Article XVIII to provide that this guarantee may be proceeded against in instances where a member has been in default in respect of its financial obligations to the Conference for more than 60 days.

Dated: June 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9427 Filed 7-2-71;8:45 am]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 7100–10 modifies (1) Articles XVI(a) and XVI(c) of the basic agreement to increase the amount of each member's financial guarantee to $25,000 and (2) Article XVIII to provide that this guarantee may be proceeded against in instances where a member has been in default in respect of its financial obligations to the Conference for more than 60 days.

Dated: June 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9430 Filed 7-2-71;8:46 am]

UNITED KINGDOM/U.S. GULF PORTS RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

K. V. Balding, Current Chairman, United Kingdom/U.S. Gulf Ports Rate Agreement, Gulf Container Line, 14/19 Leadenhall Street, London E. C. 3, England.

Agreement No. 8770–3 modifies the self-policing provisions of the basic agreement to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970, and restates the agreement in its entirety.

Dated: June 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9429 Filed 7-2-71;8:46 am]

[No. 71-17]

MILITARY SEALIFT COMMAND

Nonassessment of Fuel Surcharges on Rates; Further Enlargement of Time

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 propsals (RFP) bidding system.

Upon request of Hearing Counsel and good cause appearing, time within which replies may be filed to respondents' and intervener's memoranda of law and affidavits of fact is hereby enlarged to and including July 14, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9425 Filed 7-2-71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP70-19 etc.]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Petition To Amend

JUNE 25, 1971.

Take notice that on June 15, 1971, Great Lakes Gas Transmission Co. (petitioner), One Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP71-19 a petition to amend the order accompanying Opinion No. 577 (43 FPC 635)

granting a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the installation and operation of certain compressor facilities, extending until November 1, 1973, the time within which to complete and place these facilities into actual operation, and extending until November 1, 1972, the time within which to complete and place into actual operation certain meter stations, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order accompanying Opinion No. 577, issued April 30, 1970, in Dockets Nos. CP71-19 et al., authorized, inter alia, the installation and operation of a 12,500 horsepower compressor unit at petitioner's Compressor Station No. 1, located near St. Vincent, Minn., and the construction and operation of eight meter station connections for the sale of natural gas to Inter-City Gas, Ltd. (Inter-City), for ultimate distribution in the cities of Clearbrook, Deer River, Floodwood, Gonvick, Karlstad, Lake Bronson, Lancaster, and Newfolden, Minn. These facilities were to have been completed and placed into actual operation before April 30, 1971. By order issued on March 25, 1971, in Docket No. CP70-19 the Commission extended until November 1, 1972, the time within which the installation of the 12,500 horsepower compressor unit should be completed, and until November 1, 1971, the time within which construction of the metering facilities for the eight new delivery points should be completed.

Petitioner states that it has entered into an agreement with Trans-Canada Pipe Lines, Ltd. (Trans-Canada), whereby Trans-Canada has agreed to deliver natural gas to petitioner at their Emerson, Manitoba, interconnection at a pressure of 750 p.s.i.g. for the period November 1, 1971, through October 31, 1973. This agreement will defer the need for additional compressor horsepower at the St. Vincent station until the summer of 1973. Petitioner also states that projected operations for the period commencing on November 1, 1973, indicate that the installation of a 20,000 horsepower compressor unit, in lieu of the presently authorized 12,500 horsepower unit, will be necessary. The estimated additional cost, to petitioner, incident to the installation of a 20,000 horsepower unit in lieu of the presently authorized unit will be $1,526,000.

Petitioner states that it has received a request from Inter-City to delay the construction and operation of the facilities for the delivery of natural gas for the eight aforementioned communities until the summer of 1972. Accordingly, petitioner requests an extension until November 1, 1972, of the time within which to complete these facilities and place them into actual operation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9434 Filed 7-2-71;8:46 am]

[Docket No. CP70-69 etc.]

NORTHERN NATURAL GAS CO. ET AL.

Order Consolidating Proceedings and Ordering Hearings

JUNE 25, 1971.

Northern Natural Gas. Co., Docket Nos. CP70-69, CP70-70, CP70-71; High Crest Oils, Inc. (Operator), et al., Docket No. CI70-355; Montana-Dakota Utilities Co., Docket No. CP70-173; and Great Lakes Transmission Co., Docket Nos. CP71-299, CP71-300, CP71-301.

