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HIGHLIGHTS OF THIS ISSUE

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

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FEDERAL REGISTER

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Colorado	Garfield	Rifle				July 23, 1971.
Florida	Monroe	Layton	I 12 087 1837 02	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Hall, City of Layton, U.S. Highway 1, Layton, Fla. 33001.	Do.
Iowa	Black Hawk	Cedar Falls				Do.
Massachusetts	Barnstable	Falmouth				Do.
New Jersey	Burlington	Burlington	I 34 005 0480 02 through I 34 005 0480 05	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, NJ 08625.	Office of the City Clerk, City Hall, 432 High St., Burlington, NJ 08016.	Do.
Do	Essex	Millburn Township.				Do.
Tennessee	Knox	Unincorporated areas.	I 47 093 0000 05 through I 47 093 0000 76	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Metropolitan Planning Commission, Bldg. A., City Hall Park, Knoxville, Tenn. 37902.	Do.
Texas	Nueces	Corpus Christi	I 48 355 1150 05 through I 48 355 1150 09	Texas Water Development Board, Post Office Box 12386, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Planning Department, City Hall, 302 South Shoreline Dr., Corpus Christi, TX 78401.	Do.
Do	Tarrant	Arlington	I 48 439 0260 12 through I 48 439 0260 20	do	Office of the Administrative Assistant, Post Office Box 231, Arlington, TX 76010.	Do.
Do	Taylor	Abilene	I 48 441 0030 07 through I 48 441 0030 12	do	Office of the City Engineer, City Hall, 555 Walnut St., Abilene, TX 79604.	Do.
Do	Victoria	Victoria	I 48 469 7190 02 through I 48 469 7190 04	do	Office of the City Secretary, City Hall, 105 West Juan Linn St., Victoria, TX 77901.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: July 23, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-10401 Filed 7-22-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Colorado	Garfield	Rifle				July 23, 1971.
Florida	Monroe	Layton	H 12 087 1837 02	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Hall, City of Layton, U.S. Highway 1, Layton, Fla. 33001.	July 1, 1970.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Iowa	Black Hawk	Cedar Falls				July 23, 1971.
Massachusetts	Barnstable	Falmouth				Do.
New Jersey	Burlington	Burlington	H 34 005 0480 02 through H 34 005 0480 05	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, NJ 08625.	Office of the City Clerk, City Hall, 432 High St., Burlington, NJ 08016.	Aug. 12, 1970 and July 23, 1971.
Do	Essex	Millburn Township.				July 23, 1971.
Tennessee	Knox	Unincorporated areas.	H 47 093 0000 05 through H 47 093 0000 76	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, TN 37219.	Metropolitan Planning Commission, Bldg. A, City Hall Park, Knoxville, TN 37902.	Aug. 14, 1970.
Texas	Nueces	Corpus Christi	H 48 355 1150 05 through H 48 355 1150 09	Texas Water Development Board, Post Office Box 12386, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Planning Department, City Hall, 302 South Shoreline Dr., Corpus Christi, TX 78401.	June 17, 1970 and July 23, 1971.
Do	Tarrant	Arlington	H 48 439 0260 12 through H 48 439 0260 20	do	Office of the Administrative Assistant, Post Office Box 231, Arlington, TX 76010.	Aug. 7, 1970 and July 23, 1971.
Do	Taylor	Abilene	H 48 441 0030 07 through H 48 441 0030 12	do	Office of the City Engineer, City Hall, 555 Walnut St., Abilene, TX 79604.	June 17, 1970.
Do	Victoria	Victoria	H 48 469 7190 02 through H 48 469 7190 04	do	Office of the City Secretary, City Hall, 105 West Juan Linn St., Victoria, TX 77901.	May 21, 1970 and July 23, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: July 23, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-10402 Filed 7-22-71;8:45 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that two additional positions of Confidential Assistant to the Commissioner, Property Management and Disposal Service, are excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (7-23-71), subparagraph (2) of paragraph (f) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

* * * * *

(f) *Property Management and Disposal Service.* * * *

(2) Five Confidential Assistants to the Commissioner.

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

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

[FR Doc.71-10501 Filed 7-22-71;8:52 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

§ 100.4 [Amended]

The listing of Class A ports of entry of District No. 6 of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of § 100.4 *Field Service* is amended to read as follows:

DISTRICT NO. 6—MIAMI, FLA.

CLASS A

Boca Grande, Fla.
Fernandina, Fla.
Fort Pierce, Fla.
*Jacksonville, Fla.
*Key West, Fla.
Miami, Fla.
Panama City, Fla.
Pensacola, Fla.
Port Canaveral, Fla.
*Port Everglades, Fla. (Ft. Lauderdale).
St. Augustine, Fla.
*Tampa, Fla.
*West Palm Beach, Fla.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

§ 103.2 [Amended]

The fourth sentence of subparagraph (1) *Requirements* of paragraph (b) *Evidence* of § 103.2 *Applications, petitions, and other documents* is amended to read as follows: "Except as provided in §§ 204.2(f), 214.2(h)(5), 214.2(l)(2), and 214.2(k) of this chapter, a copy unaccompanied by an original will be accepted only if the accuracy of the copy has been certified by an immigration or consular officer who has examined the original."

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

Paragraph (k) *Fiancees and fiances of U.S. citizens* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by inserting the following two sentences between the existing second and third sentences thereof: "A copy of a document

submitted in support of a visa petition filed pursuant to section 214(d) of the Act and this paragraph may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service."

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

Part 235 is amended by adding § 235.11 to read as follows:

§ 235.11 Bonin Island inhabitants.

On arrival at a port of entry prior to July 10, 1972, the Form I-94 presented by an alien found admissible under the Act of July 10, 1970, Private Law 91-114, shall be endorsed by an immigration officer to show the date and place of admission and a notation that the alien has been admitted under that law for an indefinite period of time. An alien who is in the United States on July 23, 1971, and, on the basis of a claim made prior to July 10, 1972, is found to be within the purview of the Act of July 10, 1970, and admissible thereunder, shall be issued a new Form I-94 in accordance with this section, except that such Form I-94 will show the location of the Service office making the finding as the place of admission and will show July 10, 1970, as the date of admission if the alien entered the United States on or before that date; if the alien entered the United States after July 10, 1970, but before July 23, 1971, his entry date shall be shown as the date of his admission.

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

§ 248.3 [Amended]

The second sentence of paragraph (b) *Application and fee not required* of § 248.3 *Application* is amended to read as follows: "Neither an application nor fee is required of an alien who seeks reclassification from that of a visitor for pleasure under section 101(a)(15)(B) of the Act to that of a visitor for business under the same section; from classification as a student under section 101(a)(15)(F)(i) of the Act to classification as an accompanying spouse or minor child under section 101(a)(15)(F)(ii) of the Act or vice versa; from any classification within section 101(a)(15)(H) of the Act to any other classification within 101(a)(15)(H) provided requisite Form I-129B visa petition has been filed and approved; from classification as a participant under section 101(a)(15)(J) of the Act to classification as an accompanying spouse or minor child under that section, or vice versa; or from classification as an intracompany transferee under section 101(a)(15)(L) of the Act to classification as an accompanying spouse or minor child under that section, or vice versa."

