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Title 3—The President

PROCLAMATION 4065

Captive Nations Week, 1971

By the President of the United States of America

A Proclamation

From its beginnings as a nation, the United States has maintained a commitment to the principles of national independence and human liberty. In keeping with this tradition, it remains an essential purpose of our people to encourage the constructive changes which lead to the growth of human freedom. We understand and sympathize with the efforts of oppressed peoples everywhere to realize this inalienable right.

By a joint resolution approved on July 17, 1959, the Eighty-Sixth Congress authorized and requested the President to issue a proclamation each year designating the third week in July as Captive Nations Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 18, 1971 as Captive Nations Week. I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all peoples for national independence and human liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth 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-sixth.

Richard Nixon

[FR Doc.71-10029 Filed 7-12-71;11:22 am]

PROCLAMATION 4066

United Nations Day, 1971

By the President of the United States of America

A Proclamation

Each year on October 24, the people of America and the world join in the formal observance of a truly global occasion, one that transcends political, cultural, religious, and calendar differences in its promise for all mankind: the anniversary of the United Nations Charter. This fall, as the United Nations completes its twenty-sixth year of service to the world, United Nations Day is an occasion to look back with gratitude and a measure of pride, and to look ahead with determination and hope.

Reviewing the work of the United Nations since 1945, we can see a substantial record of accomplishment in the world body's major areas of endeavor—"to save succeeding generations from the scourge of war . . . and to promote social progress and better standards of life in larger freedom," as the Charter states them. The United States will continue in the future, as it has in the past, to support the efforts of the UN in these great tasks.

At the same time, this country and its fellow member countries of the UN must act together to meet the new problems this new decade thrusts upon us. Through the UN, we all share stewardship over the planet Earth: together we face the challenges of coordinating measures to heal and protect the world's fragile ecosystems; of ensuring that the resources of the sea are developed for the benefit of all mankind; of promoting international cooperation in the use of outer space. Through the UN, we all share responsibility for making the human community more humane: together we face the challenges of curbing such vicious international crimes as narcotics trafficking, air piracy, and terrorism against diplomats; of moderating explosive population growth; of protecting the human rights of prisoners of war and refugees.

The roots of American commitment to the United Nations go far deeper than the words of a charter signed at San Francisco or the glass and steel of a headquarters in New York—they spring from the hearts of the American people. With the world in urgent need of a dynamic, effective international organization, it is appropriate for us as a people and as individuals to renew our sense of tough-minded dedication to making the UN work. The President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations, under the chairmanship of Ambassador Henry Cabot Lodge, recently submitted to me its recommendations for measures to increase the effectiveness of the United Nations and of American participation therein. I am giving this useful report close study, and I commend it to the attention of every concerned citizen. Only "we the peoples of the United Nations," who ordained the UN Charter and charged it with man's highest hopes, have the power to make it succeed.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Sunday, October 24,

1971, as United Nations Day. I urge the citizens of this Nation to observe that day with community programs which will express realistic understanding and support for the United Nations and its associated organizations.

I also call upon the appropriate officials to encourage citizens' groups and agencies of communication—press, radio, television, and motion pictures—to engage in appropriate observance of United Nations Day this year in cooperation with the United Nations Association of the United States of America and other interested organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth 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-sixth.

Richard Nixon

[FR Doc.71-10030 Filed 7-12-71;11:22 am]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER I—DETERMINATION OF PRICES

PART 876—SUGARCANE: HAWAII

Fair and Reasonable Prices for 1971 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on April 23, 1971, the following determination is hereby issued:

The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Hawaii" remain in full force and effect as to the crops to which they were applicable.

Sec.

AUTHORITY: §§ 876.21 to 876.29 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 876.21 General requirements.

A producer of sugarcane in Hawaii who is also a processor of sugarcane, to which this part applies as provided in § 876.27 (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1971 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements.

§ 876.22 Toll agreements.

(a) The rate for processing sugarcane under a toll agreement at Olokele Sugar Co., Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(b) (1) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing (percentage of gross proceeds from sugar and molasses)	Delivery point for sugarcane
Puna Sugar Co., Ltd.	34	Mill.
Kohala Sugar Co.	34	Do.
Laupahoehoe Sugar Co.	49	Loaded in trucks.
Mauna Kea Sugar Co., Inc.	49	Do.
Pepeekeo Sugar Co.	49	Do.
Paauhau Sugar Co., Ltd.	49	Do.
Hawaiian Agricultural Co.	49	Do.
Hutchinson Sugar Co., Ltd.	49	Do.

(2) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Co. (a cooperative agricultural marketing association herein referred to as C&H): *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rates for processing.

(3) The applicable rate for processing established in this section for sugarcane of the producer shall cover (i) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (ii) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (iii) the costs of weighing, sampling, and taring such sugarcane; (iv) the cost of general weed and rodent control other than in sugarcane fields of producers and alongside the roads adjacent thereto; and (v) the cost of all research and experimental work applicable to the production and processing of such sugarcane.

(4) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C&H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C&H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

§ 876.23 Purchase agreements.

(a) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(b) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Co. shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(c) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided*, That the items of expense which may be deducted in computing net returns for the 1971 crop shall be limited to the same items as for the 1970 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions, such expenses also may be deducted subject to written approval from the Hawaii State ASCS Office upon a determination by the Hawaii State ASC Committee that the incurrence of such expenses is justified.

§ 876.24 Sugarcane weight and quality determination.

The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the experiment station of the Hawaiian Sugar Planters' Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities of sugar and molasses recovered from the sugarcane of the producer.

§ 876.25 Overhead charges for services furnished to producers.

If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. If equipment is charged at standard or budgeted rates which include repair and

maintenance charges, and such rates are applied equally to both the processors' and producers' producing, harvesting, and transporting operations, and if the standard or budget rates are adjusted periodically to reflect current conditions, such rates shall be considered as the direct costs for use of equipment. Charges for applicable overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles, as approved by the State committee.

§ 876.26 Reporting requirements.

The processor shall submit to the State committee a certified statement of the gross proceeds and handling and delivery expenses paid under (a) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (b) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

§ 876.27 Applicability.

The requirements of this part are applicable to all sugarcane grown by a producer and processed under either a purchase or toll agreement by a processor who also produces sugarcane (a processor-producer is defined in § 821.1 of this chapter); and to sugarcane processed by a cooperative processor for nonmembers. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 876.28 Subterfuge.

The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

§ 876.29 Procedures for checking compliance.

The procedures to be followed by the State ASCS office in checking compliance with the requirements of this part are set forth under the heading Part 6—Fair Price Determination in Handbook 6-SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbook 6-SU may be inspected at the State ASCS office and copies may be obtained from the Hawaii State ASCS office, 1833 Kalakaua Avenue, Honolulu, HI 96815.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1971 crop grown by other producers.

Requirements of the act. Section 301 (c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Public Hearing. A public hearing was held in Hilo, Hawaii, on April 23, 1971, at which interested persons were afforded the opportunity to present testimony relating to all aspects of fair and reasonable prices for 1971 crop sugarcane including processing rates for sugarcane delivered under a toll agreement.

C. Brewer and Co. (representing Mauna Kea, Pepeekeo, Paauhau, Hawaiian Agricultural, and Hutchinson Sugar Cos.) A representative of these companies recommended a processing rate of 51 percent for the Mauna Kea and Pepeekeo companies; a rate of 55 percent for the Paauhau, Hawaiian Agricultural, and Hutchinson companies; and an increase in the profit charge on services furnished growers by the processor from 5 percent to 10 percent. He also recommended a change in the delivery point of sugarcane for the latter three companies from "loaded in trucks" to "at the mill" if the Department does not approve the requested processing rate of 55 percent. He said that a similar change in delivery point for Mauna Kea and Pepeekeo was not being recommended, since a processing cooperative is planned for the Hilo Coast area as of 1972. The witness testified that separate rates are requested because of differences in operating conditions between the two groups of companies, resulting in a considerably higher cultivation, harvesting, and trucking cost per ton of sugar at Mauna Kea and Pepeekeo than at the other three plantations. He submitted sugarcane producing and processing cost data, production statistics, and indicated processing rates based upon the companies' 1970 crop costs.

The representative of independent growers recommended a processing rate of 40 percent and discontinuance of the 5 percent profit allowed the processor on labor, materials, and services furnished to growers. He also recommended that a specialist be sent periodically to Hawaii to inspect milling operations, and that extremely bad core samples of sugarcane be discarded and more samples taken to insure greater accuracy. The witness submitted calculations, based on growers' own cultivation costs and on harvesting, marketing, and processing cost data provided by the processor, in support of the requested processing rate. He testified that the data indicated a rate of 42.59 percent, but that 40 percent was being recommended because of the 5 percent profit charge on services furnished growers.

Kohala Sugar Co. The representative of this company testified that a processing rate of 38.5 percent would be equitable based on producing and processing cost data for the 1970 crop. He recommended, however, that the existing rate of 34 percent be continued for 1971, 1972, and 1973, since Kohala is terminating sugar operations at the end of the 1973 crop. The witness said that the lower rate would assist independent growers in converting from cane production to other enterprises.

Puna Sugar Co. The representative of Puna recommended a processing rate of 39 percent for the 1971 crop, and continuation of both the profit allowance on services to growers and the mill delivery point for sugarcane. He testified that harvesting and hauling costs were higher in 1970 than in prior years; and that the average yields of sugar were 8.46 tons per acre from company fields and 7.64 tons from grower fields, compared with 9.18 tons and 8.33 tons, respectively, for the previous 5 years. He said that the three major factors which appear to be responsible for the lower sugar yields per acre in 1970 were the continued declining yields of the major cane varieties, abnormally heavy rainfall during the processing season, and a lower extraction of sugar. He noted, however, that the new milling installation is now complete, and that the new addition has thus far increased sugar extraction by about 7 percentage points. The witness stated that refinery returns continued to increase; and that growers realized an average profit which he estimated as $20.24 per ton of sugar in spite of the low yields and increased costs, as compared with the company's loss of $16.57 per ton on grower operations. In support of the recommended processing rate, he submitted annual cost ratios based on company data for 1966 through 1970 which indicated a 5-year average processing rate of 39.31 percent.

The representative of independent growers at Puna recommended a processing rate of 30.65 percent and elimination of the profit charge on services furnished growers by the processor. He also recommended that agency fees paid by the processor to the parent company be considered as profit for the processor and reflected as such in the cost ratio. The witness testified that growers suffered total losses of over $400,000 in 1970 as a result of the company's neglect in properly maintaining its facilities; that several hundred acres being cultivated by growers have either been taken out of production or transferred to the company; and that other growers are contemplating retirement from sugarcane production because of the heavy losses being sustained. He presented data on 1970 crop costs which showed a loss to growers of $16.13 per ton of sugar.

Laupahoehoe Sugar Co. The representative of this company recommended a processing rate of 50 percent, continuance of the profit allowance on services furnished growers, and extension to the 1971 crop of other provisions of the 1970 crop determination. He submitted final 1970 crop producing and processing cost data and testified that the data indicate a processing rate of 51 percent would be fair and reasonable. The witness stated that the last remaining ad-

herent planter 30-year contract would expire with the 1971 harvest.

A representative of independent growers at Laupahoehoe recommended a processing rate of 40 percent. He said that many growers are thinking about quitting cane production, but that a 40 percent rate would stimulate them and keep them in business.

1971 price determination. This determination continues the provisions of the 1970 crop determination, except that the rate for processing sugarcane delivered by producers "loaded in trucks" in the field is increased from 45 to 49 percent of the gross proceeds from sugar and molasses.

Consideration has been given to the recommendations and information submitted at the public hearing, and to other relevant data customarily considered in fair price determinations. The returns, costs, and profits of producing and processing sugarcane, obtained by the Department in a field survey during 1970, have been recast in terms of price and production conditions likely to prevail for the 1971 crop. Analysis of these data indicates that the provisions established in this determination will provide producers and processors an equitable sharing of total returns.

Information submitted at the hearings in recent years by representatives of C. Brewer and Co. and Laupahoehoe Sugar Co. has indicated that significant shifts had occurred in the incidence of costs between producers and processors, with the sharing relationship becoming considerably more favorable to producers. The recently completed field study of the operations of producers and processors confirms that the costs of producing sugarcane are now a smaller percentage of the total producing and processing costs. Productivity gains in field operations have been greater than improvements in factory efficiency and have been a principal cause of the shifts in costs. Although definite changes in the incidence of costs have occurred, they are not of the magnitude indicated by processor representatives at the hearing and do not justify the higher processing rates they requested. To maintain approximately the same sharing relationship between producers and processors with respect to gross returns, which applies to their sharing of total costs, the processing rate at those factories taking delivery of independent producers' sugarcane in the field loaded in trucks is increased to 49 percent.

C. Brewer representatives requested processing rates of 51 percent for the Mauna Kea and Pepeekeo factories and 55 percent for the Paauhau, Hawaiian Agricultural, and Hutchinson factories. Separate rates were recommended because of different operating conditions in the two groups of plantations. Establishment of separate processing rates would be inconsistent with the principle of a uniform rate for processors having a similar sugarcane delivery point.

C. Brewer representatives also requested approval of a change in the delivery point from "loaded in trucks" to "at the mill" for the Paauhau, Hawaiian Agricultural, and Hutchinson factories if the requested processing rate of 55 percent were not granted. A comparable change was not requested for Mauna Kea and Pepeekeo, since the cane from these factory areas may be processed into raw sugar by a cooperative beginning in 1972. This recommendation has not been adopted since the "loaded in trucks" delivery point is considered to be equitable and practical for these companies, where in each case sugarcane is grown in a relatively compact mill district.

Recommendations made by the representatives of independent growers at the C. Brewer and Laupahoehoe plantations for a decrease in the processing rate to 40 percent have not been adopted. As pointed out previously, definite shifts in the sharing relationship between producers and processors have occurred; the sharing of gross returns at these plantations in recent years has become progressively more favorable to producers rather than to the processors, as compared with their sharing of total costs. The 49 percent processing rate established in this determination will maintain approximately the same relationship between producers and processors with respect to gross returns remaining after deduction of costs as existed prior to the shifts in cost incidence.

The recommendation of Kohala Sugar Co. that no change be made in the current processing rate of 34 percent, since the company is abandoning operations after processing the 1973 crop of sugarcane, has been followed. The Department agrees with the company representative that continuance of the present rate will assist growers in their conversion from cane production to other enterprises.

The recommendation made by the representative of Puna Sugar Co. for an increase in the processing rate from 34 to 39 percent for sugarcane delivered "at the mill" has not been adopted. The poor milling efficiency at Puna caused by breakdowns in facilities and the integration of new processing equipment into the old system resulted in extraordinarily high processing costs. At the same time, the operations of independent growers were also adversely affected by these developments. Although both producing and processing costs have increased during the period of factory modernization, data obtained by the Department in the recent field study and projected to reflect current conditions indicate no significant changes in the cost relationship to warrant either an increase in the processing rate as requested by Puna or a decrease as requested by independent growers.

A further recommendation by Puna growers for elimination of agency fees paid by the processor from computations of the cost ratio has not been adopted. Such fees are compensation to the agency for services, such as technical, legal, accounting, and marketing, performed for the processor.

Recommendations were again made by processors for an increase in the rate of profit allowed on services furnished to producers, while growers requested elimination of the allowance. The Department continues to believe that the profit charge of five percent is fair and also adequate, and, therefore, has not adopted either recommendation.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

Effective date. This determination shall become effective upon publication in the FEDERAL REGISTER (7-13-71) and is applicable to the 1971 crop of Hawaiian sugarcane.

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

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-9888 Filed 7-12-71;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Wheat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Wheat Loan and Purchase Program

SUPPORT RATES, PREMIUMS, AND DISCOUNTS

Correction

In F.R. Doc. 71-8541 appearing at page 11714 in the issue of Friday, June 18, 1971, the following changes should be made in the table under § 1421.489(a):

1. Under Idaho the county reading "Cleanwater" should read "Clearwater".
2. Under Iowa an entry reading "Winnebago _____ $1.38" should be inserted in alphabetical order.
3. Under Ohio the rate per bushel figure of "$1.27" given for Mercer County should read "$1.21".
4. Under Oklahoma the rate per bushel figure of "$1.23" given for Mayes County should read "$1.28".
5. Under Utah the county reading "Duchense" shoud read "Duchesne".

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

The Cooperative Marketing Associations Eligibility Requirements For Price Support issued by Commodity Credit Corporation and published in 33 F.R. 4914, 5865, 7071, 10639, 12673, 15475, 35 FR. 15206, 18261, and 36 F.R. 3254, containing regulations governing the approval of cooperative marketing associations to obtain price support for certain commodities, are hereby revised to incorporate amendments 1 through 8, to require control of a cooperative to be in the hands of its active members, and to modify the amount of net worth required per unit of commodity when determining the financial requirements for

approval, and to include other minor editorial changes. These regulations shall apply to cooperative marketing associations which are approved to participate, or are requesting approval to participate, in price support programs for 1971 and any succeeding crops of a commodity.

Sec.

AUTHORITY: The provisions of this subpart are issued under secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat.1051 as amended; secs. 301, 401, 63 Stat. 1053, secs. 203, 301, 401, 63 Stat. 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714 b and c; 7 U.S.C. 1421, 1441, 1446d, 1447.

§ 1425.1 Applicability.

This subpart and any amendments thereto set forth the terms and conditions which a cooperative marketing association (hereinafter called "cooperative") must meet to obtain price support on behalf of its members. A cooperative meeting such terms and conditions may obtain price support on any crop of a commodity for which a price support program is in effect if regulations issued with respect to such program incorporate the provisions of this subpart or permit a cooperative which meets the provisions of this subpart to participate in the price support program for a crop of such commodity.

§ 1425.2 Administration.

(a) *Responsibility.* The Commodity Loan and Service Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, State and county operations, in accordance with program provisions and policy determined by Commodity Credit Corporation. In the field, the provisions of this subpart will be administered by the State and County Agricultural Stabilization and Conservation Committees and, where applicable, the Agricultural Stabilization and Conservation Service Commodity Office. As used in this part, the term "CCC" means the Commodity Credit Corporation and the term "ASCS" means the Agricultural Stabilization and Conservation Service.

(b) *Limitation of authority.* The authority conferred by this subpart to administer provisions contained herein does not include authority to modify or waive any of the provisions of this subpart.

§ 1425.3 Application.

(a) *Initial approval.* A cooperative which desires approval to obtain price support shall submit an application for a determination of eligibility with respect to each of the commodities listed herein for which approval is sought. An application form and related questionnaire and copies of the regulations appearing in this subpart may be obtained from the Commodity Loan and Service Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. Inquiries relating to such documents should also be addressed to the Commodity Loan and Service Division. The cooperative shall forward its application and required information to the State ASC Committee of the State where the cooperative's principal office is located. Applications with respect to each of the commodities listed herein and supporting material shall be submitted on or before the applicable date listed below of the calendar year in which the cooperative requests approval to participate in the price support program for commodities marketed thereafter, or by such later date as the Executive Vice President, CCC, may authorize to alleviate hardship.

Commodity	*Date*
Cotton	Aug. 1
Dry edible beans	Aug. 1
Honey	July 1
Rice	Aug. 1
Soybeans	Sept. 1
Tung oil	Aug. 1

If price support program regulations for a commodity not listed above require a cooperative to obtain approval under this subpart to be eligible for price support, the latest date for filing an application for approval with respect to such commodity shall be specified in such program regulations. Information submitted in connection with an application relative to trade secrets or financial or commercial operations or dealing with the financial condition of an applicant cooperative shall be kept confidential by the officers and employees of CCC and the Department of Agriculture and shall not be released except to the extent CCC determines such action is necessary for the conduct of the price support program.

(b) *Approved cooperatives.* A cooperative shall be considered as an "approved cooperative" for purposes of this paragraph (b) if:

(1) It is unconditionally approved to participate in a price support program with respect to the 1971 or any subsequent crop of a commodity; or,

(2) It is conditionally approved to participate in a price support program with respect to the 1971 or any subsequent crop of a commodity and has satisfied the conditions of approval. An approved cooperative may participate in the price support programs for such commodity until its approval is terminated by the Executive Vice President, CCC, or his designee. An approved cooperative shall furnish annually any information as to changes in its articles of incorporation or association, bylaws, resolutions, or other documents, or information relating to its method of operation, on which its approval is based with respect to §§ 1425.4, 1425.5, 1425.7, 1425.8, 1425.9, 1425.12, 1425.13, 1425.14, and 1425.15. Information submitted in connection with transactions described in paragraphs (b) and (c) of § 1425.8 shall be accompanied by explanations establishing that such transactions have not and will not operate to the detriment of members of the cooperative. An approved cooperative shall furnish annually the financial statements and other information necessary to determine its compliance with § 1425.6. An approved cooperative shall furnish annually the material and documents required to determine compliance with §§ 1425.11, 1425.16, 1425.17, and 1425.18 or furnish certifications and statements required by such sections which provide that the cooperative will comply therewith so long as it is approved under this subpart or until the approved cooperative gives CCC written notice of its voluntary withdrawal from further participation in the price support program for which it was approved. The documents and information required by this paragraph (b) shall be furnished annually to the State ASC Committee of the State where the approved cooperative's principal office is located. The date for filing such documents and information shall be as specified in paragraph (a) of this section for the commodity for which the cooperative has been approved. If no filing date is specified therein for a commodity, it shall be the latest date for filing an application for approval specified in the price support program regulations applicable to such commodity. An approved cooperative shall also furnish such additional information as may be requested at any time in connection with its continued approval under this subpart. Failure to furnish required or requested information within the time specified shall be a basis for termination of approval, except that the Executive Vice President, CCC, may extend the time for filing, or excuse late filing, to alleviate hardship. An approved cooperative whose approval is terminated shall be reinstated on submission, within 90 days of the date of the notice of termination of approval, of satisfactory information showing that the cooperative complies with the provisions of this subpart which served as the basis for the termination of approval.

§ 1425.4 Ownership and control.

The cooperative shall be owned and controlled by its active producer members and any bona fide cooperative members (hereinafter called "member cooperative").

(a) *Ownership.* The cooperative must establish that its active producer members and its member cooperatives which are owned or controlled by their active producer members, own a capital interest

in the cooperative (i.e. stock, membership, revolving fund certificates, book credits, or other equity interest) constituting more than 50 percent of the capital of the cooperative. Ownership of a member cooperative by its active members shall also be determined in accordance with the provisions of this subsection (a). In determining the requisite capital interest of active producer members and member cooperatives, the following shall be disregarded:

(1) The capital interest of any such member in excess of 10 percent of the capital of the cooperative; and,

(2) The capital interest acquired by any such member as a result of a loan unless such member is obligated to repay the loan within a reasonable period of time.

(b) *Control.* The organization and operation of the cooperative shall be under the control of its active producer members and member cooperatives. The cooperative shall submit in support of its application a detailed statement of its organization and method of operation and such other information as may be required by the Executive Vice President, CCC, showing the manner in which producer members and cooperative members control the cooperative.

(c) Notwithstanding the foregoing provisions of this section, those cooperatives who presently have a plan approved by CCC for retiring equities owned by inactive members may continue operating under the approved plan even though active members do not control or own more than 50 percent of its capital interest of the cooperative. If an applicant cooperative or an approved cooperative is determined not to be under the control, or ownership, or both, of its active members, the cooperative may be approved to participate in the price support program if the cooperative submits, and the Executive Vice President, CCC, approves, a plan for retiring the capital interest of its inactive members so that such ownership and control will be invested to its active members within a reasonable period of time. Nevertheless, ownership and control of such a cooperative must be invested in its members and member cooperatives.

§ 1425.5 Charter or bylaw provisions.

The articles of incorporation or association, the bylaws of the cooperative, or the statute under which the cooperative is incorporated or operates shall provide for each of the requirements of this section.

(a) *Annual meeting.* The cooperative shall hold an annual meeting of members or delegates at one or more locations within its operating area which will afford a reasonable opportunity for all members or their delegates if the cooperative has such manner of annual meeting, to attend and participate.

(b) *Notice of meetings.* Each member or delegate, as the case may be, shall be given written notice of the time, place, and purpose of all regular and special meetings of members or delegates.

(c) *Open membership.* The cooperative shall admit to membership every application who (1) applies for admission for the purpose of participating in the activities of the cooperative, and (2) is eligible for membership under the statute incorporating the cooperative, except that the cooperative may refuse admission to an applicant on its findings, based on reasonable grounds, that his admission would prejudice the interests or hinder or otherwise obstruct the purposes of the cooperative.

(d) *Nominations.* Nominations shall be made as follows:

(1) Nominations for election of delegates and directors shall be made by secret balloting, nominating committee, or petition of members; and,

(2) Nominations for election of officers shall be made by secret balloting, nominating committee, or from the floor.

If directors are nominated by a nominating committee or by petition, members of the cooperative shall be permitted to nominate directors from the floor at the membership meeting for the election of directors. If delegates are nominated by a nominating committee or by petition, members of the cooperative shall be permitted to nominate delegates from the floor at the membership meeting for the election of delegates. If officers of the cooperative are nominated by nominating committee, any member of the board of directors shall be permitted to make nominations from the floor at the meeting for election of officers. Notwithstanding the foregoing provisions of this paragraph (d) the Executive Vice President, CCC, may, in his discretion approve some other method of nomination which in his opinion will adequately protect the interests of members of the cooperative.

(e) *Secret ballot.* Voting for election of directors, delegates and officers shall be by secret balloting when there are two or more nominees for a position to be filled or more nominees than there are positions to be filled, as applicable.

(f) *Voting rights.* Each member of the cooperative shall have a single vote regardless of the number of shares of stock owned or controlled by him, except that the Executive Vice President, CCC, may, in his discretion, approve some other voting method which in his opinion will adequately protect the interests of the members of the cooperative.

(g) *Proxy or power of attorney.* Voting by proxy or under power of attorney shall not be permitted, except that voting by proxy or under power of attorney may be permitted in order to amend the articles of incorporation and bylaws of a cooperative if the cooperative seeking to hold such vote establishes to the satisfaction of the Executive Vice President, CCC, that the law of the State in which the cooperative is incorporated does not permit members to vote by mail on this issue and does permit voting by proxy or power of attorney.

(h) *Financial statement.* Each member shall be given each year a summary financial statement based on an annual audit by a certified public accountant of the books and accounts of the cooperative.

§ 1425.6 Financial condition.

(a) *Financial ability.* A cooperative shall be financially able to make advances to its members and to market their commodity. It shall submit with its application evidence establishing that its operation is on a financially sound basis.

(b) *Factors to consider.* The factors which will be considered in determining the financial condition of a cooperative include, but are not limited to, the following:

(1) The ability of the cooperative to meet its current obligations, including the expenses of marketing the commodity of its members;

(2) The ability of the cooperative to make advances to its members, either from its own funds or through arrangements with financial or other institutions;

(3) The ownership of an amount of net worth of the cooperative by its producer members and cooperative members which is equal to the product of the amount per unit for a commodity (as shown below) multiplied by the total number of units of such commodity handled by the cooperative during the preceding marketing year, or, if the cooperative is in its first full marketing year of operation, the estimated quantity of such commodity that it will handle during such year: *Provided,* That if a cooperative has not been approved to participate in a price support program for each of the 3 crop years immediately preceding the crop year for which approval is being considered, the Executive Vice President, CCC, may establish the unit total of a commodity to be used in determining the adequacy of the cooperative's net worth owned by the cooperative's producer members and member cooperatives.

Commodity	Unit	Amount per unit
Cotton	Bale	$3.00
Rice	Hundredweight	.20
Dry edible beans	do	.30
Soybeans	Bushel	.10
Honey	Hundredweight	.50
Tung oil	do	1.00

If the amount of the net worth of the cooperative which is owned by producer members and member cooperatives is less than, but at least 34 percent of, the amount computed as set forth above, and the cooperative is considered to be otherwise financially sound, the Executive Vice President, CCC, may determine that the operation of the cooperative is on a financially sound basis if the board of directors of the cooperative agrees to make a capital retain in the amount set forth below with respect to each unit of the commodity delivered to the cooperative by producers until such time as the net worth owned by producer members and member cooperatives is at least equal to the amount per unit provided for

above, and in the case of cotton, the cooperative also agrees to deduct the full amount of the estimated expenses of handling each bale of cotton received by the cooperative.

Commodity	Unit	Amount per unit
Cotton	Bale	$1.00
Rice	Hundredweight	.10
Dry edible beans	do	.10
Soybeans	Bushel	.05
Honey	Hundredweight	.15
Tung oil	do	.35

The failure to carry out such an agreement shall be grounds for terminating a cooperative's approval.

(4) Any pledge of assets as security, or, the deposit or setting aside of funds or other assets to secure or guarantee any indebtedness of the cooperative, or setting aside or deposit of funds in a restricted account to guarantee the performance of an obligation of the cooperative which is not reflected in the liability of the cooperative in the financial statement. If any assets or funds have been so pledged, set aside or deposited, and the amount of such indebtedness or guarantee is not shown in the financial statement as a liability, the amount of net worth to be used in making the determination of financial responsibility will be reduced by the value or amount of such assets or funds.

(5) The quantity of the commodity for which approval is sought which was handled by the cooperative during the preceding marketing year or, if the cooperative is new, the estimated quantity it will handle during the first marketing year of operation.

(c) The cooperative shall submit the following information:

(1) A current financial statement prepared by a certified public accountant from the books of original entry and certified by the certified public accountant as fairly representing the financial condition of the cooperative.

(2) A statement showing the capital interest in the cooperative (stock, membership, revolving fund certificates, book credits, or other equity interest) owned by its active producer members and its member cooperatives.

(3) A list of names of its producer members and member cooperatives which own in excess of 10 percent of the capital of the cooperative and the amount of the capital interest which each such producer member and member cooperative owns. If no such producer member or member cooperative owns in excess of 10 percent of the capital of the cooperative, a statement to this effect must be submitted.

(4) A list of producer members or member cooperatives, who, to the knowledge of the cooperative, acquired a capital interest in the cooperative as a result of a loan which the producer member or member cooperative is not obligated to repay, and a copy of the note or other evidence of indebtedness securing such loan. If none of the capital interest of the cooperative is acquired as a result of such a loan, a statement to this effect must be submitted.

§ 1425.7 Operations.

A cooperative shall establish to the satisfaction of the Executive Vice President, CCC, that, with respect to the commodity for which approval is requested, it is so organized and staffed by individuals employed directly by it that it is able to perform its contracts with its members and to provide an effective marketing operation for its members, except that a cooperative need not be staffed to perform such marketing services if:

(a) The cooperative enters into an agreement with another cooperative marketing association to market the commodity;

(b) Such agreement is permitted by law;

(c) The charter and bylaws of the cooperative acquiring the marketing service and the marketing agreement with its members contain necessary authority to enter into the agreement;

(d) The cooperative acquiring the marketing service is a member of the cooperative marketing association which will provide the marketing service;

(e) The cooperative marketing association to provide the marketing service has been approved under this subpart to obtain price support for such commodity; and,

(f) It is established to the satisfaction of the Executive Vice President, CCC, that such agreement is in the best interest of the members of the cooperative acquiring the marketing service.

§ 1425.8 Conflict of interest.

(a) *Transactions detrimental to members.* The cooperative shall not be eligible for price support unless it establishes to the satisfaction of CCC that its transactions, if any, which are of a kind described in this section have not operated and will not operate to the detriment of members of the cooperative.

(b) *Cooperative transactions.* The cooperative shall submit with its application a detailed report concerning all of its transactions with the following persons during the year preceding the date of its application, or the date such information is required to be submitted under § 1425.3(b), as applicable, except for those transactions which do not differ from transactions entered into by the cooperative with its general membership:

(1) With any director, officer, or principal employee of the cooperative or with any of his close relatives;

(2) With any partnership from which any such person or any of his close relatives is entitled to receive a percentage of the gross profits;

(3) With any corporation in which any such person, or any of his close relatives own stock;

(4) With any business entity from which any such person or any of his close relatives receives fees for transacting business with or on behalf of the cooperative; or

(5) With any business entity in which an agent, director, officer, or employee of the cooperative was an agent, director, officer, or employee of such business entity.

A close relative means a husband or a wife or a person related as child, parent, brother, or sister, by blood, adoption, or marriage, and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, handling, marketing, insurance, transportation, warehousing, and related activities.

(c) *Contemplated transactions.* The cooperative shall also submit a statement as to whether any transactions of the kind described in paragraph (b) of this section are contemplated in the period between the date of the application, or the date such information is required to be submitted under § 1425.3(b), as applicable, and the end of the next marketing year for the commodity. If any such transaction is contemplated, the cooperative shall submit a detailed explanation of such contemplated transaction(s) and a statement of the reasons therefor.

(d) *Directors, officers, and employees.* The cooperative shall furnish information annually showing the interest or connection of its directors, officers, and principal employees and their close relatives with persons who engage in business relating to a commodity for which the cooperative is approved to obtain price support.

§ 1425.9 Uniform marketing agreement.

Any quantity of a commodity on which price support is obtained and any other quantity of such commodity which is included in the same pool with a quantity of the commodity on which price support is obtained, must be delivered to the cooperative by its members pursuant to a uniform marketing agreement between the cooperative and each of its members who delivered such commodity to the cooperative. A cooperative may provide alternative methods of marketing in addition to any set forth in its marketing agreement if the terms and conditions thereof are reasonable and information concerning such methods of marketing and how to exercise available options are made available to all active members. Such information may be published in the cooperative's membership publication or included in other written notices mailed to all active members of the cooperative.

§ 1425.10 Purchased and nonmember commodity.

Any commodity purchased from members who do not retain the right to share in the proceeds from marketing of such commodity as provided in §§ 1425.13 and 1425.14 and any commodity acquired from nonmembers is not eligible for price support.

§ 1425.11 Member business.

If price support is sought for a particular crop of a commodity, not less than 80 percent of such crop of the commodity that is acquired by or delivered

to the cooperative for marketing must be produced by its members or by members of its cooperative members: *Provided*, That the Executive Vice President, CCC, may, for a period of 2 years or such lesser period of time as he determines appropriate, authorize a cooperative to acquire or receive for marketing from its members a smaller quantity of such crop than 80 percent, but the quantity received from members must have a value greater than the value of the quantity acquired or received from nonmembers for marketing, if the cooperative establishes to the satisfaction of the Executive Vice President, CCC, that such authorization is necessary for the efficient operation of the cooperative and is in the best interest of the members of the cooperative. Purchases of commodities by a cooperative from CCC shall not be considered in determining the volume of member and nonmember business.

§ 1425.12 Vested authority.

The cooperative shall have authority to obtain a loan on the security of the commodity delivered to it by its members and to give a lien thereon and authority to sell such commodity.

§ 1425.13 Eligible commodity and pooling.