Great Lakes Transmission Co. (Great Lakes), filed applications on June 15, 1971, in Dockets Nos. CP71-299, CP71-300, and CP71-301. Great Lakes applications in Dockets Nos. CP71-299, pursuant to section 7(c) of the Natural Gas Act, and CP71-301, pursuant to Executive Order No. 10485, are mutually exclusive and competitive with pending applications filed by Northern Natural Gas Co. in Dockets Nos. CP70-69 and CP70-71, as amended on April 19, 1970, in the above-entitled proceedings. Great Lakes also filed an application in Docket No. CP71-300 for authorization to import the natural gas which it requests authorization to transport in Docket No. CP71-299. That application is mutually exclusive with Northern's pending application in Docket No. CP70-70.

Previously, by our order of May 27, 1971, we permitted, pursuant to § 157.11 (a) of our regulations, Great Lakes or any pipeline company to file an application competitive with those of Northern by June 15, 1971, or 6 days prior to the scheduled hearing date of June 21, 1971. At that time we denied Great Lakes' motion to postpone the scheduled hearing date and hearings were reopened on June 21, 1971, as scheduled.

Notice of Great Lakes' applications was issued June 18, 1971, setting June 28, 1971, as the final date for the filing of protest or petitions to intervene.

In Docket No. CP71-299 Great Lakes requests a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to transport up to 390,000 Mcf/d and to construct and operate facilities necessary to transport up to 331,800 Mcf/d between the international boundary near Emerson, Manitoba, and an interconnection with Northern's system near Carlton, Minn. In Docket No. CP71-300 Great Lakes requests permission pursuant to section 3 of the Natural Gas Act to import up to 390,000 Mcf/d of natural gas at a point near Emerson, Manitoba, if the Commission determines that Great Lakes instead of Northern is the appropriate party to obtain section 3 authorization to import the natural gas here involved. In Docket No. CP71-301 Great Lakes requests a Presidential Permit pursuant to Executive Order No. 10485 for the construction, operation, maintenance, and connection of border facilities.

The applications of Great Lakes are interdependent and competitive with the pending proceedings in Docket No. CP 70-69 et al. because Great Lakes proposes, as a more favorable alternative to Northern's applications in Dockets Nos. CP70-69 and CP70-71, to transport for Northern only those volumes which Northern has available at the international boundary near Emerson, Manitoba. The availability of Northern's gas at the border is subject to the granting by this Commission of import authorization for those volumes in Docket No. CP70-70 or CP71-300 and the receipt from the Canadian National Energy Board by Northern's Canadian subsidiary, Consolidated Natural Gas, Ltd., of a permit to export those volumes from Canada.

Therefore, because the applications of Great Lakes in Dockets Nos. CP71-299, CP71-300, and CP71-301 are interdependent with the applications pending in Docket No. CP70-69 et al. they should be consolidated and heard together.

We reaffirm the statement in our recent May 27, 1971, order in these proceedings that we leave for the presiding examiner the setting of dates for the filing of evidence and the fixing of other procedural dates relating to Great Lakes' application.

The Commission finds: (1) The proceedings in Dockets Nos. CP71-299, CP 71-300, and CP71-301 and Docket No. CP70-69 et al. are interdependent and should therefore be consolidated and heard together.

The Commission orders:

(A) The applications of Great Lakes Transmission Co. in Dockets Nos. CP71-299, CP71-300, and CP71-301 and Docket No. CP70-69 et al. are consolidated.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 3, 7, and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings upon Great Lakes applications will be held on a date to be fixed by the presiding examiner in these consolidated proceedings in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning the matters involved in and the issues presented by such applications.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9435 Filed 7-2-71;8:46 am]

[Project 1396]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Additional Land Withdrawal

JUNE 25, 1971.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, this Commission by letter dated August 6, 1938, to the Commissioner of the General Land Office, gave notice of the reservation of approximately 1,134.35 acres of U.S. lands pursuant to the filing on July 14, 1938, of an application for license (transmission line), by Nevada-California Electric Corp., predecessor to the Southern California Edison Co., Los Angeles, Calif., for Project No. 1396.