PART 293—DEPOSIT OF AND INTEREST ON CASH RECEIVED TO SECURE IMMIGRATION BONDS

Subchapter B of this chapter is amended by adding Part 293 to read as follows:

Sec.
293.1 Computation of interest.
293.2 Interest rate.
293.3 Simple interest table.
293.4 Payment of interest.

AUTHORITY: The provisions of this Part 293 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets and applies sec. 293, 84 Stat. 413.

§ 293.1 Computation of interest.

Interest shall be computed from the date of deposit occurring after April 27, 1966, or from the date cash deposited in the postal savings system ceased to accrue interest, to and including the date of withdrawal or date of breach of the immigration bond, whichever occurs first. For purposes of this section, the date of deposit shall be the date shown on the Receipt of Immigration Officer for the cash received as security on an immigration bond. The date of withdrawal shall be the date upon which the interest is certified to the Treasury Department for payment. The date of breach shall be the date as of which the immigration bond was concluded to have been breached as shown on Form I-323, Notice—Immigration Bond Breached. In counting the number of days for which interest shall be computed, the day on which the cash was deposited, or the day which cash deposited in the postal savings system ceased to accrue interest, shall not be counted; however, the day of withdrawal or the day of breach of the immigration bond shall be counted. Interest shall be computed at the rate determined by the Secretary of the Treasury and set forth in § 293.2. The simple interest table in § 293.3 shall be utilized in the computation of interest under this part.

§ 293.2 Interest rate.

The Secretary of the Treasury has determined that effective from date of deposit occurring after April 27, 1966, the interest rate shall be 3 per centum per annum.

§ 293.3 Simple interest table.

Following is a simple interest table from which computation of interest at 3 per centum per annum on a principal of $1,000 for a fractional 365-day year may be derived by addition only. The interest is stated in the form of a decimal fraction of $1.

Days	Interest
1	0821 9178
2	1643 8356
3	2465 7534
4	3287 6712
5	4109 5890
6	4931 5068
7	5753 4246
8	6575 3424
9	7397 2602

Example: 3% on $500 for 93 days:

Days	Interest
90	$7.3972 602
3	.2465 7534
Interest on $1,000—93	$7.6438 3554
Interest on $500	$3.82

§ 293.4 Payment of interest.

Interest shall be paid only at time of disposition of principal cash when the immigration bond has been withdrawn or declared breached.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (7-23-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 100.4(c)(2) relates to agency management; the amendments to §§ 103.2(b)(1) and 214.2(k) relate to agency procedure; the addition of § 235.11 relates to agency procedure and implements Public Law 91-114 approved July 10, 1970; the amendment to § 248.3(b) confers benefits upon persons affected thereby; and the addition of Part 293 relates to agency procedure and implements Public Law 91-313 approved July 10, 1970.

Dated: July 19, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-10455 Filed 7-22-71;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, MULES, AND ZEBRAS

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 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), Part 75, Title 9, Code of Federal Regulations, restricting the interstate movement of horses, asses, mules, and zebras, is hereby amended in the following respects:

In § 75.4, the heading and paragraph (a) are amended to read:

§ 75.4 Notice relating to existence of Venezuelan equine encephalomyelitis and/or the vector of said disease, quarantine and conditions of interstate movement.

(a) Notice is hereby given that Venezuelan equine encephalomyelitis, a communicable disease of horses, asses, mules, and zebras, and/or the vector of said disease, exists in the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas and that said States are hereby quarantined because of the existence of said disease and/or the vector thereof.

* * * * *

(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 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended)

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

Venezuelan equine encephalomyelitis is a viral disease of horses and other equidae. The disease is transmitted primarily through several species of mosquitos and may be transmitted to humans. The mosquito population acquires the infection from horses which are in the incubative stage of the disease and disseminates the infection to new localities.

Extensive dissemination of Venezuelan equine encephalomyelitis has occurred in Texas and mosquito vectors capable of disseminating the disease are known to exist in this State and in the States surrounding it. The natural movements of infected mosquitos precede the actual appearance of the disease.

The State of Texas was quarantined effective July 13, 1971 (36 F.R. 13202). In view of the nature of the disease and the circumstances under which it is disseminated and in order to prevent the interstate spread of the disease, it is necessary also to quarantine the States of Arkansas, Louisiana, New Mexico, and Oklahoma, and to permit the interstate movement of horses, asses, mules, and zebras from or through such quarantined areas only under the conditions specified in 9 CFR Part 75, as amended.

The amendment imposes certain restrictions necessary to prevent the spread of Venezuelan equine encephalomyelitis, a communicable disease of horses, asses, mules, and zebras, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of July 1971.

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

[FR Doc.71-10456 Filed 7-22-71;8:47 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Horses; Restrictions on Importation Because of African Horsesickness and Venezuelan Equine Encephalomyelitis

Pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 4, 5 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134c, 134d, and 134f) Part 92, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. Paragraph (a) of § 92.3 is amended to read:

§ 92.3 Ports designated for the importation of animals.

(a) *Ocean ports.* The following ports are hereby designated as quarantine stations and all animals shall be entered through said stations, except as provided in paragraphs (b), (c), and (d) of this section and paragraph (d) of § 92.11, viz: Boston, Mass.; New York, N.Y.; Baltimore, Md.; Jacksonville, Miami, and Tampa, Fla.; San Juan, P.R.; New Orleans, La.; Galveston, Tex.; San Diego, Los Angeles, and San Francisco, Calif.; Portland, Oreg.; Tacoma and Seattle, Wash.; and Honolulu, Hawaii.

* * * * *

§ 92.8 [Amended]

2. In § 92.8 reference to "§ 92.24" is deleted.

3. In § 92.11, a new paragraph is added to read:

§ 92.11 Periods of quarantine.

* * * * *

(d) *Horses.* Horses imported from any country in the Western Hemisphere, except Canada, shall be quarantined at the U.S. port of arrival for not less than 7 days counting from the date of arrival at such port, and for such additional period as the Director of Division may require to determine their freedom from disease. During their quarantine such horses shall be subjected to such inspections, disinfections, blood tests, and other tests as may be required by the Director. Horses from any other part of the world may be quarantined at the port of entry for such period as the Director of Division may require to determine their freedom from disease and there be subjected to such inspections, disinfections, blood tests, and other tests as may be required by the Director. The minimum quarantine period for horses from, or that have been in or have transited, countries where African horsesickness is declared to exist shall be 60 days, and such horses shall enter the United States, and be quarantined only, at the port of New York. Information as to the countries where African horsesickness is declared to exist can be obtained from the Director of Division.

4. Section 92.17 is amended to read:

§ 92.17 Horses, certification, and accompanying equipment.