The cooperative may obtain price support only on the quantity of the eligible commodity received from its eligible members which remains undisposed of in its inventory at the time such commodity is offered as security for a loan or is offered for purchase. The cooperative may establish separate pools as needed for quantities of a commodity acquired from its members. If the cooperative obtains price support from CCC on any quantity of the commodity included in a pool, all of the commodity included in such pool must be eligible for price support. Whether pooled or not, the commodity offered for price support must:

(a) Have been produced by an eligible producer on a farm on which the production of such commodity is eligible for price support under the applicable price support program regulations;

(b) Meet the eligibility requirements for making price support to the cooperative under applicable price support program regulations, except that a part of a pooled commodity may be ineligible for price support because of grade or quality, or, in the case of cotton, bale weight or being repacked; and,

(c) Have been delivered to the cooperative for marketing for the benefit of producer members or by member cooperatives in behalf of their producer members.

If price support is obtained on any quantity of a crop of a commodity, allocations of costs and expenses among separate pools for the crop of the commodity shall be made in accordance with sound accounting principles and practices. Any losses incurred by the cooperative in marketing a commodity on which price support is not obtained from CCC shall not be assessed against the proceeds of marketing of a commodity on which price support was obtained. CCC may approve an exception to the foregoing requirements upon written request by the association if the Executive Vice President, CCC, determines that the approval of such request will result in equitable treatment of producers and is in accord with the purposes of the price support program.

§ 1425.14 Distribution of proceeds.

If price support is obtained from CCC on any part of the commodity in a pool, the proceeds of such pool shall be distributed only to members participating in such pool ratably on the basis of the quantity and quality of the commodity delivered by each member which is included in such pool or on such other fair and reasonable basis as the Executive Vice President, CCC, may approve. The cooperative shall submit with its application a detailed description of the method by which proceeds from a pool on which price support is obtained will be distributed. Such method shall assure CCC that proceeds obtained through price support will not accrue to persons other than eligible producer members.

§ 1425.15 Member cooperatives.

(a) If a cooperative obtains price support from CCC on any quantity of a commodity delivered by a member cooperative or if the cooperative obtains price support from CCC on any quantity of the commodity included in the same pool with the production delivered by such member cooperative, the cooperative and such member cooperative must meet the requirements of subparagraphs (1), (2), and (3) of this paragraph.

(1) The commodity delivered by the member cooperative must have been produced by its members; and the member cooperative must have authority to deliver such commodity to the cooperative for marketing. Also, each such member cooperative must have authority to sell the commodity produced and delivered to such member cooperative by its members, obtain a loan on the security thereof, and give a lien thereon.

(2) In its charter, bylaws, marketing agreement, or by other legal means, the cooperative must require each such member cooperative to meet the requirements of this subpart.

(3) The cooperative must determine that each such member cooperative is eligible for price support under this subpart and must so certify to CCC.

(b) The cooperative shall determine and certify to CCC that its member cooperatives which are not subject to paragraph (a) of this section comply with the producer ownership, membership meeting and voting requirements of applicable State law.

(c) Notwithstanding the foregoing provisions of this section, an approved cooperative is required to meet only the provisions contained in the first sentence of paragraph (a)(1) of this section with respect to a member cooperative for whom it markets the production of its producer members under § 1425.7.

§ 1425.16 Nondiscrimination.

The cooperative shall not, on the ground of race, color, or national origin, deny any producer the benefits of, exclude him from participation in, or otherwise subject him to discrimination with respect to any benefits resulting from its approval to obtain price support and shall comply with the provisions of title VI of the Civil Rights Act of 1964 and the Secretary's regulations issued thereunder, appearing in §§ 15.1–15.12 of this title (29 F.R. 16274), and any amendments thereto. The cooperative agrees that the United States shall have the right to enforce compliance with such statute and regulations by suit or by any other action authorized by law. The cooperative shall submit a certification with its application that the above cited regulations have been read and understood and that the cooperative shall abide by them.

§ 1425.17 Records maintained.

The approved cooperative, and its member cooperatives, described in paragraph (a) of § 1425.15, if any, shall maintain a record which shows the quantity of the commodity eligible for price support which is received from each of its members, the date(s) and place(s) the commodity was received, the quality factors specified in the applicable regulations for the commodity (including class, variety, grade, and quality where applicable), and the quantity to which each applicable quality factor applies, and also, a record of the quantity of each disposition of the eligible commodity received from such members. The same kind of records shall be maintained by the cooperative with respect to the commodity received from members and nonmembers which is ineligible for price support.

§ 1425.18 Inspection and investigation.

(a) *Inspection.* The books, documents, papers, and records of the approved cooperative, and its member cooperatives, if any, for any year's business shall be available to CCC for inspection and examination at all reasonable times through the end of the fifth marketing year following the marketing year in which price support for the crop was available.

(b) *Investigation.* CCC shall have the right at any time after an application is received, to examine all books, documents, papers, and records of the cooperative and its member cooperatives and to make such investigations as are deemed necessary to determine whether the cooperative and its member cooperatives, if any, are operating or have operated in accordance with the regulations in this subpart, their articles of incorporation or association, bylaws, agreements with producers and with the representations made by the cooperative in its application for approval and, where applicable, its agreements with CCC.

§ 1425.19 Determination of eligibility.

The determination under this subpart of a cooperative marketing association's

eligibility to obtain price support shall be made by the Executive Vice President, CCC.

§ 1425.20 Substantial compliance.

Notwithstanding the foregoing provisions of this part, if the Executive Vice President, CCC, determines that a cooperative has not met all of the eligibility requirements of this subpart but has substantially complied with such requirements, or has met substantially all such requirements, he may approve the cooperative for participation in the price support program if the cooperative agrees in writing to meet all of the eligibility requirements of this subpart prior to the beginning of the marketing year for the crop of the commodity next succeeding the crop for which approval is then being sought. Board resolutions agreeing to comply with provisions of this subpart may be accepted by the Executive Vice President, CCC, as substantial compliance with such provisions for purposes of this section. Any approved cooperative which, without fault or negligence, fails to comply with requirements included in this subpart which can be met for the current marketing year only by calling a special membership meeting may continue to be approved for participation in the price support program for the current marketing year if it agrees to operate in accordance with such program requirements and further agrees to undertake to have its members at its next regular membership meeting take the action necessary to comply with such program requirements.

§ 1425.21 Definitions.

(a) *Person.* As used in this subpart the term "person" shall have the meaning of such terms as defined in the regulation pertaining to Reconstitution of Farms, Allotments, and Bases, Part 719 of this title and any amendments thereto.

(b) *Active member.* The term "active member" shall mean a member of the cooperative who has delivered his commodity to the cooperative for marketing in one of the 3 preceding crop years or such shorter period as may be provided in the cooperative's bylaws.

The reporting and recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. Upon publication in the FEDERAL REGISTER (7-13-71).

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

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

[FR Doc.7171-9886 Filed 7-12-71;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. 71-581]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding thereto the name of the State of Mississippi; paragraph (f) is amended by deleting the name of the State of Mississippi; and a new paragraph (e)(9) relating to the State of Mississippi is added to read:

(9) Mississippi. That portion of Chickasaw County bounded by a line beginning at the junction of the Chickasaw-Pontotoc County line and State Highway 15; thence, following State Highway 15 in a generally southerly direction to State Highway 8; thence, following State Highway 8 in a southeasterly then easterly direction to the Chickasaw-Monroe County line; thence, following the Chickasaw-Monroe County line in a northerly direction to State Highway 45W; thence, following State Highway 45W in a northwesterly then northeasterly direction to the Chickasaw-Lee County line; thence, following the Chickasaw-Lee County line in a westerly direction to the Chickasaw-Pontotoc County line; thence, following the Chickasaw-Pontotoc County line in a westerly direction to its junction with State Highway 15.

2. In § 76.2, the reference to the State of North Carolina in the introductory portion of paragraph (e) and subparagraph (e)(4) relating to the State of North Carolina are deleted.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264-1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 75 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 6210, as amended)

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

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

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

The amendments delete Mississippi from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to Mississippi.

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

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

Done at Washington, D.C., this 8th day of July 1971.

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

[FR Doc.71-9889 Filed 7-12-71;8:51 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 1, Amdt. 3]

PART 102—DISCLOSURE OF INFORMATION

Change in Title of Official

An internal reorganization makes necessary a change in the title of the official authorized to make final decisions on

appeals from refusals to disclose agency information and records.

Accordingly, Part 102 is amended by substituting "Assistant Administrator for Administration" for "Assistant Administrator for Management" in §§ 102.5(c) and 102.5(d).

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER (7-13-71).

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-9835 Filed 7-12-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-CE-25]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airway Segments and Jet Route Segments

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to redescribe segments of VOR Federal airways and jet routes in the vicinity of Northbrook, Ill.

Since 1967, the Northbrook VOR has been operating at a temporary site. A permanent site has been located at lat. 42°13'25" N., long. 87°57'06" W., approximately 2 miles northwest of its present location. On September 16, 1971, the VOR will be moved to the new location and changed to a VORTAC. The relocation will not require the designation of additional controlled airspace; however, it will require a change in the description of several VOR airway and jet route segments in the vicinity of Northbrook. Action is taken herein to show these changes.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., September 16, 1971, as hereinafter set forth.

1. Section 71.123 (36 F.R. 2010) is amended as follows:

a. In V-100 all between "Rockford, Ill.;" and "Litchfield, Mich.;" is deleted and "INT Rockford 093° and Northbrook, Ill., 270° radials; Northbrook; INT Northbrook 095° and Keeler, Mich., 271° radials; Keeler;" is substituted therefor.

b. In V-191 all between "Roberts, Ill.;" and "Oshkosh, Wis." is deleted and "INT Roberts 008° and Joliet, Ill., 067° radials; Northbrook, Ill.; INT Northbrook 079° and Chicago, Ill., 019° radials; INT Chicago 019° and Milwaukee, Wis., 121° radials; Milwaukee;" is substituted therefor.

c. In V-228 all preceding "including" is deleted and "From Northbrook, Ill., INT Northbrook 111° and South Bend, Ind., 290° radials; South Bend," is substituted therefor. Also, "Northbrook 093°" is deleted and "Northbrook 095°" is substituted therefor.

2. Section 75.100 (36 F.R. 2371) is amended as follows:

a. In Jet Route No. 90 "Northbrook, Ill., 293°" is deleted and "Northbrook, Ill., 292°" is substituted therefor.

b. In Jet Route No. 584 "Northbrook 093°" is deleted and "Northbrook 094°" is substituted therefor.

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

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

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

[FR Doc.71-9812 Filed 7-12-71;8:45 am]

[Airspace Docket No. 71-SO-48]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route Segments

On May 1, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8264) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would realign segments of Jet Route Nos. 4 and 20 between Meridian, Miss., and Montgomery, Ala.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 16, 1971, as hereinafter set forth.

Section 75.100 (36 F.R. 2371) is amended as follows:

1. In the text of Jet Route No. 4, "Meridian 089°" is deleted and "Meridian 091°" is substituted therefor.

2. In the text of Jet Route No. 20, "Meridian 089°" is deleted and "Meridian 091°" is substituted therefor.

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

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

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

[FR Doc.71-9811 Filed 7-12-71;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Environmental Protection Agency

PART 601—GRANTS FOR WATER POLLUTION CONTROL

Subpart B—Grants for Construction of Treatment Works

On July 10, 1970, pursuant to the authority in section 8 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1159), notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8942) which set forth the text of an amendment to Subpart B of Part 601 relating to minimally acceptable performance requirements for treatment works.

Pursuant to the above notice, a number of comments have been received from interested persons, and due consideration has been given to all relevant matter presented. In light of the preceding, a number of revisions have been made in the amendment as proposed.

In accordance with the statement in the notice of proposed rule making, § 601.25 is amended by revising paragraph (b) thereof as follows, effective on publication.

§ 601.25 Grant limitations.

* * * * *

(b) No grant shall be made for any project unless the applicant provides assurance satisfactory to the Administrator that the proposed treatment works, or part thereof, will adequately treat sewage or industrial wastes of a liquid nature in order to abate, control, or prevent water pollution. No such assurance will be satisfactory unless it includes assurance that the treatment works or part thereof, if constructed, operated and maintained in accordance with plans, designs and specifications will result in: (1) Substantially complete removal of all floatable and settleable materials; (2) removal of not less than 85 percent of 5-day biochemical oxygen demand; (3) substantially complete reduction of pathogenic micro-organisms; and (4) such additional treatment as may be necessary to meet applicable water quality standards, recommendations of the Administrator or order of a court pursuant to section 10 of the Federal Act; *Provided*, That in the case of a project which will discharge wastes into open ocean waters through an ocean outfall, the Administrator may waive the requirements or subparagraph (2) of this paragraph if he determines that such discharges will not adversely affect the open ocean environment and adjoining shores; *Provided further*, That in the case of a project designed solely to treat or control wet weather combined sewer overflows, the Administrator may waive the requirements of subparagraphs (2) and (3) if he finds such project to be consistent with river basin and regional

or metropolitan plans to meet approved water quality standards.

Dated: July 8, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

[FR Doc.71-9884 Filed 7-12-71;8:51 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Exemption of Certain Toy Caps From Classification as Banned Hazardous Substances

One comment was received in response to the notice published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8050), proposing that for reasons given, certain toy caps be exempted from classification as banned hazardous substances. That comment contends that some microphones meeting the specifications listed in the proposed sound level test (§ 191.17(a)(1)) would result in artificially high readings due to a pressure doubling phenomena, and suggests that to prevent nonuniform results the regulation should specify the microphone's manufacturer, model number, and characteristics.

The "pressure doubling phenomena" mentioned in the comment is actually a diffraction effect at high frequencies. In the proposed test this effect is accounted for during calibration, if the free-field method is used, or by corrections in accordance with manufacturer's instructions applied to calibrations of other types.

The Commissioner finds that the microphone specifications in § 191.17(a)(1) are adequate and that to specify manufacturer's make and model number would eliminate the use of many acceptable microphones.

Having considered the comment received and other relevant information, the Commissioner concludes that the proposal should be adopted without change. Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2 (f)(1)(D), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 83 Stat. 187-89; 15 U.S.C. 1261, 1262) and under authority delegated to the Commissioner (21 CFR 2.120), Part 191 is amended by adding a new § 191.17 and by adding to § 191.65a(a) a new subparagraph (6), as follows:

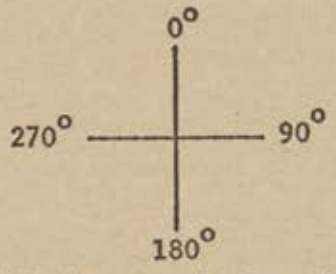
§ 191.17 Method for determining the sound pressure level produced by toy caps.

(a) *Equipment required.* The equipment for the test includes a microphone, a preamplifier (if required), and an oscilloscope.

(1) The microphone-preamplifier system shall have a free-field response uniform to within ±2 decibels from 50 hertz to 70 kilohertz or beyond and a dynamic range covering the interval 70 to 160 decibels relative to 20 micronewtons per square meter. Depending on the model, the microphone shall be used at normal or at grazing incidence, whichever gives the most uniform free-field response. The microphone shall be calibrated both before and after the test of a model of cap. The calibration shall be accurate to within ±1 decibel. If the calibration is of the pressure type or of the pistonphone plus electrostatic actuator type, it shall be corrected to free-field conditions in accordance with the manufacturer's instructions.

(2) The oscilloscope shall be the storage type or one equipped with a camera. It shall have a response uniform to within ±1 decibel from 50 hertz to 250 kilohertz or higher. It shall be calibrated to within ±1 decibel against an external voltage source periodically during the tests.

(b) *Procedure.* (1) Use the type pistol that would ordinarily be used with the caps being tested. Place the pistol and testing equipment so that neither the pistol nor the microphone is closer than 1 meter from any wall, floor, ceiling, or other large obstruction. Locate the pistol and the microphone in the same horizontal plane with a distance of 25 centimeters between the diaphragm of the microphone and the position of the explosive. Measure the peak sound pressure level at each of the six designated orientations of the pistol with respect to the measuring microphone. The 0° orientation corresponds to the muzzle of the pistol pointing at the microphone. The 90°, 180°, and 270° orientations are measured in a clockwise direction when looking down on the pistol with its barrel horizontal, as illustrated by the following figure:



(2) The hammer and trigger orientations are obtained by rotating the pistol about the axis of the barrel, when the pistol is in the 90° or 270° orientation, so that the hammer and the trigger are each respectively closest to and in the same horizontal plane with the microphone.

(3) Fire 10 shots at each of the six orientations, obtaining readings on the oscilloscope of the maximum peak voltage for each shot. Average the results of the 10 firings for each of the six orientations.

(4) Using the orientation that yields the highest average value, convert the value to sound pressure levels in decibels relative to 20 micronewtons per square meter using the response to the calibrated measuring microphone.

§ 191.65a Exemptions from classification as a banned toy.

(a) The term "banned hazardous substance" as used in section 2(q)(1)(A) of the act shall not apply to the following articles:

* * * * *

(6) Caps (paper or plastic) described in § 191.9a(a)(5), provided:

(i) Such articles do not produce peak sound pressure levels greater than 158 decibels when tested in accordance with § 191.17, and provided any such articles producing peak sound pressure levels greater than 138 decibels but not greater than 158 decibels when tested in accordance with § 191.17 shall bear the following statement on the carton and in the accompanying literature in accordance with § 191.101: "WARNING: Do not fire closer than 1 foot to the ear. Do not use indoors."

(ii) Any person who elects to distribute toy caps in accordance with subdivision (i) of this subparagraph shall promptly notify the Food and Drug Administration, Bureau of Product Safety, 200 C Street SW., Washington, D.C. 20204, of their intention and shall conduct or participate in a program to develop caps that produce a sound pressure level or not more than 138 decibels when tested in accordance with § 191.17.

(iii) Any person who elects to distribute caps in accordance with subdivision (i) of this subparagraph shall, after notification of his intentions to the Food and Drug Administration in accordance with subdivision (ii) of this subparagraph, submit to the Food and Drug Administration, Bureau of Product Safety, 200 C Street SW., Washington, D.C. 20204, a progress report not less frequently than once every 3 months concerning the status of his program to develop caps that produce a sound level of not more than 138 decibels when tested in accordance with § 191.17.

Since this order conditionally relaxes some existing requirements, delayed effective date is unnecessary.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (7-12-71).

(Secs. 2(f)(1)(D), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 83 Stat. 187-89; 15 U.S.C. 1261, 1262)

Dated: June 28, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-9864 Filed 7-12-71;8:49 am]

Chapter III—Environmental Protection Agency

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

Miscellaneous Amendment

F.R. Doc. 71-8183 appearing on page 11293 in the FEDERAL REGISTER of June 11, 1971, stated that the petitioner had withdrawn the item "snap beans" from the list of items for which tolerances were requested in PP 1F1024. However, this statement was based on a misunderstanding and was not correct. (Actually, the petitioner proposed label restrictions against feeding treated snap bean vines to livestock.) Consequently, the item snap beans was omitted in error from the list of commodities for which tolerances were established in Doc. 71-8183. Accordingly, § 420.275 is corrected as follows:

§ 420.275 **2,4,5,6-Tetrachloroisophthalonitrile; tolerances for residues.**

* * * * *

5 parts per million in or on broccoli, brussels sprouts, cabbage, cauliflower, cucumbers, melons, pumpkins, snap beans, squash (summer and winter), and tomatoes.

* * * * *

Dated: July 7, 1971.

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

[FR Doc.71-9848 Filed 7-12-71;8:48 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7128]

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

Depreciation Allowances Using Asset Depreciation Range System

Correction

In F.R. Doc. 71-9421 appearing on page 12612 in the issue of Friday, July 2, 1971, the phrase "subdivision (viii) (b)" appearing in the third line of item 4 should read "subdivision (vii) (b)".

SUBCHAPTER D—MISCELLANEOUS EXCISE TAX

[T.D. 7131]

PART 45—MISCELLANEOUS STAMP TAXES

Filing of Special Tax Returns

On June 12, 1971, notice of proposed rule making with respect to the amendment of the Miscellaneous Excise Tax Regulations (26 CFR Part 45) under sections 6001, 6091, and 6151 of the Internal Revenue Code of 1954 to automate the processing of low-volume tax returns at internal revenue service centers and to provide that taxpayers subject to the same class of special (occupational) tax for the same taxable period at two or more locations file but one special tax return was published in the FEDERAL REGISTER (36 F.R. 11451). No objections to the proposed rules were received during the 15-day period prescribed in the notice and the regulations as proposed are hereby adopted.

(Secs. 6001, 6091, and 7805 of the Internal Revenue Code of 1954; 68A Stat. 731, 752, and 917; 26 U.S.C. 6001, 6091, and 7805)

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: July 7, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

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

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

§ 45.6001-11 **Returns relating to special taxes.**

* * * * *

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

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

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

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

§ 45.6091-1 **Place for filing special tax returns.**

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

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

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

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

[FR Doc.71-9839 Filed 7-12-71;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-107a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Napa River, Calif.

This amendment changes the regulations for the Southern Pacific railroad bridge across the Napa River, mile 7.8 Brazos, Calif., by eliminating the requirement for the use of bells and replacing them with other sound producing devices and by defining conditions under which sound signals should be used. This amendment was circulated as a public notice dated October 9, 1970, by the Commander, Twelfth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 70-107) on September 9, 1970 (35 F.R. 15159). Two letters of objection from navigation interests were received and considered, however the amendment, as proposed, is considered reasonable.

Accordingly, Part 117 of Title 33, Code of Federal Regulations is amended by revising § 117.712(i)(2) to read as follows:

§ 117.712 **Tributaries of San Francisco Bay and San Pablo Bay, Calif.**

* * * * *

(i) * * *

(2) *Southern Pacific railroad bridge at Brazos.* The owner of or agency controlling this bridge need not keep a drawtender in constant attendance except when the draw is in the closed position. When the draw is closed and visibility at the drawtender's station is less than 1 mile, up or down the channel, the drawtender shall sound 2 long blasts every minute. When the draw is fully opened

again the drawtender shall sound 3 blasts once to indicate the draw is in the fully open position.

* * * * *

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

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

Dated: July 7, 1971.

D. H. LUZIUS,
Captain, U.S. Coast Guard,
Acting Chief, Office of Operations.

[FR Doc.71-9849 Filed 7-12-71;8:48 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Certification of Nondiscrimination

1. § 36.4206, the headnote is amended and paragraph (c) is added so that the added and amended material reads as follows:

§ 36.4206 Income, credit, occupancy, and nondiscrimination requirements.

No loan shall be guaranteed under 38 U.S.C. 1819 unless:

* * * * *

(c) The veteran certifies, in such form as the Administrator shall prescribe, that

(1) Neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by this loan to any person because of race, color, religion, or national origin;

(2) He recognizes that any restrictive covenant on the property relating to race, color, religion or national origin is illegal and void and any such covenant is specifically disclaimed; and

(3) He understands that civil action for preventive relief may be brought by the Attorney General of the United States in any appropriate U.S. District Court against any person responsible for a violation of the applicable law.

2. In § 36.4363, paragraph (d) is added to read as follows:

§ 36.4363 Nondiscrimination and equal opportunity in housing certification requirements.

* * * * *

(d) No commitment shall be issued and no loan shall be guaranteed or insured under chapter 37, title 38, United States Code unless the veteran certifies, in such form as the Administrator shall prescribe, that:

(1) Neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by this loan to any person because of race, color, religion, or national origin;

(2) He recognizes that any restrictive covenant on the property relating to race, color, religion, or national origin is illegal and void and any such covenant is specifically disclaimed; and

(3) He understands that civil action for preventive relief may be brought by the Attorney General of the United States in any appropriate U.S. District Court against any person responsible for a violation of the applicable law.

3. In § 36.4402, paragraph (e) is added to read as follows:

§ 36.4402 Eligibility.

* * * * *

(e) The veteran has certified, in such form as the Administrator shall prescribe, that:

(1) Neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property acquired by this benefit to any person because of race, color, religion, or national origin;

(2) He recognizes that any restrictive covenant on the property relating to race, color, religion, or national origin is illegal and void and any such covenant is specifically disclaimed; and

(3) He understands that civil action for preventive relief may be brought by the Attorney General of the United States in any appropriate U.S. District Court against any person responsible for a violation of the applicable law.

4. In § 36.4514, paragraph (g) is added to read as follows:

§ 36.4514 Eligibility requirements.

* * * * *

(g) The applicant has certified, in such form as the Administrator shall prescribe, that

(1) Neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by this loan to any person because of race, color, religion, or national origin;

(2) He recognizes that any restrictive covenant on the property relating to race, color, religion, or national origin is illegal and void and any such covenant is specifically disclaimed; and

(3) He understands that civil action for preventive relief may be brought by the Attorney General of the United States in any appropriate U.S. District Court against any person responsible for a violation of the applicable law.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective upon publication in the FEDERAL REGISTER (7-13-71).

Approved: July 7, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-9854 Filed 7-12-71;8:48 am]

PART 36—LOAN GUARANTY

Mobile Home Loans; Subrogation and Indemnity

In § 36.4285, paragraph (a) is amended to read as follows:

§ 36.4285 Subrogation and indemnity.

(a) The Administrator shall be subrogated to the contract and the lien or other rights of the holder to the extent of any sum paid on a guaranty, which right shall be junior to the holder's rights as against the debtor or the encumbered property until the holder shall have received the full amount payable under his contract with the debtor except that where the holder has entered into a recourse and/or repurchase or indemnity agreement with a dealer or servicer or other entity and the Veterans' Administration pays a claim under guaranty to the holder the Veterans' Administration will not be subrogated to any rights the holder may have under the recourse and/or repurchase or indemnity agreement. No partial or complete release by a creditor shall impair the rights of the Administrator with respect to the debtor's obligation.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective upon publication in the FEDERAL REGISTER (7-13-71).

Approved: July 7, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-9855 Filed 7-12-71;8:48 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Order No. 1; Ex Parte No. 276]

PART 1332—FILING CONTRACTS FOR SURFACE MAIL TRANSPORTATION

Filing of Surface Mail Transportation Service Orders or Determinations and Contracts

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of June 1971.

Upon consideration of Public Law 91-375, Postal Reorganization Act, enacted August 12, 1970, 84 Stat. 719, revising and reenacting title 39 of the United States Code by reorganizing the postal service and transferring the functions of the Post Office Department to a new independent executive agency designated as the U.S. Postal Service, hereinafter called the Postal Service, and broadening the functions and responsibilities of the Interstate Commerce Commission under title 39, United States Code, with respect to surface transportation of mail by carriers and others, pursuant to chapter 50,

84 Stat. 766, and chapter 52, 84 Stat. 768, 39 U.S.C. 5001 and 5201, which are to take effect July 1, 1971, pursuant to the notice of the Board of Governors of the Postal Service, 36 F.R. 785; of the order of the Commission in this proceeding dated March 23, 1971, 36 F.R. 6425, promulgating regulations to implement the Commission's responsibilities under the newly enacted statute; and of requests filed by the Postmaster General on April 13, 1971, and April 28, 1971, seeking reconsideration and modification of the order, as described in the notice published in the FEDERAL REGISTER June 4, 1971, 36 F.R. 10886; and

It appearing, that the request for reconsideration and modification relates only to the newly adopted Part 1332 of Subchapter D of Chapter X of Title 49 of the Code of Federal Regulations, entitled Filing Contracts Governing Postal Service Surface Mail Transportation, which establishes procedures for filing of mail transportation contracts pursuant to the newly enacted subsection (b)(3) of section 5005 of title 39, United States Code, 39 U.S.C. 5005.

It further appearing, that in seeking reconsideration and modification the Postmaster General has requested that Part 1332 be amended (1) to allow the filing of photocopies of signed contracts, in lieu of actually signed copies, (2) to permit alteration of the contract numbering system used by the Commission to correspond to the system to be used by the Postal Service in its internal operations, and (3) to revise the method of filing superseding contracts to reflect the system used for renewing, replacing, and terminating mail transportation contracts.

It further appearing, that the Postmaster General has suggested the following modifications of Part 1332:

1. Revision of the last sentence of paragraph (b) of § 1332.3.

2. Revision of paragraph (d) of § 1332.3.

3. Revision of paragraph (e) of § 1332.3.

It further appearing, that the revisions proposed in subsections (b), (d), and (e) of § 1332.3 would be compatible with the internal operating procedures of the Postal Service in processing the said contracts.

It further appearing, that notice of the said foregoing request for reconsideration and modification was given to the general public by publication in the FEDERAL REGISTER, 36 F.R. 10886, and that no parties have expressed interest in the proposed modification.

And it further appearing, that further public procedures on the revisions proposed by the Postmaster General in this proceeding are unnecessary under section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553, because, due to the exigencies of time, the public interest requires that regulations become effective on the effective date of the underlying statute.

Wherefore, and good cause appearing therefor:

It is ordered, That the request for reconsideration be, and it is hereby, granted.

§ 1332.3 [Amended]

It is further ordered, That § 1332.3(b) of Part 1332 of Subchapter D of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

(b) *Duplicate filing required.* Exact copies of all contracts or agreements shall be filed in duplicate. One copy will be maintained at the Washington office of this Commission for public inspection. Both copies may be photocopies: *Provided*, That they both shall be photocopies of the signed original, and that they both clearly indicate the names and, when applicable, the official titles of the officers or officials executing the document on behalf of the respective contracting parties.

(Sec. 5005, 84 Stat. 767, 39 U.S.C. 5005)

It is further ordered, That § 1332.3(d) of Part 1332 of Subchapter D of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

(d) *Numbering.* The copies of contracts or agreements which are filed with this Commission shall be separately filed for each carrier or person and shall be numbered consecutively in a series maintained for each carrier or person by the full and correct name and business address, beginning with the number "1," or in such other manner as the U.S. Postal Service and this Commission mutually agree.

(Sec. 5005, 84 Stat. 767, 39 U.S.C. 5005)

It is further ordered, That § 1332.3(e) of Part 1332 of Subchapter D of Chapter X of Title 49 of the Code of Federal Regulations, be, and it is hereby, amended to read as follows:

(e) *Renewal and replacement contracts.* Copies of all orders issued by the U.S. Postal Service terminating contracts prior to their normal expiration date shall be filed with this Commission. Copies of all contracts renewing or replacing prior contracts shall also be filed. Such orders and contracts will show the numbers of prior contracts which are thereby terminated, renewed, or replaced.

(Sec. 5005, 84 Stat. 767, 39 U.S.C. 5005)

It is further ordered, That a copy of this order shall be served upon the U.S. Postal Service, Washington, D.C., and that further notice of this order be given to the public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

And it is further ordered, That these regulations shall become effective July 1, 1971, or on the date of publication of this order in the FEDERAL REGISTER, whichever occurs later.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-9876 Filed 7-12-71;8:51 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-13-71).

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The use of motors and motorized boats, motorized canoes, and other motorized water craft is prohibited on the Kenai National Moose Range Canoe System. This Canoe System includes those lakes within the existing Swan Lake Canoe Route and the Swanson River Canoe Route as described on the maps available at Kenai National Moose Range Headquarters, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through April 30, 1972.

GORDON W. WATSON,
Area Director, Bureau of Sport Fisheries & Wildlife, Anchorage, Alaska.

JUNE 24, 1971.

[FR Doc.71-9890 Filed 7-12-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

MINIMUM TAX FOR TAX PREFERENCES

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-8923 appearing at page 12020 in the issue of Thursday, June 24, 1971, the fifth, sixth, and seventh lines of § 1.56-5(e)(5) reading "the close of the date transfer the tax carryovers attributable to the distributor or distribution or trans-" should read "the close of the date of distribution or transfer the tax carryovers attributable to the distributor or trans-".

[26 CFR Part 1]

RULES FOR DETERMINING UNRELATED BUSINESS TAXABLE INCOME OF CERTAIN ORGANIZATIONS

Notice of Proposed Rule Making

Proposed regulations under section 512(a)(3) of the Internal Revenue Code of 1954, relating to special rules applicable to organizations described in section 501(c)(7) or (9), appear in the FEDERAL REGISTER for May 13, 1971 (36 F.R. 8808).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, August 31, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by August 17, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by August 24, 1971. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to minimum charge of $1.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-9956 Filed 7-12-71;8:52 am]

[26 CFR Part 1]

CHARITABLE CONTRIBUTIONS DEDUCTION

Notice of Proposed Rule Making

Proposed regulations amending the Income Tax Regulations to conform them to section 201(a), relating to charitable contributions, and section 201(f), relating to bargain sales to a charitable organization, of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 549, 564) appear in the FEDERAL REGISTER for April 2, 1971 (36 F.R. 6082).

A public hearing on the provisions of these proposed regulations will be held on Thursday, August 12, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by July 29, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by August 5, 1971. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-9957 Filed 7-12-71;8:52 am]

[26 CFR Part 1]

INDUSTRIAL DEVELOPMENT BONDS

Notice of Proposed Rule Making

On June 5, 1971, notice of proposed rule making was published in the FEDERAL REGISTER in regard to regulations under section 103(c) of the Internal Revenue Code of 1954, relating to industrial development bonds (36 F.R. 10953). Notice is hereby given that so much of the proposed regulations as are contained in paragraph (g)(2) of § 1.103-8 as set forth in paragraph 3 of the appendix to the notice of proposed rule making is hereby withdrawn.

Further, notice is hereby given that, in lieu of the proposed rules which are so withdrawn, the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by July 29, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by July 29, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

On June 5, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 10953) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to the amendments of the Internal Revenue Code of 1954 made by section 107 of the Revenue and Expenditure Control Act of 1968 (Public Law 90-364, 82 Stat. 251) and section 401 of the Renegotiation Amendments Act of 1968 (Public Law 90-634, 82 Stat. 1349), relating to industrial development bonds. So much of such proposed regulations as is

contained in paragraph (g)(2) of § 1.103–8, as set forth in paragraph 3 of the appendix to the notice of proposed rule making is hereby withdrawn. The following rules are hereby prescribed in lieu of the rules which are so withdrawn:

§ 1.103–8 Interest on bonds to finance certain exempt facilities.

* * * * *

(g) *Air or water pollution control facilities* * * *

(2) *Definitions.* (i) For purposes of section 103(c)(4)(F) and this paragraph, property is a pollution control facility to the extent that the test of either subdivision (iii) or (iv) of this subpararagraph is satisfied, but only if—

(*a*) It is property which is described in subdivision (ii) of this subparagraph and is either of a character subject to the allowance for depreciation provided in section 167 or land, and

(*b*) Either (*1*) a Federal, State, or local agency exercising jurisdiction has certified that the facility, as designed, is in furtherance of the purpose of abating or controlling atmospheric pollutants or contaminants, or water pollution, as the case may be, or (2) the facility is designed to meet or exceed applicable Federal, State, and local requirements for the control of atmospheric pollutants or contaminants, or water pollution, as the case may be, in effect at the time the obligations, the proceeds of which are to be used to provide such facilities, are issued.

(ii) Property is described in this subdivision if it is property to be used, in whole or in part, to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat. In the case of property to be used to control water pollution, such property includes the necessary intercepting sewers, pumping, power, and other equipment, and their appurtenances.

(iii) In the case of an expenditure for property which is designed for no significant purpose other than the control of pollution, the total expenditure for such property satisfies the test of this subdivision. Thus, where property which is to serve no function other than the control of pollution is to be added to an existing manufacturing or production facility, the total expenditure for such property satisfies the test of this subdivision. Also, if an expenditure for property would not be made but for the purpose of controlling pollution, and if the expenditure has no significant purpose other than the purpose of pollution control, the total expenditure for such property satisfies the test of this subdivision even though such property serves one or more functions in addition to its function as a pollution control facility.