Southern California Edison Co. filed on January 4, 1971, and May 17, 1971, an application for amendment of plans (transmission line) and supplemental revision, respectively, to show the relocation of a portion of the Bishop Tower Transmission Line necessitated by the construction of the State of California's Cedar Springs Reservoir Project No. 2426. This relocation embraces additional U.S. lands.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 1396 and are, from the dates of the filing of said application and supplemental revision, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

SAN BERNARDINO MERIDIAN, CALIF.

Those portions of the following described subdivisions lying within 50 feet of the center-line survey of the relocated transmission line as shown upon revised map Exhibit K, sheet 2 of 11 (FPC No. 1396-12) filed May 17, 1971.

T. 3 N., R. 4 W.,
Sec. 31, lot 3, S½S½NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 2 N., R. 5 W.,
Sec. 1, lots 2, 6, 7, and 11, E½SW¼;
Sec. 12, S½NE¼, E½NW¼.
T. 3 N., R. 5 W.,
Sec. 36, NE¼SE¼, S½SE¼.

The total area of U.S. lands reserved by this notice is approximately 43.35 acres of which approximately 27 acres have been previously withdrawn for power purposes in connection with Project No. 2426. All of the above described lands have previously been withdrawn for the San Bernardino National Forest.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128), is applicable to the above described lands.

Copies of the aforementioned project map exhibit have been transmitted to the Geological Survey, the Bureau of Land Management, Department of the Interior, and the Forest Service, Department of Agriculture.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9436 Filed 7-2-71;8:46 am]

[Docket No. CS71-700 etc.]

ROBERT I. WILLIAMS ET AL.

Notice of Applications for "Small Producer" Certificates; Correction

JUNE 25, 1971.

Robert I. Williams, Docket No. CS71-700 etc.; Everett J. Carlson, Operator, Docket No. CS71-793.

In the Notice of applications for "Small Producer" certificates, issued June 4, 1971, and published in the FEDERAL REGISTER June 15, 1971 (36 F.R. 11536), change the name of the Applicant from "Everett J. Carlson, Operator" to "DDG Gas and Oil Corp.".

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9437 Filed 7-2-71;8:46 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Barnett Banks of Florida, Inc., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Barnett Mall Bank, N.A., Winter Park, Fla. (a proposed new bank).

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, June 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-9440 Filed 7-2-71;8:46 am]

CNB BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by CNB Bancorporation, Wilmington, Del., for prior approval by the Board of Governors of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Central National Bank of Cleveland, Cleveland, Ohio, and at least 97 percent of the voting shares of the American Bank of Commerce, Akron, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may

be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

By order of the Board of Governors, June 29, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-9441 Filed 7-2-71;8:46 am]

FIRST FINANCIAL CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Financial Corp., Tampa, Fla., for approval of acquisition of not less than 80 percent of the voting shares of Inter City National Bank of Bradenton, Bradenton, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Financial Corp., Tampa, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of not less than 80 percent of the voting shares of Inter City National Bank of Bradenton, Bradenton, Fla. (Bradenton Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 7, 1971 (36 F.R. 8535), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

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

Applicant presently controls seven banks with aggregate deposits of approximately $386 million, representing 2.8 percent of all deposits of commercial banks in Florida. (All banking data are as of December 31, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board through May 15, 1971.) Upon acquisition of Bradenton Bank ($42 million deposits), Applicant would increase its share of statewide deposits by only 0.3 percent, and it would rank as the sixth largest banking organization and bank holding company in Florida.

Bradenton Bank is the third largest of the four banks in Bradenton and also third largest of the nine banks serving Manatee County, wherein it holds approximately 19 percent of total county deposits. Each of the two larger area banks holds more than 26 percent of such deposits. Applicant's closest subsidiary office to Bradenton Bank is located 40 miles to the north of Tampa. There is no meaningful existing competition between any of Applicant's present banking offices and Bradenton Bank. It also appears unlikely that consummation of this proposal would preclude potential competition because of Florida's restrictive branching laws, the wide separation between Applicant's offices and Bradenton Bank, and the presence of many other banking offices in the intervening area. Applicant's proposed acquisition would represent the second entry of a bank holding company into rapidly developing Manatee County, and it does not appear that any of the competing banks would be adversely affected thereby. Based on the foregoing and the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant market.