Horses offered for importation from any part of the world shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals described in the certificate have been in the said country during the 60 days preceding exportation; that each animal has been inspected on the premises of origin and found free from evidence of communicable disease and, insofar as can be determined, exposure thereto during the 60 days preceding exportation; that each animal has not been vaccinated with a live or attenuated or inactivated vaccine during the 60 days preceding exportation; and insofar as can be determined, no case of African horsesickness, dourine, glanders, surra, epizootic lymphangitis, ulcerative lymphangitis, equine piroplasmosis, or Venezuelan equine encephalomyelitis, has occurred on the premises of origin or on adjoining premises during the 60 days preceding exportation: *Provided, however,* That in specific cases the Director of Division may authorize horses, which have been vaccinated with an inactivated vaccine, to enter the United States when he determines that in such cases and under such conditions as he may prescribe such importation will not endanger the livestock in the United States, and such horses comply with all other applicable requirements of this part: *And provided, further,* That a horse presented for importation from a country where it has been for less than 60 days shall be accompanied by a like certificate similarly issued by a salaried veterinary officer of the national government of each country in which the horse has been during the 60 days immediately preceding shipment from the last country from which it is shipped to the United States. Dates during which the horse was in each country during the 60 days immediately preceding exportation to the United States shall be included as a part of the certification. Upon inspecting horses at the port of entry and before permitting them to leave the port of entry, the inspector may require their disinfection and the disinfection of their accompanying equipment as a precautionary measure against the introduction of foot-and-mouth disease or any other disease dangerous to the livestock of the United States.

5. Section 92.24 is amended to read:

§ 92.24 Horses from Canada.

All horses from Canada shall be inspected as provided in § 92.8 and shall be accompanied by a certificate and otherwise handled as provided in § 92.17:

Provided, however, That certificates required for horses from Canada may be either issued or endorsed by a salaried veterinarian of the Canadian Government.

6. Section 92.30 is amended to read:

§ 92.30 Horses from Central America and the West Indies.

Horses from Central America and the West Indies shall be inspected as provided in § 92.8; shall be accompanied by a certificate and otherwise handled as provided in § 92.17; and shall be quarantined as provided in § 92.11: *Provided,* That any such horses that are found to be infested with fever ticks, Boophilus annulatus, shall not be permitted entry until they have been freed therefrom by dipping in a permitted arsenical solution or by other treatment approved by the Director of Division.

7. In § 92.34, a new paragraph (c) is added to read:

§ 92.34 Detention at port of entry and periods of quarantine.

* * * * *

(c) Horses from Mexico shall be quarantined at the port of arrival for a minimum of 7 days counting from the date of arrival at such port and for such additional period as the Director of Division may require and shall be subjected to such inspections, disinfections, blood tests, or other tests as may be required by the Director to determine their freedom from disease.

8. Section 92.39 is amended to read:

§ 92.39 Horses from Mexico.

Horses offered for importation from Mexico shall be inspected as provided in §§ 92.8 and 92.33; shall be accompanied by a certificate and otherwise handled as provided in § 92.17; and shall be quarantined as provided in §§ 92.11 and 92.34: *Provided,* That horses offered for importation from tick-infested areas of Mexico shall be chute inspected, unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If they are found to be apparently free from fever ticks, before entering the United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Director of Division.

(Sec. 2, 32 Stat. 792, as amended; secs. 4, 5, and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 134c, 134d, 134f; 29 F.R. 16210, as amended)

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

The amendments impose restrictions urgently needed to prevent the introduction into the United States of African horsesickness and of Venezuelan equine encephalomyelitis, dangerous diseases communicable to livestock and also to humans. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that public participation in rule making in connection with this action is impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of July 1971.

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

[FR Doc.71-10457 Filed 7-22-71;8:47 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-706]

IMPLEMENTATION OF NEW PROCEDURES ON APPLICATIONS BY FEDERAL SAVINGS AND LOAN ASSOCIATIONS AND CLARIFICATION OF CERTAIN REGULATIONS REGARDING MOBILE FACILITIES

JULY 15, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 543, 545, 546, and 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 543, 545, 546, 556) for the puroposes of (1) implementing certain new procedures regarding applications to organize a new Federal association, establish or maintain a branch office or mobile facility of a Federal savings and loan association, or obtain approval by the Federal Home Loan Bank Board of a merger, sale of bulk assets, consolidation, or conversion in which a Federal savings and loan association is a party and (2) clarifying certain regulatory language regarding the areas in which a Federal savings and loan association may establish and operate mobile facilities. Accordingly, on the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Parts 543, 545, 546, and 556 as follows, effective August 23, 1971:

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION

1. Part 543 is amended by deleting paragraph (h) of § 543.2 and by revising paragraph (c) and subparagraphs (1) and (3) of paragraph (e) of § 543.2 to read as follows:

§ 543.2 Application for permission to organize a Federal association.

* * * * *

(c) *Filing of application.* An application for permission to organize a Federal association shall be filed with the Board by delivering four copies thereof, together with four copies of all supporting information, to the Supervisory Agent.

* * * * *

(e) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to organize a Federal association is complete, the Supervisory Agent shall advise applicants, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the proposed Federal association, a notice of the filing of the application in the following form:

NOTICE OF FILING OF APPLICATION FOR PERMISSION TO ORGANIZE A FEDERAL SAVINGS AND LOAN ASSOCIATION

Notice is hereby given that, pursuant to the provisions of § 543.2 of the rules and regulations for the Federal Savings and Loan System ----------
----
(Fill in names of applicants)
have filed an application with the Federal Home Loan Bank Board for permission to organize a Federal savings and loan association to be located at, or in the immediate vicinity of ----------
----------, ----------
(Street address) (City)
---------- The application has been de-
(State)
livered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of ----------,
(City)
----------, ----------
(Street address) (City)
Any person may file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid office of the Supervisory Agent.

* * * * *

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communications are filed in protest of the application, the applicants may file information relevant to such protest within 15 days after the last date for filing communication pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communications or information filed pursuant to this subparagraph.

* * * * *

(h) [Deleted]

2. Part 543 is amended by revising paragraph (b) of § 543.9 to read as follows:

§ 543.9 Preliminary application.

* * * * *

(b) *Filing.* A preliminary application for conversion into a Federal association shall be filed in duplicate with the Board through the Federal home loan bank of which the applicant is or proposes to become a member. The applicant shall submit such financial statements and such other information as the Board may require and shall pay all costs, as determined by the Board, arising out of the Board's consideration of the application; the applicant shall also submit with its preliminary application a statement showing the plan of conversion, which shall specify the location of the home office and any branch offices to be maintained by the Federal association and provide for (1) appropriate reserves and surplus for the Federal association; (2) satisfaction in full or assumption by the Federal association of all creditor obligations of the applicant; (3) issuance by the Federal association of its savings accounts to the holders of withdrawable accounts of the applicant in an amount equivalent to the value of their accounts, including the present value of any preferences to which any of such holders are entitled; and (4) issuance by the Federal association of its savings accounts to all holders of guarantee, permanent, reserve fund, or other nonwithdrawable capital stock of the applicant in an amount equivalent to the value of such stock.

* * * * *

PART 545—OPERATIONS

3. Part 545 is amended by deleting paragraph (j) of § 545.14 and by revising subparagraph (2) of paragraph (a), paragraph (c), paragraph (d), subparagraph (1) of paragraph (g), and paragraph (i) of § 545.14 to read as follows:

§ 545.14 Branch office.