(iv) In the case of property to be placed in service for the purpose of controlling pollution and for a significant purpose other than controlling pollution, only the incremental cost of such facility satisfies the test of this subdivision. The "incremental cost" of property is the excess of its total cost over that portion of its cost expended for a purpose other than the control of pollution.

(v) An expenditure has a significant purpose other than the control of pollution if it is designed to result in an increase in production or capacity, or in a material extension of the useful life of a manufacturing or production facility or a part thereof.

[FR Doc.71–9955 Filed 7–12–71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

CANNED RIPE OLIVES

Proposed Standards for Grades

Correction

In F.R. Doc. 71–9473 appearing at page 12746 in the issue of Wednesday, July 7, 1971, Table IV under § 52.3757 should appear as set forth below:

TABLE IV—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RIPE OLIVES (HALVED, QUARTERED, CHOPPED OR MINCED, SLICED, AND BROKEN PITTED STYLES)

Container sizes (metal) (overall measurements: width x height)	211 x 200 can (2 13/16 x 2 inches) and 200 x 214 can (2 x 2 15/16 inches)	211 x 304 can (2 13/16 x 3 5/16 inches)	No. 300 can (3 x 4 1/16 inches)	No. 10 (6 3/16 x 7 inches)
Styles	*Ounces*	*Ounces*	*Ounces*	*Ounces*
Halved	2 1/4	3 3/4	6 1/2	55
Quartered	2 1/4	3 3/4	6 1/2	55
Chopped or minced	4 1/2			100
Sliced	2 1/4	3 3/4	6 1/2	55
Broken pitted				55

Consumer and Marketing Service

[7 CFR Part 918]

FRESH PEACHES GROWN IN STATE OF GEORGIA

Notice of Proposed Rule Making With Respect to the Expenses and the Fixing of the Rate of Assessment for the 1971–72 Fiscal Period

Consideration is being given to the following proposals which were submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the Industry Committee during the period March 1, 1971, through February 29, 1972, will amount to $14,512.

(2) That rate of assessment for said period, payable by each handler in accordance with § 918.41, is fixed at $0.01 per bushel basket of peaches (net weight of 48 pounds), or an equivalent of peaches in other containers or in bulk.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall 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 10th 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)).

Dated: July 8, 1971.

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

[FR Doc.71–9847 Filed 7–12–71;8:48 am]

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture is considering the approval of a limitation of shipments regulation, hereinafter set forth, which was recommended by the Florida Celery Committee, established pursuant to Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967), regulating the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.)

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in four copies, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the committee reflect its appraisal of the expected supply and prospective market conditions for the 1971–72 season. The annual allotment requirements provided for herein will tend to effectuate the declared policy of the act.

During recent years, the annual celery production from the acreage planted in Florida and California without some type of weather problems would have exceeded the capacity of the U.S., Canadian, and export market.

For the 1970–71 season nearing an end, Florida's fresh market celery sales are expected to be approximately 7,472,000 crates. This compares with about 6,133,000 crates in 1969–70, and 7 million crates in 1968–69. About 1,000 acres were abandoned for economic or other reasons in 1970–71, compared with 1,612 in 1969–70, and 975 in 1968–69.

It is estimated Florida celery producers will plant 13,000 acres in 1971–72, slightly more than the previous year. With an average yield of 657 crates per acre, there would be a potential supply of 8,541,000 crates. Florida producers cannot expect to economically market such a quantity under normal conditions.

The marketable quantity being recommended is at a level which will provide ample opportunity for the industry to strive to market the greatest number of crates at reasonable prices to consumers, while at the same time providing the possibility of a reasonable return to growers for their efforts and investment.

This marketable quantity is more than 1.3 million crate reduction from the total base quantities of present producers. Therefore, in accordance with § 967.37 (d)(1), no reserve is established for additional base quantities.

Based on these and other reasons contained in the committee's marketing policy statement and other available information it is believed that these regulations are necessary to maintain orderly marketing and increase returns to growers, and will tend to effectuate the declared policy of the Act.

The proposal is as follows:

§ 967.307 Marketable quantity for 1971–72 season; uniform percentage; and limitation on handling.

(a) The marketable quantity for the 1971–72 season is established, pursuant to § 967.36(a), and 7,887,375 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1971–72 season is determined as 84.312 percent.

(c) During the season August 1, 1971, through July 31, 1972, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the marketable allotment for the producer of such celery.

(d) No reserve for base quantities for the 1971–72 season is established.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

Dated: July 7, 1971.

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

[FR Doc.71-9846 Filed 7-12-71;8:47 am]

[7 CFR Part 980]

CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Expenses and Fixing of Rate of Assessment for the Initial and the 1971–72 Fiscal Periods

Consideration is being given to the following proposal submitted by the Cherry Administrative Board, established under Order No. 930 (36 F.R. 1088), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof.

(1) That expenses that are reasonable and likely to be incurred by the Cherry Administrative Board, during the initial fiscal period, January 23 through April 30, 1971 and the 1971–72 fiscal period, May 1, 1971 through April 30, 1972, will amount to $100,000.

(2) The rate of assessment for such period, payable by each first handler in accordance with § 930.41 to be fixed at $1 per ton of cherries.

Terms used in the order shall, when used herein, have the same meaning as is given to the respective term in said order and "ton of cherries" shall mean 2,000 pounds of raw cherries.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals 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 10th 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)).

Dated: July 7, 1971.

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

[FR Doc.71-9845 Filed 7-12-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Without Fault Deduction-Overpayments

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments would conform the regulations relating to determination of fault in deduction-overpayments to the current provisions of the law and eliminate provisions covering situations which now rarely occur.

Prior to final adoption of the proposed amendments, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, and 1302.

Dated: June 17, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 3, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Regulations No. 4 of the Social Security Administration (20 CFR 404), are further amended as follows:

Paragraph (c) of § 404.510 is revised and paragraphs (d) and (i) are revoked as follows:

§ 404.510 When an individual is "without fault" in a deduction-overpayment.

* * * * *

(c) The beneficiary's death caused the earnings limit applicable to his earnings for purposes of deduction and the charging of excess earnings to be reduced

below $1,680 for a taxable year ending after 1967.

* * * * *

(d) [Revoked]

* * * * *

(i) [Revoked]

2. In § 404.512, paragraph (a) is revised to read as follows:

§ 404.512 When adjustment or recovery of an overpayment will be waived.

(a) *Adjustment or recovery deemed "against equity and good conscience."* In the situations described in §§ 404.510 (a), (b), and (c), and 404.510a, adjustment or recovery will be waived since it will be deemed such adjustment or recovery is "against equity and good conscience." Adjustment or recovery will also be deemed "against equity and good conscience" in the situation described in § 404.510(e), but only as to a month in which the individual's earnings from wages do not exceed the total monthly benefits affected for that month.

* * * * *

[FR Doc.71-9859 Filed 7-12-71;8:49 am]

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR AGED

Certification and Recertification; Requests for Payment and Time Requirements for Filing

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments set forth the time limitations on filing requests for payment and claims for payment under the programs for hospital insurance benefits and supplementary medical insurance benefits for the aged pursuant to title XVIII of the Social Security Act. The time limitations prescribed in §§ 405.1663(b), 405.1667(b), and 405.1692(b) will be made effective only with respect to requests for payment or claims for payment, as applicable, filed more than 6 months after the month in which the amendments are finally adopted and published in the FEDERAL REGISTER.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in sections 1102, 1814, 1835, 1842, and 1871, 49 Stat. 647, as amended, 79 Stat. 294, 309, and 331, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 1302, 1395 et seq.

Dated: June 17, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 3, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Subpart P of Regulation No. 5 is amended as set forth below.

1. Section 405.1663 is revised to read as follows:

§ 405.1663 Individual's request for payment for services reimbursable on a reasonable cost basis.

(a) *General.* Except as provided in subparagraph (1), (2), or (3) of this paragraph or in § 405.1664, before payment may be made on behalf of an individual, a written request for payment must be executed by the individual or an authorized person acting on his behalf. The individual or the authorized person may do this by signing the request for payment statement on the form designated by the Social Security Administration (see § 405.1662) or any statement which evidences an intent to claim payment for authorized services. A participating provider of services, or the hospital which has elected to claim payment for emergency services, shall have the individual or an authorized person sign the request for payment before the claim is submitted for payment (see § 405.1667).

(1) In the case of inpatient hospital services (see §§ 405.116 and 405.152) a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services (or hospital claiming payment for emergency services) with respect to the same continuous period of inpatient hospital services.

(2) In the case of home health services (see § 405.131 and 405.236), a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services under the same home care plan (see §§ 405.131 and 405.236).

(3) In the case of posthospital extended care services (see § 405.125), a request for payment is not required for the second or subsequent claims submitted on behalf of such individual by the same participating provider of services with respect to the same continuous period of extended care services.

(b) *Time limitation on requesting payment.* (1) A request for payment for provider services which are reimbursable on a reasonable cost basis must be filed (preferably with the provider, otherwise with the Social Security Administration or one of its carriers or intermediaries) by or on behalf of the individual furnished such services on or before whichever of the following is latest:

(i) December 31 of the calendar year following the year in which the services were furnished. Services furnished in the last 3 months of a calendar year shall be deemed furnished in the succeeding calendar year.

(ii) The last day of the sixth calendar month following the month in which the individual is sent notice of his entitlement to hospital or supplementary medical insurance, whichever is required for payment.

(iii) The last day of the sixth calendar month following the month in which any error or fault of the Social Security Administration or one of its carriers or intermediaries is rectified, where such error or fault was the cause of the failure of the individual or person acting on his behalf to file a request for payment within the time limit in subdivision (i) or (ii) of this subparagraph, whichever is applicable. Where written notice to the individual or his representative is necessary in order to rectify the error or fault, the error or fault shall be considered rectified on the date such notice is sent.

(2) For purposes of this paragraph, the whole of a continuous period of inpatient services in a hospital, psychiatric hospital, or extended care facility will be considered to have been furnished on the last day such services were provided, or if earlier, on the last day of the individual's eligibility to have payment made for the services (including services furnished on lifetime reserve days—see § 405.110(a)).

2. Section 405.1667 is revised to read as follows:

§ 405.1667 Claim for payment by a provider of services or a hospital which has elected to claim payment for emergency services.

(a) *Submitting a claim.* A participating provider of services, or a hospital which has elected to claim payment for emergency services, shall submit claims for payment under the hospital insurance plan and the supplementary medical insurance plan to its designated intermediary or carrier or to the Social Security Administration, as appropriate. Such provider or hospital shall file an individual's request for payment (see § 405.1663) with its intermediary or carrier or with the Social Security Administration, as appropriate, prior to, or with, the submittal of the claim for payment for services furnished to the individual; except that, a provider or hospital which has entered into an arrangement to do so with its intermediary or carrier or with the Social Security Administration may retain an individual's request for payment as part of its files.

(b) *Time limitation on claiming payment.* A claim for payment for services furnished to a beneficiary must be filed on or before whichever of the following is the latest:

(1) The last day in which the beneficiary (or his representative) is permitted under § 405.1663(b) to file his request for payment.

(2) The last day of the sixth calendar month following the month in which the request for payment with respect to the services is filed by or on behalf of the individual. (For this purpose, where the request is filed with the Social Security Administration or one of its carriers or intermediaries, such request will be considered filed as of the date notice of the filing is sent to the provider.)

(3) The last day of the sixth calendar month following the month in which an error or fault of the Social Security Administration or one of its intermediaries or carriers is rectified, where such error or fault is the cause of the failure of the provider to file a claim for payment within the time limit in subparagraph (1) or (2) of this paragraph, whichever is applicable. Where written notice to the provider is necessary in order to rectify the error or fault, the error or fault shall be considered rectified on the date such notice is sent.

3. Section 405.1692 is revised to read as follows:

§ 405.1692 Time limitation for claiming benefits payable on a reasonable charge basis.

The time limit for claiming benefits payable on a reasonable charge basis are as follows:

(a) *Claim for payment for services other than emergency hospital services.* Effective with respect to claims submitted after April 1, 1968, a claim for payment under the supplementary medical insurance benefits plan (other than a claim for benefits for emergency hospital services (see paragraph (b) of this section)) submitted by, or on behalf of, any person(s) for the purpose of claiming payment on a reasonable charge basis, for covered services furnished an individual entitled under such plan, must be filed with the Social Security Administration, a carrier, or an intermediary on or before December 31 of the calendar year following the year in which such services were furnished. However, services furnished in the lasts 3 months of a calendar year shall be deemed furnished in the succeeding calendar year.

Example. An individual received surgery in August 1969. He (or the individual performing the surgery, if the right to claim payment has been assigned), must file a claim for payment for such services on or before December 31, 1970. If the surgery had been performed in November 1969, the claim must be filed on or before December 31, 1971.

(b) *Claim for payment for emergency hospital services.* (1) An individual's claim for payment under the hospital insurance or supplementary medical insurance benefits plan for covered emergency hospital services he has received from a nonparticipating hospital must be filed with the Social Security Administration, a carrier, or an intermediary on or before whichever of the following is the latest:

(i) December 31 of the calendar year following the year in which the services were furnished. Services furnished in the last 3 months of a calendar year shall be deemed furnished in the succeeding calendar year.

(ii) The last day of the sixth calendar month following the month in which the individual is sent notice of his entitlement to hospital or supplementary medical insurance, whichever is required for payment.

(iii) The last day of the sixth calendar month following the month in which an error or fault of the Social Security Administration or one of its carriers or intermediaries is rectified, where such error or fault is the cause of the failure of the individual or the person acting on his behalf to file a claim for payment within the time limit in subdivision (i) or (ii) of this subparagraph, as applicable. Where written notice to the individual or his representative is necessary in order to rectify the error or fault, the error or fault shall be considered rectified on the date such notice is sent.

(2) For purposes of this paragraph, the whole of a continuous period of inpatient hospital services will be considered to have been furnished on the date the services ended, or if earlier, on the last day of the individual's eligibility to have payment made for the services (including services furnished on lifetime reserve days—see § 405.110(a)).

4. Section 405.1694 is revised to read as follows:

§ 405.1694 Extension of time limitation.

Notwithstanding the provisions of § 405.1663(b), § 405.1667(b), or § 405.1692, where the last day of the time limitation falls on a nonworkday (Saturday, Sunday, legal holiday, or a day all or part of which is declared to be a nonworkday for Federal employees by statute or Executive order) a claim for payment will be considered filed timely if deposited in the U.S. Postal System or received by the Social Security Administration, a carrier, or an intermediary as applicable on the first workday thereafter.

[FR Doc.71-9858 Filed 7-12-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71-69]

PORTAGE RIVER, OHIO

Proposed Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the Monroe Street bridge across the Portage River in Port Clinton, Ohio, to allow closed periods, which should reduce the weekend and summer vehicular traffic congestion, and for the Penn Central (formally New York Central) railroad bridge across the Portage River to provide more frequent openings for vessels. The Monroe Street bridge is presently required to open on signal. The Penn Central railroad bridge is presently required to open on signal from May 1 through November 30, from 6 a.m. to 10 p.m., but may remain closed from 10 p.m. to 6 a.m. during this period. From December 1 through April 30 the draw of the Penn Central bridge is required to open on signal if at least 24 hours notice has been given.

The proposed regulations would require that the draw of the Monroe Street bridge open on signal from May 1 through December 1, except that from 6 p.m. to 12 midnight on Fridays, and 6 a.m. to 12 midnight on Saturdays, Sundays and legal holidays from May 15 through October 31 the draw shall open from 3 minutes before through 3 minutes after the hour and half hour for the passage of vessels. From December 2 through April 30 the draw shall open on signal if at least 24 hours notice has been given. The Penn Central bridge shall open on signal from May 1 through December 1, and shall open on signal from December 2 through April 30, if at least 24 hours notice has been given.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before August 13, 1971, with his recommendations to the Chief, Office of Operations, who will review all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received. Accordingly, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended as follows:

§ 117.641 [Amended]

(1) By revoking § 117.641(f)(8).

(2) By revising the heading § 117.705a; deleting all words after "waterway" in paragraph (e); revoking the note following § 117.705a; and adding new paragraphs (f) and (g) to § 117.705a to read as follows:

§ 117.705a Portage River, Ohio; Penn Central railroad bridge.

* * * * *

(a) [Revoked]

* * * * *

(f) From May 1 through December 1 the draw shall open on signal. From December 2 through April 30 the draw shall open on signal if at least 24 hours' notice has been given.

(g) Clearance gauges as prescribed by the Commandant shall be installed on the upstream and downstream sides of the bridge.

(3) By adding a new § 117.705b immediately after § 117.705a to read as follows:

§ 117.705b Portage River, Ohio; Monroe Street bridge, Portage, Ohio.

(a) The owners of or agencies controlling the bridge shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) From May 1 through December 1 the draw shall open on signal, except that from 6 p.m. to 12 midnight on Fridays, and 6 a.m. to 12 midnight on Saturdays, Sundays, and legal holidays from May 15 through October 31, the draw shall open for the passage of vessels from 3 minutes before to 3 minutes after the hour and half hour. From December 2 through April 30 the draw shall open on signal if at least 24 hours' notice has been given.

(c) Signals: (1) *Opening signal.* One long blast followed by one short blast of a whistle, horn or siren.

(2) Acknowledging signal. One long blast followed by one short blast.

(3) When the draw cannot open immediately or is to close. Four short blasts.

(d) Vehicles shall not be stopped on the bridge for the purpose of delaying the opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passages over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(e) The bridge shall not be required to open for pleasure craft carrying appurtenances unessential to navigation which extend above the normal superstructure. Upon request, the district commander will cause an inspection to be made of the superstructures and appurtenances of any craft habitually frequenting the waterway.

(f) Clearance gauges as prescribed by the Commandant shall be installed on the upstream and downstream sides of the bridge.

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

Dated: July 7, 1971.

D. H. LUZIUS,
Captain, U.S. Coast Guard,
Acting Chief, Office of Operations.

[FR Doc.71-9850 Filed 7-12-71;8:48 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WE-76]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 o fthe Federal Aviation Regulations that would designate an additional control area west of Santa Barbara, Calif.

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

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

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would designate the Santa Barbara additional control area as follows:

That airspace extending upward from 5,000 feet MSL bounded on the northwest by a line extending from lat. 34°30'00" N., long. 123°15'00" W., to lat. 35°26'30" N., long. 121°03'40" W., on the northeast by a line 3 nautical miles southeast of and parallel to the shoreline, on the southeast by a line 5 nautical miles southeast of and parallel to the Santa Catalina VOR 048° and 228° true radials and the northwest boundary of Warning Area W-291, and on the southwest by the Oakland Oceanic CTA/FIR boundary.

The proposed additional control area would:

1. Provide for more efficient use of radar capability by providing controlled airspace for use when the various warning areas or portions thereof are not being used for their designated purpose.

2. Provide flexibility in routing oceanic aircraft to mainland destinations and to accommodate more direct routings for mainland departures proceeding on oceanic routes.

3. Provide Los Angeles ARTCC with additional airspace, allowing controllers to establish required oceanic lateral separation prior to the oceanic control area.

4. Provide training areas for use by air carrier training flights. This would remove some training flights from the congested domestic areas where air traffic control approval cannot always be granted.

Operations within the proposed additional control area and along the existing numbered additional control areas would be conducted in accordance with letters of procedure between the Federal Aviation Administration and the Department of the Navy.

This amendment is proposed under the authority of section 307(a) and 110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc.71-9813 Filed 7-12-71;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-NW-5]

FEDERAL AIRWAY SEGMENT

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate to VOR Federal airway No. 23 from Portland, Oreg., direct to Seattle, Wash.

Interested persons may participate in the proposed rule making by submitting

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

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

The airspace action proposed in this docket would designate an east alternate to V-23 from the Portland, Oreg., VORTAC direct to the Seattle, Wash., VORTAC. This alternate airway would serve to shorten the present nonradar routing between these points.

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

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

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

[FR Doc.71-9815 Filed 7-12-71;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 71-SW-23]

JET ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Part 75 of the Federal Aviation Regulations that would designate jet routes from St. Johns, Ariz., to Wink, Tex., and from San Simon, Ariz., to Roswell, N. Mex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

The airspace actions proposed in this docket would:

1. Extend J108 from the St. Johns, Ariz., VORTAC to the Wink, Tex., VORTAC via the Truth or Consequences, N. Mex., VORTAC and the Truth or Consequences 106° T. (093° M) and the Wink, Tex., 297° T (286° M) radials, and

2. Designate J166 from the San Simon, Ariz., VORTAC to the Roswell, N. Mex., VORTAC via the Truth or Consequences, N. Mex., VORTAC.

These proposed jet routes would provide additional routings to relieve the congestion over El Paso which results from the limited airspace between the White Sands restricted area complex and the Mexican border. These routes would be designated from FL 240 to FL 450 for a 6-month period to determine the impact on operations in the White Sands restricted areas. During the 6-month period the jet routes would be evaluated to determine if they should be redesignated for an indefinite period. Separate action will be taken to designate restricted area corridors to accommodate these routes.

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

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

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

[FR Doc.71-9814 Filed 7-12-71;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 531]

[Docket No. 71-69]

BUREAU OF INDIAN AFFAIRS ACTING AS OPERATOR OF NORTH STAR III

Proposed Exemption From Intercoastal Shipping Act Requirements

Notice is hereby given that the Federal Maritime Commission is proposing to exempt from the tariff filing requirements of section 2 of the Intercoastal Shipping Act, 1933, and section 18(a) of the Shipping Act, 1916, the Bureau of Indian Affairs when acting as operator of the vessel *North Star III* in the Alaska trade.

Section 35 of the Shipping Act, 1916 (46 U.S.C. 833a) authorizes the Federal Maritime Commission to exempt certain operations of water carriers or other persons or activities subject to its jurisdiction from provisions of the Shipping Acts, where it finds that such exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory or be detrimental to commerce.

The exemption would not relieve such operations from the requirements of the Shipping Acts, other than the tariff filing requirements set forth above.

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 533); section 2, Intercoastal Shipping Act, 1933 (46 U.S.C. 844); and sections 18(a), 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 833a, and 841a), the Commission proposes to amend Part 531 of the Code of Federal Regulations to provide for the exemption of the Bureau of Indian Affairs, when operating the vessel *North Star III* in the Alaska trade, from the tariff filing requirements of the pertinent sections of the Shipping Acts and of Part 531.26, Code of Federal Regulations.

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, on or before July 26, 1971, an original and 15 copies of their views or arguments pertaining to the proposed rule. All suggestions for changes should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Bureau of Hearing Counsel, Federal Maritime Commission, shall file Reply to Comments on or before August 5, 1971, by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who file comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before August 10, 1971.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9869 Filed 7-12-71;8:50 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 4]

[Docket No. R-398]

IMPLEMENTATION OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Proposed Implementation Procedures for Compliance

JULY 7, 1971.

On December 4, 1970, the Commission issued Order No. 415 (35 F.R. 18958, December 15, 1970) which prescribed §§ 2.80–2.82 of its General Policy and Interpretations (18 CFR 2.80–2.82) and various related amendments to the Commission's regulations under the Federal Power and Natural Gas Acts.[1] Experience in applying the Commission's regulations prescribed in Order No. 415, as

[1] On Apr. 13, 1971, the Commission issued Order No. 415-A (36 F.R. 7232, Apr. 16, 1971) further clarifying the procedures in § 2.81 and § 2.82.

amended, and the Final Guidelines of the Council on Environmental Quality issued April 23, 1971 (36 F.R. 7724 et seq.) indicates the desirability of again amending the Commission's regulations intended to implement the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852).

Pursuant to 5 U.S.C. 553 the Commission gives notice that it proposes to amend §§ 2.80-2.82 of "Statement of General Policy to Implement Procedures for Compliance with the National Environmental Policy Act of 1969", and § 4.41 of the Commission's regulations under the Federal Power Act.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 9, 1971, views and comments in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426 during regular business hours. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conference. The Commission will consider all written submittals and responses before issuing an order in this proceeding.

The text of each of the proposed changes appears hereinafter. Some are minor. Others merit discussion. Section 2.81(b) requires each applicant as described in § 2.81(a) to submit a detailed statement of environmental factors along with his application. Experience with this requirement indicates it is desirable to make the applicant's environmental statement an exhibit to the application. Therefore, we propose to amend § 4.41 of our regulations under the Federal Power Act so as to add a new Exhibit W. This change will facilitate publication of legal notices and should reduce the paperwork of other Government agencies pursuant to § 4(e) of the Federal Power Act (41 Stat. 1065-1066; 49 Stat. 840-841; 61 Stat. 501; 16 U.S.C. 797(e)) and § 102(2)(C) of the National Environmental Policy Act (83 Stat. 853). Since the promulgation of Order No. 415 the Commission has sent all § 102(2)(C) referrals to the Environmental Protection Agency. However, §§ 2.81 and 2.82 of Part 2, Subchapter A of 18 CFR have not explicitly designated the Environmental Protection Agency. Therefore, we propose to amend the relevant portions of those sections by specifically naming the Environmental Protection Agency. In addition, experience has shown that the 30-day period for comment prescribed in §§ 2.81(b) and 2.82(f) is insufficient and so we propose to substitute a 45-day period.

In December of 1970 the Subcommittee on Fisheries and Wildlife Conservation, House Committee on Merchant Marine and Fisheries, held hearings which, among other things, focused on the refusal of Government agencies to make public interagency comments under § 102(2)(C) of the National Environmental Policy Act.[1] It has been this Commission's consistent practice to make all submittals, whether they be from an applicant for license or certificate of public convenience and necessity or an interagency comment, open and available for public inspection.

The proposed amendments to the Statement of General Policy To Implement Procedures for Compliance with the National Environmental Policy Act of 1969 in Part 2 of the Commission's general rules and to § 4.41 of the Commission's regulations under the Federal Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 4, 10, 15, 307, 309, 311 and 312 (41 Stat. 1065, 1066, 1068, 1069, 1070, 1072, 46 Stat. 798, 49 Stat. 839, 840, 841, 842, 843, 844, 856, 857, 858, 859, 860, 61 Stat. 501, 82 Stat. 617; 16 U.S.C. 797, 803, 808, 825f, 825h, 825j, 825k), and the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 825, 830, 56 Stat. 83, 84, 61 Stat. 459, 15 U.S.C. 717f, 717o), and the National Environmental Policy Act of 1969, Public Law 91-190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854).

1. The Commission proposes to amend Part 2 of Chapter I, Title 18 of the Code of Federal Regulations by revising §§ 2.80-2.82 to read as follows:

§ 2.80 Detailed environmental statement.

(a) It shall be the general policy of the Federal Power Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (Act) in its regulation under the Federal Power Act and the Natural Gas Act. The National Environmental Policy Act of 1969 requires, among other things, a detailed environmental statement in all major Federal actions and in all reports and recommendations on environmental legislative proposals which will significantly affect the quality of the human environment.

(b) Therefore, in compliance with the National Environmental Policy Act of 1969 we will make a detailed environmental statement when the regulatory action taken by us under the Federal Power Act and Natural Gas Act will have such an environmental impact. A "detailed statement" prepared in compliance with the requirements of §§ 2.81 through 2.82 of this part shall fully develop the five factors listed hereinafter in the context, among other relevant environmental factors, of such considerations as the proposed activity's direct and indirect effect on the ecology of the land, air and water environment of the project or natural gas pipeline facility, and on aquatic and wildlife, and established park and recreational areas, on sites of natural, historic, and scenic values and resources of the area, on secondary significant environmental effects of the proposed activity and the conformity of the proposed activity with all applicable environmental standards. Such statement should also deal with the alternatives as compared with the proposal. The above factors are listed to merely illustrate the kinds of values that must be considered in the statement; in no respect is this listing to be construed as covering all relevant factors.

(1) The environmental impact of the proposed action,

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(3) Alternatives to the proposed action,

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(c) (1) To the maximum extent practicable no administrative action is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment or 30 days after the final text of an environmental statement has been made available to the Council on Environmental Quality and the public.

(2) Upon a finding that it is necessary and appropriate in the public interest the Commission may dispense with any time period specified in §§ 2.80-2.82.

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under part I of the Federal Power Act.

(a) A notice of all applications for major projects (those in excess of 2,000 horsepower) and for reservoirs only providing regulatory flows to downstream (major) hydroelectric projects under part I of the Federal Power Act for license or relicense, or amendment to license proposing construction or operating change in project works will be transmitted by the Commission to the Council on Environmental Quality, Environmental Protection Agency, and to appropriate governmental bodies, Federal, regional, State, and local with a request for comments on the environmental considerations listed in § 2.80 of this part. Notice of all such applications shall also be made as prescribed by law.

(b) All applications covered by paragraph (a) of this section shall be accompanied by Exhibit W, the applicant's

[1] Hearings before the Subcommittee on Fisheries and Wildlife Conservation, House Committee on Merchant Marine and Fisheries, 91st Cong., Second session, "Administration of the National Environmental Policy Act", Part 1, pages 142 and 486.

detailed statement of the environmental factors specified in §§ 2.80 and 4.41. The staff shall make an initial review of the applicant's statement and issue, if necessary, any deficiency letters as to sufficiency of form, and cause the applicant's statement, as revised, to be made available to all interested governmental bodies. A period of 45 days shall be afforded in which to submit written comments. The applicant shall, as requested, supply 25 copies or more of the statement, as revised (each copy to be accompanied by such supporting papers as are necessary), to the Federal Power Commission.

(c) All interveners taking a position on environmental matters shall file with the Commission an explanation of their environmental position, specifying any differences with the applicant's detailed statement upon which intervener wishes to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the Presiding Examiner. All interveners shall be responsible for filing 10 copies of their filing with the Council on Environmental Quality and at least one copy with the Environmental Protection Agency at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e)(1) In the case of each contested application the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters should specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. The views of the Council on Environmental Quality, and the Environmental Protection Agency, if any, should be made in a written statement served upon the Commission's Secretary and all parties of record.

(2) Furthermore, the initial decision of the Presiding Examiner in such cases shall include an evaluation of the environmental factors enumerated in § 2.80 and the views and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section. If the Commission grants the application, its final order shall include a final detailed environmental statement as specified in § 2.80.

(f) In the case of noncontested applications the staff shall prepare a draft detailed statement as prescribed in § 2.80 based on its analysis of the application's environmental impact and all matters of record and shall serve such statement on the applicant. The Council on Environmental Quality shall be supplied with 10 copies of such statement, and at least one copy shall be supplied to the Environmental Protection Agency, and other appropriate Federal and State agencies shall be supplied with one copy; each of them shall be afforded 45 days in which to submit any written comments they may care to offer. Within 10 days thereafter the applicant may file written responses to the staff's draft statement and the comments received thereon. The Commission will consider all comments submitted prior to acting on the application. If the Commission grants the application, its final order shall include a final detailed environmental statement as specified in § 2.80.

(g) Ten copies of all comments from governmental bodies—Federal, regional, State, and local—received pursuant to this section shall also be transmitted to the Council on Environmental Quality and at least one copy shall be transmitted to the Environmental Protection Agency, by the party filing such comments at the time of filing with the Commission.

§ 2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act.

(a) A notice of all certificate applications filed under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), except abbreviated applications filed pursuant to § 157.7 (b), (c), (d), and (e) of this chapter, will be transmitted by the Commission to the Council on Environmental Quality and the Environmental Protection Agency. Notice of all certificate applications will continue to be published as prescribed by law, and transmitted to other appropriate Federal and State governmental bodies.

(b) All applications within the scope of paragraph (a) of this section shall be accompanied by the information prescribed in § 157.14(6–d) of this chapter and shall include an environmental analysis of the construction and operating program of the proposed project considered in its totality. If the Commission then concludes that a detailed statement will be required as part of the Commission's order the applicant will be required to file a detailed statement as prescribed in § 2.80. The staff shall make an initial review of the applicant's statement and issue, if necessary, any deficiency letters as to sufficiency of form, and cause the applicant's statement, as revised, to be made available to all interested governmental bodies. A period of 45 days shall be afforded in which to submit written comments. The applicant shall, as requested, supply 25 or more copies of the statement, as revised (each copy to be accompanied by such supporting papers as are necessary), to the Federal Power Commission.

(c) All interveners taking a position on environmental matters shall file with the Commission on analysis of their environmental position, specifying any differences with the applicant's detailed statement upon which intervener wishes to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the presiding examiner. All interveners shall be responsible for filing 10 copies of their filing with the Council on Environmental Quality, and at least one copy with the Environmental Protection Agency at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e)(1) In the case of each contested application the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters should specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. The views of the Council on Environmental Quality, and the Environmental Protection Agency, if any, should be made in a written statement served upon the Commission Secretary and all parties of record.

(2) Furthermore the initial decision of the presiding examiner in such cases shall include an evaluation of the environmental factors enumerated in § 2.80 and the views and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section. If the Commission grants the application, its final order shall include a final detailed environmental statement as specified in § 2.80.

(f) When the Commission determines that its action on an application which is otherwise subject to the Commission's noncontested procedures will have a significant environmental effect, the staff shall prepare a draft detailed statement as prescribed in § 2.80 based on its analysis of the application's environmental impact and all matters of record and shall serve such statement on the applicant. The Council on Environmental Quality shall be supplied with 10 copies of such statement, at lease one copy shall be supplied to the Environmental Protection Agency, and other appropriate Federal and State agencies shall be supplied with one copy; each of them shall be afforded 45 days in which to submit any written comments they may care to offer. Within 10 days thereafter the applicant may file written responses to the staff's draft statement and the comments received thereon. The Commission will consider all comments submitted prior to acting on the application. If the Commission grants the application, its final order shall include a final detailed environmental statement as specified in § 2.80.

(g) Ten copies of all comments from governmental bodies—Federal, regional, State and local—received pursuant to this section shall also be transmitted to the Council on Environmental Quality and at least one copy shall also be transmitted to the Environmental Protection

Agency by the party filing such comments at the time of filing with the Commission.

2. The Commission also proposes to amend § 4.41 Required Exhibits in Part 4, Subchapter B, regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations by adding immediately following Exhibit V, a new paragraph entitled Exhibit W which will read as follows:

§ 4.41 **Required exhibits.**

* * * * *

Exhibit W. Applications covered by 18 CFR 2.81(a) shall be accompanied by an applicant's environmental statement. Such statement shall comply with the detailed requirements set down in 18 CFR 2.80–2.81, and shall include a one-page summary of the statement. Furthermore, such statement with its supporting papers shall be self-contained.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9829 Filed 7-12-71;8:45 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF RECORDS AND DATA MANAGEMENT, DIVISION OF MANAGEMENT SERVICES, COLORADO STATE OFFICE

Redelegation of Authority

JUNE 22, 1971.

1. Pursuant to the authority contained in section 1.1 of BLM Order No. 701 (29 F.R. No. 147, July 29, 1964) as amended, authority is hereby redelegated to the Chief, Branch of Records and Data Management to take action in all matters listed in sections 2.2(c), 2.3(c), and 2.4(a)(4) of the above-cited order.

2. The Chief, Branch of Records and Data Management, may, by written order, designate any qualified employee of the Branch to perform the functions of his position in his absence. Such order will be approved by the State Director.