The financial condition and managerial resources of Applicant, its subsidiary banks, as well as Bradenton Bank, are generally satisfactory and the prospects for each appear favorable. Applicant plans to improve the capital position of Bradenton Bank if the proposal is consummated. Overall, the banking factors are consistent with and lend some weight in favor of approval of this application. Considerations under the convenience and needs factors also lend weight toward approval of the application. Although the important banking needs of this area appear to be presently satisfied by existing facilities, Applicant's proposed improvement of Bradenton Bank's various services would benefit the convenience of the community and better serve its needs. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

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

By order of the Board of Governors,[1] June 28, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-9442 Filed 7-2-71;8:46 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

PALMER BANK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank holding Company Act of 1956 (12 U.S.C. 1842(a)(1), by Palmer Bank Corp., Sarasota, Fla., for prior approval by the Board of Governors of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Palmer First National Bank and Trust Co. of Sarasota, St. Armands Palmer Bank, and Siesta Key Palmer Bank, all of Sarasota, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, June 28, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-9443 Filed 7-2-71;8:46 am]

UNITED BANKSHARES, INC.

Order Approving Action To Become Bank Holding Company

JUNE 28, 1971.

In the matter of the application of United Bankshares, Inc., Green Bay, Wis., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of West Bank and Trust, Green Bay, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Bankshares, Inc., Green Bay, Wis. (Applicant), for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of West Bank and Trust, Green Bay, Wis.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of Wisconsin and requested his views and recommendation. The Commissioner offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 13, 1971 (36 F.R. 8831), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

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

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank ($44.3 million deposits). (All banking data are as of December 31, 1970, and reflect holding company approvals and acquisitions approved through May 24, 1971.) Upon consummation of the proposal, Applicant will assume Bank's present position as the State's 24th largest banking organization with 0.46 percent of total deposits in the State. As Applicant has no present operations or subsidiaries, consummation of the proposal would eliminate neither existing nor potential competition. Neither does it appear that there would be adverse effects on any bank in the area involved.

The financial and managerial resources and prospects of Bank are generally satisfactory, as would be those of Applicant upon approval. Consummation of the proposal would have no immediate effect on the convenience and needs of the community involved. Considerations under these factors are consistent with approval. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

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

By order of the Board of Governors,[1] June 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-9444 Filed 7-2-71;8:47 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN NICARAGUA

Entry or Withdrawal From Warehouse for Consumption

JUNE 30, 1971.

On April 29, 1971, the U.S. Government requested the Government of Nicaragua to enter into consultations concerning exports to the United States of cotton textile products in Category 22 produced or manufactured in Nicaragua. Public notice of this request was published in the FEDERAL REGISTER on May 29, 1971 (36 F.R. 9894). In that request the U.S. Government indicated the specific level at which it considered that exports in this category from Nicaragua should be restrained for the 12-month period beginning April 29, 1971, and extending through April 28, 1972. Since no solution has been mutually agreed upon the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing restraint at the level indicated in that request for the 12-month period beginning April 29, 1971, and extending through April 28, 1972. This restraint does not apply to cotton textile products in Category 22, produced or manufactured in Nicaragua exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of June 28, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 22, produced or manufactured in Nicaragua, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning April 29, 1971, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 28, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning April 29, 1971, and extending through April 28, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 22, produced or manufactured in Nicaragua, in excess of a level of restraint for the period of 500,000 square yards.[1]

In carrying out this directive, entries of cotton textile products in Category 22 produced or manufactured in Nicaragua and which have been exported to the United States from Nicaragua prior to April 29, 1971, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 22, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-9485 Filed 7-2-71;8:50 am]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

JUNE 30, 1971.

On April 30, 1971, the U.S. Government requested the Government of Thailand to enter into consultations concerning exports to the United States of cotton

[1] This level has not been adjusted to reflect any entries made on or after Apr. 29, 1971.

The actions taken with respect to the Government of Nicaragua and with respect to imports of cotton textiles and cotton textile products from Nicaragua have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

textile products in Category 60 produced or manufactured in Thailand. Public notice of this request was published in the FEDERAL REGISTER on May 29, 1971 (36 F.R. 9895). In that request the U.S. Government indicated the specific level at which it considered that exports in this category from Thailand should be restrained for the 12-month period beginning April 30, 1971 and extending through April 29, 1972. Since no solution has been mutually agreed upon the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing restraint at the level indicated in that request for the 12-month period beginning April 30, 1971 and extending through April 29, 1972. This restraint does not apply to cotton textile products in Category 60, produced or manufactured in Thailand, exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of June 25, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textile products in Category 60, produced or manufactured in Thailand, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning April 30, 1971, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 25, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning April 30, 1971, and extending through April 29, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 60, produced or manufactured in Thailand, in excess of a level of restraint for the period of 17,372 dozen.[1]