(a) *General provisions.* * * *

(2) A Federal association shall not establish a branch office without prior written approval by the Board. Decisions on all applications for permission to establish a branch office will be made by the Board. In the event of approval of such an application, the Board may require as a condition of approval that the branch office be opened within such period, not less than 6 months, as may be fixed by the Board. Determination by a Federal association to make an application for permission to establish a branch office shall be evidenced by a certification from such association's president and secretary to the effect that such association's board of directors has duly authorized by resolution the making and filing of such application. The making, filing, and processing of, and action on, such an application shall be in accordance with this section.

* * * * *

(c) *Application form; supporting information.* An application for permission to establish a branch office shall be in form prescribed by the Board. Such application and prescribed "Outline of Information to Be Submitted in Support of an Application for Permission to Establish a Branch Office" may be obtained from the Supervisory Agent. Information shall be furnished in support of the application in accordance with such Outline designed to show: (1) There will be at the time the branch is opened a necessity for the proposed branch office in the community to be served by it; (2) there is a reasonable probability of usefulness and success of the proposed branch office; and (3) the proposed branch office can be established without undue injury to properly conducted existing local thrift and home financing institutions. If the sum of reserves and surplus is at least 3 percent but less than 4 percent of savings accounts, the association shall submit evidence with the application, in such form and upon such terms and conditions as the Board may prescribe, that: (4) Savings accounts will be pledged in an amount not less than the difference between 4 percent of savings accounts and the sum of reserves and surplus; and (5) the pledged accounts will be held in escrow by the Federal Home Loan Bank of the district in which the association is located, until the sum of reserves and surplus is not less than 4 percent of savings accounts or until, in the judgment of the Board, the need for the pledge and escrow no longer exists. An application shall be deemed to be complete when the foregoing requirements of this paragraph (c) have been met.

(d) *Filing of application.* An application for permission to establish a branch office shall be filed with the Board by delivering four copies thereof, together with four copies of all supporting information, to the Supervisory Agent.

* * * * *

(g) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to establish a branch office is complete, that the association is eligible, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the proposed branch office, a notice of the filing of the application in the following form:

NOTICE OF FILING OF BRANCH OFFICE APPLICATION

Notice is hereby given that, pursuant to the provisions of § 545.14 of the rules and regulations for the Federal Savings and Loan System, the _____ Federal Savings and Loan Association, _____, _____, has filed an (City) (State)
application with the Federal Home Loan Bank Board for permission to establish a branch office at, or in the immediate vicinity of _____, _____, _____. (Street address) (City) (State)

The application has been delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____, _____, _____. (City) (Street address) (State)

Any person may file communications, including briefs, in favor or/in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid office of the Supervisory Agent.

_____
Federal Savings and Loan Association.

_____

* * * * *

(i) *Maintenance of branch office after conversion, consolidation, purchase of bulk assets, or merger.* A Federal association into which an existing institution is converted shall not thereafter maintain any office of the predecessor institution as a branch office of such Federal association, and a Federal association shall not maintain any office of another institution which is acquired through consolidation, purchase of bulk assets, or merger, without written approval by the Board for permission to maintain such office.

(j) [Deleted]

4. Part 545 is amended by deleting paragraph (k) of § 545.14–4 and by revising the language preceding the numbered subparagraphs of paragraph (c), paragraph (e), subparagraph (1) of paragraph (h), and paragraph (j) of § 545.14–4 to read as follows:

§ 545.14–4 Mobile facility.

* * * * *

(c) *Action by the Board.* Each application by a Federal association which is an eligible association under the provisions of paragraph (b) of this section will be considered or processed pursuant to the provisions of this section. The Board's approval of any such application will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

* * * * *

(e) *Filing of application.* An application for permission to establish and operate a mobile facility shall be filed with the Board by delivering four copies thereof, together with four copies of all supporting information, to the Supervisory Agent.

* * * * *

(h) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to establish and operate a mobile facility is complete, that the association is eligible, and if it has been preliminarily determined that there is no basis for supervisory objection to the application, the Supervisory Agent shall advise the applicant, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the

English language and having general circulation in the community to be served by the proposed mobile facility, a notice of the filing of the application in the following form:

NOTICE OF FILING OF APPLICATION FOR PERMISSION TO ESTABLISH AND OPERATE A MOBILE FACILITY

Notice is hereby given that, pursuant to the provisions of § 545.14–4 of the rules and regulations for the Federal Savings and Loan System, the _____ Federal Savings and Loan Association _____, (City) _____ has filed application with the (State) Federal Home Loan Bank Board for permission to establish and operate a mobile facility at the following locations:

_____, (Street address) _____, _____. The application (City) (State) has been delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____, (City) _____, _____. Any person may (Street address) (City) file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid office of the Supervisory Agent.

_____ Federal Savings and Loan Association

* * * * *

(j) *Maintenance of mobile facility after conversion, consolidation, purchase of bulk assets, or merger.* A Federal association into which an existing institution is converted shall not thereafter maintain any mobile facility of the predecessor institution as a mobile facility of such Federal association, and a Federal association shall not maintain any mobile facility of another institution which is acquired through consolidation, purchase of bulk assets, or merger, without written approval by the Board to maintain such mobile facility.

(k) [Deleted]

PART 546—MERGER, DISSOLUTION, REORGANIZATION AND CONVERSION

5. Part 546 is amended by revising paragraphs (b) and (c) of § 546.2 to read as follows:

§ 546.2 Procedure; effective date.

* * * * *

(b) Each association, by a two-thirds vote of its board of directors, shall approve a plan of merger evidenced by a merger agreement. The merger agreement shall state that it shall not be effective unless and until approved by the Board and shall specify (1) which of the associations is to be the resulting association; (2) the name to be used by the resulting association; (3) the location of the home office and any branch offices of the resulting association; (4) the basis upon which the savings accounts of the resulting association shall be issued; and (5) the number of directors, and the names and residence addresses of all persons chosen to serve as directors of the resulting association, together with the term for which each such director shall serve.

(c) Application for approval by the Board of the merger as provided by the said merger agreement shall be made by filing with the Federal home loan bank of which the resulting association is a member two copies of the merger agreement, properly executed in the name of the respective associations and two certified copies of such portions of the minutes of the meetings of the respective boards of directors as relate to the consideration and approval of the plan of merger by such boards. Upon receipt of such application, the Board will (1) disapprove the merger; (2) approve the merger; or (3) withhold final action but recommend modifications of the plan of merger as submitted; if the modifications recommended by the Board are accepted by the directors of each of the associations, they shall thereupon amend such merger agreement accordingly and shall submit the amended merger agreement in the same manner as hereinabove provided.

* * * * *

PART 556—STATEMENTS OF POLICY

6. Part 556 is amended by revising subdivision (i) of subparagraph (3) of paragraph (d) of § 556.2 and the heading, subparagraph (1), and subdivision (ii) of subparagraph (2) of paragraph (e) of § 556.2 to read as follows:

§ 556.2 Mergers.

* * * * *

(d) *Managerial and financial aspects.* * * *

(3) *Financial aspects.* (i) The adequacy of the net worth of the surviving institution, relative to the risks inherent in the assets, and economic and other factors will be reviewed critically. To this end, a statement should be submitted by the president or a vice-president of each applicant that, to the best of his knowledge and belief, the assets on the books of the applicants are not overvalued, or that appropriate valuation allowances have been established. Intangible assets in particular will be carefully scrutinized.