3. Effective date: This redelegation will become effective July 8, 1971.

E. I. ROWLAND,
State Director.

Approved:

JOHN O. CROW,
Associate Director.

[FR Doc.71-9833 Filed 7-12-71;8:47 am]

National Park Service

OREGON CAVES NATIONAL MONUMENT

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Oregon Caves Co. authorizing it to provide concession facilities and services for the public at Oregon Caves National Monument, for a period of fifteen (15) years from November 1, 1971, through December 31, 1986.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: June 30, 1971.

EDWARD A. HUMMEL,
Assistant Director.

[FR Doc.71-9832 Filed 7-12-71;8:46 am]

POINT REYES NATIONAL SEASHORE, CALIF.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890; 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5, that public hearings will be held beginning at 9 a.m. on September 23, 1971, at the Board and Planning Chamber, Civic Center Building, San Rafael, Calif., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 5,150 acres within the Point Reyes National Seashore. This national seashore is located in Marin County, Calif.

A packet containing a map depicting the preliminary boundaries of the proposed wilderness and providing additional information about the proposal may be obtained from the Superintendent, Point Reyes National Seashore, Point Reyes, Calif. 94956, or from the Director, Western Region, National Park Service, 450 Golden Gate Avenue, San Francisco, CA 94102.

A description of the preliminary boundaries and a map of the area proposed for establishment as wilderness are available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, DC. The draft master plan for the Seashore, likewise may be inspected at these locations.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Point Reyes National Seashore, Point Reyes, Calif. 94956, by September 21, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will given others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements.

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

Dated: June 30, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.71-9831 Filed 7-12-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1972)

This Monthly Sales List for the fiscal year ending June 30, 1972, is issued pursuant to the policy of the Commodity Credit Corporation issued on October 12, 1954, and published in the FEDERAL REGISTER of October 16, 1954 (19 F.R. 6669), and amended on January 31, 1970 (35 F.R. 1276), and on June 3, 1970 (35 F.R. 107). This Monthly Sales List is effective with respect to Commodity Credit Corporation (CCC) commodity holdings, which are available for sale, beginning at 2:30 p.m., e.d.t., on June 30, 1971. Sales price transitions between successive months will be made at 2:30 p.m.

(Washington, D.C.), on the last CCC business day of each month unless otherwise specified.

This Monthly Sales List reflects sales policy for the beginning month of the period covered by the list. This Monthly Sales List also projects the beginning sales policy as far as possible into the balance of the fiscal year by setting forth prices that will prevail in subsequent months if the beginning sales policy were to remain unchanged. The inclusion of projected prices for subsequent months is intended to minimize the repetitive publication of price information and shall not be construed as an annual sales policy commitment by CCC. This Monthly Sales List will be amended in the FEDERAL REGISTER from time to time during the fiscal year to reflect intramonth and end-of-month changes.

This Monthly Sales List sets forth the commodities available for sale or for redemption of payment-in-kind certificates, information concerning financing and barter, the pricing basis on which sales will be made, and sources from which further information concerning matters described in this paragraph may be obtained. This list is issued for the purpose of public information and does not constitute an offer to sell by CCC or an invitation for offers to purchase from CCC.

1. *General.* (a) CCC will entertain offers from responsible buyers for the purchase of any commodity in this Monthly Sales List. Offers accepted by CCC will be subject to the terms and conditions prescribed by CCC. With certain exceptions, such terms and conditions appear in published regulations and in pamphlets which are designated as announcements. The identity of such announcements are, with certain exceptions, stated in this Monthly Sales List. The announcements may be obtained from the sources described herein.

(b) CCC reserves the right to refuse to consider an offer if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated under the prospective contract. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named to receive offers in the appropriate announcement or invitation prior to making an offer or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only on submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of a performance bond or other security acceptable to CCC.

(c) CCC will entertain offers to buy warehouse stocks of grains other than rice, and oilseeds other than peanuts, for deferred delivery up to 120 days from the date of sale. No cash advance will be required from responsible buyers, but buyers will be required to furnish CCC an irrevocable letter of credit covering the purchase price plus estimated storage and interest to the end of the delivery period. Prices of such sales will be in accordance with the CCC Monthly Sales List, in effect at the time of sale plus storage and interest beginning 10 days after the date of sale. Storage charges will be in accordance with UGSA rates. Interest to date of payment will be at 6½ percent.

(d) Financial coverage for commodities purchased shall be furnished before delivery, in cash or by irrevocable letter of credit. Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the Livestock Feed program. Grain delivered against such certificate will be sold at the applicable current market price.

(e) CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

(f) Nonstorable commodities will be sold at not less than market price.

2. *Export commodities.* On sales for export, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon which service of judicial process may be had.

Prospective buyers for export should note that, generally sales to U.S. Government agencies, with minor exceptions, will constitute domestic unrestricted use of the commodity.

CCC reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated by the U.S. Department of Commerce. These restrictions also apply to any commodities purchased from CCC whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce export control regulations. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

In the case of export sales, the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

CCC reserves the right to make emergency sales of its stocks for export when the flow of commodities to ports is disrupted or impeded and the maintenance of U.S. exports is temporarily jeopardized. Special sales announcements will be provided by the appropirate ASCS Commodity or Branch Office.

3. *CCC binsite commodities.* Information on the availability of commodities stored in CCC binsites may be obtained from the Agricultural Stabilization and Conservation Service State Offices shown at the end of this Sales List.

4. *Odd lot quantities.* Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and, therefore, generally they do not appear in the Monthly Sales List.

5. *Definitions.* The following terms as used in this Monthly Sales List shall have the following meanings unless otherwise specifically stated:

(a) "Market price" means market price as determined by CCC.

(b) "Transit value" means transit value as determined by CCC.

(c) "Sales for unrestricted use and unrestricted sales" means sales which permit either domestic or export use.

(d) "Sales for export and export sales" means sales which require export of a commodity.

(e) "Announcement GR–212" means the third revision, November 30, 1970, as amended.

(f) "Designated terminals" are listed in grain price support regulations.

6. *Barter eligibility list.* CCC-owned upland cotton and tobacco under loan are available for new and existing barter contracts.

7–10 [Reserved].

11. *Wheat—unrestricted use sales—(bulk-storable-basis grade 1 in-store).* The minimum price is the market price but not less than the formula price.

(a) Except as specified in paragraph (b) of this section:

(1) At designated terminals the formula price for the predominant class of wheat is the 1971 county loan rate where stored plus the monthly markup shown in this section plus the transit value or 4 cents per bushel whichever is higher. Adjustments for other classes will be established when necessary by CCC.

(2) Outside of designated terminal markets the formula price is the 1971 county loan rate where stored plus the monthly markup shown in this section plus transit value, if any.

(3) Loan differentials will be applied in determining the formula price of other qualities at all locations.

MONTHLY MARKUPS IN CENTS PER BUSHEL

1971		*1972*	
July	23½	January	28
August	23½	February	29½
September	23½	March	31
October	23½	April	32½
November	25	May	32½
December	26½	June	32½

(b) The July formula price of wheat at the west gulf is fixed at $1.80¼ per bushel. The minimum price for sales of Hard Red Winter wheat at points tributary to the gulf will be the higher of the market price, the formula price at point of sale, or the west gulf price of $1.80¼ backed-off to point of sale. The foregoing fixed price of wheat at the west gulf will increase in accordance with the following monthly markup schedule:

MONTHLY MARKUP SCHEDULE

1971		1972	
July	0	January	4½
August	0	February	6
September	0	March	7½
October	0	April	9
November	1½	May	9
December	3	June	9

12. *Wheat, bulk—export sales.* CCC will sell limited quantities of Hard Red Winter, Durum, and Hard Red Spring wheat at west coast ports at export market price levels for export under Announcement GR–212 (revision III, Nov. 30, 1970, as amended).

Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit, but not sales financed under title 1, Public Law 480, 83d Congress, as amended, or sales for export under the Barter Program.

13. *Corn—unrestricted use sales—interior positions (bulk—storable—basis grade 2 yellow corn 15.1–15.5 percent moisture—in-store).* The minimum price will be the market price but not less than the formula price. The formula price is the county loan rate where stored plus the monthly markup shown in this section plus transit value, if any.

MONTHLY MARKUPS—CENTS PER BUSHEL

1971		1972	
July	29 ¾	January	21 ½
August	29 ¾	February	23
September	29 ¾	March	24 ½
October	21 ½	April	26
November	21 ½	May	27 ½
December	21 ½	June	29

The 1970 county loan rate applies through September 1971, and the 1971 loan rate applies thereafter. Sales through September 1971, will be applied to the Domestic Payment-In-Kind Feed Grain Program Pool. Loan differentials will be applied in determining the formula price of other grades or qualities.

14. *Corn—unrestricted use sales—port positions (bulk—storable—basis grade 2 yellow corn 15.1–15.5 percent moisture—in-store).* The minimum price will be the market price but not less than $1.31 per bushel Duluth/Superior; $1.34 other Great Lake ports; $1.42 gulf, and $1.43 Atlantic plus markups for each month as follows:

MONTHLY MARKUPS—CENTS PER BUSHEL

1971		1972	
July	13½	January	4½
August	13½	February	6
September	13½	March	7½
October	4½	April	9
November	4½	May	10½
December	4½	June	12

Loan differentials will be applied in determining the formula price of other grades or qualities. Sales through September 1971, will be applied to the Domestic Payment-In-Kind Feed Grain Program Pool.

15–16 [Reserved]

17. *Grain sorghum—unrestricted use sales (bulk—storable—basis grade 2 or better in-store).* The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the county loan rate where stored plus the monthly markup shown in this section plus 7 cents per hundredweight or the transit value, whichever is higher.

Outside of designated terminals the formula price is the county loan rate where stored plus the monthly markup shown in this section plus the transit value, if any.

The 1970 county loan rate applies through September 1971, and 1971 loan rates apply thereafter. Loan differentials will be applied in determining the formula price of other grades and qualities.

Sales will be applied to the Domestic Payment-In-Kind Feed Grain Program Pool through September 1971.

MONTHLY MARKUPS—CENTS PER HUNDREDWEIGHT

1971		1972	
July	53¾	January	34½
August	53¾	February	37
September	53¾	March	39½
October	34½	April	42
November	34½	May	44½
December	34½	June	47

18. *Grain sorghum — export sales (bulk—basic grade 2 or better).* Export market price as determined by CCC basis in-store west coast ports.

Sales will be made for cash under Announcement GR–212. Available from the Portland ASCS Branch Office.

19. *Barley — unrestricted use sales (bulk—storable—basis grade 2 in-store).* The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the 1971 county loan rate where stored plus the monthly markup shown in this section plus 4 cents per bushel or the transit value, whichever is higher.

Outside of designated terminals, the formula price is the 1971 county loan rate where stored plus the monthly markup shown in this section plus the transit value, if any.

Loan differentials will be applied in determining the formula price of various classes and qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

1971		1972	
July	17½	January	22
August	17½	February	23½
September	17½	March	25
October	17½	April	26½
November	19	May	26½
December	20½	June	26½

20. [Reserved.]

21. *Oats — unrestricted use sales (bulk—storable—basis grade 3 in-store).* The minimum price is the market price but not less than the formula price which is the 1971 base loan rate where stored plus the monthly markup shown in this section plus transit value, if any. Loan differentials will be applied in determining the formula price of other grades and qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

1971		1972	
July	12	January	15
August	12	February	16
September	12	March	17
October	12	April	18
November	13	May	18
December	14	June	18

22. *Oats—export sales (bulk).* CCC will sell oats at the export market price for cash under Announcement GR–212.

23. *Rye—unrestricted use sales (bulk—storable—basis grade 2 in-store).* The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the 1971 base loan rate where stored plus the monthly markup shown in this section plus 4 cents per bushel or the transit value, whichever is higher. The formula price for rye stored outside of designated terminals is the 1971 base loan rate where stored plus the monthly markup shown in this section plus the transit value, if any. Loan differentials will be applied in determining the formula price of other qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

1971		1972	
July	18½	January	23
August	18½	February	24½
September	18½	March	26
October	18½	April	27½
November	20	May	27½
December	21½	June	27½

24. *Rye—export sales (bulk).* CCC will sell rye at the export market price for cash under Announcement GR–212.

25. *Rice, rough—unrestricted use sales—f.o.b. warehouse.* The minimum price is the market price but not less than the formula price. The formula price for July 1971, is the 1970 loan rate plus 5 percent plus 49 cents per hundredweight. Basis of sale is f.o.b. warehouse as is, or at buyers option, basis outturn weights and grades with privilege of rejecting individual cars which are more than one grade below the listed grade or contain more than 1 percent smut in excess of the listed percentage.

26. *Rice, rough—export as milled or brown.* Competitive bids on medium and short grain rice shown on export invitations for export from California ports only under Announcement GR–379, Revision 2.

27. *Soybeans—unrestricted use sales—interior positions (bulk—storable—basis grade 1 in-store).* The minimum price is the market price but not less than the formula price. The formula price is the county loan rate where stored plus the monthly markup shown in this section plus transit value, if any.

Monthly Markups—Cents Per Bushel

1971		1972	
July	41	January	33½
August	41	February	35
September	32	March	36½
October	32	April	38
November	32	May	39½
December	32	June	41

1970 county loan rates apply for July and August 1971, and 1971 loan rates apply thereafter.

Loan differentials will be applied in determining the minimum price of other grades and qualities.

28. *Soybeans—unrestricted use sales—port positions (basis grade 1 in-store—bulk—storable).* For July and August 1971, the minimum price will be the market price but not less than $2.72 per bushel at Great Lakes terminals; $2.78 gulf, and $2.79 east coast.

Starting in September 1971, the minimum price will be the market price but not less than $2.59 per bushel Duluth/Superior; $2.63 other Great Lake ports; $2.69 Gulf, and $2.70 east coast plus markups for each month as follows:

Monthly Markups—Cents Per Bushel

1971		1972	
September	0	January	1½
October	0	February	3
November	0	March	4½
December	0	April	6
		May	7½
		June	9

Loan differentials will be applied in determining the minimum price of other grades or qualities.

29. [Reserved]

30. *Tung oil—unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–TNO–1.

The quantity offered, storage location and date bids are to be received and announced in invitations issued by the New Orleans ASCS Commodity Office.

Bids will include, and be evaluated on the basis of price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, refund to the buyer a "freight equalization" allowance.

Sales will be made by the New Orleans ASCS Commodity Office. Copies of the announcement and the applicable invitation may be obtained from that office.

31. [Reserved]

32. *Peanuts, shelled or farmers stock—restricted use sales.* When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga. 31730.
Peanut Growers Cooperative Marketing Association, Franklin, Va. 23851.
Southwestern Peanut Growers' Association, Gorman, Tex. 76454.

Terms and conditions of sale are set forth in Announcement OC–10, effective October 1, 1970, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Shelled graded peanuts equal to or exceeding requirements of U.S. grades may be purchased for export without limitations on their use.

Sales are made on the basis of competitive bids each Wednesday by the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

33. [Reserved]

34. *Castor oil—unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–CA–11.

The quantity offered, grade, storage location and date bids are to be received are announced in invitations issued by the New Orleans ASCS Commodity Office.

Bids will include, and be evaluated on the basis of price offered per pound f.o.b. storage location.

Sales will be made by the New Orleans ASCS Commodity Office. Copies of the announcement and the applicable invitation may be obtained from that office.

35. [Reserved]

36. *Cotton, upland—unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–C–31 (revised), (Disposition of Upland Cotton—in Liquidation of Rights in a Certificate Pool, against the "Shortfall" and under Barter Transactions). Cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) a minimum price determined by CCC, which will be based on 110 percent of the price support loan rate for Middling-1-inch cotton at average location at the time of delivery, plus reasonable carrying charges for the month in which the sale is made. In no event will the price for any cotton be less than 120 points (1.2 cents) per pound above the loan rate for such cotton at the time of delivery.

37. *Cotton, upland—export sale—CCC disposals for barter.* Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export, Under the Barter Program) and NO–C–31, as amended, at the prices described in the preceding paragraph.

38. *Cotton, extra long staple—unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–C–6 (revision 2). Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the current loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made.

39. *Cotton, upland or extra long staple—unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (below grade, sample loose, damaged pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Sales of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities and location may be obtained for a nominal fee from that office.

40. *Nonfat dry milk—unrestricted use sales.* Sales are in carlots only in-store at storage location of products.

Market price but not less than the following announced prices: Spray process, U.S. Extra Grade, 35 cents per pound packed in 50-pound bags. Sales are made under Announcement MP–14.

41. *Nonfat dry milk—export sales.* Sales are in carlots only in-store at storage location of products.

Competitive offers, or at announced prices, as specified in invitations issued by the Minneapolis ASCS Commodity Office under the terms and conditions of Announcement MP–23. The invitations will indicate the type of export sales authorized, whether sales will be made by competitive offers or at announced prices, and the period of time for submission of offers.

42. *Butter—unrestricted use sales.* Sales are in carlots only in-store at storage location of products.

Market price but not less than the following announced prices: 74.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 73.75 cents per pound. Sales are made under Announcement MP–14.

43. *Butter—export sales.* Sales are in carlots only in-store at storage location of products.

Competitive offers, or at announced prices, as specified in invitations issued by the Minneapolis ASCS Commodity Office under the terms and conditions of Announcement MP–23. The invitations will indicate the type of export sales authorized, whether sales will be made by competitive offers or at announced prices, and the period of time for submission of offers.

44. *Linseed oil (raw)—unrestricted use sales.* Market price but not less than $0.096 per pound, basis in tanks Minneapolis.

Prices for oil at storage locations other than Minneapolis will be adjusted, taking into consideration: (a) Freight rates between Minneapolis and such other oil storage locations, and (b) other market factors. Available from the Minneapolis ASCS (Processed) Commodity Office.

45. *Flaxseed—unrestricted use sales (bulk—storable—basis grade 1 in-store Minneapolis and Duluth/Superior).* Market price but not less than $2.70 per bushel plus transit value. Minimum price at locations other than Minneapolis and Duluth/Superior will be adjusted, taking into consideration: (a) Cost of movement to these terminals, and (b) other market factors. Available from the Minneapolis ASCS Branch Office.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES: ADDRESSES, TELEPHONES, AND SALES AREAS

Kansas City ASCS Commodity Office—8930 Ward Parkway (Post Office Box 205), Kansas City, MO 64141. Telephone: Area Code 816, Emerson 1–0860.

Domestic and Export Sales—Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming.

Domestic Sales Only—California.

Export Sales Only—Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine,

Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Chicago, ASCS Branch Office, 226 West Jackson Boulevard, Room 106, Chicago, IL 60606. Telephone: Area Code 312 353–6581.

Domestic Sales Only—Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612 725–2051.

Domestic and Export Sales—Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, OR 97205. Telephone: Area Code 503 226–3361.

Domestic and Export Sales—Idaho, Oregon, Utah, and Washington.

Export Sales Only—California.

PROCESSED COMMODITIES OFFICES (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, MN 55435. Telephone: Area Code 612 725–3200.

COTTON OFFICES (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, LA 70112. Telephone: Area Code 504 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212 264–8439, 8440, 8441.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217 525–4180.

Indiana, Suite 1600, 5610 Crawfordsville Road, Indianapolis, IN 46224. Telephone: Area Code 317 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, IA 50309. Telephone: Area Code 515 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, KS 66502. Telephone: Area Code 913 539–3531.

Michigan, 1405 South Harrison Road, East Lansing, MI 48823. Telephone: Area Code 517 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, MO 65201. Telephone: Area Code 314 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, MN 55101. Telephone: Area Code 612 725–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, MT 59715. Telephone: Area Code 406 587–4511, Ext. 3271.

Nebraska, Post Office Box 82208, 5801 O Street, Lincoln, NE 68501. Telephone: Area Code 402 475–3361.

North Dakota, Post Office Box 2017, 657 Second Avenue North, Fargo, ND 58103. Telephone: Area Code 701 237–5205.

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614 469–6814.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, SD 57350. Telephone: Area Code 605 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, WI 53711. Telephone: Area Code 608 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, as amended; 7 U.S.C. 1427; sec. 301, 79 Stat. 1188, as amended; 7 U.S.C. 1441 (note.))

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

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

[FR Doc.71-9887 Filed 7-12-71;8:51 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 419]

CACERMET S.A. AND ANDRE LETIERS

Order Denying Export Privileges

In the matter of Cacermet S.A., 29 rue Victor Hugo, Puteaux, France, and 38 rue Jean Courtois, La Ferte Bernard, France; Andre Letiers, 29 rue Victor Hugo, Puteaux, France, and 13 rue des Sablons, Mareil-Marly, France; respondents.

By charging letter dated January 27, 1971, the Director, Investigations Division, Office of Export Control charged the above respondents with violations of the Export Control Act of 1949[1] and regulations thereunder.[2] In substance, it is charged that respondents: (1) In 1967 participated in a transaction involving U.S.-origin commodities with Yvon LeCoq, with knowledge that LeCoq was subject to an order denying U.S. export privileges; (2) in 1967 knowingly participated in the reexport of U.S.-origin commodities from France to U.S.S.R. contrary to the terms of destination control statements on bills of lading and invoices; (3) in January 1966, during the course of an official investigation under the Export Control Act, made false and misleading statements to an official of the U.S. Government, concerning their association with LeCoq in U.S. export trade.

The charging letter was duly served on respondents. A Washington, D.C., attorney entered an appearance on behalf of respondents and requested an extension of time to file an answer. The extension was granted but no answer was filed. Pursuant to § 388.4 of the Export Control Regulations the respondents were held in default. The Compliance Commissioner held an informal hearing on April 16, 1971, at which time documentary evidence in support of the charges was presented on behalf of the Investigations Division.

The Compliance Commissioner, after considering the record in the case, submitted a report to the undersigned which summarizes essential portions of the evidence, considers the various charges, and which includes findings of fact and conclusions. The Compliance Commissioner recommended sanctions that should be imposed.

After considering the record in the case, I adopt the findings of fact made by the Compliance Commissioner. These findings which were applicable at the time the transactions in question took place, are as follows:

FINDINGS OF FACT

1. The respondent Cacermet S.A. (whose full name is Compagnie Pour L'Application Des Produits Catallurgiques, Ceramallurgiques et Metallurgiques) was a French corporation with its main office in Puteaux (a suburb of Paris), France. The company had a plant at La Ferte Bernard, some 85 miles from Paris. The company was engaged in the manufacture, sale, and import and export of special metal fabrics, wire gauze, wire mesh, and parts for the electronics industry. In 1968 and for several years prior thereto the company's gross earnings before taxes were in excess of $1 million. The dollar value of goods imported by the company from the United States in recent years had been substantial.

2. The respondent Andre Letiers, an electronics engineer, was president and general manager of Cacermet and was also its majority shareholder. He owned about two-thirds of the company's outstanding shares of stock. Letiers participated in the transactions hereinafter described on behalf of the respondent Cacermet.

3. On January 30, 1963, the Bureau of International Programs (predecessor of the Bureau of International Commerce) Department of Commerce, issued an order against Yvon LeCoq denying him all U.S. export privileges for an indefinite period. This order replaced a temporary denial order issued against LeCoq on December 1, 1961 (26 F.R. 11844). The order of January 30, 1963, was published in the FEDERAL REGISTER on February 12, 1963 (28 F.R. 1350). Said order was superseded by an order dated December 5, 1968 against LeCoq denying him all U.S. export privileges for the duration of export controls. This order was published in the FEDERAL REGISTER on December 13, 1968 (33 F.R. 18525). Since shortly after December 1, 1961, LeCoq's name has continuously appeared on the Table of Denial and Probation Orders, which is part of the Export Control Regulations, as a party who is prohibited from participating, directly or indirectly, in transactions involving commodities or technical data exported or to be exported from the United States.

[1] This act has been succeeded by the Export Administration Act of 1969, 50 U.S.C. App. 2401–2413, approved Dec. 30, 1969. Section 2412(b) of this Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act."

[2] The regulations were revised on June 1, 1969 and the sections pertient to these proceedings were given new section numbers but no significant changes were made therein. The section references herein are to the new numbers.

4. The above-mentioned order of January 30, 1963 (and also the order of December 13, 1968), among other things, prohibited all parties, whether in the United States or elsewhere (without specific authorization from the Department of Commerce), from participating in any transaction with LeCoq or in which LeCoq had any interest, involving commodities exported or to be exported from the United States.

5. An exchange of letters in the spring of 1965 between Cacermet and one of its suppliers in the United States disclosed that Letiers and Cacermet were fully aware of the fact that it was a violation of the U.S. Export Control Regulations to reexport U.S.-origin commodities from a foreign country to an unauthorized destination.

6. On December 24, 1965, Letiers, as the principal official of Cacermet, was informed by a representative of the U.S. Government that LeCoq had been prohibited from dealing in U.S. goods. Letiers at this time was aware of the prohibition against participating in a transaction with LeCoq, or in which LeCoq had an interest, involving U.S.-origin commodities.

7. On the occasion referred to the previous finding Letiers stated to the representative of the U.S. Government that he (Letiers) had never had any business dealings with LeCoq. Letiers on behalf of himself and Cacermat signed a statement to this effect on January 28, 1966.

8. The foregoing statements by Letiers were false and misleading inasmuch as in the spring of 1965 Letiers and LeCoq had business dealings whereby Letiers sold to LeCoq one-third of his (Letiers') stock holdings in Cacermet. At the time that Letiers made these statement he was participating in arrangements with LeCoq to repurchase said stock holdings.

9. The false and misleading statements by Letiers impeded the investigation by the Office of Export Control to ascertain whether LeCoq and those with whom he was associated in business were acting in violation of the U.S. Export Control Regualtions or of any order issued thereunder.

10. Prior to April 5, 1967, LeCoq, acting in the name of the firm, Frajac S.A., of Zug, Switzerland, negotiated with a purchaser in U.S.S.R. to sell it 25,000 flat packs. These are units used on encapsulations for integrated circuits. On April 5, 1967, in response to a request from Frajac, Cacermet gave Frajac a written offer for 25,000 of these units. On June 1, 1967, Cacermet learned that an order for these units would be placed with it and on that day by Telex it asked the U.S. supplier of these units what the shortest delivery date would be.

11. On June 2, 1967, Cacermet received from the U.S.S.R. purchaser an order for 25,000 of these units for delivery in June, July, and August. The order stated that it was given in accordance with the offer of April 5, 1967. (See Finding 10.) This document was signed by LeCoq and required the purchaser to open a letter of credit in favor of LeCoq to pay for the units.

12. On June 5, 1967, Cacermet advised the U.S. supplier by Telex that it had accepted an order for these flat packs for delivery in July and August. Cacermet placed a written order with the U.S. supplier dated June 7 and transmitted by letter dated June 8.

13. On June 6, 1967, Cacermet received from Frajac an order, bearing the same number as that received from the U.S.S.R. purchaser, for 25,000 flat packs of the same description and delivery dates as in the earlier order. The order from Frajac referred to a telephone communication with Cacermet and also to the offer of April 5, 1967. This order was a substitute for the order from the U.S.S.R. purchaser and was signed by LeCoq on behalf of Frajac.

14. When the order from Frajac was received Letiers and other high level employees in Cacermet knew that LeCoq was participating in the transaction on behalf of Frajac and they also knew that the intended destination of the commodities was the U.S.S.R.

15. The U.S. supplier exported 25,000 of the units to Cacermet in Puteaux in seven shipments, between July 21, 1967, and September 1, 1967. Each of the seven invoices from the U.S. supplier to Cacermet had a destination control statement showing that reexportation to certain destinations, including U.S.S.R., was prohibited. Each air waybill under which the commodities were exported from the United States to France showed that the ultimate destination was France. Letiers and other employees of Cacermet who participated in this transaction knew or should have known that it would be a violation of U.S. export control regulations to reexport these commodities to U.S.S.R.

16. Between August 2, 1967, and September 5, 1967, Cacermet, with the knowledge of Letiers, in five shipments reexported the 25,000 units received from the US. supplier to the party in U.S.S.R. from whom Cacermet received the order on June 2, 1967. (See Finding No 11.)

17. In the course of the investigation, Letiers admitted that the flat packs in question were diverted to U.S.S.R. His claim that he learned of the diversion when the last shipment was on the way to U.S.S.R. is rejected. It is found that from the outset of this transaction Letiers know that the ultimate destination of the flat packs was U.S.S.R. It is also found that the transaction, including reexportation to U.S.S.R., was carried out with Letiers' knowledge.

Based on the foregoing, I have concluded that the respondents violated the following sections of the U.S. Export Control Regulations: § 387.4, in that they received and sold commodities exported from the United States with knowledge that a violation of an order issued under the U.S. Export Control Regulations was intended to occur; § 387.10, in that without prior disclosure of the facts to, and specific authorization from, the Office of Export Control, and with knowledge that Yvon LeCoq was subject to an order denying U.S. export privileges, sold and delivered and otherwise participated in a transaction, involving U.S.-origin commodities, in which LeCoq had an interest and from which he benefited; § 387.6, in that without specific authorization from the Office of Export Control they knowingly participated in the reexportation of commodities from France to U.S.S.R. in violation of provisions of the Export Control Regulations and contrary to destination control statements on invoices and air waybills which came to their attention; § 387.5, in that in the course of an official investigation under the Export Control Act they made false and misleading statements to an official of the U.S. Bureau of Customs who was acting on behalf of the Office of Export Control.

Evidence has been received that shows the following: Respondent firm Cacermet S.A. went into receivership on January 18, 1971; a new company called Societe D'Exploitation des Etablissements Cacermet (S.A.) was established on March 10, 1971; the purpose of the new company is to operate the business of respondent Cacermet under a concession; the receiver of respondent Cacermet S.A. entrusted its business to the new company to be operated under a concession; the new company is using the premises, equipment, and facilities of the respondent Cacermet and is carrying on the same type of business formerly conducted by said respondent. I find that the firm Societe D'Exploitation des Etablissements Cacermet (S.A.) is a successor to respondent Cacermet S.A. Accordingly the order herein issued is applicable to said successor.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in paragraph IV hereof, the respondents for the period of 5 years are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing

of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors, representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. A finding has been made that the firm Societe D'Exploitation des Etablissements Cacermet (S.A.) is the successor to respondent Cacermet S.A. and all of the prohibitions and restrictions of this order are applicable to said successor.

IV. Two years after the effective date of this order the respondents may apply to have the effective denial of their export privileges held in abeyance while they remain on probation. Such applications as may be filed by said respondents shall be supported by evidence showing their compliance with the terms of this order and such disclosure of their import and export transactions as may be necessary to determine their compliance with this order. Such applications will be considered on their merits and in the light of conditions and policies existing at that time. The respondents' export privileges may be restored under such terms and conditions as appear to be appropriate.

V. During the time when the respondents or other parties within the scope of this order are prohibited from engaging in any activity within the scope of part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondents or other parties denied export privileges within the scope of this order, or whereby the respondents or such other parties may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondents or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: July 6, 1971.

This order shall become effective on July 13, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71-9929 Filed 7-8-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-80]

STANDARD OF IDENTITY FOR PARMESAN (REGGIANO) CHEESE

Notice Rescheduling Date of Hearing

Pursuant to notice published in the FEDERAL REGISTER of May 25, 1971 (36 F.R. 9477), a prehearing conference was held in this matter on June 21, 1971. On this date, argument was heard on the motions of Kraftco Corp., a party of record, and Tolibia Cheese, Inc., the petitioner seeking amendment of the standard of identity for parmesan cheese, to postpone the commencement of these proceedings due to the unavailability of two necessary witnesses because of prior international commitments as well as the unavailability of some counsel. Argument was heard from all parties of record and, good cause having been shown, the date for the commencement for the public hearing herein previously set for June 28, 1971, by notice published in the FEDERAL REGISTER of May 25, 1971 (36 F.R. 9477), was vacated and the following hearing schedule established:

A. The written direct testimony of all witnesses to be produced by the petitioner, Tolibia Cheese, Inc., and Kraftco Corp. is to be served and filed on or before August 23, 1971; written objections thereto to be served and filed on or before August 30, 1971; oral argument on said written objections to be held September 3, 1971; witnesses to be presented for cross-examination beginning September 7, 1971.

B. Written direct testimony of the remaining parties of record to be served and filed on or before September 23, 1971; written objections thereto to be served and filed on or before September 30, 1971; oral argument on said objections to be held October 4, 1971; witnesses to be presented for cross-examination beginning on October 5, 1971.

The first public hearing session to be held under the foregoing schedule shall begin at 10 a.m. on September 3, 1971, in Room 4A-31, Parklawn Building, 5600 Fishers Lane, Rockville, Md.

Full details concerning the above scheduling and procedure are set forth in the Prehearing Conference Order previously mailed to all parties of record and entered in the public docket file in this matter which is available for inspection in the office of the FDA Docket Clerk, Room 5B-42, Parklawn Building, 5600 Fishers Lane, Rockville, Md.

Dated: June 29, 1971.

WILLIAM E. BRENNAN,
Presiding Examiner.

[FR Doc.71-9830 Filed 7-12-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Setting Evidentiary Hearing

In the matter of Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station).

On June 22, 1971, at a prehearing conference in this proceeding, Vermont Yankee Nuclear Power Corp. (Applicant) filed a motion with the Atomic Safety and Licensing Board requesting an order setting the evidentiary hearing in this proceeding for August 9, 1971. In addition, Applicant requested that a schedule of dates be provided for the submission of motions and that evidence by the Intervenors be in written form and related to their contentions respecting the application.

All Intervenors in the case opposed the motion[1] asserting that the discovery proceedings which have been underway since April 1971 have not been completed, that some answers received to interrogatories are inadequate and that several legal issues are outstanding and have not yet been resolved. In addition, a motion to adjourn was filed by National Wildlife Federation, Conservation Society of Southern Vermont, Environmental League of the Connecticut River Valley, Vermont Natural Resources Council, and Natural Resources Defense Council. The motion sought an adjournment until the U.S. Court of Appeals decided a case involving environmental matters.

The Atomic Safety and Licensing Board notes that this proceeding was initiated by the Commission prior to the completion and filing of the Advisory Committee on Reactor Safeguards and Regulatory Staff reports and evaluations; but that such advance notice of hearing had as its objective the early ascertainment of the issues that exists among the parties to the proceeding and the establishment of provisions for discovery and development of relevant data.

[1] By letter dated June 24, New England Coalition on Nuclear Pollution asserted that some matters could be considered at an August evidentiary hearing, but that other matters should be deferred to a later date. There was also objection by the State of Vermont which also requested a postponement for at least a month so that its consultant may be available.