In carrying out this directive, entries of cotton textile products in Category 60 produced or manufactured in Thailand and which have been exported to the United States from Thailand prior to April 30, 1971, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 60, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V. 1965–69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc.71-9486 Filed 7-2-71;8:50 am]

[1] This level has not been adjusted to reflect any entries made on or after April 30, 1971.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

IMPERIAL SMOKELESS COAL CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

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

ICP Docket No. 3080 000, Imperial Smokeless Coal Co., Quinwood No. 7 Mine, USBM ID No. 46 01474 0, Leivasy, Nicholas County, W. Va.:
ICP Permit No. 3080 004 (Joy Loader, Ser. No. 9335).
ICP Permit No. 3080 006 (Joy Cutting Machine, Ser. No. 17535).
ICP Permit No. 3080 012 (Galis Roof Drill, Ser. No. 3065745).
ICP Permit No. 3080 019 (Joy Shuttle Car, Ser. No. ET9106).
ICP Permit No. 3080 026 (Joy Shuttle Car, Ser. No. ET9107).

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

Copies of renewal applications are available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, 8th Floor, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

JUNE 29, 1971.

[FR Doc.71-9445 Filed 7-2-71;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

CONOVER-CABLE PIANO CO.

Worker Request for Certification of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

A petition requesting certification of eligibility to apply for adjustment assistance has been filed, on June 25, 1971, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the International Association of Machinists and Aerospace Workers on behalf of workers of the Conover-Cable Piano Co. plant at Oregon, Ill. The petition points out that the request for certification is made under Proclamation 3964 ("Modification of Trade Agreement Concession and Adjustment of Duty on Certain Pianos") of February 21, 1970. In that Proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the piano industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Af-

fairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects in investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, DC 20210, on or before July 19, 1971.

Signed at Washington, D.C., this 29th day of June 1971.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[FR Doc.71-9498 Filed 7-2-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; ICC Order 58]

GRAND TRUNK WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, agent, the Grand Trunk Western Railroad Co. is unable to transport traffic over its lines because of threatened work stoppage by certain of its operating employees and has placed embargoes against livestock and perishable traffic.

It is ordered, That:

(a) The Grand Trunk Western Railroad Co., being unable to transport traffic over its lines because of threatened work stoppage by certain of its operating employees and having placed embargoes against livestock and perishable traffic, that line and its connections are hereby authorized to reroute and divert such traffic, via any available route, to expedite the movement.

(b) Concurrence of receiving road to be obtained: The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent, provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 5 p.m., June 28, 1971.

(g) Expiration date: This order shall expire at 11:59 p.m., July 15, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 28, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.71-9489 Filed 7-2-71;8:50 am]

[Rev. S.O. 994; ICC Order 58-A]

GRAND TRUNK WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 58 (Grand Trunk Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 58 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 9 a.m., June 30, 1971.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 30, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.71-9488 Filed 7-2-71;8:50 am]

[Notice 710]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72891. By order of June 24, 1971, the Motor Carrier Board approved the transfer to J. C. Pitts, doing business as Refrigeration Delivery Service, Wichita, Kans., of the operating rights in Certificate No. MC-62845, issued February 11, 1952, to A. W. Dicke, Cottonwood Falls, Kans., authorizing the transportat'on of various specified commodities from and to and between specified points in Kansas and Missouri. William C. Farmer, Suite 830, 200 West Douglas Street, Wichita, KS 67202, attorney for applicants.

No. MC-FC-72959. By order of June 24, 1971, the Motor Carrier Board approved the transfer to Harold A. Collins, doing business as Broadway Moving & Storage, Kokomo, Ind., of the operating rights in Certificate No. MC-41709 issued May 2, 1951, to Kinney Transit Line, Inc., Kokomo, Ind., authorizing the transportation of household goods, as defined by the Commission, between Kokomo, Ind., on the one hand, and, on the other, points in Ohio and Illinois. Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-9490 Filed 7-2-71;8:50 am]

[Notice 710-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72524. By order of June 24, 1971, Division 3, acting as an Appellate Division, approved the transfer to Pacific Inland Transport Co., a corporation,

Seattle, Wash., of that portion of the operating rights in Certificate No. MC-52005 issued September 21, 1949, to Oregon-Washington Transport, a corporation, Portland, Oreg., authorizing the transportation of heavy machinery, building and road contractors' equipment and supplies between points in Oregon, except Portland and points within its commercial zone, and Washington, and the above-named commodities, the transportation of which require special equipment, between Portland, Oreg., on the one hand, and, on the other, points in Oregon and Washington. George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101, attorney for applicants.