* * * * *

(e) *Factors relating to fairness and disclosure of the plan.* The Board will review the fairness and disclosure of all merger proposals on the basis of the following criteria:

(1) *General.* The plan should provide equitable treatment for all concerned. The equity owners should receive fair value for their interests, and the interests of savers and creditors must be properly considered. The plan, or other written information submitted therewith, should make full disclosure of all oral or written agreements by which anyone will receive any money, property, service, or other thing of value, whether tangible or intangible, in connection with such plan.

(2) *Considerations as to directors, officers, attorneys, consultants, and employees; advisory boards or committees.* * * *

(ii) If the merger agreement provides for an increase in the board of directors of a surviving Federal association to a number in excess of that permitted by the association's charter, the Board will deem such merger-agreement provision to be an application for an appropriate charter amendment: *Provided*, That the maximum number of directors thereunder shall not exceed 25 and that no subsequent vacancies on such board shall be filled until the number of directors has been reduced to not more than 15.

* * * * *

7. Part 556 is amended by revising subdivision (i) of subparagraph (6) of paragraph (a) of § 556.5 to read as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

(a) *Internal processing procedure.* The Board deems it advisable that applicants for permission to organize Federal savings and loan associations and Federal associations who are applicants for permission to establish branch offices and mobile facilities, and persons who are interested in such applications, be informed of certain general instructions by the Board governing staff handling of applications and of the timetable for handling applications which the Board has adopted as an objective, as follows:

* * * * *

(6) *Public inspection.* In making application files available for public inspection at the offices of Supervisory Agents and at the Board offices in Washington, D.C., only the following material should be made available, unless in a particular case there is a determination that additional material is required by law to be made available for inspection:

(i) All information submitted by an applicant except, in the case of an application for a branch office or mobile facility, information requested by or on behalf of the Board which relates to supervisory matters and except, in the case of an application for permission to organize, the biographical and financial information furnished by applicants on FHLBB Form 139.

* * * * *

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

Resolved further that notice and public procedure with respect to the above amendments are not required pursuant to the provisions of 12 CFR 508.11 and

5 U.S.C. 553(b) since said amendments are deemed to apply to rules of Board procedure or practice.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-10494 Filed 7-22-71;8:51 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 71-707]

PART 562—APPLICATION FOR INSURANCE OF ACCOUNTS

PART 571—STATEMENTS OF POLICY

Certain Applications by Insured Institutions

JULY 15, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 562 and 571 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 562, 571) for the purpose of implementing certain new procedures regarding applications for insurance of accounts or approval of a merger. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said Parts 562 and 571 as follows, effective August 23, 1971:

1. Part 562 is amended by deleting § 562.7-1 and by revising § 562.3 and paragraph (a) of § 562.4 to read as follows:

§ 562.3 Filing and amendment of application.

An application for insurance of accounts shall be filed with the Corporation by delivering four copies thereof, together with four copies of all supporting information, to the Supervisory Agent. After an application for insurance of accounts has been field with the Corporation, and prior to the date of advice by the Supervisory Agent to the applicant to publish notice of the filing of the application pursuant to § 562.4, the applicant may file additional information in support of the application and may amend it; after the date of such advice the applicant may not amend the application or file any additional supporting information unless requested to do so by the Supervisory Agent or otherwise by or on behalf of the Corporation.

§ 562.4 Processing of application by Supervisory Agent; public notice; inspection.

(a) *Public notice.* Upon determination by the Supervisory Agent that an application for insurance of accounts is complete, the Supervisory Agent shall advise the applicant, in writing, to publish, within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community proposed to be served by the applicant as an insured institution, a notice of the Filing of the application in the following form:

NOTICE OF FILING OF APPLICATION FOR INSURANCE OF ACCOUNTS

Notice is hereby given that, pursuant to the provisions of Part 562 of the rules and regulations for Insurance of Accounts (Fill in the name of applicant institution or names of organizers who are applicants in cases in which no charter has yet been issued), has (have) filed with the Federal Savings and Loan Insurance Corporation (Fill in either (1) an application for insurance of accounts or (2) a request for a commitment to insure accounts) of an institution located or to be located at, or in the immediate vicinity of ----------, (Street address) ----------, ---------- The (City) (State) application has been delivered to the office of the Supervisory Agent of the said Corporation, located at the Federal Home Loan Bank of ----------, ----------, (City) (Street address) ---------- Any person may file communications, (City) including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid office of the Supervisory Agent.

* * * * *

§ 562.7-1 [Deleted]

2. Part 571 is amended by revising subdivision (i) of subparagraph (3) of paragraph (d), the heading of paragraph (e), and subparagraph (1) of paragraph (e) of § 571.5 to read as follows:

§ 571.5 Mergers.

* * * * *

(d) *Managerial and financial aspects.* * * *

(3) *Financial aspects.* (i) The adequacy of the net worth of the surviving institution, relative to the risks inherent in the assets, and economic and other factors will be reviewed critically. To this end, a statement should be submitted by the president or a vice president of each applicant that, to the best of his knowledge and belief, the assets on the books of the applicants are not overvalued, or that appropriate valuation allowances have been established. Intangible assets in particular will be carefully scrutinized.

* * * * *

(e) *Factors relating to fairness and disclosure of the plan.* The Board will review the fairness and disclosure of all merger proposals on the basis of the following criteria:

(1) *General.* The plan should provide equitable treatment for all concerned. The equity owners should receive fair value for their interests, and the interests of savers and creditors must be properly considered. The plan, or other written information submitted therewith, shall make full disclosure of all oral or written agreements by which anyone will receive any money, property, service, or other thing of value, whether tangible or intangible, in connection with such plan.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48, Comp., p. 1071)

Resolved further that notice and public procedure with respect to the above amendments are not required pursuant to the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) since said amendments are deemed to apply to rules of Board procedure or practice.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-10495 Filed 7-22-71;8:51 am]

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

[No. 71-708]

PART 582—OFFICES

PART 582b—STATEMENTS OF POLICY

Applications To Establish Branch Offices

JULY 15, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 582 and 582b of the Regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR Parts 582, 582b) for the purposes of (1) implementing certain new procedures regarding applications for permission to establish branch offices and (2) adding a clarifying provision regarding such an applicant whose reserves and surplus amount to at least 3 percent, but less than 4 percent, of its savings accounts. Accordingly, on the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Parts 582 and 582b as follows, effective August 23, 1971:

1. Part 582 is amended by deleting paragraph (j) of § 582.1 and by revising subparagraph (1) of paragraph (a), paragraph (c), paragraph (d), subparagraphs (1) and (2) of paragraph (g), and paragraph (i) of § 582.1 to read as follows:

§ 582.1 Branch offices.