In addition, the Board notes that the Staff's Safety Evaluation of the Final Safety Analysis Report was filed on June 7, 1971, and that the Staff's evaluation of Applicant's technical specifications for the proposed operation of the facility is expected to be completed and served upon the parties hereto by approximately July 7, 1971. The Board also notes that since the date of issuance of the notice of hearing on February 24, 1971, the Commission has issued eight proposals for changes in regulations and policy affecting proceedings of this nature and the Applicant, since February 24, has filed with the Secretary its Final Safety Analysis Report, and Amendments 10 through 23 on April 22, 1971, Amendment No. 26 on May 3, and Amendments 24 and 25 on May 6, all of which require some reconsideration of procedures and substantive matters for the proceeding. To the date of the recent prehearing conference on June 22, 1971, and following the initial prehearing conference on April 20, 1971, Intervenors collectively have submitted many interrogatories for data from the Applicant, and Intervenors suggest that they have more interrogatories in the process of preparation. Intervenors have included in the interrogatories many inquiries into the impact on the environment of the proposed operation of the nuclear powerplant here involved and it is to be noted that some of those inquiries may be resolved by the forthcoming decision of the U.S. Court of Appeals for the District of Columbia Circuit in the case entitled Calvert Cliffs' Coordinating Committee, Inc., National Wildlife Federation, and the Sierra Club v. Atomic Energy Commission (Case No. 24,871).

This proceeding is complex and concerns many aspects of the developing law regarding the impact on the environment of the operation proposed herein. There are, however, many issues between the Intervenors, generally, and the Applicant which have been identified and for which some evidentiary presentation can now be made. The Board believes that discovery proceedings may not completely and feasibly produce all the relevant data needed by the parties and that the hearing process can readily provide data for the multivarious aspects of the basic substantive matters that will permit this case to go forward. As discussed at the prehearing conference in June, the parties appear to recognize that after a certain amount of direct and cross-examination, a recess will be needed to permit the production of further data and also to provide a basis for a determination of a schedule which shall guide the Intervenors in the submission of their proposed evidence in written form. The Board believes that this proceeding will be expedited by providing for an initial session of evidentiary hearings to commence on August 10, 1971. The motion to adjourn set forth herein is denied. At this initial session, the Board will expect that all of Applicant's and the Regulatory Staff's direct evidence will be submitted for consideration of receipt into evidence, and that cross-examination by Intervenors shall be undertaken to the full extent reflected by the interrogatories from Intervenors and the answers thereto submitted by Applicant and the Staff. Additional sessions of evidentiary hearings will be provided to the extent necessary that the initial session of evidentiary hearing has not been able to include all of the evidence proposed in reference to the issues existing between the Applicant and Intervenors.

Wherefore, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission: *It is ordered*, That the initial session of evidentiary hearings shall convene at 9:30 a.m. on Tuesday, August 10, 1971, in the Gymnasium of the Brattleboro Union High School, Fairground Road, Brattleboro, Vt.

Issued: July 7, 1971, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-9816 Filed 7-12-71;8:46 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Proposed Issuance of Full-Term Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of a full-term operating license to Connecticut Yankee Atomic Power Co. which would authorize the possession, use, and operation of the Haddam Neck plant located in the town of Haddam, Middlesex County, Conn., at steady state power levels up to a maximum of 1,825 megawatts (thermal) in accordance with the provisions of the proposed license. The Haddam Neck plant has been operated since June 30, 1967, under Provisional Operating License No. DPR-14.

The proposed full-term operating license, which would bear the same number, would supersede the existing Provisional Operating License No. DPR-14, and be effective for a period of 40 years from the date of issuance of Construction Permit No. CPPR-14.

The Commission has found that the application dated December 31, 1969, for a full-term operating license complies with the requirements of the Atomic Energy Act of 1954, as amended (the "Act"), and the Commission's regulations published in 10 CFR Ch. I. The license will be issued after the Commission makes the findings required by the Act and the Commission's regulations which are set forth in the proposed license, and concludes that the issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER the applicant may file a request for a hearing, or any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed facility license, see (1) the application dated December 31, 1969, and supplements thereto, (2) the report of the Advisory Committee on Reactor Safeguards dated April 7, 1971, (3) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (4) the proposed facility license, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC Copies of items (2), (3), and (4) above may be obtained at the Commission's Public Document Room, or upon request sent to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

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

For the Atomic Energy Commission.

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

[FR Doc.71-9860 Filed 7-12-71;8:49 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, July 28, 1971. The hearing will take place in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The hearing will include the following three matters of policy.

I. COMPREHENSIVE PLAN AMENDMENT—ENVIRONMENTAL REVIEW

An amendment to the Comprehensive Plan to provide for wide consideration of the environmental impact of water resources projects submitted to the Commission for review. The proposed policy is designed to broaden the range of environmental considerations that may be taken into account by the Commission. Text of the proposed policy is:

Project review under section 3.8 and Article 11 of the Compact shall include a review and evaluation of the environmental impact of the project, in accordance with the policies and provisions of the National Environmental Policy Act of 1969 and the Commission's regulations thereunder. A project which, after due consideration of its beneficial purposes,

would conflict with standards of environmental quality legally established by any of the signatory parties will not be approved by the Commission.

II. Interpretive Guideline No. 1—Water Quality

Sections 2–1.2(1) and 2–1.3(4) of the Commission's Water Quality Standards establish limits on stream quality objectives and effluent quality requirements. These limits are expressed in general nonquantitative terms. The Commission proposes to adopt the following interpretative guideline containing criteria to be used in administering and enforcing the indicated sections of its Water Quality Standards:

INTERPRETATION OF WATER QUALITY STANDARDS APPLYING TO STREAM AND EFFLUENT QUALITY REQUIREMENTS

Stream Quality Objectives (Section 2–1.2(1))

a. *Toxic substances.* The concentration of a toxic substance in Basin waters shall not exceed one-twentieth of the TL_{m} value at 96 hours, as determined by appropriate bioassays, except in mixing areas that may be designated by the Commission. Criteria for combinations of toxic substances will be based upon the same principle. Concentrations of arsenic, barium, cadmium, chromium (hexavalent), cyanide, fluoride, lead, selenium, and silver shall not exceed those values given for rejection of water supplies in the "Public Health Service Drinking Water Standards." Mercury shall not exceed 0.005 mg./l.

b. *Total dissolved solids.* Stream concentration shall not be increased by more than one-third above background. Background refers to historical conditions prior to 1971 where data are available; otherwise current data will be used. Criteria for waters affected by ocean salinity or mine drainage will be determined on an individual basis.

c. *Oil.* No visible oil.

Effluent Quality Requirements (Section 2–1.3(4))

a. *Suspended solids.* For sewage and industrial waste treatment facilities, at least 90 percent removal as a daily average and not to exceed 100 mg./l. Requirements for other operations will be determined on an individual basis.

b. *Public safety.* 1. Temperature. Maximum 110° F. where accessible to normal human contact.

c. *Limits.* 1. *Oil.* Not to exceed 10 mg./l. at any time; no visible oil.

2. *Debris, scum, or other floating materials.* None visible.

3. *pH.* Between 6 and 9.

4. *Ammonia.* Not to exceed a daily average of 29 mg./l. as nitrogen and not to exceed a maximum of 30 mg./l. at any time. Lesser concentrations may be required, based on toxicity.

d *Toxicity.* No effluent, after a 1:1 dilution, shall cause more than 50 percent mortality in 96 hours in an appropriate bioassay test. Where appropriate, the undiluted waste may be required to meet the bioassay test. No effluent shall contain any of the toxicants listed under toxic substances in Stream Quality Objectives in excess of the concentrations listed in the "Public Health Service Drinking Water Standards." In no instance shall an effluent contain mercury in excess of 0.005 mg./l.

e. *Color.* Not to exceed the requirements of § 3–3.8(1) of the regulations. For industrial wastes, not to exceed equivalent for municipal wastes.

f. *Odor.* Not to exceed a threshold number of 250 as a daily average.

g. *Phosphates.* Not to exceed a daily average of 20 mg./l. as PO_4 nor exceed a maximum of 30 mg./l. at any time. Lesser concentrations may be specified to meet the requirements of § 3–3.8(2) of the regulations.

h. *Total dissolved solids.* Not to exceed 1,000 mg./l. A greater concentration may be permitted provided that stream background will not be increased by more than 1.6 percent. Where necessary to meet stream quality criteria or protect water uses, these concentrations may be reduced. Requirements for discharges to waters affected by ocean salinity or mine drainage may be determined on an individual basis.

i. *BOD.* At least 85 percent reduction and not to exceed a daily average of 50 mg./l., except that a discharge to Zones 2, 3, 4, or 5, shall receive at least the minimum zone percent reduction, meet all allocation requirements, and not exceed a daily average of 100 mg./l. An increase, not to exceed two-thirds, in allocated load and effluent concentration, may be permitted by the Commission when it results from reduced secondary treatment plant efficiency caused by temperatures below 59° F. (15° C.).

Other Considerations

a. *Measurement of compliance.* Waste effluents cannot be diluted to meet requirements. Measurement of compliance will be based on tests of samples taken prior to mixing with uncontaminated waters.

III. Amendment to Rules of Practice and Procedure—Environmental Statements

On November 24, 1970 the Commission amended its rules of practice and procedure to require the preparation of environmental impact statements for certain types of projects subject for Commission review. It is now proposed to further amend the rules of practice and procedure applying to this same subject. Text of the proposed amendment is shown below:

RULES OF PRACTICE AND PROCEDURE, SECTION 2—3.5.2 ENVIRONMENTAL STATEMENTS

(a) Not later than the completion of preliminary engineering or studies, the sponsors of a project which falls under the jurisdiction of the Commission in any of the following classifications shall submit, in compliance with the provisions of the National Environmental Policy Act (Public Law 91–190) [an] a draft environmental statement, together with and as part of the application:

(1) Impoundments having storage capacity in excess of 100 million gallons;

(2) Diversion of water from one subbasin to another or out of the basin in excess of an average of 1 million gallons per day during any calendar month;

(3) Electric generating stations of all types;

(4) Electric transmission or bulk power system lines and appurtenances, or highways affecting any aspect of the Comprehensive Plan and which are not excluded by section 2–3.5(a) of the rules of practice and procedure;

(5) Draining or filling of marshes or wetlands in excess of 25 acres;

(6) Substantial deepening, widening, or straightening of streams; and

(7) Any other project which the Executive Director, in his discretion, determines may have a significant ecological effect beyond the normal scope of project review under section 3.8 of the Compact.

(b) An environmental statement shall describe in reasonable detail the following:

(1) A description of the proposed action, including such information as is otherwise required by the rules;

(2) The environmental impact of the proposed action;

(3) Any adverse environmental effects which cannot be avoided;

(4) Alternatives to the proposed action that were considered and rejected;

(5) Relationship between short-term use of the environment and maintenance and enhancement of long-term productivity;

(6) Any irreversible and irretrievable commitments of resources involved in the proposed action; and

(7) Where a cost-benefit analysis of the proposed action has been prepared, this analysis should be attached to the environmental impact statement.

(c) The Executive Director shall distribute the draft environmental statement referred to in paragraph (a) hereof to the Council on Environmental Quality and to other interested public and private agencies and organizations and shall solicit their comments thereon. He shall also schedule each project referred to in paragraph (a) hereof for public hearing by the Commission. The draft environmental statement on the project shall be made available for distribution or public review not less than 15 days prior to the public hearing.

(d) Following the public hearing by the Commission, the applicant may be required to revise the statement in light of information and comment developed during the review process. The Executive Director shall then cause a final environmental statement to be prepared, and shall forward it, along with his comments thereon, to the Council on Environmental Quality and to other agencies in accordance with the provisions of the Council's guidelines or rules of procedure.

(e) All environmental statements and comments received thereon shall be available for public examination at the Commission's offices and such other offices as the Executive Director may designate.

(f) The Commission will act upon a project that is subject to the requirements of this Section not less than 90 days after a draft environmental statement has been released for public comment and not less than 30 days after the final text of an environmental statement has been forwarded to the Council on Environmental Quality. Each docket decision by the Commission will specifically include or refer to the environmental statement of any such project, and will make specific findings and conclusions with respect to the environmental effects of the project.

(g) In the event of emergency circumstances, the Executive Director may waive the requirements of this Section as provided for in § 2–3.9 of these rules and Council on Environmental Quality guidelines.

(h) In the case of projects that the Commission may construct or sponsor, an environmental statement shall be prepared by the Executive Director, approved by the Commission, and processed in accordance with the Council on Environmental Quality guidelines.

Documents relating to the above items may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission ((609) 883–9500).

JAMES F. WRIGHT,
Executive Director.
W. BRINTON WHITALL,
Secretary.
(609) 883–9500.

JULY 2, 1971.

W. BRINTON WHITALL,
Secretary.

JULY 2, 1971.

[FR Doc.71–9817 Filed 7–12–71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18845–18849; FCC 71R–213]

LAMAR LIFE BROADCASTING CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Lamar Life Broadcasting Co., Jackson, Miss., Docket No. 18845, Files Nos. BPCT–4320, BRCT–326; Civic Communications Corp., Jackson, Miss., Docket No. 18846, File No. BPCT–4305; Dixie National Broadcasting Corp., Jackson, Miss., Docket No. 18847, File No. BPCT–4317; Jackson Television, Inc., Jackson, Miss., Docket No. 18848, File No. BPCT–4318; Channel 3, Inc., Jackson, Miss., Docket No. 18849, File No. BPCT–4319; for a construction permit.

1. By order, 25 FCC 2d 101 (35 F.R. 7205), released May 4, 1970, reconsideration denied 24 FCC 2d 618, 19 RR 2d 851, released August 3, 1970, the Commission designated for consolidated hearing the above-captioned applications for authority to operate a television broadcast station on Channel 3 in Jackson, Miss. Presently before the Review Board is a petition to enlarge issues, jointly filed on May 11, 1971, by Lamar Life Broadcasting Co., Dixie National Broadcasting Corp., Jackson Television, Inc., and Channel 3, Inc., seeking the addition of a character qualifications issue against Civic Communications Corp.[1]

2. Petitioners' request for a character qualifications issue against Civic is based on the alleged voluntary admissions of past illegal conduct by James Charles Evers, vice president, director, and 9 percent stock subscriber of Civic, in a recently published book entitled "Evers".[2] Petitioners point out that the book, which is autobiographical in nature, relates Evers' admitted participation in such activities as the illegal selling of liquor, prostitution, the running of numbers games, and police payoffs during various periods of his life, including his World War II service and his postwar stay in Chicago. Although the petitioners concede that they have no knowledge of whether Evers was ever convicted for any of his admitted crimes and note that the Washington Post article of April 12, 1971, indicates Evers' admissions were prompted by his belief that the applicable statutes of limitations had run in regard to his past activities, they contend that these voluntary admissions of illegal conduct reflect adversely on Evers and raise a serious question concerning Civic's basic character qualifications. Citing the Commission's Report on Uniform Policy as to Violation by Applicants of Laws of United States, 16 F.R. 3187, 1 RR (Part 3) 91:495 (1951), petitioners argue that the nature of the underlying conduct is the critical consideration here in assessing Civic's qualifications to be a licensee and that the absence of judicial determinations should not lessen the Commission's concern about Evers' past conduct.

3. In response to petitioners' request, Civic simply states that it does not object to an inquiry into Evers' character so long as the inquiry is not limited to the matters raised in the joint petition. The Broadcast Bureau, in its comments, supports addition of the requested issue. The Bureau finds that the petitioners have satisfied the good cause requirement of Rule 1.229(b) for their late-filed request and that, notwithstanding the facts that the joint petition is not supported by affidavit and that the newspaper article and the book itself represent hearsay, the allegations raised have not been rebutted by Civic and are from sufficiently reliable sources to justify specification of the requested issue. The Bureau urges that the ultimate relevance and weight of Evers' past conduct can only be determined after examination of the substance of the activities involved and of any countervailing circumstances in an evidentiary hearing. In reply to Civic's statement and the Bureau's comments, petitioners contend that: (1) The Evers' book contains the admissions of a party made through his authorized agent, which are admissible in this proceeding; and (2) the inquiry specified by the Board should be limited in scope to the unlawful conduct disclosed in "Evers" and any similar misconduct on the part of Evers.

4. The Review Board will grant petitioners' request for the specification of an issue inquiring into Evers' past conduct, as disclosed in the recently published book, "Evers", and the effect of such conduct on Civic's qualifications to be a Commission licensee.[3] As petitioners correctly point out, the Commission is concerned with the past conduct of those to whom it entrusts a broadcast authorization, and where an applicant (or a participating member thereof) has been involved in unlawful practices, an examination of the substance of those practices may be required to assess their significance in the ultimate evaluation of the applicant's ability to be a licensee particularly when there has been no Federal or State adjudication. See Report on Uniform Policy as to Violation by Applicants of Laws of United States, supra; WNER Radio, Inc., 27 FCC 2d 1033, 21 RR 2d 433 (1971); Rockland Broadcasting Company, FCC 62R–152, 24 RR 739 (1962). In this case, it is uncontroverted that Evers engaged in many questionable practices during various perods of his life; in fact, the book, upon which petitioners' request is based, is autobiographical in nature and describes in detail such practices by Civic's vice president, director, and 9 percent stock subscriber. In response to the instant petition, Civic has submitted no statement in rebuttal or in mitigation, but merely acquiesced in the specification of an issue so long as the inquiry is not limited to the matters raised by petitioners. Even though most of the incidents specifically brought to our attention by petitioners appear to be remote in time and there is some indication that the applicable statutes of limitations have already run, we can see no alternative to an enlargement of issues on the basis of the admissions of misconduct contained in the Evers' book. However, we must disagree with petitioners' suggestion that the scope of inquiry, in terms of both affirmative and rebuttal showings, should be limited to the misconduct disclosed in "Evers" and any similar misconduct by Evers. Such a construction would effectively preclude the admission of evidence as to extenuating or mitigating circumstances, which is clearly relevant under the issue to be specified.[4] Moreover, consistent with the Commission's stated policy, since the matter of time is important in assessing Evers' past activities, his subsequent behavior is also an appropriate consideration. Report on Uniform Policy as to Violation by Applicants of Laws of United States, 16 F.R. 3189, 1 RR (Part 3) at 91:498. While we do not mean to preempt the Hearing Examiner's traditional role in the clarification of the scope of hearing issues, we believe that it is proper to note that since Evers' character is being placed in issue as a result of admissions contained in his book, he should be permitted to rehabilitate himself by reference to his subse-

[1] Other related pleadings before the Board are: (a) Statement with respect to joint petition, filed May 13, 1971, by Civic; (b) comments, filed May 24, 1971, by the Broadcast Bureau; and (c) reply, filed June 4, 1971, by petitioners.

[2] The petitioners contend that good cause exists for the late-filed request in that the supporting facts were not available until a Washington Post article of Apr. 12, 1971, reported on the forthcoming (Apr. 18, 1971) release of the Evers book by World Publishing Co. and until review of the contents of the book was completed. A copy of the newspaper article and selected excerpts from the book are attached as exhibits to the joint petition; in addition, a complete copy of "Evers" has been submitted with the original of the joint petition.

[3] The Board will consider the instant request since good cause has been shown for its late filing and since no objection has been raised as to timeliness. Petitioners' failure to include supporting affidavits is not fatal to the request in light of the admissions contained in the Evers' book and the absence of rebuttal by Civic. See Chronicle Broadcasting Co., 19 FCC 2d 240, 243–44, 16 RR 2d 1014, 1019 (1969).

[4] In its Uniform Policy on Violations of Laws, supra, the Commission specifically referred to such considerations as whether the offenses were inadvertent or willful; whether they were isolated or recurring; and whether they were recent or remote.

quent behavior. Therefore, the issue should be construed to permit the adduction of evidence as to Evers' past conduct and as to any countervailing circumstances, including Evers' subsequent adherence to law and exemplary conduct.

5. *Accordingly, it is ordered,* That the joint petition to enlarge issues, filed May 11, 1971, by Lamar Life Broadcasting Co., Dixie National Broadcasting Corp., Jackson Television, Inc., and Channel 3, Inc., is granted: and

6. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue: To determine all of the facts and circumstances surrounding the alleged unlawful activities of James Charles Evers, as disclosed in the recently published book, "Evers", and the effect thereof on the basic or comparative qualifications of Civic Communications Corp. to be a Commission licensee; and

7. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Lamar Life Broadcasting Co., Dixie National Broadcasting Corp., Jackson Television, Inc., and Channel 3, Inc., and the burden of proof thereunder shall be on Civic Communication Corp.

Adopted: July 6, 1971.

Released: July 7, 1971.

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

[FR Doc.71-9882 Filed 7-12-71;8:51 am]

[Docket No. 19275, etc.; FCC 71-679]

MOBILE RADIO SYSTEM OF VENTURA, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Mobile Radio System of Ventura, Inc., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Ventura, Calif., on 152.24 MHz, Docket No. 19275, File No. 2142-C2-P-69; Orange County Radiotelephone Service, Inc., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Santa Ana, Calif., on 152.24 MHz, Docket No. 19276, File No. 3031-C2-P-69; Mobilfone, Inc., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Los Angeles, Calif., on 152.24 MHz, Docket No. 19277, File No. 3397-C2-P-69; American Mobile Radio, Inc., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Long Beach, Calif., on 152.24 MHz, Docket No. 19278, File No. 3465-C2-P-69; Intrastate Radio Telephone, Inc., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Burbank, Calif., on 152.24 MHz, Docket No. 19279, File No. 3556-C2-P-69; Radio Page Communications, Inc., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Huntington Park, Calif., on 158.70 MHz, File No. 2869-C2-P-69; Industrial Communications, Inc., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Los Angeles, Calif., on 158.70 MHz, File No. 3045-C2-P-69; R. L. Mohr, doing business as Advanced Electronics, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Torrance, Calif., on 158.70 MHz, File No. 3624-C2-P-69; Pomona Dispatch Corp., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Pomona, Calif., on 158.70 MHz, File No. 3665-C2-P-69.

1. The Commission has before it for consideration the above-captioned nine applications for one-way signaling (or paging) channels in the Los Angeles, Calif., area. Five of the applicants, Mobile Radio System of Ventura, Inc., Orange County Radiotelephone Service, Inc., Mobilfone, Inc., American Mobile Radio, Inc., and Intrastate Radio Telephone, Inc., propose to operate on 152.24 MHz, one of the two available Guard Band channels. The other four applicants, Radio Page Communications, Inc., Industrial Communications, Inc., R. L. Mohr, doing business as Advanced Electronics, and Pomona Radio Dispatch Corp. have applied for the other Guard Band channel, 158.70 MHz. Each applicant appears to be legally, financially, technically, and otherwise qualified to be a licensee.

2. In the regular course of events the applications would have been designated for hearing in two groups with the five applying for 152.24 MHz in one group, and the four applying for 158.70 MHz in the other. However, to avoid the expense and delay involved in a lengthy comparative hearing the applicants have been having discussions looking toward a shared use of the channels, and the result has been a sharing agreement between eight of the nine applicants. Inasmuch as Mobilfone, an applicant for the 152.24 MHz channel, has refused to waive its right to a comparative hearing, the Commission has no alternative but to designate all five applications for that channel for comparative hearing. (Ashbacker Radio Corp. v. FCC, 326 U.S. 327 (1945)). In doing so, it should be noted that the Commission generally favors sharing arrangements on Guard Band channels,[1] because they not only result in conservation in the use of the radio spectrum, but also make this valuable service available to the public without undue delay. While the Commission is hereby designating five of the nine applications for comparative hearing, it is hoped that efforts will continue looking toward a mutually satisfactory sharing arrangement.

3. Mobile Radio System of Ventura, Inc. (Mobile Radio of Ventura), is the licensee of Station KMA835 in the Domestic Public Land Mobile Radio Service (DPLMRS) at Ventura, Calif., a city of 57,000 population and approximately 50 miles from downtown Los Angeles. Mobile Radio of Ventura maintained in its application filed October 10, 1968, that because of the priority that its two-way subscribers have on KMA835 (152.21 MHz) and the heavy usage of that channel that its one-way paging subscribers have been experiencing delays of up to 30 minutes or more in the transmission of their calls. Mobile Radio contends that the congestion is increasing continually and that a separate Guard Band channel is "desperately needed in order to provide effective service to one-way subscribers and to improve the service which will be rendered to two-way subscribers on Station KMA835". Mobile Radio of Ventura's Annual Report (Form L) for the year 1969, the most recent one on file, discloses that Station KMA835 serves 90 subscribers in the Message Relay Service who have 158 mobile units, and 133 subscribers in the radio paging service with 169 paging receivers.

4. Orange County Radiotelephone Service, Inc. (Orange County Radiotelephone), whose principal office is in Santa Ana, Calif., is the licensee of Station KMB304 in the DPLMRS, providing two-way radiotelephone service over three base stations operating on 152.12, 152.21, and 454.35 MHz in and around Orange County, Calif. Orange County Radiotelephone's Annual Report to the Commission for 1970 (Form L) states that it has 203 paging service subscribers and 364 paging receivers in service, operating on a secondary basis with 323 two-way mobile units which are assigned to 226 two-way customers. The rapid growth in demand for this service is demonstrated by its application filed November 19, 1969, in which Orange County Radiotelephone maintained (Exhibit 3) that it then had 86 pagers in operation on the same basis, which even then was resulting in an overloaded channel. Orange County Radiotelephone contends in its application that its use of the 152.24 MHz Guard Band channel for exclusive paging service would not only offer better service to paging subscribers, but also improve service to its two-way customers.

5. Mobilfone, Inc. (Mobilfone), has its principal office in Los Angeles, Calif., and is licensee of Station KMA253 operating on four two-way frequencies, and KMB309 operating on two one-way paging frequencies, at a total of seven locations, in the Los Angeles area. The proposed transmitter for 152.24 MHz would be available not only for Mobilfone's

[1] A Guard Band channel is one which was made available by the reallocation of band-edge frequencies in FCC Docket 16778 (12 FCC 2d 841 (1968)).

own use, but also for all local radio common carriers (RCC's) as a commonly shared signaling channel, primarily for two-way units, with one-way paging accommodated on a secondary basis. Mobilfone contends in its application filed December 6, 1968, that it could add 50 more two-way mobile units per channel on Mobilfone's two high-band VHF channels. Mobilfone's Annual Report (Form L) for 1970 discloses that it has 2,488 paging receivers in operation, assigned to 1,345 customers, as well as 317 two-way subscribers with 416 two-way units. Mobilfone contends (Exhibit 4 to application) that by utilizing a commonly shared signaling channel the RCC's in the Los Angeles area could then offer their customers trunking advantages, which would lead to such an improvement in the use of the two-way VHF channels that from 100 to 200 new customers could be added per channel and 2,100 to 3,000 additional two-way subscribers could, therefore, be accommodated on the seven VHF channels assigned to the area. In order to accomplish the foregoing objective Mobilfone requests a waiver of § 21.505 of the FCC rules and regulations to permit it to operate from a presently authorized location on Mount Wilson 2,845 feet above average terrain without attenuating its signal as presently required. The reason for the waiver request is that if Mobilfone's signal were attenuated in accordance with the rule, its effective radiated power would only be 11.2 watts, which would be insufficient to cover the wide area involved (Mobilfone letter to FCC, dated Dec. 6, 1968). The Mobilfone proposal for use of 152.24 MHz is unique in that none of the other applicants has made such a proposal, or stated a need for such service. The proposal will be considered within the general hearing issue relating to the nature and extent of one-way signaling service proposed to be provided by each applicant.

6. American Mobile Radio, Inc. (American), has its principal office in Long Beach, Calif., and is the licensee of Stations KMD344 and KMA249, authorized to provide one-way signaling service on 35.58 MHz, and two-way radiotelephone service on 152.09 and 454.255 MHz in the DPLMRS in the Long Beach area. American has been in continuous operation in the DPLMRS since 1948. American's Annual Report (Form L) to the FCC for 1969 discloses 72 paging units serving 60 customers and 232 two-way radiotelephone units serving 172 subscribers on KMA249. On KMD344 (35.58 MHz) American serves 238 customers with 314 paging receivers. American contends in its application filed December 9, 1968 (Exhibit 2), that the present congestion on its presently authorized channels has made it impossible to offer selective tone and voice paging which is a service increasingly being sought by the public in the fast growing Long Beach area. American would not only be able to offer this selective service under its proposal, but also would convert its present tone-only paging customers from 152.09 MHz to 152.24 MHz, thus relieving that channel somewhat.

7. Intrastate Radio Telephone, Inc. (Intrastate) filed its application for the 152.4 Guard Band channel on December 16, 1968, and its principal office is in Burbank, Calif. Intrastate is the licensee of Station KMA200 in the DPLMRS providing, primarily, two-way radiotelephone service on three frequencies (152.15, 454.250, and 454.275 MHz), and its Annual Report for 1970 (Form L) states that it is presently serving secondarily 766 paging receivers, assigned to 731 customers; and 417 two-way radiotelephone subscribers who have 485 two-way units. Intrastate's proposed transmitter would be at the same site on Mount Wilson as its presently authorized transmitter; and, like Mobilfone, it requests a waiver of § 21.505 of the FCC rules and regulations to permit operation of the proposed station at 444.5 watts effective radiated power. Intrastate has been operating in the DPLMRS in the Los Angeles area since November 1967. It contends that the power presently permitted under § 21.505 would not permit it to penetrate effectively the structurally shielded downtown Los Angeles area; and it, therefore, would be unable to provide reliable paging service in its service area in excess of 4 million people. Intrastate maintains (Application, Exhibit 4) that authorization of the proposed station would permit it to operate more efficiently by removing its one-way paging service from channels presently authorized for two-way radiotelephone service.

8. Radio Page Communications, Inc. (Radio Page), is located at Orange, Calif., and its application filed November 12, 1968, proposes operation of a radio paging service on the 158.70 MHz Guard Band at four existing transmitter locations operating in a sequential mode. Radio Page is now the licensee of Station KME438 at El Moderno, Calif., in the DPLMRS. Station KME438 serves 602 paging customers with 847 paging units on 35.22 MHz (Annual Report (Form L) (1970)). Radio Page proposes a fully automated and interconnected radio paging service. Accordingly, Radio Page requests a waiver of §§ 21.118(d), 21.205 (h)(3), and 21.208(g)(2) of the rules to permit operation of the proposed base station without either operating personnel on duty and in charge of the base station, or the maintenance of an operational logbook. Radio Page essentially proposes the same type operation as that authorized to Vegas Instant Page, licensee of Station KFL943 in Las Vegas, Nev. Radio Page states (Application Exhibit 3, p. 6) that if it is to survive in a competitive environment it must have in terms of technical sophistication and service capability a tone-only radio paging service comparable to that provided by the local telephone companies on their Guard Band frequencies. Its present low-band AM operation is simply not technically competitive, and Radio Page has had considerable difficulty in obtaining reliable AM tone paging equipment. In view of the automatic type of service proposed Radio Page also requests a waiver of § 21.516 of the FCC rules and regulations relating to the showing required of applicants for additional radio channels.

9. Industrial Communications, Inc. (Industrial), is the licensee of Radio Station KMD990 in the DPLMRS in Los Angeles, Calif. According to its Annual Report (Form L) for 1970, KMD990 provided service, as of December 31, 1970, to 44 paging subscribers with 67 paging units and to 190 two-way radiotelephone mobile units assigned to 133 customers. KMD990 utilizes four base station frequencies (454.15, 454.20, 454.30, and 454.175 MHz) from two mountain top locations, Santiago Peak (Location No. 1) southeast of Los Angeles and Verdugo Peak (Location No. 3) north by east of Los Angeles. From these two locations and from a transmitter located at its office, 1500 West 58th Street, Los Angeles (Location No. 2), service is provided to a wide area in and near Los Angeles. Industrial proposes to provide one-way radio paging service on 158.70 MHz, tone and tone-plus-voice, from Locations Nos. 1 and 2, with the transmitters remotely controlled from 1500 West 58th Street, Los Angeles, by existing microwave radio circuits. Industrial also seeks a waiver of § 21.505 of the FCC rules and regulations to operate the proposed base stations at Locations Nos. 1 and 3 with an effective radiated power (e.r.p.) of 410 watts. Industrial maintains (application Exhibit 6, p. 3, filed Nov. 20, 1968) that under the present rules the allowable e.r.p. from those sites would preclude Industrial from serving those persons to whom it now provides two-way service in the 450 MHz band. Industrial intends to add more transmitters if it is found that they are needed to provide good service within its service area, encompassing about 10 million people.

10. R. L. Mohr, doing business as Advanced Electronics (Mohr) filed his application on December 18, 1968, for a one-way radio paging service on 158.70 MHz. Mohr is presently the licensee of KLF515, providing two-way radiotelephone service at Palos Verdes Estates, Calif. As of December 31, 1969, Mohr was serving two paging customers, and 16 two-way radiotelephone customers with 20 mobile units in the South Bay area of Los Angeles. Mohr's control point is in Torrance, Calif., his transmitter is in Palos Verdes Estates with an antenna directionalized to serve an area encompassing an estimated half million people. Mohr operates in the 450 MHz band and tone-only radio paging equipment is not yet as readily available in that band as 150 MHz equipment; hence the need for authorization to provide radio paging service in the 150 MHz band, in addition to his two-way radiotelephone service.

11. Pomona Radio Dispatch Corp. (Pomona Radio) is the licensee of Radio Station KMD992 in the DPLMRS providing two-way radiotelephone service on a base station frequency of 454.35 MHz to subscribers in the Pomona, Calif., area. Pomona Radio's 1970 Annual Report to this Commission (Form L) states that it

has as of December 31, 1970, 31 paging customers with 31 paging units and 20 two-way radiotelephone customers with 20 mobile units. The paging service is now provided on a secondary basis to the radiotelephone service. The population to be served by Pomona Radio's proposed station is approximately 250,000 with its economy primarily agricultural and industrial; hence, the need for a separate paging service.

12. Each of the applicants appears to be legally, financially, and technically qualified to implement the proposals in their respective applications; and in the absence of conflicting applications would be authorized to do so. There is undoubtedly an unsatisfied demand for one-way paging service in the Los Angeles metropolitan area which should be met now. Of course, the basic question is how this need can best be met within the limits of the two VHF Guard Band channels allocated for this service. Ordinarily the Commission would consider each individual application on its merits and make a comparative evaluation of the applications to determine which two would best be qualified to operate on the two channels. However, there are two developments in this proceeding which should be fully considered in determining it future course. The first is a letter from the Public Utilities Commission of the State of California dated May 2, 1969 (Appendix 1) [14] expressing serious concern that with a number of applicants vying for exclusive licensing on these two frequencies, it could take years to determine to whom they should be granted. With the public need for paging such a delay was considered by the California PUC to be intolerable. This Commission was, therefore, urged to implement procedures to facilitate assignment of these frequencies. While the PUC letter represented a PUC staff view, it is, nevertheless, entitled to considerable weight, inasmuch as the California Commission regulates the rates and practices of licensees in this service. The California PUC staff stated no objection to a sharing of the two channels by all the applicants, such that each licensee would operate its own transmitter and simply use the frequency on a cochannel, time-shared basis with all the other licensees. The PUC staff also stated that the above-described proposal to share channels would not require any action by the California PUC, since the new service would be entirely within the presently certificated areas of the MCCs. If one MCC, or one of its customers, should wish to place a paging call over the transmitter of another MCC charges for such service would be made under new California tariff rates covering transient service and intercarrier arrangements. New rates for transient paging service and for intercarrier agreements would be established in accordance with procedures of the California PUC. It is also the view of the California PUC staff that should two MCC's propose to share a transmitter whose coverage is within both of their service areas no action by the California PUC would be required as a condition precedent to such sharing.