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

[FR Doc.71-9491 Filed 7-2-71;8:50 am]

[Notice 710-B]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72983. By application filed June 23, 1971, SPECIALTY TRANSPORT, INC., Holland Road, Wales, Mass. 01081, seeks temporary authority to lease the operating rights of M. HASKELL, INC. (IRVING D. LABOVITZ, RECEIVER), 31 Elm Street, Springfield, MA 01103, under section 210a(b). The transfer to SPECIALTY TRANSPORT, INC., of the operating rights of M. HASKELL, INC. (IRVING D. LABOVITZ, RECEIVER), is presently pending.

By the Commission.

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

[FR Doc.71-9492 Filed 7-2-71;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

3 CFR

	Page
PROCLAMATIONS:	
4062	12671
4063	12673
EXECUTIVE ORDERS:	
10450 (see EO 11603)	12675
10924 (see EO 11603)	12675
11041 (superseded by EO 11603)	12675
11223 (see EO 11603)	12675
11250 (superseded by EO 11603)	12675
11390 (amended by EO 11601)	12473
11470 (superseded by EO 11603)	12675
11600	12471
11601	12473
11602	12475
11603	12675
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Reorganization Plan No. 1 of 1971 (see EO 11603)	12675

5 CFR

	Page
213	12681

7 CFR

	Page
6	12506
32	12681
210	12685
220	12685
250	12686
908	12507
910	12687
911	12507
917	12508
1464	12509
1474	12509
1488	12595
PROPOSED RULES:	
101	12695
915	12629
958	12629
980	12695
989	12695
1079	12534

9 CFR

	Page
76	12510, 12688
331	12596
PROPOSED RULES:	
11	12586
113	12694

10 CFR

	Page
PROPOSED RULES:	
50	12697

12 CFR

	Page
745	12688

13 CFR

	Page
121	12596
PROPOSED RULES:	
107	12630
121	12631

14 CFR

	Page
39	12688
71	12511
91	12512
97	12512
121	12512
127	12512
385	12597
399	12513
1208	12597
PROPOSED RULES:	
39	12696
71	12540
288	12541
399	12541

15 CFR

	Page
371	12515
379	12515
385	12515

16 CFR

	Page
13	12598, 12600

19 CFR

	Page
4	12601

20 CFR

	Page
405	12606

21 CFR

	Page
3	12516
121	12692
135a	12691
135b	12608
135c	12608, 12609
135e	12691
146d	12609
148q	12609
420	12517, 12692
PROPOSED RULES:	
3	12534

22 CFR

	Page
42	12609

24 CFR

	Page
203	12510
207	12610
220	12610
1600	12517
1914	12611
1915	12612
1930	12517
1931	12519
1932	12521
1933	12522
1934	12529

26 CFR

	Page
1	12612, 12689
PROPOSED RULES:	
1	12534, 12624, 12628
13	12624

29 CFR

	Page
102	12532
1904	12612

30 CFR

	Page
PROPOSED RULES:	
57	12693

32 CFR

	Page
722	12689

35 CFR

Page

51 12616

36 CFR

PROPOSED RULES:

7 12628

37 CFR

1 ..... 12616, 12689
2 12616
3 12689

38 CFR

3 12618
17 12618

39 CFR

41 12532

41 CFR

Page

5A–7 12533
5A–53 12533
5A–76 12533
14H–1 12619
101–32 12619

43 CFR

PUBLIC LAND ORDER:

5082 12690

45 CFR

250 12621
1201 12652

PROPOSED RULES:

15 12534
1201 12664

46 CFR

531 12691

47 CFR

Page

21 12484
73 12622
81 12502
83 12502
89 12488
91 12492
93 12498

PROPOSED RULES:

73 ..... 12542, 12629

49 CFR

1 12622
571 12091

50 CFR

80 12623

LIST OF FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
12465–12588	July 1
12589–12664	2
12665–12718	3