(a) *General provisions.* (1) An association shall not establish a branch office in the District of Columbia without prior written approval by the Board and an association which is incorporated or organized under the laws of the District of Columbia shall not establish a branch office elsewhere without prior written approval by the Board. Determination by an association to make an application for permission to establish a branch office shall be evidenced by a certification from such association's President and Secretary to the effect that such association's board of directors has duly authorized by resolution the making and filing of such

application. The making, filing, and processing of, and action on, an application for permission to establish a branch office shall be in accordance with this section. Decisions on all such applications will be made by the Board. In the event of approval of such an application, the Board may require as a condition of approval that the branch office be opened within such period, not less than 6 months, as may be fixed by the Board.

* * * * *

(c) *Application form; supporting information.* An application for permission to establish a branch office shall be in form prescribed by the Board. An association may obtain from the Supervisory Agent the prescribed application form and "Outline of Information to be Submitted in Support of an Application for Permission to Establish a Branch Office." Information shall be furnished in support of the application in accordance with such outline designed to show: (1) there is a necessity for the proposed branch office in the community to be served by it; (2) there is a reasonable probability of usefulness and success of the proposed branch office; and (3) the proposed branch office can be established without undue injury to properly conducted existing local thrift and home-financing institutions. If the sum of reserves and surplus is at least 3 percent but less than 4 percent of savings accounts, the association shall submit evidence with the application, in such form and upon such terms and conditions as the Board may prescribe that: (4) Savings accounts will be pledged in an amount not less than the difference between 4 percent of savings accounts and the sum of reserves and surplus; and (5) the pledged accounts will be held in escrow by the Federal Home Loan Bank of Greensboro until the sum of reserves and surplus is not less than 4 percent of savings accounts or until, in the judgment of the Board, the need for the pledge and escrow no longer exists. An application shall be deemed to be complete when the foregoing requirements of this paragraph (c) have been met.

(d) *Filing of application; proposed budget.* An application for permission to establish a branch office shall be filed with the Board by delivering four copies thereof, together with four copies of all supporting information, to the Supervisory Agent.

* * * * *

(g) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to establish a branch office is complete, that the association is eligible, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish, within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the proposed branch office, a notice of the filing of the application in the following form:

NOTICE OF FILING OF BRANCH OFFICE APPLICATION

Notice is hereby given that, pursuant to the provisions of § 582.1 of Chapter V (E), Title 12 (Banks and Banking) of the Code of Federal Regulations, the _____ Association _____, _____, has filed an application with the Federal Home Loan Bank Board for permission to establish a branch office at, or in the immediate vicinity of _____ _____, _____ _____ (Street address) City _____ State. The application has been delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____ _____ (Street address) (City)

Any person may file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application, together with all communications in favor or in protest thereof, are available for inspection by any person at the aforesaid office of the Supervisory Agent.

_____ (Association)

(2) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communications or information filed pursuant to this subparagraph.

* * * * *

(i) *Maintenance of branch office after consolidation, purchase of bulk assets, or merger.* No association shall maintain in the District of Columbia any office of another institution which is hereafter acquired, and no association which is incorporated or organized under the laws of the District of Columbia shall maintain any office of another institution which is hereafter acquired through consolidation, purchase of bulk assets, or merger, without written approval by the Board for permission to maintain such office.

(j) [Deleted]

2. Part 582b is amended by revising subparagraph (1) of paragraph (f) of § 582b.3 to read as follows:

§ 582b.3 Internal processing procedure for applications for branch offices.

The Board deems it advisable that applicants for permission to establish branch offices, and persons who are interested in such applications, be informed of certain general instructions by the Board governing staff handling of applications and of the timetable for handling applications which the Board has adopted as an objective, as follows:

* * * * *

(f) *Public inspection.* In making application files available for public inspection at the offices of Supervisory Agents and at the Board offices in Washington, D.C., only the following material should be made available, unless in a particular case there is a determination that additional material is required by law to be made available for inspection:

(1) All information submitted by an applicant except information requested by or on behalf of the Board which relates to supervisory matters.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; sec. 8, 48 Stat. 132, as added by sec. 913, Public Law 91-609, 84 Stat. 1815. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that notice and public procedure with respect to the above amendments are not required pursuant to the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) since said amendments are deemed to apply to rules of Board procedure or practice.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-10496 Filed 7-22-71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-NW-4]

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

Alteration of Transition Area

On June 10, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11222) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Lewiston, Idaho, transition area.

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

Effective date. This amendment shall be effective 0901 G.m.t., September 16, 1971.

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

Issued in Los Angeles, Calif., on July 14, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Lewiston, Idaho transition area is amended as follows:

Delete all after "* * * 19 miles northeast of the VOR, * * *" and substitute therefor "* * * that airspace west of Lewiston bounded on the northwest by V-536, on the northeast by V-253, and on the south by V-520; and that airspace extending upward from 6,500 feet MSL within 12 miles northwest and 8 miles southeast of the Lewiston VOR 065° and 245° radials, extending from 11 miles southwest to 23 miles northeast of the VOR."

[FR Doc.71-10426 Filed 7-22-71;8:45 am]

[Airspace Docket No. 71-WE-36]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Heber, Ariz., transition area.

Airspace actions have been adopted in the Phoenix, Prescott, and St. Johns, Ariz., areas which in part will result in designating a north alternate to V-190 and rescinding the portion of V-264 between Prescott and St. Johns, Ariz. These airspace actions will necessitate amending the description of the Heber, Ariz., transition area, and will result in a minor change in the designated controlled airspace. Action is taken herein to effect this change.

Since this change is minor in nature and will impose no additional burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing in § 71.181 (36 F.R. 2140) the description of the Heber, Ariz., transition area is amended to read as follows.

HEBER, ARIZ.

That airspace extending upward from 13,500 feet MSL bounded by a line beginning at latitude 34°43'00" N., longitude 111°24'-00" W. to latitude 34°43'00" N., longitude 110°20'00" W., thence south via longitude 110°20'00" W. to V-190N, thence southwest via V-190N to latitude 34°03'00" N., longitude 111°24'00" W. to point of beginning.

Effective date. This amendment shall be effective 0901 G.m.t., September 16, 1971.

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

Issued in Los Angeles, Calif., on July 16, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.10427 Filed 7-22-71;8:45 am]

[Airspace Docket No. 70-WA-43]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes; Correction

On June 23, 1971, F.R. Doc. 71-8766 was published in the FEDERAL REGISTER (36 F.R. 11907) which amends Part 75 of the Federal Aviation Regulations, effective August 19, 1971, by adding several area high routes in the western United States. In one of these routes—J855R Dallas, Tex., to San Francisco, Calif.—the last waypoint name was incorrectly listed as Crestview, Calif., rather than Ceres, Calif. Therefore, action is taken herein to correct this waypoint name.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (7-23-71), F.R. Doc. 71-8766 (36 F.R. 11907) is amended as hereinafter set forth.

In J855R Dallas, Tex., to San Francisco, Calif., the last waypoint name "Crestview, Calif." is deleted and "Ceres, Calif." 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 16, 1971.

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

[FR Doc.71-10428 Filed 7-22-71;8:45 am]

[Docket No. 10851; Amdt. 91-92]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Transponder Failure

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to alter the transponder requirements applicable in terminal control areas so as to permit an aircraft to proceed to its final destination, or to an airport with suitable repair facilities, even though the aircraft transponder has become inoperable.