13. The second development which merits consideration is the fact that eight of the nine applicants reached a sharing agreement on April 13, 1971, which appears to be consistent with the views expressed in the California PUC staff letter of May 2, 1969. Under the terms of this sharing agreement all of the applicants, except Mobilfone, agree to waive their Ashbacker rights, except with respect to Mobilfone's application. Secondly, the signatories to the agreement are to share equally in air time on their assigned frequency. Air time is to be divided into increments of not more than 120 seconds duration. At the termination of a transmission, each carrier sends an alerting tone followed by its station identification. The purpose of the alerting tone is to notify the carrier next in sequence of the availability of the frequency. If the frequency is not placed in use within 10 seconds, however, by the next succeeding carrier the frequency would then be free for use by the next carrier, and the process would then repeat itself. The agreement contemplates each carrier installing an automatic system for the storage of tones and messages for transmission in rapid sequence in order to maximize the amount of useful air time on the channel.

14. In order to eliminate interference subaudio tones will be transmitted to deactivate transmitters which are not intended to be in operation during transmission by a particular radio carrier. In addition, each carrier's transmitter will be equipped with a transmit disable switch to shut down the transmitter in the event of improper operation. Finally, an emergency override system will permit the immediate transmission of messages not exceeding ten seconds in duration where the safety of life or property is involved.

15. Each carrier has the right to appoint a single member to a rules committee, which shall have the right to assign calling codes, establish operating rules, and achieve agreement on technical operations. The rules committee also has the right to appoint an arbitration panel of three from its membership, in the event problems arise which cannot be solved by agreement. The findings and conclusions of the arbitration panel shall be binding on all the carriers: *Providing, however*, That any change in the sharing plan shall be subject to FCC approval.

16. In addition to the foregoing, Radio Page agreed to dismiss its application for 152.24 MHz, and that its application for 158.70 MHz be amended to eliminate the proposed transmitter location at Panorama Point. Orange County Radiotelephone agreed in turn to withdraw its objection to the Radio Page application with the amendment of that application, as proposed. Mohr, American, Intrastate, Orange County Radiotelephone, and Pomona Radio all agreed not to oppose the Radio Page application to establish an additional transmitter at Fashion Island, Newport Beach, Calif., on 158.70 MHz, in lieu of the Panorama Point location.

17. This Commission has found time-sharing agreements, such as the one in this case, to be in the public interest.[1] Not only do such agreements entail a much more efficient use of the radio spectrum (where there are competing applicants) than that which can be achieved by exclusive use of specific frequencies by individual licensees, but also permit service to be instituted without the delay inherent in a comparative hearing. The result is that the public benefits by having an efficient service available without undue delay.

18. Despite some 2 years of diligent effort by the Commission staff it has not been possible to achieve unanimous agreement among the applicants to the sharing agreement. Inasmuch as Mobilfone has refused to become a party to the agreement and has not waived its Ashbacker rights a comparative hearing is necessary. However, in designating the matter for hearing, one of the issues will be to determine, in light of the distinct advantages offered by a sharing arrangement, whether the public interest would best be served by a grant of four applications for shared use of 152.24 MHz and the other four applications for shared use of 158.70 MHz. In addition, the Hearing Examiner is authorized and directed to use his good offices to achieve unanimous agreement and thus avoid a hearing which will not only be costly to the parties and the Government, but also delay a much-needed service to the public.

19. As noted above, Mobilfone, Intrastate, and Industrial have requested waivers of § 21.505 of the FCC rules and regulations to permit operation on mountain peaks in the Los Angeles area at higher power than the rule permits. (See paragraphs 5, 7, and 9, supra.) In view of the fact that the power height requested will not significantly change the signal coverage area of the proposed stations, and will result in more efficient use of the radio spectrum, the waivers are hereby granted. Radio Page also requested waivers of §§ 21.118(d), 21.205(h)(3), and 21.208(g)(2) to permit operation of the proposed base station without either operating personnel on duty and in charge of the base station, or the maintenance of an operational logbook (paragraph 8, supra). Since completely automatic operation of the proposed Radio Page station does not appear to be compatible with the sharing agreement which the Commission has found to be in the public interest, it would not appear to be in the public interest to grant the waivers requested by Radio Page; and therefore, the request of Radio Page for waivers of §§ 21.118(d), 21.205(h)(3),

[14] Appendix 1 filed as part of the original document.

[1] See, e.g., FCC letter to Intrastate Radio Telephone, Inc., et al, dated Oct. 1, 1969, Appendix 2, filed as part of the original document.

and 21.208(g)(2) of the FCC rules and regulations is denied.

20. On May 14, 1969, the General Telephone Company of California (General Tel) filed an application for a new one-way radio paging service to operate on 158.100 MHz in Pomona and Ontario, Calif. While there is no frequency conflict between the General Tel application and those of the MCC applicants, nevertheless both the proposed General Tel station and the proposed Pomona Radio station will serve the same area. Pomona Radio, by letter dated June 20, 1969, called this to the Commission's attention and requested that action on the General Tel application be deferred until the pending application of Pomona is acted upon, in order to avoid the possibility of competitive imbalance which would result if General Tel gained a headstart over Pomona Radio. Counsel for Pomona Radio asserted that such action would be consistent with the Commission's Guard Band decision in FCC Docket 16778,[3] affirmed in Radio Relay Corp. v. FCC, 409 F. 2d 322 (2d Cir., 1969).

21. In addition to the Pomona-Ontario application, both General Tel and Pacific Telephone and Telegraph Co. (Pacific Tel) have filed applications for operation of one-way signaling services on 152.84 MHz in the Los Angeles-Pasadena area. Pacific Tel in the cover letter to its application (7383-C2-P(2)-70 filed May 7, 1970) states that it and General Tel have developed a plan to provide one-way signaling service on a cooperative basis in the Los Angeles-Pasadena area. A common dispatch point is contemplated to route calls simultaneously over both companies' base station transmitters. Such an arrangement would furnish maximum utilization of the 150 MHz signaling frequencies allocated for assignment to wire-line carriers in that densely populated area. General Tel in a letter covering its application (File No. 8060-C2-P(3)-70 filed June 1, 1970) confirms the agreement with Pacific Tel and states further that the joint proposal is to provide a total of five transmitters to cover the Greater Los Angeles Metropolitan area, with three to be operated by General Tel and two to be operated by Pacific Tel in their respective service areas. General Tel further states that coordinated engineering design efforts between both companies has resulted in the placement of the five transmitters in such a way that maximum coverage of the Greater Los Angeles Metropolitan area can be achieved which would at the same time eliminate interfering beat tones and overlaps. All five transmitters in the system will operate simultaneously from a common dispatch point, which is a Pacific Tel central office. It would thus appear that there is no conflict between the Pacific Tel and General Tel applications; and, therefore, no comparative hearing is necessary. However, on June 1, 1970, counsel for Intrastate requested this Commission by letter not to grant the Pacific Tel application until it acts on the Intrastate application, so that both carriers will have an equal opportunity to offer paging service in the Los Angeles area at the same time. Intrastate maintains that a competitive imbalance would occur if Pacific Tel should gain a headstart over Intrastate, and this would be a definite possibility if Pacific Tel's application were granted in advance of Intrastate's. Accordingly, Intrastate requests that action on the Pacific Tel application be stayed to carry out the intent of the Commission's decision in Docket No. 16778 to foster equal competitive opportunities for both types of carriers. In addition, Intrastate states that such action would be consistent with the Commission's decision of September 9, 1969 (letter, FCC to Jeremiah Countney, FCC File No. 6867-C2-P(2)-69) which stated, in response to Pomona Radio's request, that joint consideration would be given to the applications of General Tel and Pomona Radio (Files Nos. 6867-C2-P(2)-69 and 3655-C2-P-69, respectively).

22. Pacific Tel, however, by letter dated July 24, 1970, stated to the Commission that it would have no objection to a simultaneous grant of the Pacific Tel and Intrastate applications provided that action on the Pacific Tel application is not delayed merely because processing of the Intrastate application may be incomplete. Pacific Tel asserts in its letter that the Intrastate argument regarding "headstart" is specious because Intrastate is now providing one-way signaling service in the Los Angeles area. Intrastate also cites Radio Relay Corporation v. FCC, 409 F.2d 322 (2d Cir., 1969) in support of its position and maintains further that Pacific Tel is proposing a tone—only service while Intrastate is proposing tone-plus-voice. In addition, Pacific Tel maintains that there is an immediate and urgent need for additional one-way signaling service in the Los Angeles area, and that the radio channels on which Pacific Tel presently furnishes two-way mobile service are highly congested. Pacific Tel also states that many existing and prospective two-way mobile customers could better be served by Pacific's proposed one-way signaling system.

23. While Pacific Tel makes a cogent argument regarding the potential impact that a delay in the commencement of its service may have, the Commission must consider not only the impact of a "headstart" on Pacific Tel and Intrastate, but also how it affects the entire matter of one-way signaling service in the Los Angeles Metropolitan area. The Commission hopes that one-way signaling service can be instituted as promptly as possible in the Los Angeles area; and, therefore, the Examiner is being given complete authority to resolve the impasse involving the non-wire-line carriers, with a view toward avoiding a comparative hearing which would be costly not only to the applicants themselves, but to the public. If the non-wire-line carriers do not resolve their differences and a comparative hearing does become necessary either General Tel, Pacific Tel, or both, may renew the request for an immediate grant, based upon an urgent public need for the one-way service proposed in their respective applications. Any such request must be based upon factual data which will then be given appropriate consideration by the Commission in determining whether the public interest would best be served by the immediate grant of the Pacific Tel and General Tel applications.

24. In view of the fact that Radio Page Communications, Inc.; Industrial Communications, Inc.; Advanced Electronics; and Pomona Radio Dispatch Corp. have entered into an agreement to share the use of the 158.70 MHz one-way signaling channel; and it appearing that each of the foregoing is legally, financially, technically, and otherwise qualified to operate a one-way radio signaling system in its proposed service area; and it also appearing that each applicant has waived its Ashbacker rights with respect to the other applicants; it would, therefore, appear that no useful purpose would be served by holding a comparative hearing to determine which of the foregoing applicants would best serve the public interest.

25. Accordingly, in view of the foregoing, *It is ordered*, That the agreement entered into on April 13, 1971, to operate their respective radio stations on the 158.70 MHz one-way signaling channel on a shared-use basis is approved and the applications of Radio Page Communications, Inc. (File No. 2869-C2-P-69), Industrial Communications, Inc. (File No. 3045-C2-P-69), R. L. Mohr, doing business as Advanced Electronics (File No. 3624-C2-P-69), and Pomona Dispatch Corp. (File No. 3665-C2-P-69) are granted, subject to the condition that construction shall not commence until after close of this proceeding.

26. *It is further ordered*, Pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended (47 U.S.C. § 309 (d) and (e)), that the captioned applications of Mobile Radio System of Ventura, Inc.; Orange County Radiotelephone Service, Inc.; Mobilfone, Inc.; American Mobile Radio, Inc., and Intrastate Radio Telephone, Inc. are designated for hearing in a consolidated proceeding at the Commission offices in Washington, D.C., at a time and place to be specified in a subsequent order.

27. Prior to commencement of the hearing, the Hearing Examiner is authorized and directed to explore, together with the parties, the possibility of resolving the apparent impasse with respect to sharing the use of the 152.24 MHz one-way signaling channel in order to eliminate further hearing and thus bring a new one-way signaling service promptly to a substantial population within the Metropolitan Los Angeles area. In the event that such an agreement is not achieved, and it appearing that Mobile System of Ventura, Inc., Orange County Radiotelephone Service,

[3] 12 FCC 2d 841 (1968), reconsideration denied 14 FCC 2d 269 (1968).

Inc., American Mobile Radio Inc., and Intrastate Radio Telephone, Inc., have agreed to share the use of the 152.24 MHz one-way signaling channel; That the Public Utilities Commission of the State of California, by staff action, has approved such agreements; That the Commission having found such agreements to be in the public interest because they bring needed services to the public without undue delay and also result in more efficient use of the radio spectrum than would be achieved if only a single licensee were permitted to operate on that frequency: *It is further ordered*, That the evidentiary hearing proceed on the following issues:

(1) To determine the nature and extent of services proposed by Mobile Radio System of Venture Inc., Orange County Radiotelephone Services, Inc., American Mobile Radio, Inc., and Intrastate Radio Telephone, Inc., as a group (the group applicants) including the rates, charges, personnel, practices, classifications, regulations, and facilities pertaining thereto.

(2) To determine the nature and extent of the services proposed by Mobilfone, Inc., including the rates, charges, personnel, practices, classifications, regulations and facilities pertaining thereto.

(3) To determine the total area and populations proposed to be served by the group applicants together within all their respective 43 dbu contours, based upon the standards set forth in § 21.504 of the FCC rules and regulations; and to determine the need for proposed service in said areas.*

(4) To determine the area and population to be served by Mobilfone, Inc. within its 43 dbu contour, based upon the standards set forth in § 21.504 of the FCC rules and regulations; and to determine the need for the proposed service in that area.

(5) To determine in light of the evidence adduced on all the foregoing issues whether the public interest, convenience, and necessity will best be served by either a grant of the applications of Orange County Radiotelephone Service, Mobile Radio System of Ventura, Inc.; Inc.; American Mobile Radio, Inc.; and Intrastate Radio Telephone, Inc., together as a group, or a grant of the application of Mobilfone, Inc.

28. *It is further ordered*, That the burden of proof of Issues 1 and 3 is jointly on Mobile Radio System of Ventura, Inc., Orange County Radio Telephone Service, Inc.; American Mobile Radio, Inc.; and Intrastate Radio Telephone, Inc.

29. *It is further ordered*, That the burden of proof on Issues 2, 4, and 5 is on Mobilfone, Inc.

30. *It is further ordered*, That the Chief, Common Carrier Bureau is made a party to this proceeding.

NOTE: Above memorandum opinion and order includes changes contained in errata of July 7, 1971.

Adopted: June 24, 1971.
Released: June 30, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-9883 Filed 7-12-71;8:51 am]

[Docket No. 19256; Transmittal No. 3626]

RCA GLOBAL COMMUNICATIONS, INC.

Optional Deferred Connection Telex Capability; Order Granting Extension of Time

1. In the hearing order in the above-captioned proceeding, released June 9, 1971 (FCC 71-601; 36 F.R. 11677), each of the parties was ordered to submit a statement of their position or views on the specified issues prior to the prehearing conference, but not later than 30 days after the release of the hearing order.

2. Since the release of the hearing order, tariff revisions have been filed by ITT World Communications Inc., Western Union International, Inc., and Cable and Wireless/Western Union International, Inc., which offer a service similar to the service of RCA Global Communications, Inc., which is under investigation in the instant proceeding. In view of the changed circumstances, we feel that it is proper to postpone the July 9, 1971, date on which the above statements of position are due.

3. Accordingly, pursuant to § 0.303(c) of the Commission's rules on delegations of authority: *It is ordered*, That the time for filing the statements of position or views is postponed until a time to be specified by further Commission order.

Adopted: July 6, 1971.

Released: July 6, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] A. C. ROSEMAN,
Chief, International and Satellite Communications Division.

[FR Doc.71-9881 Filed 7-12-71;8:51 am]

[Docket No. 18875; FCC 71-659]

FUTURE LICENSING OF FACILITIES FOR OVERSEAS COMMUNICATIONS

Statement of Policy and Guidelines

1. This proceeding was instituted by Notice of Inquiry issued June 10, 1970, and has as its purpose the development of a policy with respect to the nature and timing of additional facilities to be used in the next decade for communications between the United States and overseas points. Although specific applications for authority to add facilities, consistent with the policy, would still be required, it is hoped that the enunciation of a licensing policy covering a foreseeable future period would reduce uncertainty for interested entities and afford them a more firm basis on which to proceed with their planning than would otherwise be possible.

2. Comments in the inquiry were filed by Communications Satellite Corp. (Comsat), American Telephone and Telegraph Co., RCA Global Communications, Inc., ITT World Communications Inc., Western Union International, Inc., Hawaiian Telephone Co., American Broadcasting Co., Page Communications Engineers, American Communications Association, American Newspaper Publishers Association, and Business Equipment Manufacturers Association. The Commission also had the benefit of the views of the Office of Telecommunications Policy and comments thereon by the various carriers.

3. On June 17, 1971, the Commission convened a public conference with the interested carriers and Comsat for discussion of the several viewpoints reflected by their comments and with specific attention being given to the merits of A.T. & T.'s pending application for an authorization of an SF type 845 circuit cable (TAT-6) to be operational between Europe and the United States beginning about mid-1973.

4. In addition, our staff met in Paris, on February 1-2, 1971, with interested European Administrations and carriers, who are correspondents over the facilities to be installed in the next decade, for which we have a mutual planning responsibility. We believe that the meeting afforded an opportunity for a fruitful exchange of views. Reports were made available to the interested U.S. carriers.

5. At this time, we are ready to formulate our policy regarding the future licensing of transatlantic facilities for this decade. A policy as to other areas will be announced at later dates.

6. In formulating a clear policy on this matter we are, of course, governed by the objectives of section 1 of the Communications Act of 1934, viz., "to make available to all the people of the United States a rapid, efficient * * * world-wide wire and radio communication service with adequate facilities at reasonable charges," and by the objectives of section 102 of the Communications Satellite Act of 1962 "to establish, in conjunction and in cooperation with other countries, as expeditiously as practicable a commercial communications satellite system, as part of an improved global network, * * * which is to be extended to provide global coverage at the earliest practicable date," with care and attention being directed towards providing satellite services to

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* Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in one-way communications service. Propagation data set forth in § 21.204(b) are a proper basis for establishing the location of the service contours (F50, 50) for the facilities involved in this proceeding.

[2] Commissioners Robert E. Lee, Johnson, and Houser absent.

economically less-developed countries and areas as well as those more highly developed. We have also taken careful account of the expressed views and concerns of the European Administrations with respect to transatlantic facilities required during this decade.

7. Upon consideration of the total record in this proceeding, including among other things, the foregoing statutory guidelines and the viewpoints of the foreign administrations, we are of the opinion that our decision herein should be made within the following framework of policy:

(a) The public interest requires that we promote the continued development of both cable and satellite technologies and their most effective and timely applications to meet future requirements for international communications services;

(b) The public interest also requires that we authorize the most modern and effective facilities available via both cable and satellite technology with due regard for efficiency, economy, diversity, and redundancy;

(c) The public interest and due regard for the concerns of the Administrations which operate the foreign end of cables require that care should be taken to minimize the need for imposing artificial formulae to govern the distribution of traffic among available media;

(d) The public interest requires that the economies available from each advance in technology be reflected in charges for service.[1]

8. The data before us indicates general agreement that transatlantic requirements for the balance of the decade will continue to grow at a very rapid rate, about 20–25 percent per year compounded. Thus, presently available facilities will be filled in the next few years. In fact the carriers data, which we consider reliable, indicate that by the end of the 1970's there will be a need well in excess of 20,000 circuits in the Atlantic Basin area. Existing facilities or those under construction will be sufficient to meet only about half of such a demand. Thus, it is clear that we must now plan for additional facilities.[2]

9. In this connection we are aware of the strong support given, particularly by the European Administrations, for additional cable facilities. We are also informed that Canada and the United Kingdom are now in the process of manufacturing a second cable (CANTAT II) with a capacity of 1,840 circuits for service in 1974.

10. As a first step in meeting the aforementioned demand, A.T. & T. has proposed that we authorize an SF type cable with a capacity of 845 circuits (TAT–6) for service some time in 1973. The traffic data available to us indicate that such a cable, involving an investment of some $90 million and having revenue requirements in excess of $200 million over its 24-year expected life, would not meet the projected traffic requirements for any extended period of time. In fact, it would scarcely be sufficient to satisfy 1 year's traffic growth. Furthermore, in the light of the capacity of the Intelsat IV satellites, in excess of 4,000 circuits, it would not provide any appreciable degree of diversity or redundancy.

11. On the other hand, A.T. & T. has been engaged in developing an SG type cable of some 3,500 circuits since the mid-1960's. Under current development schedules this cable, with revenue requirements per circuit of about one-third of those of the SF type cable, would be ready for service in the first quarter of 1976. In addition, such a high capacity cable would provide a full measure of diversity and redundancy for an Intelsat IV satellite. It would also make possible an increase in the number of revenue producing circuit years of Intelsat IV satellites in the Atlantic Basin and thereby reduce average annual revenue requirements for Intelsat.

12. It has been urged that an SF cable is needed in 1973 to provide media diversity, so as to protect against interruption in automatic telephone service (i.e., international direct distance dialing). We have carefully assessed this asserted requirement in the context of the costs and revenue requirements that would be associated with such an SF cable, and the availability of other facilities for transatlantic traffic. The record, however, does not indicate that IDDD will be generally available as early as 1973. Instead, this service will be gradually expanded and will assume greater importance in the latter half of the decade. Further, the availability of an SF type cable in the first half of the 1970's will not significantly add to the continuity of service to the point of having a determining effect upon the initiation and expansion of International Direct Distance Dialing (IDDD).

13. Upon consideration of all the foregoing, we are of the opinion that we should not accept the A.T. & T. proposal for the SF type 845 circuits (TAT–6) cable. Instead, we feel that the criteria set forth above indicate that requirements for service across the Atlantic during the first half of this decade can best be met by existing cable and satellite facilities supplemented by two additional Intelsat IV satellites in orbit, one to be a spare and one operational to handle projected traffic growth, already planned for this time frame. A high capacity SG type cable available for service by or before 1976 would be needed so as to supplement then existing cable and satellite facilities to accommodate projected growth in circuit requirements, and to provide the diversity and redundancy needed to assure continuity of service. Accordingly, we are hereby advising the carriers of our readiness to grant now an application for a TAT–6 SG type, 3,500 circuits, cable. We expect the carriers to file an application for such a cable promptly, and to install and make it operational as quickly as possible. To this end, we also expect the carriers to negotiate appropriate arrangements with their foreign correspondents as soon as possible.

14. Presently foreseeable schedules for the installation of such a cable indicate that the Intelsat IV satellites and the transatlantic cables will be reasonably filled when the SG cable becomes operational. Under such circumstances, we do not believe that we should prescribe any fixed or rigid formulae for the rate or manner in which cables and satellites should be filled. Instead, we will authorize implementation of needed circuit facilities in line with the proposals of the European Administrations looking toward maintenance of reasonable parity between cable and satellite circuits on transatlantic routes. Such a course would assure maintenance of needed diversity between facilities as well as between media.

15. We believe that this statement of policy affords the latitude and flexibility which our carriers require to plan, in association with their foreign correspondents, the transatlantic facilities for the balance of this decade. We expect the carriers, in association with their correspondents, to formulate proposals for the deployment of both satellite and cable facilities in a manner which will utilize effectively all advances in technology[3] so as to make available an efficient and economic system of communications with due regard for considerations of redundancy and diversity.

We therefore conclude that:

(a) A 3,500-circuit (SG) transatlantic cable, available for use as promptly as possible, would meet the policy criteria formulated above.

(b) An additional 845 circuit (SF) transatlantic cable, in view of other alternatives discussed herein, would not satisfy the policy criteria set forth above and the application will therefore be dismissed without prejudice to the prompt filing of an application for an SG type TAT–6 cable.

(c) The requirements for service across the Atlantic until the SG cable is installed and operational can best be met by existing cable and satellite facilities supplemented by aforementioned two additional Intelsat IV satellites already planned for this time frame.

[1] Comsat has represented to the Commission that it is ready to implement rate reductions primarily to reflect the economies of satellite technology. We expect Comsat to file appropriate tariffs effective no later than July 1, 1971, to effectuate the reductions not less than those set forth in the memorandum attached to its letter to the Commission, dated May 26, 1971.

[2] See attached chart for a graphic presentation of forecasts of demand and facilities needed to meet this demand, chart and accompanying notes filed as part of the original document.

[3] We are aware that Intelsat is formulating plans for an Intelsat V with considerably higher capacity to replace the present Intelsat IV generation when it has completed its design life. A.T. & T. has stated that it is working on the development of an SH cable with a projected capacity of some 14,000 circuits.

NOTE: Above statement of policy and guidelines includes changes contained in errata of July 7, 1971.

Adopted: June 24, 1971.

Released: June 25, 1971.

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

[FR Doc.71-9880 Filed 7-12-71;8:51 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 102]

IMPERIAL CORPORATION OF AMERICA

Notice of Receipt of Application for Approval of Acquisition of Control of Columbus Savings and Loan Association

JULY 8, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Imperial Corporation of America, San Diego, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Columbus Savings and Loan Association, San Francisco, Calif., an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of the guarantee stock of Columbus Savings and Loan Association for stock of Imperial Corporation of America. Following the proposed acquisition, Imperial Corporation proposes to merge Imperial Savings and Loan Association of the North, an insured subsidiary of Imperial Corporation into Columbus Savings and Loan Association. Comments on the proposed acquisitions should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-9867 Filed 7-12-71;8:50 am]

FEDERAL MARITIME COMMISSION

GULF/MEDITERRANEAN PORTS 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, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John T. Crook, Chairman, Gulf/Mediterranean Ports Conference, Suite 927, Whitney Building, New Orleans, LA 70130.

Agreement No. 134-35, between the member lines of the Gulf/Mediterranean Ports Conference, modifies Article 21 of the basic agreement by levying an assessment of $250 per voyage on each carrier loading a full cargo in bulk without mark or count plus an option of loading in addition to bulk cargoes a maximum of 150 weight tons of general cargo carried on deck: *Provided*, That general cargo is assessed the same fee as any other general cargo moving within the assessment period.

Dated: July 7, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9871 Filed 7-12-71;8:50 am]

RUMANIA/U.S. ATLANTIC 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, DC 20573, within 30 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:

P. J. Warmstein, Secretary, Rumania/U.S. Atlantic Rate Agreement, American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, NY 10004.

Agreement No. 9577-3 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: July 7, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9872 Filed 7-12-71;8:50 am]

SALONIKA (YUGOSLAV CARGO)/U.S. ATLANTIC 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

[*] Commissioner Johnson concurring in the result; Commissioners Bartley and Wells concurring and issuing statements filed as part of the original document; Commissioner Robert E. Lee absent.

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:

P. J. Warmstein, Secretary, Salonika (Yugoslav Cargo)/U.S. Atlantic Rate Agreement, American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, NY 10004.

Agreement No. 9461-5 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: July 7, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9870 Filed 7-12-71;8:50 am]

[Docket No. 71-68]

HAWAIIAN FREIGHT SERVICE, INC.

Increases in Rates in the New York/Hawaiian Trade; Order of Investigation and Suspension

Hawaiian Freight Service, Inc., has filed with the Federal Maritime Commission Fifth Revised Page No. 8 to its Tariff FMC-F No. 2 to become effective July 12, 1971. This page increases the rates on "General Commodity" from Brooklyn, N.Y., to Hawaii.

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

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Fifth Revised Page 8 to Tariff FMC-F No. 2 is suspended and the use thereof deferred to and including November 11, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Hawaiian Freight Service, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until November 12, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provisions of Rule 12(h) which requires leave of the Commission to require admissions of fact and genuineness of documents if notice thereof is served within ten days of commencement of the proceeding, is similarly waived;

It is further ordered, That Hawaiian Freight Service, Inc., be named as respondent in this proceeding;

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

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of time and place of the hearing.

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

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9868 Filed 7-12-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-311]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JULY 2, 1971.

Take notice that on June 24, 1971, Arkansas Louisiana Gas Co. (applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP71-311 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition from the Bromet Co. (Bromet) and operation of certain natural gas pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to acquire by purchase from Bromet approximately 3.7 miles of 6-inch pipeline and appurtenances extending from applicant's Line L to Bromet's industrial plant each of which are located in Columbia County, Ark. These facilities were constructed by applicant for Bromet when natural gas service to the bromine extraction plant was initiated. The cost of this construction was borne by Bromet but a provision in the natural gas purchase contract between the parties provides that if Bromet extends the term of the contract applicant will purchase these facilities. Bromet has elected to extend the term of the contract.

Applicant states that the facilities will be acquired at a cost of $52,609.80, and that they will be employed only to continue the delivery of natural gas to Bromet.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 26, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9825 Filed 7-12-71;8:45 am]

[Docket Nos. RI72-1—RI72-4]

CONTINENTAL OIL CO. ET AL.

Order Granting Rehearing, Permitting Rate Filing and Suspending Rates

JULY 2, 1971.

Continental Oil Co., Docket No. RI72-1; Sun Oil Co., Docket No. RI72-2; M. H. Marr, Docket No. RI72-3; and General Crude Oil Co., Docket No. RI72-4.

Continental Oil Co., Sun Oil Co., M. H. Marr and General Crude Oil Co. (applicants) on June 3, 1971, filed a joint petition for rehearing of the Commission's letter orders issued May 6, 1971, rejecting proposed rate increases for sales for natural gas to Texas Eastern Transmission Corp. from the Rayne Field, Acadia Parish, La.[1] Applicant's Rayne Field lease-sale agreements were the subject of the Commission's Opinion No. 565, 42 FPC 376, issued August 6, 1969, and Opinion No. 565-A, 44 FPC —— issued September 29, 1970, in which the Commission prescribed a formula price for the Rayne Field gas based on 20 cents per Mcf at 15.025 p.s.i.a. The Rayne Field case is now before the Court of Appeals for the District of Columbia circuit, Public Service Commission of New York, et al. v. F.P.C., No. 24716 et al.

On April 7, 1971, Applicants filed notices of change in rate under their respective FPC Gas Rate Schedules for the sale of the Rayne Field gas proposing an increase in price to 22.375 cents per Mcf purportedly pursuant to Order No. 413, 44 FPC ——, issued October 27, 1970, as amended by order issued December 24, 1970, 44 FPC ——, which was also issued in Area Rate Proceeding (Southern Louisiana), Dockets Nos. AR61-2 and AR69-1.

On October 27, 1970, Order No. 413 terminated the rate filing moratorium provisions of the Southern Louisiana Area Proceeding, 41 FPC 299, Opinion No. 546-A, issued March 20, 1969. On the same date the Commission issued an order in Docket No. AR69-1 providing that increased rate filings made within 30 days by producers with respect to sales in southern Louisiana would become effective 75 days after the date of issuance of the order to give the pipelines opportunity to file tracking increases. Producer filings made thereafter would be subject to the normal Commission suspension procedure. It was also provided that notwithstanding any condition to the contrary in any authorization issued with respect to any sale by a producer in the southern Louisiana area, the producer might file for any contractually authorized increase. The order of December 24, 1970, prohibits any increased rate filing for onshore contracts dated prior to October 1, 1968, as was the case here, in excess of 22.375 cents per Mcf.

In their petition for rehearing, applicants argue that the Commission erred in rejecting the rate changes on the ground that the proposed settlement in the southern Louisiana area rate proceedings was still pending, for, they say, their rate increase filing is based on Order No. 413, and the order of December 24, 1970. They point out, correctly, that there is no limitation in these orders making them applicable only to certain producers or certain sales and excluding the Rayne Field sales to Texas Eastern. They contend that any such limitation would be unduly discriminatory, unreasonable, and unlawful under the Natural Gas Act, and under the Fifth Amendment to the U.S. Constitution. Applicants further argue that there is no valid distinction between the subject Rayne Field sales and other sales of natural gas by other producers in the Southern Louisiana area, relying on the decision of the Supreme Court in UGI v. Continental Oil Co., 381 U.S. 392 (1965) holding the Rayne sales to be sales of natural gas in interstate commerce. They add that they are prejudiced in deferral of their rights to collect the 22.375 cents per Mcf rate.

The applicants should not be denied the rights of other producers in the southern Louisiana area, but neither should there be prejudice to the effectuation of whatever order should become ultimately final. The lease-sale arrangement provided for the sale of the Rayne Field reserves for a fixed amount payable in part at the time of the conveyance and in part, through notes, over a period of years. Although in Opinion No. 565-A this arrangement was modified to make it economically equivalent of a conventional sale, a dissenting view that the original conveyance should be certificated was also articulated. Thus under Opinion No. 565-A the applicants were to sell their gas at the price of 20 cents less costs borne by Texas Eastern that would normally be borne by the producers, plus net receipts for liquids and salvage that would ordinarily accrue to the producers.

Opinion No. 565-A also stated the intention to provide fair and equal treatment for all those regulated and added that it was essential that the four producers involved should be afforded the same treatment as would be given to all other producers in southern Louisiana. While reference was made to the just and reasonable rates that would flow out of the settlement as governing, in the later December 24, 1970, order, the Commission permitted southern Louisiana producers in the category of the applicants here to file rates up to 22.375 cents. It would be unfair to prevent the applicants from making the same filings.

In reaching this conclusion we are aware that the Rayne Field proceedings are now before the Court of Appeals of the District of Columbia. Whatever we do here may be subject to the determinations made by that court or the Supreme Court as such determination may apply to the orders of the Commission.

We shall therefore treat the filings by applicants here as properly filed on April 7, 1971, and we shall substitute in place of the letter orders rejecting the filings the present order, which, in accordance with Commission practice in the southern Louisiana area, will suspend the filed rates for a period ending 45 days from the date of filing subject to hearing. Contrary to the contentions of the applicants in their filings the proposed 22.375 cent rate should be considered an increase over the 20-cent rate prescribed in Opinion 565-A, although subject to adjustments in accordance with the formula there used.

The copies of the rate filings submitted on April 7, 1971, and returned by our letter of May 6, 1971, should be returned to the Commission.

The Commission further finds:

(1) It is necessary and appropriate in the administration of the Natural Gas Act that rehearing be granted of the letter orders issued to applicants on May 6, 1971, and the applicants' rate filings of April 7, be permitted to be filed as of that date.

(2) It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Rehearing is granted with respect to the letter orders issued to applicants on May 6, 1971; such orders are hereby voided; and the present order is substituted therefor.

(B) Applicants' filings made on April 7, 1971, with respect to the rate for the Rayne Field gas are hereby permitted to be filed as that date in accordance with the Commission orders of October 27 and December 24, 1970, in Dockets Nos. R-394, AR61-2, and AR69-1 subject to the provisions of our regulations and the Natural Gas Act.

(C) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(D) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until May 22, 1971. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the

[1] Involved are Continental's Rate Schedule No. 318, Sun's Rate Schedule No. 209, Marr's Rate Schedule No. 11, and General Crude's Rate Schedule No. 10.

respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-9826 Filed 7-12-71;8:45 am]

[Docket No. CI71-612]

GULF OIL CORP.

Order Postponing Formal Hearing and Setting Date for Responsive Testimony

JULY 2, 1971.

On February 25, 1971, Gulf Oil Corp. (Gulf) filed an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon a percentage-type sale of casinghead gas to Sid Richardson Gas Co., a division of Sid Richardson Carbon and Gasoline Co. (Richardson), from certain Gulf leases in the Keystone Field Area, Winkler County, Tex. On March 16, 1971, Cabot Corp. filed a petition for leave to intervene and requested to be admitted as a party to formal hearings, if held. On March 22, 1971, Perry R. Bass (Operator) et al. (Bass) and Richardson filed petitions to intervene and requested alternatively an order dismissing or denying Gulf's application without formal hearing or, should its first request be denied, an order requiring a formal hearing and allowing Bass and Richardson to participate as parties. Phillips Petroleum Co. filed a petition for leave to intervene on March 22, 1971, and El Paso Natural Gas Co., on March 29, 1971.