This amendment was proposed in Notice 71-5 and published in the FEDERAL REGISTER on February 18, 1971 (36 F.R. 3129).

All comments received in response to the notice were favorable.

Interested persons have been afforded an opportunity to participate in the making of this amendment. In other respects, for the reasons stated in the preamble to the notice, this rule is adopted as prescribed herein.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective July 23, 1971, as follows:

In subparagraph (3) of § 91.90(a) and in subparagraph (2) of § 91.90(b) strike the words, "Unless otherwise authorized by ATC in the case of in-flight failure" and insert in lieu thereof the words, "Unless otherwise authorized by ATC in the case of in-flight VOR, TACAN, or two-way radio failure; or unless otherwise authorized by ATC in the case of a transponder failure occurring at any time,".

(Secs. 307 (a) and (c), 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1348 (a) and (c), 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 16, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-10430 Filed 7-22-71;8:45 am]

[Docket No. 10850; Amdt. 91-91]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Flights Within Terminal Control Area

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to more clearly delineate the extent of permissible flight within a terminal control area by nontransponder equipped aircraft. This amendment was proposed in Notice 71-4 published in the FEDERAL REGISTER on February 18, 1971 (36 F.R. 3129).

Only 10 comments were received in response to Notice 71-4 and of those 10 only three comments were critical of the proposal. In one case the commentator objected to the floor levels within the terminal control area itself, and the fact that the very existence of those floors blocked low altitude airspace unnecessarily. A second commentator in making the same objection noted that requiring light nontransponder equipped aircraft to fly over or around a terminal control area was in itself unsafe because it forced a choice between an altitude of decreasing performance or a route that unnecessarily reduced the available fuel margin. The third objection was to the effect that if it was not unsafe to permit a nontransponder equipped aircraft to penetrate a terminal control area on its way to a satellite airport, then it should not be

unsafe to permit any IFR en route operation to traverse a terminal control area regardless of its destination.

The FAA does not believe that the first two objections were germane to the proposal contained within Notice 71-4 as both opposed the terminal control area concept rather than the specific proposal itself. Comments of like import were addressed to the notice which proposed the terminal control area concept and were dealt with at that time.

As for the third objection, the FAA cannot agree with that assertion for a number of reasons. In the first place, to provide a narrow exception to a given rule is a far different thing than destroying the objective of the rule by making the proposed exception too broad. Also, while safety requires the use of transponders in TCA's, the FAA's duty to provide for the efficient utilization of the airspace must also be respected where to do so is not in derogation of the safety considerations that gave rise to the rule itself. In short, while the FAA believes that it would have been unreasonable to completely ban nontransponder equipped aircraft from a TCA, it would be equally unreasonable and unsafe to destroy the entire TCA concept by permitting unrestricted IFR enroute operations.

Interested persons have been afforded an opportunity to participate in the making of this amendment. In other respects, for the reasons stated in the preamble to the notice, this rule is adopted as prescribed herein.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective July 23, 1971, as follows:

The last sentence in § 91.90(a)(3)(iii) and the last sentence in § 91.90(b)(2)(iii) are revised to read as follows:

§ 91.90 Flight in terminal control areas; operating rules and pilot and equipment requirements.

(a) * * *

(3) * * *

(iii) * * * This requirement is not applicable to helicopters operating within the terminal control area, or to IFR flights operating to or from a secondary airport located within the terminal control area, or to IFR flights operating to or from an airport without the terminal control area but which is in close proximity to the terminal control area, when the commonly used transition, approach, or departure procedures to such airport require flight within the terminal control area.

(b) * * *

(2) * * *

(iii) * * * This requirement is not applicable to helicopters operating within the terminal control area, or to VFR aircraft operating within the terminal control area, or to IFR flights operating to or from a secondary airport located within the terminal control area, or to IFR flights operating to or from an airport without the terminal control area but which is in close proximity to the terminal control area, when the commonly used transition, approach, or departure procedures to such airport require flight within the terminal control area.

(Secs. 307(c), 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 16, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-10431 Filed 7-22-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[Docket No. 205-11]

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Reasonable and Representative Tests and Recordkeeping Requirements Relating to Carpet Guaranties

Correction

In F.R. Doc. 71-10241 appearing at page 13328 in the issue of Tuesday, July 20, 1971, the 14th line of the first paragraph reading "keeping requirements to certain carpets" should read "keeping requirements relative to certain carpets".

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 148r—TYROTHRICIN

Tyrothrisin and Triethanolamine Polypeptide Cocoate Condensate Shampoo Solution

In a notice (DESI 11846) published in the FEDERAL REGISTER of September 25, 1970 (35 F.R. 14957), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of a report received from the National Academy of Science-National Research Council, Drug Efficacy Study Group, on Soropon Pediatric Solution containing tyrothricin and triethanolamine polypeptide cocoate condensate; The Purdue Frederick Co., 99-101 Saw Mill River Road, Yonkers, New York 10701 (NDA 11-846), stating this drug is regarded as possibly effective for its labeled indications. This possibly effective indication has been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted pursuant to the notice of September 25, 1970. Accordingly, the Commissioner concludes that the antibiotic drug regulations providing for certification of such drug should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 3357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148r is amended by revoking § 148r.9 *Tyrothricin-triethanolamine polypeptide cocoate condensate solution.*

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, request a hearing, and show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so revoked and shall include a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act. (35 F.R. 7250, May 8, 1970)

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 662, 5600 Fishers Lane, Rockville, Maryland 20852.

Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date.

Dated: July 12, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10444 Filed 7-22-71;8:47 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Transfer of Biphetamine, Biphetamine-T, and Fetamin to Schedule II

A final order was published in the FEDERAL REGISTER on July 7, 1971 (36 F.R. 12734), transferring amphetamines and methamphetamine and their salts, optical isomers, and salts of their optical isomers from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513), with certain exceptions.

Application of the order to the following combination products, for which hearings were requested, was reserved pending review by the Bureau:

(1) Pennwalt Corp. requested a hearing on the transfer of Biphetamine, a resin complex of d- and d,l-amphetamine, and Biphetamine-T, a resin complex of d- and d,l-amphetamine and methaqualone, from Schedule III to Schedule II.

(2) Mission Pharmacal Co. requested a hearing on the transfer of Fetamin, a combination product containing 5 mg. of d-methamphetamine hydrochloride and 20 mg. of sodium pentobarbital with vitamins and minerals, from Schedule III to Schedule II.

Pennwalt Corp. withdrew its request for a hearing on Biphetamine and Biphetamine-T on July 13, 1971, after consultation with members of the Bureau.

Mission Pharmacal Co. also withdrew its request for a hearing on Fetamin on July 14, 1971, after consultation with members of the Bureau.

Therefore, it is ordered, That:

1. Reservation of the application of the Bureau's order published in the FEDERAL REGISTER of July 7, 1971, be rescinded as to Biphetamine, Biphetamine-T, and Fetamin;

2. Biphetamine, Biphetamine-T, and Fetamin be transferred to Schedule II; and

3. The additional requirements imposed upon Biphetamine, Biphetamine-T, and Fetamin by virtue of their reclassification into Schedule II become effective as follows:

(a) *Labeling and packaging.* All labels and seals on commercial containers of, and all labeling of, the above controlled substances, which are packaged more than 180 days following the effective date of this order shall comply with requirements of 21 CFR Part 302.