By order issued June 9, 1971, all the foregoing companies were permitted to intervene. August 3, 1971, was set as the date for formal hearing. Gulf and any supporting intervenor(s) were ordered to file with the Commission and serve on all other parties and the Commission staff their proposed evidence on or before July 13, 1971.

Pursuant to § 1.14(c)(2) of the Commission's rules of practice and procedure, Richardson and Bass filed a joint motion dated June 3, 1971, for postponement of the hearing until September 6, 1971, or any later date convenient to the Commission, the other parties, and their attorneys. The joint motion stated that Mr. Cecil E. Munn, the only attorney of record for both Richardson and Bass, would be out of the country and would be unable to attend the Commission hearing on August 3, 1971.

Gulf filed its response dated June 14, 1971, stating that it had no objection to Bass and Richardson's motion for postponement: *Provided*, That, for the purpose of expediting this proceeding, they and other intervenors opposing Gulf's application for abandonment be required by amendment to the order of June 9, 1971, to file their responsive testimony and exhibits on or before August 16, 1971.[1] In a response dated June 15, 1971, Bass and Richardson opposed Gulf's motion for amendment on the grounds (1) that their responsive evidence could not be prepared with intelligence and brevity until Gulf's testimony has been subjected to cross-examination, and (2) that requiring the responsive testimony to be served on August 16, 1971, would not allow sufficient time for study of Gulf's testimony and preparation of responsive testimony after the return of counsel for Bass and Richardson on August 9, 1971.

The Commission finds:

(1) Postponement of the hearing in this proceeding until September 7, 1971, is convenient and necessary for the parties and their attorneys.

(2) The expeditious disposition of this proceeding will be effectuated by the submission by intervenors opposing Gulf's application for abandonment, of their responsive testimony and exhibits, if any, on or before August 25, 1971.

The Commission orders:

(A) The hearing in this proceeding originally set for August 3, 1971, entitled Gulf Oil Corp., Docket No. CI71-612, is hereby postponed until September 7, 1971, on which date a formal hearing shall be convened in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, at 10 a.m., e.d.s.t. The Chief Examiner shall designate an appropriate officer of the Commission to preside at this hearing pursuant to the Commission's rules of practice and procedure.

(B) Intervenors opposing Gulf's application for abandonment shall file with the Commission and serve on all other parties and the Commission staff their responsive testimony and exhibits, if any, on or before August 25, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-9827 Filed 7-12-71;8:45 am]

[Docket No. E-7641]

MISSISSIPPI POWER & LIGHT CO.

Notice of Application

JULY 1, 1971.

Take notice that on June 16, 1971, Mississippi Power & Light Co. (applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to lease certain electric transmission facilities from South Mississippi Electric Power Association (Association).

Applicant is incorporated under the laws of the State of Mississippi with its principal business office at Jackson, Miss., and is engaged in the electric utility business in parts of 45 of the 82 counties in the State.

The Association is an electric power association organized under the laws of Mississippi and owns and operates other facilities for the generation, transmission, and sale of electric energy.

The applicant proposes, subject to regulatory approval, to perform its agreement of March 22, 1971, with the Association to lease, operate, and maintain approximately 12.59 miles of 115 kv. transmission line to be located in Wilkinson County, Miss.

Applicant will pay a monthly lease rental equal to 0.6333 percent of the original cost of said line. The term of the lease is 35 years.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 23, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-9818 Filed 7-12-71;8:46 am]

[Docket Nos. CP71-237, CI71-714]

PANHANDLE EASTERN PIPE LINE CO. AND PAN EASTERN EXPLORATION CO.

Order Consolidating Applications, Granting Interventions, and Fixing Date of Hearing

JUNE 30, 1971.

On April 1, 1971, pursuant to section 7 of the Natural Gas Act, Panhandle Eastern Pipe Line Co. (Panhandle) and Pan Eastern Exploration (Exploration), a newly formed and wholly owned subsidiary of Panhandle, filed a joint application in Docket No. CP71-237 for a certificate of public convenience and necessity authorizing Panhandle to abandon all of its gas production properties and related production facilities and to transfer the same by sale to Exploration. Concurrent with the filing in Docket No. CP71-237, Exploration filed an application in CI71-714 for a certificate of public convenience and necessity authorizing it to sell gas to Panhandle from various fields located in Kansas, Oklahoma, and Texas. Exploration also requests authorization to continue, as successor in interest, sales

[1] On June 22, 1971, Cabot Corp. filed a response adopting and supporting, in the event postponement is granted, Gulf's motion.

currently being made by Panhandle to Northern Natural Gas Co. (Northern) and Colorado Interstate Gas Co. (CIG) pursuant to certificates previously issued by the Commission in Docket Nos. CP61–77, CP63–24, and CP71–99.

Notice of the application in Docket No. CP71–237 was issued on April 9, 1971 (published April 16, 1971, 36 F.R. 7287), providing that April 30, 1971, would be the final date for the filing of protests or petitions to intervene. Notice of the application in Docket No. CI71–714 was issued on April 21, 1971 (published April 29, 1971, 36 F.R. 8080), providing that May 13, 1971 would be the final date for the filing of protests or petitions to intervene in that case.

Petitions to intervene in these proceedings have been timely filed by Northern Indiana Public Service Commission, Central Illinois Light Co., Michigan Consolidated Gas Co., Michigan Gas Storage Co., Illinois Power Co., Michigan Public Service Commission, East Ohio Gas Co., Indiana Gas Co., Inc., Central Indiana Gas Co., Inc., Kokomo Gas and Fuel Co., and the cities of Fulton and Macon, Mo., and the Illinois Municipal Utilities Association.

The Commission finds:

(1) It is desirable and in the public interest to consolidate the applications in Dockets Nos. CP71–237 and CI71–714.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these proceedings in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) The expeditious disposition of this proceeding will be effectuated by the submission of applicants' cases-in-chief, including all direct testimony and exhibits, on or before August 9, 1971.

(4) The expeditious disposition of these proceedings will be further effectuated by holding a hearing on September 7, 1971.

The Commission orders:

(A) The applications in Dockets Nos. CP71–237 and CI71–714 are hereby consolidated.

(B) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(C) Panhandle and Exploration shall file and serve their cases-in-chief, including all direct testimony and exhibits, on or before August 9, 1971, upon the Commission, the Commission staff and all parties to this proceeding.

(D) A public hearing on the issues presented in the applications in these cases will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, commencing at 10 a.m., e.d.s.t., on September 7, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-9821 Filed 7-12-71;8:46 am]

[Docket No. RP71-29]

UNITED GAS PIPELINE CO.

Order Deferring Final Ruling on Motion for Interlocutory Order and Providing for Evidentiary Hearing

JULY 2, 1971.

Pursuant to § 1.12 of the Commission's rules of practice and procedure, a joint motion was filed on June 1, 1971 by Mississippi River Transmission Corp., Natural Gas Pipeline Company of America, Southern Natural Gas Co., Texas Eastern Transmission Corp., and Texas Gas Transmission Corp. (Pipeline Intervenors) in the above captioned docket requesting that the Commission issue an interlocutory order requiring United Gas Pipeline Co. (United) to cease pendente lite the unauthorized and discriminatory aspects of its summer curtailment plan which has been in effect since April 1, 1971, and which will continue through October 31, 1971.

Pipeline Intervenors submit that (1) the 3 percent and 8 percent "growth factors" used to establish the base requirements of United's city gate and power plant customers for its summer curtailment program are not authorized by the curtailments provision of United's tariff and unduly discriminate against the Pipeline Intervenors, and (2) United has also discriminated against the Pipeline Intervenors by not applying its curtailment program to deliveries of gas to its customers in the New Orleans area.

Pipeline Intervenors contend that the relief they seek would to the extent possible (a) maintain the status quo for all of United's customers pending a final Commission determination in this proceeding, and (b) avoid irreparable harm to Pipeline Intervenors caused by the permanent loss of gas supply resulting from United's providing growth to its city gate and powerplant customers. They aver that to await a final order in this proceeding, currently in hearing, would result in a fait accompli by force of United's implementation of its summer curtailment plan.

Pipeline Intervenors allege that for the purposes of United's summer curtailment program their "base requirements" were frozen at the level of their 1970 actual takes while the "base requirements" of United's city gate and powerplant customers contain 3 percent and 8 percent "growth factors" respectively which were added to those customers adjusted 1970 actual takes. This difference in treatment, it is claimed, results in Pipeline Intervenors being curtailed during the summer while United has increased deliveries to its city gate and powerplant customers by 8,422,288 Mcf. Pipeline Intervenors contend that this situation is unlawful under sections 4 and 5 of the Natural Gas Act and request that the Commission issue an interlocutory order requiring United to cease pendente lite the unauthorized and discriminatory aspects of its summer curtailment program.

Pipeline Intervenors also contend that United has discriminated against them by not applying its summer curtailment program to United's customers in the New Orleans area. In support of this contention, Pipeline Intervenors refer to operations of United's 1970–71 winter curtailment program and state that they have reason to believe that United is continuing to discriminate in connection with the implementation of its summer curtailment program. Pipeline Intervenors request that the Commission issue an interlocutory order requiring United to file weekly curtailment reports during the pendency of this proceeding, which reports would include a full explanation of any departures from United's filed system-wide curtailment program.

On June 11, 1971, United filed its answer to the motion of Pipeline Intervenors. United argues that its tariff requires it to serve the full needs, within the contract limits, of direct and indirect domestic loads during periods of gas shortage before direct and indirect industrial loads are served. Further, the "growth factors" referred to in Pipeline Intervenors motion were designed to insure that the domestic loads of city gate and power plant customers are fully served this summer. In explanation of why no growth factor was applied to the Pipeline Intervenors base volumes, United states that the base volume of those customers were set virtually at the contract limits.

In response to Pipeline Intervenors allegations that United is discriminatory in its application of its summer curtailment program to its New Orleans customers, it states that their New Orleans customers are being curtailed on exactly the same basis as the rest of United's customers and that the facts alleged in Pipeline Intervenors motion are incorrect. Additionally, according to United, access to necessary records has been afforded all parties to this proceeding and therefore no reason exists for United to make special reports as requested by Pipeline Intervenors.

Eleven filings, comprising 16 companies, were made in response to the June 1 motion of Pipeline Intervenors. Eight companies would have the motion granted [1] (five filings) and eight com-

[1] Consolidated Gas Supply Corp., Container Corporation of America, Marquette Cement Manufacturing Co., Masonite Corp., Monsanto Co., Public Service Commission of New York, The Manufacturers Light and Heat Co., and The Ohio Fuel Gas Co.

panies would have the motion denied[2] (six filings). Those companies that would have the motion granted essentially argue as Pipeline Intervenors while the arguments of those companies who would have the motion denied essentially follow the arguments presented by United in its response.

After a full review of the pleadings herein, we believe that an expeditious hearing should be accorded the Pipeline Intervenors so that they may establish on an evidentiary record the facts relied upon for the extraordinary relief being sought. We shall therefore defer ruling on the motion pending such evidentiary presentations as the parties to these pleadings deem appropriate in support of their respective contentions.

Since hearings in the instant docketed proceedings are currently in progress, we shall order that the Presiding Examiner, at the earliest possible date consistent with an orderly procedure, provide the parties to the motion the opportunity referred to above. The Pipeline Intervenors may then renew their motion attaching thereto a memorandum brief citing their evidentiary support. Parties responding to the renewal of the motion may do likewise. Conjunctively, upon request of the moving party, the Examiner shall certify to the Commission that portion of the record deemed necessary to a proper disposition of the motion.

The Commission orders:

The Presiding Examiner shall, within the context of the instant proceeding and as expeditiously as an orderly procedure will permit, hear evidence and cross-examination relative to the motion filed by the Pipeline Intervenors.

By the Commission.[3]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-9828 Filed 7-12-71;8:45 am]

[Docket No. E-7643]

UPPER PENINSULA POWER CO.

Notice of Application

JULY 1, 1971.

Take notice that on June 21, 1971, Upper Peninsula Power Co. (applicant), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue unsecured promissory notes not to exceed $5 million face value at any one time outstanding.

The applicant is incorporated under the laws of the State of Michigan with its principal business office at Houghton, Mich., and is engaged in the electric utility business in a 4,460 square mile area in the upper Peninsula of Michigan with a population of approximately 142,000.

The applicant proposes to issue unsecured promissory notes, payable to such bank or banks from which the company may borrow funds for periods not exceeding 12 months from the date of original issue or renewal thereof, as the case may be, such notes, issued either originally or upon renewal from time to time, to have maturity dates not later than June 30, 1974.

The interest rate on the Notes to be issued to commercial banks not for resale to the public will be at a rate not exceeding one-half of 1 percent over the prime rate in effect at the time of the borrowing or renewal or extension of the loan, as the case may be, meaning by "prime rate" the lowest rate at which the banks to whom the notes are payable are then making short-term commercial loans to depositors.

The proceeds from the sale of the notes will be used, pending permanent financing, to finance a portion of the applicant's construction program. Applicant's 1971 construction program has an estimated cost of $2,480,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 23, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-9819 Filed 7-12-71;8:46 am]

[Docket No. E-7627]

WISCONSIN PUBLIC SERVICE CORP.

Order Providing for Hearing, Suspending Proposed Rate Schedules, and Providing Hearing Procedure

JUNE 30, 1971.

Wisconsin Public Service Corp. (WPSC) on April 27, 1971, tendered for filing proposed changes in its FPC Rate Schedule to become effective as of July 1, 1971.[1] The proposed rate changes, based on a cost of service study for the 12-month period ending June 30, 1972, as adjusted, would increase WPSC's charges for its wholesale rates by approximately $655,000 per annum.

WPSC states that the rate increase is required due to rapidly rising financial and operating costs experienced in recent years. WPSC includes a claimed allowance for return of 8.67 percent overall.

Review of the rate filing indicates that issues are raised which require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Notice of proposed rate schedule changes was issued on May 4, 1971 (36 F.R. 8712). The last day for the filing of notices and petitions to intervene was May 26, 1971. Timely notices and petitions were made by several customers and the Public Service Commission of Wisconsin.

The Commission finds:

(1) It is necessary and proper in the public interest to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in WPSC's FPC rate schedules, as proposed to be amended herein, and that the proposed rate schedules listed in Attachment A be suspended, and the use thereof deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, including sections 205, 206, 308, and 309 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing commencing with a prehearing conference shall be held on October 19, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in WPSC's FPC rate schedule, as proposed to be revised herein.

(B) Pending such hearing and decision thereon, WPSC's revised rate schedules listed in Attachment A below are hereby suspended and the use thereof deferred until December 1, 1971.

(C) WPSC shall file its case-in-chief with the Commission no later than August 16, 1971. Staff will serve its direct case no later than November 1, 1971. Intervenors will serve their direct cases no later than November 15, 1971. WPSC's rebuttal evidence shall be served no later than November 29, 1971. Cross-examination of the evidence shall commence December 9, 1971. The Presiding Examiner, upon a showing of good cause, may grant such extensions of time as he deems appropriate.

(D) Increased rates and charges found by the Commission in this proceeding to be unjustified shall be refunded and shall bear interest at the rate of 6 percent per annum from the date of payment to WPSC until refunded. WPSC shall bear all costs of refunding;

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[2] Clarke-Mobile Counties Gas District, Gulf States Utilities Co., Mississippi Power and Light Co., Mississippi Valley Gas Co., Mobile Gas Service Corp., Shell Oil Co., South Mississippi Electric Power Association, and United Gas Pipe Line Co.

[3] Commissioner Walker not participating.

[1] The proposed revised rate schedule filed is Third Revised Sheet No. 1, Schedule W-1. See Attachment A for FPC rate schedule designation and customers.

shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges effective at the termination of the suspension period; and shall file with the Commission a monthly written report for each billing period in duplicate and under oath such report shall set forth: (1) The billing determinants of electric power and energy sold and delivered to the municipal customers during the billing period; (2) the revenues resulting from such sale and delivery computed under WPSC's present rate schedules and under its proposed rate schedules and shall show the differences in the revenues so computed.

(E) The Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedures.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

ATTACHMENT A

WISCONSIN PUBLIC SERVICE CORPORATION

Rate Schedule Designations

Instrument: Schedule W–1.

Filing date: April 27, 1971.

Designation	*Customer*
Supplement No. 3 to Rate Schedule FPC No. 3 (supersedes Supplement No. 2 to Rate Schedule FPC No. 3).	Algoma, Wis.
Supplement No. 3 to Rate Schedule FPC No. 6 (supersedes Supplement No. 2 to Rate Schedule FPC No. 6).	New Holstein, Wis.
Supplement No. 3 to Rate Schedule FPC No. 7 (supersedes Supplement No. 2 to Rate Schedule FPC No. 7).	Stratford, Wis.
Supplement No. 4 to Rate Schedule FPC No. 9 (supersedes Supplement No. 2 to Rate Schedule FPC No. 9).	Two Rivers, Wis.
Supplement No. 3 to Rate Schedule FPC No. 13 (supersedes Supplement No. 2 to Rate Schedule FPC No. 13).	Sturgeon Bay, Wis.
Supplement No. 2 to Rate Schedule FPC No. 24 (supersedes Supplement No. 1 to Rate Schedule FPC No. 24).	Eagle River, Wis.
Supplement No. 2 to Rate Schedule FPC No. 25 (supersedes Supplement No. 1 to Rate Schedule FPC No. 25).	Daggett, Mich.
Supplement No. 2 to Rate Schedule FPC No. 27 (supersedes Supplement No. 1 to Rate Schedule FPC No. 27).	Stephenson, Mich.

[FR Doc.71-9822 Filed 7-12-71; 8:46 am]

[Docket No. AR64-2, etc.]

TEXAS GULF COAST AREA RATE PROCEEDING ET AL.

Order Granting Rehearing for the Purpose of Further Consideration

JULY 1, 1971.

On May 6, 1971, the Commission issued Opinion No. 595 and its accompanying order providing for area rates in the Texas gulf coast area, quality standards and adjustments for deviations therefrom, refunds of amounts collected in excess of the applicable area rates, incentives to encourage the finding and dedication of additional reserves of natural gas to interstate commerce, and a moratorium upon the filing of rate increases exceeding the applicable area rates.

Timely applications for rehearing were filed by Blanco Oil Co., Continental Oil Co., Mrs. James R. Dougherty et al., United Distribution Co., Superior Oil Co., Hunt Oil Co. et al., Texaco, Inc., Mobil Oil Corp., Finley Co. et al., Tennessee Gas Pipeline Co. (Tennessee), Amoco Production Co. (Amoco), the Major Producer Group (Humble Oil & Refining Co. et al.), the State of Texas, and Public Service Commission of the State of New York (PSCNY).

Solely to permit the Commission to give full and adequate consideration to the issues presented in the various applications we grant the applications for rehearing. No answering filings are required unless later order of the Commission may so provide.

The Commission orders: The applications for rehearing with respect to our Opinion No. 595 are hereby granted for the purpose of adequate consideration of the issues.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-9820 Filed 7-12-71;8:46 am]

FEDERAL RESERVE SYSTEM

ALAMO BANCSHARES, 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)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Alamo Bancshares, Inc., San Antonio, Tex., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The Alamo National Bank of San Antonio, San Antonio, Tex.

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 Dallas.

By order of the Board of Governors, July 7, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-9851 Filed 7-12-71;8:48 am]

FIRST NATIONAL CHARTER 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)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First National Charter Corp., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Citizens Bank, Belton, Mo.

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 Kansas City.

By order of the Board of Governors, July 7, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-9852 Filed 7-12-71;8:48 am]

CORPUS CHRISTI BANK AND TRUST CO.

Notice of Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)), by the Corpus Christi Bank and Trust Co., Corpus Christi, Tex. (Corpus Christi Bank), for a determination that, with respect to certain sales of shares of First National Bank of Taft, Taft, Tex. (Taft Bank), to certain individuals, Corpus Christi Bank is not in fact capable of controlling the transferees. The transferees include Roger T. Powell, J. C. Ermis, Max M. Floerke, Jr., Roy James Floerke, F. G. Gabril, Keith Guthrie, H. G. Ritchie, Jr., W. J. Worsham, Thomas M. Reding, and John B. LaGue, all of whose purchases of Taft Bank stock were financed by Corpus Christi Bank. The transferees also include Ivan Wilson and James T. Denton, Jr., who are stockholders, directors, and officers in Corpus Christi Bank.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or by any company which, but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor, or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than thirty (30) days after the publication of this notice and order in the FEDERAL REGISTER. The request for hearing should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testimony at such hearing. The Board will subsequently designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferees, and all persons who have requested a hearing. In the absence of a request for hearing, the Board will proceed with consideration of the requested determination on the basis of documentary evidence filed in connection with the application.

By order of the Board of Governors, July 6, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-9861 Filed 7-12-71;8:49 am]

FIRST BANCSHARES OF FLORIDA, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Bancshares of Florida, Inc., Boca Raton, Fla., for approval of acquisition of 80 percent or more of the voting shares of First National Bank of Palm Beach Gardens, Palm Beach Gardens, Fla., a proposed new bank.

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 Bancshares of Florida, Inc., Boca Raton, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of First National Bank of Palm Beach Gardens, Palm Beach Gardens, Fla. (Bank), a proposed new 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 has recommended approval of this application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 29, 1971 (36 F.R. 8082), 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.

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

Applicant is the sixteenth largest banking organization in Florida and controls four banks with total deposits of $128.1 million, representing 0.9 percent of the commercial bank deposits in Florida. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved by the Board through May 31, 1971.) Since Bank is a proposed new bank, consummation of the proposal will not increase Applicant's share of total deposits in any market nor affect deposit concentration.

Bank will be situated in Palm Beach Gardens, which is located north of West Palm Beach. It will compete in a market defined as approximately Palm Beach Gardens, Riviera Beach, Juno Beach, North Palm Beach, and the northern portion of West Palm Beach. Applicant presently controls one bank in this market and thereby controls about 16 percent of market deposits and ranks third in size among the six banking organizations located therein.

Since Bank is a proposed new bank, no existing competition would be eliminated. It appears unlikely that acquisition by Applicant of a second bank in the market would have undue adverse effects on any other bank in the area since Applicant is not dominant in the market and each of the other banks is affiliated or associated with a holding company or banking group. Nor is it likely that entry into the market by others would be foreclosed. The population of Bank's projected service area has increased fivefold in the past decade and continued growth is expected. Therefore, the Board concludes that consummation of the proposal would not have significant adverse effects on competition in any relevant area.

The Board has considered Applicant's current efforts to improve the capital positions of certain subsidiaries. On this basis, the financial and managerial resources and future prospects of the Applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application because Bank would serve an area where only one bank is now located and would be able, as a subsidiary of Applicant, to offer a full range of banking services to residents of the area. 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 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, *And provided further*, That (c) First National Bank of Palm Beach Gardens shall be opened for business not later than 6 months after the date of this order. The period described in (b) and (c) hereof may be 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] July 7, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-9862 Filed 7-12-71;8:49 am]

MITSUBISHI BANK, LTD.

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 The Mitsubishi Bank, Ltd., Tokyo, Japan, 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 Mitsubishi Bank of California, Los Angeles, Calif., 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 San Francisco.

By order of the Board of Governors, July 7, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-9863 Filed 7-12-71;8:49 am]

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

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

INTERNATIONAL FLOOD CONTROL PROJECT FOR TIJUANA RIVER

Availability of Draft Environmental Statement and Request for Comments From State and Local Agencies and Private Interests

Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that the Corps of Engineers, as a part of its review prior to construction of the International Flood Control Project for the Tijuana River, authorized by Public Law 89-640 on October 10, 1966, and located in the city of San Diego, Calif., has prepared for the U.S. Section, International Boundary and Water Commission, United States and Mexico, a draft statement which discusses environmental considerations. A copy of the statement is being placed in the office of the Resident Engineer, U.S. Section, International Boundary and Water Commission, 325 F Street, Room 403, San Diego, CA 92101; City Engineer, City of San Diego, City Administration Building, San Diego, Calif. 92101; and District Engineer, Corps of Engineers, Los Angeles District, Department of the Army, 300 North Los Angeles Street, Los Angeles, CA 90012.

Copies of the draft environmental statement have been sent to the Environmental Protection Agency; Council on Environmental Quality; Department of Agriculture, U.S. Soil Conservation Service, U.S. Forest Service; Department of Commerce, National Oceanic and Atmospheric Administration; Department of Housing and Urban Development; Department of Health, Education, and Welfare, U.S. Public Health Service; Department of the Interior, U.S. Bureau of Mines, National Park Service, U.S. Bureau of Outdoor Recreation, U.S. Bureau of Reclamation, U.S. Bureau of Sport Fisheries and Wildlife, U.S. Geological Survey; Department of the Navy, Eleventh Naval District; Department of Transportation, Federal Highway Administration, Bureau of Public Roads; State of California, Division of Highways, Resources and Development Agency, Water Quality Control Board; County of San Diego, Department of Special District Services, Engineering Department, Department of Parks and Recreation, Department of Planning, San Diego County Comprehensive Planning Organization; City of San Diego, Office of City Manager; and City of Imperial Beach, Office of City Manager.

Comments are invited within 30 days of publication of this notice in the FEDERAL REGISTER. If any such State, local, or Federal agency which has not received a specific request for comments fails to provide the Corps of Engineers with comments within 30 days of publication of this notice in the FEDERAL REGISTER, it will be presumed the agency has no comments to make.

Comments are also invited from any interested individual or association within 30 days of publication of this notice in the FEDERAL REGISTER.

Comments concerning the environmental effect of the construction proposed should be addressed to District Engineer, Corps of Engineers, Los Angeles District, Department of the Army, Post Office Box 2711, Los Angeles, CA 90053.

Dated at El Paso, Tex., this 2d day of July 1971.

FRANK P. FULLERTON,
Executive Assistant.

[FR Doc.71-9865 Filed 7-12-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2974]

FIFTH AVENUE COACH LINES, INC., AND GRAY LINE CORP.

Notice of Filing of Application

JULY 6, 1971.

Notice is hereby given that Fifth Avenue Coach Lines, Inc., (Fifth), c/o S. Hazard Gillespie, 1 Chase Manhattan Plaza, New York, NY, and Gray Line Corp. (Gray Line), c/o Arnold Bauman, 45 Rockefeller Plaza, New York, NY, referred to collectively as "applicants," New York corporations registered as closed-end, nondiversified management investment companies under the Investment Company Act of 1940 (Act), have filed an application under section 17(d) of the Act and Rule 17d-1 for an order granting said application with respect to the proposed sale by applicants of 26,360 shares of common stock of Gateway National Bank of Chicago (Gateway) to Charles H. G. Kimball (Kimball) and Donald N. Brown (Brown), for an aggregate price of $300,000 (approximately $11.38 a share), as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

S. Hazard Gillespie, Esq. was appointed Trustee-Receiver (Trustee) of Fifth by order of the U.S. District Court for the Southern District of New York dated August 12, 1968, entered in Securities and Exchange Commission v. Fifth Avenue

Coach Lines, Inc. et al., 67 Civ. 4182; and Arnold Bauman, Esq. was appointed Trustee-Receiver (Trustee) of Gray Line by order of such court dated December 23, 1970, entered in Securities and Exchange Commission v. Gray Line Corp., 70 Civ. 2504.

Fifth and Gray Line are affiliated persons of each other within the meaning of section 2(a)(3) of the Act by virtue of the ownership by Gray Line of 24.41 percent of the outstanding common stock of Fifth and the ownership by Surface Transit, Inc. (all of whose outstanding common stock is owned by Fifth) of 37.24 percent of the outstanding common stock of Gray Line.

B.S.F. Co., a Delaware corporation which is registered as a closed-end, nondiversified management investment company under the Act, is an affiliated person of both Gray Line and Fifth by virtue of its ownership of about 27 percent and 9 percent of the outstanding common stock of Gray Line and Fifth, respectively. El-Tronics, Inc., a Pennsylvania corporation which owns or controls about 32 percent of the outstanding common stock of B.S.F. Co., is an affiliated person of an affiliated person (B.S.F. Co.) of registered investment companies (Fifth and Gray Line).

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, to participate in, or to effect any transaction in which such registered company or a company controlled by such registered company is a joint or joint and several participant, unless, prior thereto, an application regarding such arrangement has been filed with and granted by the Commission. The Commission, in passing upon such application, will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Background. The 26,360 shares of Gateway common stock proposed to be sold represent 65.9 percent of the outstanding common stock of Gateway. Of such 26,360 shares of Gateway stock, 80 shares are owned by Fifth. The rights to the balance of the shares (26,280 shares) are the subject of a dispute and pending litigation between Fifth and Gray Line arising out of transactions referred to below involving the two companies which occurred before the appointment of the Trustees.

On December 15, 1966, Fifth purchased 26,080 shares of Gateway common stock at $27.50 a share or a total price of $717,200. Thereafter, pursuant to an agreement purportedly dated January 9, 1967, as purportedly amended on July 13, 1967, Fifth purportedly agreed to sell the 26,080 shares to Gray Line at the former's cost ($717,200) payable as follows: $71,720 in cash and the balance of $645,480 by delivery of promissory notes of Gray Line in such amount. It appears from certain records that Gray Line may have paid Fifth $71,000 but that the notes were never delivered to Fifth. On December 19, 1967, the agreement was purportedly further amended to provide for delivery by Gray Line to Fifth of 26,080 shares as security for payment of the purchase price and for payment to Fifth from the proceeds of any sale by Gray Line of said Gateway shares. Fifth now has possession of the 26,080 shares of Gateway as well as 200 additional shares of Gateway common stock purportedly sold by Fifth to Gray Line at a price of $23 a share around January 9, 1967. Fifth claims Gray Line is indebted to it for the unpaid purchase price of the 26,280 Gateway shares; and the matter is now in litigation. Gray Line has offered to rescind the sales of those Gateway shares provided Fifth gives to Gray Line $71,000.

Terms of proposed transaction. The application states that the proposed sale of the 26,360 shares of Gateway common stock is to be made pursuant to the terms of an agreement dated June 10, 1971, between Brown and Kimball, as buyers, and Fifth and Gray Line, as sellers (Sales Agreement), and an agreement between Fifth and Gray Line dated June 11, 1971 (Supplemental Agreement). Under the terms of the Sales Agreement Fifth and Gray Line are to sell their respective interests in the 26,360 Gateway Shares to Brown and Kimball for a total price of $300,000. Pursuant to such agreement, Brown and Kimball have delivered to the Gray Line Trustee a bank cashier's check for $50,000 payable to the Gray Line Trustee (the proceeds thereof to be held in escrow) and an irrevocable letter of credit of Central National Bank of Chicago in the amount of $250,000. In the event the proposed sellers meet all conditions the proposed purchasers may elect not to purchase, in which event Gray Line and Fifth may retain the $50,000 as liquidated damages.

At the closing the sellers are to deliver the 26,360 shares of Gateway stock and the letter of credit to Kimball and Brown and the latter are to pay the full price of $300,000 by delivery of a certified or bank cashier's check payable to Gray Line's Trustee in the amount of $250,000, in addition to the $50,000 previously placed in escrow with the Gray Line Trustee.

Under the terms of the Supplemental Agreement Gray Line has agreed that it will deliver or cause to be delivered to Fifth at the closing (or at a later time specified) cashier's checks or bank checks payable to Fifth in the amount of $300,000. Of such amount $100,000 is to be held by Fifth in escrow pending final determination of the litigation arising out of the purported sales of Gateway stock by Fifth to Gray Line. In the event the sale of such stock is rescinded, Fifth is to pay to Gray Line out of the escrowed funds such amount as is determined to be due to Gray Line by virtue of the partial payment heretofore made by Gray Line on account of its purchase of Gateway stock. Gray Line is to retain the right to claim interest and sums in excess of the escrowed funds.

In the event it is determined that Gray Line is obligated to pay Fifth for the 26,280 Gateway shares, $299,090 of the escrowed funds are to be applied towards payment of the balance of the purchase price of such shares due from Gray Line to Fifth; and the sum of $910 is to be deemed to constitute payment for the sale by Fifth to Kimball and Brown of the 80 shares concededly owned by Fifth.

In the event the Sellers become entitled to retain $50,000 as liquidated damages as a result of the purchasers' default, such $50,000 is to be delivered to, and retained, by Fifth; and, if it is determined that Gray Line is obligated to pay Fifth for the purchase by Gray Line of the 26,280 Gateway shares, Fifth is to apply such $50,000 towards payment of the balance of the purchase price of said shares due from Gray Line.

The U.S. District Court for the Southern District of New York has authorized the Trustees to consummate the proposed transaction.

Supporting statements. The application shows that the high and low bid and asked prices of Gateway common stock for the period commencing January 1, 1971, through March 12, 1971, as reported by the National Quotation Bureau, Inc., were as follows: bid: high 6—low 6; asked: high 10—low 9. The application also shows that the National Quotation Bureau, Inc., reports that there were no quotations for the Gateway common stock for the period March 15, 1971, through May 28, 1971.

The application states that the Trustees have not communicated with representatives of El-Tronics, Inc., or B.S.F. Co. with respect to the proposed transaction and that the transaction was negotiated at arms length by all of the parties to it.

The application further states that the proposed transaction has been arranged with the encouragement of the Comptroller of the Currency; and that several prior efforts have been made, without success, to sell applicants' interests in Gateway.

Notice is further given that any interested person may, not later than July 23, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at

the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-9866 Filed 7-12-71;8:49 am]

SMALL BUSINESS ADMINISTRATION

[License Application 10/13-5029]

MODEL CAPITAL CORP.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Model Capital Corp. (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA regulations governing small business investment companies (13 CFR 107.102 (1971)).

The officers and directors of the applicant are as follows:

Andrew Branch, Urban League of Seattle, Smith Tower, 506 Second Avenue, Seattle, WA 98104, President and Director.
Norward J. Brooks, 12512 Southeast 56th Street, Bellevue, WA 98006, Vice President and Director.
Larry Gruwell, The Liberty Bank of Seattle, 2320 East Union Street, Seattle, WA 98122, Treasurer and Director.
Gil B. Lloyd, Economic Growth Organization, Inc., 2314 East Union Street, Seattle, WA 98122, Secretary and Director.
Raymond Wright, 6727 Rainier Avenue South, Seattle, WA 98144, General Manager.
Garcia Massingale, 2030 26th Avenue East, Seattle, WA 98102, Director.
Jerome W. Page, 301 East Roy Street, Seattle, WA 98102, Director.
Elizabeth Wells, 407 19th Avenue East, Seattle, WA 98102, Director.
Jerome Williams, 2309 South Graham Street, Seattle, WA 98108, Director.
Robert L. Willis, 139 34th Avenue East, Seattle, WA 98102, Director.

The applicant, a Washington corporation, having its principal place of business located at 1106 East Spring Street, Seattle, WA 98122, will begin operations with $150,000 of paid-in capital and paid-in surplus, consisting of $53,000 of common stock having voting rights and $97,000 of preferred stock having no voting rights.

Applicant's voting securities are owned by 14 stockholders, none of which owns as much as 10 percent of such securities, except for the Urban League of Seattle, located at 506 Second Avenue, Seattle, WA 98104, and owning approximately 34 percent, and The Liberty Bank of Seattle, located at 2320 East Union Street, Seattle, WA 98122, and owning approximately 21 percent of applicant's common stock.

Applicant's preferred stock is owned by three stockholders, including the Urban League of Seattle, above-mentioned, the United Church Board for Homeland Ministries, Inc., 297 Park Avenue South, New York, NY 10010, and The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America.

Applicant does not intend to concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Operationsand Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Seattle, Wash.

Dated: July 1, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-9837 Filed 7-12-71;8:47 am]

NORTHEAST CAPITAL CORP.

Notice of Surrender of License To Operate as Small Business Investment Corporation

Notice is hereby given that Northeast Capital Corp., Providence, R.I., incorporated under the laws of the State of Rhode Island on February 19, 1960, has surrendered its license (No. 01/01-0009) issued by the Small Business Administration on August 9, 1960.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Northeast Capital Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: July 1, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-9838 Filed 7-12-71;8:47 am]

[Declaration of Disaster Loan Area 834; (Class B)]

WISCONSIN

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Wisconsin;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the town of Manitowish Waters, Wis., suffered damage or destruction resulting from fire occurring on June 30, 1971.

OFFICE

Small Business Administration District Office, 25 West Main Street, Madison, WI 53703.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1972.

Dated: July 6, 1971.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.71-9836 Filed 7-12-71;8:47 am]

[License No. 09/12-5156]

SOUTHERN CALIFORNIA MINORITY CAPITAL CORP.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small

Business Administration (SBA) pursuant to section 107.102 of the Regulations Governing Small Business Investment Company (13 CFR § 107.102 (1971)), under the name of Southern California Minority Capital Corp., 2651 South Western Avenue, Los Angeles, CA 90018, for a license to operate in the State of California as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act).

The proposed officers and directors are as follows:

Onie B. Granville, 3659 Fairway Boulevard, Los Angeles, CA, President and Director.
Clarence D. Smith, 5714 Harcourt Avenue, Los Angeles, CA, Executive Vice President, General Manager, Director.
George Whitaker, 1308 Redondo Boulevard, Los Angeles, CA, Secretary, Director.
Stanley S. Adler, 3741 Bobstone Drive, Sherman Oaks, CA, Treasurer, Director.
V. Stewart Jones, 13017 Artesia Boulevard, Cerritos, CA, Director.
Anthony L. Maxwell, 1360 South Greenwood, Montebello, CA, Director.
Edward E. Tillmon, 2800 Neilson Way, Santa Monica, CA, Director.
Richard J. Becker, 448 South Santa Anita Avenue, Pasadena, CA, Director.
John B. Bertero, Jr., 1445 Mirasol Drive, San Marino, CA, Director.
Wilton A. Clarke, 77-E Altadena Drive, Altadena, CA, Director.
Aaron R. Eshman, 5250 Oak Park Avenue, Encino, CA, Director.
Milton G. Holmen, 218 Strand, Hermosa Beach, CA, Director.
Edward V. Granville, 4911 Valleydale Avenue, Los Angeles, CA, Director.

The applicant has raised its private capital through a public offering underwritten by Bateman Eichler, Hill Richards, Inc.; Eastman Dillon, Union Securities & Co., Inc., and Stern, Frank, Meyer & Fox, Inc. The exact amount of private capital will not be known until the applicant is licensed, since subscriptions are still being sought.

The applicant, a California corporation, will begin operations with at least $500,000 of paid-in capital and surplus, consisting of 5,000 shares of common stock issued at $100 per share.

As a MESBIC, the company's investment policy is that its investments will be made solely to small business concerns which will contribute to a well-balanced natio nal economy by facilitating the acquisition or maintenance of ownership in such small business concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. The applicant will not concentrate its investments in any particular industry but will invest in diversified enterprises.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Los Angeles, Calif.

Dated: July 9, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-9958 Filed 7-12-71;9:19 am]

TARIFF COMMISSION

[337-25]

PANTY HOSE

Notice of Hearing

A complaint was filed with the Tariff Commission January 30, 1970, by Tights, Inc., of Greensboro, N.C., alleging unfair methods of competition and unfair acts in the importation and sale of certain panty hose which is embraced within the claim of U.S. Patent No. Re: 25,360 owned by the complainant.

The complaint alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of sections 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Having instituted an investigation on October 15, 1970, with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on July 2, 1971, ordered:

A public hearing in connection with the investigation to be held in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on August 10, 1971, at which hearing all parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation.

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for February 18, 1970 (35 F.R. 3139-40) and the complaint was served on the parties named in the complaint and has been available for inspection by interested persons continuously in the Tariff Commission Building, and also in the New York City office of the Commission, located in Room 437 of the customhouse.

Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Issued: July 8, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-9856 Filed 7-12-71;8:48 am]

[337-26]

SPHYGMOMANOMETERS

Notice of Resumption of Hearing

Notice is hereby given that on July 27, 1971, the U.S. Tariff Commission will resume its public hearing in connection with Investigation No. 337-26, regarding alleged unfair methods of competition and unfair acts in the importation and sale of certain sphygmomanometers embraced within the claim of U.S. Patent No. Des. 203,491 owned by the complainant W. A. Baum Co., Inc. of Copiague, N.Y. 11726.

The complaint alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Notice of institution of the investigation and hearing was published in the FEDERAL REGISTER of December 12, 1970 (35 F.R. 18939). A public hearing was held on February 2, 1971, and a recess was ordered.

The hearing will be resumed on July 27, 1971, at 10 a.m., e.d.s.t., in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, DC. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission no later than July 22, 1971. Parties wishing to submit documentary evidence for the record, but not desiring to make an appearance, should send such evidence to the Secretary in time for inclusion in the record when the hearing resumes.

Issued: July 8, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-9857 Filed 7-12-71;8:49 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STATE AGREEMENTS

Availability for Inspection

In accordance with 29 CFR 1901.4 (36 F.R. 7007), notice is hereby given that pursuant to section 18(h) of the Williams-Steiger Occupational Safety and Health Act (84 Stat. 1609) and 29 CFR Part 1901 (36 F.R. 7006), the Secretary of Labor has entered into agreements, to expire on or before December 28, 1972, with the following States:

Arkansas.	Nevada.
Connecticut.	Oklahoma.
Florida.	Rhode Island.
Georgia.	Puerto Rico.
Indiana.	Tennessee.
Kansas.	Utah.
Kentucky.	Vermont.
Massachusetts.	West Virgina.
Montana.	Wyoming.

The agreements permit the States to continue to enforce their occupational

safety and health standards under the conditions specified therein.

Copies of all the agreements are available for public inspection and copying, during normal business hours, at the National Office of the Occupational Safety and Health Administration, 14th Street and Constitution Avenue NW., Washington, DC 20310. In addition, each of the following regional offices of the Administration will make available for public inspection and copying, during normal business hours, copies of the agreement with each of the States named in the opposite column.

Regional Office and Address	State
Region I—Boston: John F. Kennedy Federal Building, Government Center, 17th Floor, Room 1700-C, Boston, MA 02203.	Connecticut, Massachusetts, Rhode Island, Vermont.
Region II—New York: 341 Ninth Avenue, Room 920, New York, NY 10001.	Puerto Rico.
Region III—Philadelphia: Penn Square Building, Room 410, Juniper and Filbert Streets, Philadelphia, PA 19107.	West Virginia.
Region IV—Atlanta: Room 311, 1371 Peachtree Street NE., Atlanta, GA 30309.	Florida, Georgia, Kentucky, Tennessee.
Region V—Chicago: 848 Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604.	Indiana.
Region VI—Dallas: Room 730-C, Mayflower Building, 411 North Akard Street, Dallas, TX 75201.	Arkansas, Oklahoma.
Region VII—Kansas City: 1906 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.	Kansas.
Region VIII—Denver: Denver Federal Center, Room 21-S, Building 53, Kipling and Sixth Avenue, Denver, CO 80225.	Montana, Utah, Wyoming.
Region IX—San Francisco: 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, CA 94102.	Nevada.

Signed at Washington, D.C., this 2d day of July 1971.

G. C. Guenthe,
Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc.71-9834 Filed 7-12-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[No. 35420]

ARIZONA INTRASTATE FREIGHT RATES AND CHARGES, 1971

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 29th day of June 1971.

By petition filed May 23, 1971, the Southern Pacific Transportation Co. and The Atchison, Topeka & Santa Fe Railway Co. state that by order No. 41191, dated March 15, 1971, the Arizona Corporation Commission authorized them and The Apache Railway Co., the Magma Arizona Railroad Co., the San Manuel Arizona Railroad Co., and the Cornelia & Gila Bend Railroad, common carriers by railroad operating within the State of Arizona, to establish the present level of intrastate freight rates and charges, which cannot be increased except as may be permitted by the State authority, and that the present intrastate rates and charges fail to include general increases in the same amounts as have been authorized by this Commission in freight rates and charges on traffic moving in interstate or foreign commerce in its "report and order" of March 4, 1971, in Ex Parte No. 267, Increased Freight Rates, 1971, embraced in Increased Freight Rates, 1970 and 1971 339 I.C.C. 125; and

It appearing, that the petitioners allege that to the extent that the intrastate freight rates and charges made or imposed by authority of the State of Arizona do not include general increases in amounts authorized in freight rates and charges on interstate or foreign commerce in Ex Parte No. 267, Increased Freight Rates, 1971, supra, they do and will not contribute their fair share of the revenue required by the carriers to meet increased expenses and costs which have been incurred in handling all traffic, and will cause unjust discrimination against and undue burden on interstate commerce, which is forbidden and declared unlawful by section 13 of the Interstate Commerce Act;

It further appearing, that the petitioners request an investigation into the lawfulness of the Arizona intrastate freight rates and charges, a finding that such rates and charges cause unjust discrimination against and an undue burden on interstate and foreign commerce and are unlawful, and the prescription of rates and charges which will remove the unjust discrimination and undue burden found to exist;

It further appearing, that the petitioners request that all carriers by railroad parties to the Arizona intrastate freight rates and charges be named respondents in the proceeding, and that special expedition be given to the hearing and decision therein;

And it further appearing, that there have been brought in issue by the railroads' petition matters sufficient to require an investigation into the lawfulness of intrastate freight rates and charges made or imposed by authority of the State of Arizona, which investigation, the Commission must institute under section 13(4) of the act, whether or not the issues were theretofore considered by the State authority, and the Commission must give special expedition to the hearing and decision therein;

Wherefore, and good cause appearing therefor:

It is ordered, That the petition, be, and it is hereby, granted to the extent hereinafter indicated.

It is further ordered, That an investigation be, and it is hereby, instituted under section 13 of the Interstate Commerce Act to determine whether the intrastate freight rates and charges of the carriers by railroad, or any of them, operating in the State of Arizona, for the intrastate transportation of property, made or imposed by the State of Arizona, as previously indicated, cause or will cause, by reason of the failure of such rates and charges to include increases in amount corresponding to those permitted by this Commission in Ex Parte No. 267, Increased Freight Rates, 1971, supra, unjust discrimination against and undue burden on interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges should be prescribed to remove the unjust discrimination against and undue burden on interstate or foreign commerce, if any, that may be found to exist.

It is further ordered, That all carriers by railroad operating within the State of Arizona, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding.

It is further ordered, That all persons who wish actively to participate in this proceeding, and to file and to receive copies of pleadings, shall make known that fact by notifying this Commission in writing on or before July 30, 1971. Although individual participation is not precluded, to conserve time and avoid unnecessary expense, persons having common interests shall endeavor to consolidate their presentation to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission's Office of Proceedings will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That a copy of this order be served upon each of the railroads named herein; and that the State of Arizona be notified by sending copies of this order and the said petition by certified mail to the Governor of Arizona,

Phoenix, Ariz., and to the Arizona Corporation Commission, Phoenix, Ariz.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER. Written material submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, DC, during regular business hours.

And it is further ordered, That this proceeding be assigned for hearing as may hereinafter be designated.

By the Commission.

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

[FR Doc.71-9877 Filed 7-12-71;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 8, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42238—*Superphosphate from specified points in Canada.* Filed by Southwestern Freight Bureau, Agent (No. B-248), for interested rail carriers. Rates on superphosphate, in carloads, as described in the application, from Belledune, New Brunswick, and Courtwright, Ontario, Canada, to Arkansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief—Market competition and rate relationship.

Tariff—Canadian Freight Association tariff ICC 347. Rates are published to become effective on August 10, 1971.

FSA No. 42239—*Liquefied petroleum gas to Lemont, Ill.* Filed by Illinois Freight Association, Agent (No. 369), for and on behalf of The Atchison, Topeka and Santa Fe Railway Co. Rates on liquefied petroleum gas, in tank carloads, as described in the application, from Chicago, Ill., and points in the Chicago Switching District, to Lemont, Ill.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 13 to Illinois Freight Association, agent, tariff ICC 1219. Rates are published to become effective on August 2, 1971.

FSA No. 42240—*Wheat, wheat flour, and barley to North Pacific coast ports for export.* Filed by Trans-Continental Freight Bureau, agent (No. 468), for interested rail carriers. Rates on wheat, wheat flour, and barley, in carloads, as described in the application, from specified points in Montana and North Dakota on the Soo Line Railroad Co., to North Pacific coasts ports for export.

Grounds for relief—Market competition.

Tariff—Supplement 82 to Trans-Continental Freight Bureau, agent, tariff ICC 1805. Rates are published to become effective on August 6, 1971.

FSA No. 42241—*Soda ash to East St. Louis, Ill.* Filed by Western Trunk Line Committee, agent (No. A-2644), for interested rail carriers. Rates on soda ash, in bulk, in hopper cars owned or leased by shipper, in carloads, as described in the application, from Westvaco, Alchem, and Stauffer, Wyo., to East St. Louis, Ill.

Grounds for relief—Rate relationship.

Tariff—Supplement 379 to Western Trunk Line Committee, agent, tariff ICC A-4411. Rates are published to become effective on August 10, 1971.

FSA No. 42242—*Urea to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2645), for interested rail carriers. Rates on urea, in bulk or in packages, in carloads, as described in the application, from points in Colorado, Idaho, Utah, and Wyoming, to points in various territories.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 379 to Western Trunk Line Committee, agent, tariff ICC A-4411. Rates are published to become effective on August 13, 1971.

By the Commission.

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

[FR Doc.71-9878 Filed 7-12-71;8:51 am]

[Notice 327]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 8, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19105 (Sub-No. 35 TA), filed June 28, 1971. Applicant: FORBES TRANSFER COMPANY, INC., Mailing Office: South Goldsboro Street, Post Office Box 3544), Wilson, NC 27893. Applicant's representative: Vance T. Forbes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, and plastic materials, consisting of articles of plastic or rubber, expanded or other than expanded, including fiberglass and fiberglass products*, from Wilson, N.C., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Ohio, New Hampshire, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and from the destination States to Wilson, N.C., on return, for 180 days. Supporting shipper: Carolina Fiberglass Products Co., Post Office Box 580, Wilson, N.C. 27893. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 60106 (Sub-No. 1 TA), filed June 28, 1971. Applicant: RICHMOND BEACH FUEL & TRANSFER, INC., Post Office Box 4, Richmond Beach, WA 98160. Applicant's representative: Ben Brown, 1765 Sixth Avenue South, Seattle, WA 98134. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and alcoholic beverages*, from points in California (St. Helena, Oakville, Saratoga, Fresno, Guerneville, Modesto, Lodi, Livermore, Sonoma, and San Francisco), on the one hand, and, to points in King, Kitsap, Pierce, and Snohomish Counties in the State of Washington on the other, for 180 days. Supporting shipper: Sid Eland, 1212 Sixth Avenue South, Seattle, WA 98134. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 86913 (Sub-No. 34 TA), filed June 30, 1971. Applicant: EASTERN MOTOR LINES, INC., Office: U.S. No. 401 North, Post Office Box 649, Warrenton, NC 27589. Applicant's representative: C. M. Bullock (same address as above). Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe* (other than iron and steel), *attachments, parts, and fittings therefor*, from Rootstown Township, Portage County, Ohio, to points in North Carolina and South Carolina, for 180 days. Supporting shipper: Flintkote Co., Pipe Products Group, Ravenna, Ohio 44266. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 118561 (Sub-No. 16 TA), filed June 28, 1971. Applicant: HERBERT B.

FULLER, doing business as FULLER TRANSFER COMPANY, Post Office Box 422, 212 East Street, Maryville, TN 37801. Applicant's representative: Harold Seligman, Parkway Towers, Suite 1704, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Blount County, Tenn., to points in Burke, Polk, and Rowan Counties, N.C., and Abbeville, Anderson, Greenville, Greenwood, Laurens, Spartanburg, and Union Counties S.C., and rejected and refused shipments on return, for 180 days. NOTE: Applicant does intend to interline with other common carriers in Blount County, Tenn. Supporting shipper: Wilson-Sinclair Co., Prudential Plaza, Chicago, Ill. 60601. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 127816 (Sub-No. 1 TA), filed June 28, 1971. Applicant: RAYMOND FOWLER, doing business as BLUE STEM TRUCK LINE, 509 Elm Street, Emporia, KS 66801. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hominy feed*, from Atchison, Kans., to points in Texas west and north of a line beginning at a point where U.S. Highway 283 intersects the Oklahoma-Texas State line (approximately 25 miles north of Vernon, Tex.), thence over U.S. Highway 283 to its intersection with U.S. Highway 80 (near Clyde, Tex.), thence west over U.S. Highway 80 to its intersection with Texas State Highway 176 (at Big Springs, Tex.), thence over Texas State Highway 176 to the Texas-New Mexico State line; to points in Cimarron, Texas, Harper, Woods, Alfalfa, Grant, Kay, Osage, and Woodward Counties, Okla., for 150 days. Supporting shipper: O'Brien, McDowell & Co., Post Office Box 232, Crete, NE 68333. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, KS 66603.

No. MC 128404 (Sub-No. 2 TA), filed June 30, 1971. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., 104 Busbee Road, Knoxville, TN 37920. Applicant's representative: James N. Clay, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, iron and steel products, refractory products, and items used or useful in the production of the foregoing*, between points in Knox and Loudon Counties, Tenn., on the one hand, and, on the other, points in Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Ohio, Missouri, Indiana, Illinois, and Pennsylvania, for 180 days. Supporting shippers: Sheffield Southern Steel Products, Inc., Route 3—Box 5, Lenoir City, TN 37771; Knoxville Iron Co., 1943 Tennessee Avenue NW., Knoxville, TN 37912. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 128497 (Sub-No. 9 TA), filed June 28, 1971. Applicant: JACK LINK TRUCK LINE, INC., Post Office Box 127, Dyersville, IA 52040. Applicant's representative: Jack Blanshan, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Tama Corp. at or near Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin, for 180 days. Supporting shipper: Tama Corp., Tama, Iowa 52339. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 134134 (Sub-No. 11 TA), filed June 30, 1971. Applicant: MAINLINER MOTOR EXPRESS, INC., 2002 Madison Street, Omaha, NE 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. (G. James Bonnette). Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134406 (Sub-No. 2 TA), filed June 30, 1971. Applicant: MEDGAR CORP., 2 Water Street, Cuba, NY 14727. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, from the plantsite of Guilford Dairy, Inc., at Cuba, N.Y., to points in Tioga, McKean, Warren, Potter, Elk, and Cameron Counties, Pa., with no transportation for compensation on return except as otherwise authorized. Under continuing contract with Olean Wholesale Grocery Cooperative, Inc., for 180 days. Supporting shippers: Guilford Dairy, Inc., Cuba, N.Y. 14727; Olean Wholesale Grocery Cooperative, Inc., Haskell Road, Olean, N.Y. 14760. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 134777 (Sub-No. 15 TA), filed June 29, 1971. Applicant: SOONER EXPRESS, INC., Office: Sooner Building, Highway 70 South, Post Office Box 219, Madill, OK 73446. Applicant's representative: Dale Waymire (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite and/or warehousing facilities of Wilson Certified Foods at Oklahoma City, Okla., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, for 180 days. Supporting shipper: Wilson Certified Foods, Inc., 4545 Lincoln Boulevard, Oklahoma City, OK 73105. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 135153 (Sub-No. 7 TA), filed June 29, 1971. Applicant: GREAT OVERLAND, INC., Post Office Box 1417, Dodge City, KS 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple pomace*, requiring, in some instances, multiple pick ups among the named origin points, when moving in vehicles equipped with mechanically refrigerated units, utilizing specially trained drivers for loading and unloading; and further restricted to traffic originated at the named origin points and destined to the plant or manufacturing facilities of the supporting shipper, from North Rose, Lyons, Lyndonville, and Lockport, N.Y., and Fremont, Mich., to the plant or manufacturing facilities of supporting shipper at Kansas City, Mo., for 180 days. Supporting shipper: Speas Co., 2400 Nicholson Avenue, Kansas City, MO 64120. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 135653 (Sub-No. 1 TA), filed June 30, 1971. Applicant: GLENN E. TRIPP, doing business as SPECIAL SERVICE, 760 Lindenwood Lane, Medina, OH 44256. Applicant's representative: Glenn E. Tripp (same address

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (except in bulk), from Akron, Ohio, to those points in New York State on and west of a line beginning at Oswego, N.Y., thence over New York Highway 57 to Syracuse, thence over Interstate Highway 81 to Binghamton, thence over New York Highway 17, to Waverly, thence over U.S. Highway 220 to the New York-Pennsylvania State line (including all of Syracuse and Binghamton, N.Y.), restricted to the transportation of traffic originating at Akron, Ohio, and destined to points in the destination territory, for 180 days. Supporting shipper: Diamond Crystal Salt Co., 916 South Riverside Avenue, St. Clair, MI 48079. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 135672 (Sub-No. 1 TA), filed June 28, 1971. Applicant: SOUTHERN IDAHO TRANSPORT, INC., Post Office Box W, 500 Main Street, Filer, ID 83328. Applicant's representative: Kenneth G. Bergquist, 314 Eastman Building, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, dry, in bulk, from points in Salt Lake and Weber Counties, Utah, to points in Idaho south of the Salmon River, for 180 days. NOTE: Applicant states authority cannot be tacked or interlined. Supporting shipper: Idah-Best, Inc., Caldwell, Idaho 83605. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702.

No. MC 135725 TA, filed June 28, 1971. Applicant: FRY TRUCKING, INC., Wilton Junction, Iowa 52778. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients, premixes, trace minerals and mixtures, vitamins, animal health products, livestock medicines, insecticides, and disinfectants, and mineral feeders*, in packages or containers, between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Virginia, and Wisconsin; (2) *empty containers and paper bags*, from points in Alabama, Georgia, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Virginia, and Wisconsin to Cedar Rapids, Iowa; and (3) *feed and feed ingredients*, in packages and containers, from Chicago, Ill.; Cedar Rapids, Iowa; Albert Lea, Minn.; and Omaha, Nebr.; to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin, for 180 days. Supporting shippers: Diamond V. Mills, Inc., Post Office Box 4408, Cedar Rapids, IA 52407; Vigortone Products Co., Post Office Box 1230, Cedar Rapids, IA 51406; King Castle, Inc., Post Office Box 189, Marion, IA 52302. The Peterson Co., Post Office Box 60, Battle Creek, MI 49016. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 135727 TA, filed June 28, 1971. Applicant: A. P. FRASER, doing business as B. C. BOAT MOVERS, 771 Forsman Avenue, North Vancouver, BC Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, BC Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, on specially constructed trailers, from the international boundary between Canada and the State of Washington to points in the State of Washington, for 180 days. Supporting shippers: Spoiler Distributors, Ltd., 1137 Laurier Avenue, Vancouver, 9, BC Canada; Doug's New & Used Boats, Ltd., Suite 5, 740 Martine Drive, North Vancouver, BC Canada; ICL Engineering, Ltd., 1011 River Drive, Richmond, BC Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL] ROBERT L. OSWALD
Secretary.

[FR Doc.71-9875 Filed 7-12-71;8:50 am]

[Notice 326]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 7, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22254 (Sub-No. 58 TA), filed June 28, 1971. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, IL 60620. Applicant's representative: George Rapp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All-terrain vehicles*, from ports of entry on the international boundary line between the United States and Canada at or near Niagara Falls, N.Y., Detroit and Port Huron, Mich., to points in the United States, for 180 days. Supporting shipper: Ontario Drive & Gear, Ltd., 589 Fairway Road, Kitchener, ON, Canada. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 88161 (Sub-No. 81 TA), filed June 28, 1971. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, WA 98108. Applicant's representative: Stephen A. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde resins and methanol*, liquid, in bulk, in tank vehicles, from points in Missoula County, Mont., to points in Idaho, for 180 days. Supporting shipper: Borden Chemical, Division of Borden, Inc., Suite 105, Tally Building, 200 112th Avenue NE., Bellevue, WA 98004. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, 98101.

No. MC 73688 (Sub-No. 46 TA) filed June 28, 1971. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, TN 38107. Applicant's representative: Paul A. Costin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of Sumter Plywood Corp. at or near Livingston, Ala., to points in Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge Drive, Hamilton, OH. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 95540 (Sub-No. 812 TA), filed June 29, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Clay*, in containers, from Wrens, Ga., to points in Indiana, Michigan, and Ohio, for 180 days. Supporting shipper: Georgia-Tennessee Mining & Chemical Co., Suite 810, 3379 Peachtree Road NE. at Lenox Square, Atlanta, GA 30326. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 107295 (Sub-No. 532 TA), filed June 28, 1971. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing products*, from Chicago Heights, Ill., to points in Iowa, Kentucky, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: G. E. Daly, Assistant Director of Traffic, The Flintkote Co., Building Products Group, 480 Central Avenue, East Rutherford, NJ 07073. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Wells Street, Room 476, Springfield, IL 62704.

No. MC 107295 (Sub-No. 533 TA), filed June 28, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stair parts and accessories*, from Logan, Ohio, to Lafayette, Ind., for 180 days. Supporting shipper: William R. Black, Coordinator, Coffman Stair Co., Washington Court House, Ohio 43160. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Wells Street, Room 476, Springfield, IL 62704.

No. MC 107743 (Sub-No. 14 TA), filed June 28, 1971. Applicant: SYSTEM TRANSPORT, INC., 6523 East Broadway, Spokane, WA 99206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Tillamook, Oreg., to South Bend, Ind., for 150 days. Supporting shipper: Diamond Lumber Co., Post Office Box 192, Tillamook, OR 97141. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

No. MC 111231 (Sub-No. 173 TA), filed June 28, 1971. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, AR 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel or iron or steel articles*, having prior water transportation, from points in Arkansas and Oklahoma, located on the Arkansas-Verdigris Rivers, to points in Arkansas, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Weirton Steel Division, National Steel Corp., Weirton, WV 26062. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 112223 (Sub-No. 89 TA), filed June 28, 1971. Applicant: QUICKIE TRANSPORT COMPANY, 501 11th Avenue South, Minneapolis, MN 55415. Applicant's representative: Earl Hacking (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, in specialized equipment, from Minneapolis, Minn., to points in Wisconsin, North Dakota, South Dakota, and Iowa, for 180 days. Supporting shipper: ConTech, Inc., Minneapolis, Minn. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 116763 (Sub-No. 194 TA) (Correction) filed June 6, 1971, published FEDERAL REGISTER June 17, 1971, corrected and, republished in part as corrected this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as above). NOTE: The purpose of this partial republication is to include Lima, Ohio, as a destination territory, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 119639 (Sub-No. 4 TA), filed June 28, 1971. Applicant: ENCO EXPRESS, INC., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth on fabric* coated with plastic and/or liquid plastic, between points in King and Snohomish Counties, Wash., on the one hand, and on the other, points in Alameda, Contra Costa, Los Angeles, and Orange Counties, Calif., restricted to traffic requiring refrigeration, for 180 days. Supporting shipper: The Boeing Co., Commercial Airplane Group, Post Office Box 3707, Seattle, WA 98124. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 124796 (Sub-No. 86 TA), filed June 28, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., Post Office Box 1257, 15045 East Salt Lake Avenue, City of Industry, CA 91747. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts, and accessories; automotive jacks; cranes* (not self-propelled); *tools, hand, pneumatic, and electric; and advertising materials, premiums, racks, display cases, and signs* moving with the above-described commodities, for the account of Tenneco, Inc., from Aberdeen, Miss., to Arden, N.C., for 150 days. Supporting shipper: Walker Manufacturing Co., Division of Tenneco, Inc., 1201 Michigan Boulevard, Racine, WI 53402. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 126198 (Sub-No. 11 TA), filed June 29, 1971. Applicant: MICHAUD TRUCKING, INCORPORATED, 133 Birch Street, Kingsford, MI 49801. Applicant's representative: Earl Michaud (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, namely beer, ale, and malt*, from St. Louis, Mo., to Escanaba (Delta County), Mich., and *empty containers* on return, for 180 days. Supporting shipper: Edwin T. Miller Malinowski, doing business as Miller Beverage Distributing, 719 North 21st Street, Escanaba, MI 49829. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 126276 (Sub-No. 51 TA), filed June 28, 1971. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, 1 gallon or less in capacity; *caps and tops* for bottles and jars, from the plant facilities of Ball Corp., at or near Leithton, Ill., to Decatur, Ga.; Indianapolis, Kendallville, Muncie, Plymouth, Terre Haute, and Yorktown, Ind.; Louisville, Ky.; Baltimore, Md.; Carrollton, Detroit, Fennville, Grand Rapids, Hamilton, Mattawan, and Plymouth, Mich.; Hillside, N.J.; Horseheads and Syracuse, N.Y.; Asheville and Skyland, N.C.; Akron, Bedford Heights, Cincinnati, Cleveland, Columbus, Curtice, and Paulding, Ohio; Harrisburg, Pa.; Chattanooga, Tenn.; Garland, Tex.; Clyman, Eau Claire, Milwaukee, and Watertown, Wis.; and Inwood, W. Va., for 180 days. Supporting shipper: Ball Corp., Muncie, Ind. 47302. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128527 (Sub-No. 18 TA), filed June 28, 1971. Applicant: MAY TRUCKING COMPANY, Post Office Box 398, Payette, ID 83661. Applicant's representative: Kenneth G. Bergquist, Post

Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products, plywood and plywood mill products, boards and sheets, particle board, hardboard, prefinished plywood, and hardboard paneling*, from (1) points in Clark, Cowlitz, Grays Harbor, King, Klickitat, Lewis, Mason, Pacific, Pierce, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom, and Yakima Counties, Wash.; and (2) points in Gilliam, Morris, Sherman, and Umatilla Counties, Oreg., and points in Oregon on and west of U.S. Highway 97, to points in Ada, Canyon, Gem, Payette, and Washington Counties, Idaho, for 180 days. NOTE: Applicant states it does not intend to tack or interline authority herein applied for. Supporting shippers: Industrial Lumber Co., Inc., Post Office Box 7442, Boise, ID 83707; Beall Lumber Co., Post Office Box 7372, Boise, ID 83707; Chandler Supply Co., Post Office Box 2840, Boise, ID 83701; Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, OR. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, Boise, ID 83702.

No. MC 129350 (Sub-No. 14 TA), filed June 28, 1971. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Post Office Box 212, 410 North 10th Street, 59101, Billings, MT 59103. Applicant's representative: J. F. Meglen, 2822 Third Avenue North, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, feed ingredients and feed supplements*, in containers, from points in California, Colorado, Illinois, Iowa, Minnesota, Missouri, Oregon, Pennsylvania, and Tennessee, to points in Colorado, Idaho, Montana, North Dakota, South Dakota, and Wyoming, for 180 days. Supporting shipper: Westchem Inc., 2112 Fourth Avenue North, Billings, MT 59101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 135269 (Sub-No. 1 TA), filed June 28, 1971. Applicant: A.J.C. TRANSPORTATION CORPORATION, 959 Massachusetts Avenue, Roxbury (Boston), MA 02118. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, in mechanically refrigerated equipment; (1) from Miami and Tampa, Fla., to points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts; and (2) from Boston, Mass., New York, N.Y., commercial zone, Philadelphia, Pa., to points in Florida. Restriction: The proposed service to be performed for the account of A. J. Cunningham Packing Corp., for 180 days. Supporting shipper: A. J. Cunningham Packing Corp., 959 Massachusetts Avenue, Boston, MA 02118. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Room 2211-B, Government Center, Boston, MA 02203.

No. MC 135622 (Sub-No. 1 TA), filed June 29, 1971. Applicant: ALAN ROBERT NAGGIE, Rural Delivery No. 2, Rising Sun, MD 21911. Applicant's representative: Alan Robert Naggie (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, fertilizer, and seeds*, from Manheim and York, Pa., and Wilmington, Del., to the facilities of Agway, Inc., Rising Sun, Md., for 180 days. Supporting shipper: Thomas W. Stafford, Manager, Agway, Inc., Rising Sun, Md. 21911. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Post Office Building, Salisbury, Md. 21801.

No. MC 135726 TA, filed June 28, 1971. Applicant: GUST HRONIS, doing business as LANGE TRUCKING SERVICE, Route No. 1, Box 176, West Bend, WI 53095. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular route, transporting: *Commodities* dealt in by S. C. Johnson & Son, Inc., Waxdale, Wis., from Waxdale, Wis., to Los Angeles, Burlingame, and San Francisco, Calif., and Portland, Oreg., for 180 days. Supporting shipper: S. C. Johnson & Son, Inc., Racine, Wis. 53401 (C. A. Hoppe, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 135729 TA, filed June 28, 1971. Applicant: MARC D. ELSMO and JOAN E. ELSMO, a partnership, doing business as LAKEPORT TRANSFER, 5801 Spring Street, Racine, WI 53406. Applicant's representative: John D. Varda, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Chicago commercial zone; Minneapolis-St. Paul commercial zone; and Worthington and Hopkins, Minn., to the warehouse and dock facilities of Morelli Overseas Export Service of Wisconsin, Inc., located at or near Kenosha, Wis., restricted to traffic having a prior or subsequent movement in foreign commerce, for 180 days. Supporting shipper: Morelli Overseas Export Service of Wisconsin, Inc., South Dock, Kenosha Harbor, Post Office Box 563, Kenosha, WI 53140 (Marty Morelli, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

By the Commission.

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

[FR Doc.71-9874 Filed 7-12-71;8:50 am]

PARKHILL TRUCK CO. ET AL.

Assignment of Hearings

JULY 8, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-106497 Sub 47, Parkville Truck Co., now assigned July 15, 1971, Denver, Colo., is postponed indefinitely.

MC-82080 Sub 4, Binin Transfer Co., Inc., now being assigned September 7, 1971, at Indianapolis, Ind., in Room 903, Indiana Public Service Commisison, State Office Building.

W-536 Sub 12, Hennepin Towing Co. Extension—Upper Mississippi River, now being assigned for continued hearing on July 12 and September 7, 1971, at 1 p.m. at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 130130, Couzens Warehouse & Distributors, Inc., assigned July 12, 1971, at Chicago, Ill., canceled and application dismissed.

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

[FR Doc.71-9873 Filed 7-12-71;8:50 am]

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