(b) *Order forms.* All distributions of the above controlled substances shall comply with the order form requirements of 21 CFR Part 305 within 30 days from the effective date of this order.

(c) *Records and inventories.* All separate and other recordkeeping requirements of 21 CFR Part 304 for the above controlled substances shall be compiled with within 30 days of the effective date of this order. Records maintained and inventories taken prior to the above compliance date, which are in compliance with the recordkeeping requirements for Schedule III, shall not be affected by this order. No new inventories of the above controlled substances, in addition to that of May 1, 1971, is required as a result of this order. Where a positive conflict exists between the recordkeeping requirements of State and Federal laws and regulations, so that the two cannot stand together, Federal law governs in accordance with section 708 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 903).

(d) *Prescriptions.* All prescriptions for the above controlled substances shall comply with 21 CFR 306.01—306.15 within 30 days from the effective date of this order. Any prescription for the above controlled substances, which are entitled to be refilled under § 306.22, shall not be entitled to such refill in accordance with § 306.12 on and after the above compliance date.

(e) *Importation and exportation.* All importation and exportation of the above controlled substances shall be in compliance with 21 CFR Part 312, specifically as to import and export permits, within 30 days of the effective date of this order.

(f) *Security.* Since the regulations regarding security for Schedule II controlled substances are undergoing revision, compliance with the present security requirements shall be deemed adequate pending publication of the final order on security regulations.

This order is effective on the date of its publication in the FEDERAL REGISTER (7-23-71).

Dated: July 16, 1971.

JOHN FINLATOR,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-10454 Filed 7-22-71;8:47 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 610—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and by means of Administrative Order No. 614 (35 F.R. 15226), the Secretary of Labor appointed and convened Industry Committee No. 101-B for the Children's Dress and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

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

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 101-B are hereby published, amending paragraph (a) (1) (i) and (2) (i) of § 610.2 of Title 29, Code of Federal Regulations, to read as follows:

§ 610.2 Wage rates.

* * * * * *

(a) * * *

(1) *Hand-embroidery classification.* (i) The minimum wage for this classification is $1.30 an hour.

* * * * * *

(2) *Other operations classification.* (i) The minimum wage for this classification is $1.52 an hour.

* * * * * *

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

Effective date. This amendment shall become effective upon the expiration of 15 days after the date of publication.

Signed at Washington, D.C., this 19th day of July 1971.

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

[FR Doc.71-10462 Filed 7-22-71;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Capital Credits From REA-Financed Cooperatives

Section 1-4.412 is added to prescribe methods for processing capital credits issued by Rural Electrification Administration (REA)-financed cooperatives.

The table of contents for Part 1-4 is amended by the addition of the following new entry:

Sec.
1-4.412 Capital credits from REA-financed cooperatives.

Subpart 1-4.4—Public Utilities

Section 1-4.412 is added as follows:

§ 1-4.412 Capital credits from REA-financed cooperatives.

See § 101-36.3 for methods of processing capital credits issued by Rural Electrification Administration-financed cooperatives.

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

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (7-23-71).

Dated: July 19, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-10472 Filed 7-22-71;8:52 am]

Chapter 8—Veterans Administration

PART 8-1—GENERAL

Performance Records

Section 8-1.310-10 *Performance records* is revoked.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

This revocation is effective August 31, 1971.

Approved: July 19, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-10466 Filed 7-22-71;8:47 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

PART 101-36—PUBLIC UTILITIES

Capital Credits From REA-Financed Cooperatives

Subpart 101-36.3 is added to prescribe methods for processing capital credits issued by REA-financed cooperatives.

Part 101-36 is amended by the addition of new Subpart 101-36.3, as follows:

SUBPART 101-36.3—CAPITAL CREDITS

Sec.

AUTHORITY: The provisions of this Subpart 101-36.3 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-36.3—Capital Credits

§ 101-36.301 General.

Some Federal agencies procure public utility services from Rural Electrification Administration (REA)-financed cooperatives. Since REA-financed cooperatives are nonprofit organizations, any amount paid by participating agencies (also referred to as patrons) in excess of cost of services (usually referred to as operating margins) is treated as capital furnished by such patrons. Operating margins are determined annually on a patronage basis and credited to a capital account for each patron. The cooperative returns the share of the net income credited to agencies on a revolving basis by cash payments or deductions in current service bills when the cooperative's board of directors determines that such a retirement will not impair the cooperative's financial condition.

§ 101-36.302 Definitions.

As used in this Subpart 101-36.3, the following terms shall have the meanings stated below.

§ 101-36.302-1 Capital credits.

Capital credits are patronage dividends derived from amounts paid by patrons in excess of cost of services. Agencies are informed of their share of the capital credit, if any, by written notices of allocation issued by REA-financed cooperatives.

§ 101-36.302-2 REA-financed cooperative.

An REA-financed cooperative is a nonprofit organization that furnishes electric or telephone services to customers, including Federal agencies.

§ 101-36.303 Responsibility for handling capital credit notifications.

Contracting and procurement officers and other employees of Federal agencies shall forward promptly any capital credit notifications to their finance officer or other accountable official. The accountable official shall retain the notification in the official files of the agency.

§ 101-36.304 Disposition of capital credit retirements.

When capital credits are (a) settled by payment to the Government or (b) offset on billings to the Government, the amount received shall be deposited in the Department of the Treasury as miscellaneous receipts, or treated as a cost reduction, as appropriate.

§ 101-36.305 Cost-reimbursement type contracts.

Federal agencies having cost-reimbursement type contracts with contractors who purchase electric or telephone service from cooperatives shall include in their contracts arrangements for handling capital credits. The applicable portion of any capital credit retirement relating to any allowable cost received by or accruing to a cost-reimbursement type contractor shall be credited to the Government either as a cost reduction or by cash refund, as appropriate. (See § 1-15.201-5.)

§ 101-36.306 Other provisions.

(a) Capital credits shall not be waived by contract or in any other way.

(b) The right to any capital credit is not lost by reason of subsequent discontinuance of service.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (7-23-71).

Dated: July 19, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-10471 Filed 7-22-71;8:52 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 175—COLLEGE WORK-STUDY PROGRAM

Miscellaneous Amendments

Part 175 of Title 45 of the Code of Federal Regulations, dealing with regulations for the administration of the College Work-Study Program under Part C of Title IV of the Higher Education Act of 1965, as amended (42 U.S.C. 2751-2757) is amended as follows:

In § 175.2:

1. Paragraph (b) is deleted; and

2. Paragraph (f), (l), and (p) are revised and paragraph (v) is added, as follows:

§ 175.2 Definitions.

* * * * *

(b) [Deleted]

* * * * *

(f) "Eligible institution" or "institution" means an institution of higher education, an area vocational school, or a proprietary institution of higher education, except that no institution of the United States shall be eligible to enter into an institutional agreement with the Commissioner (42 U.S.C. 2753(b)).

* * * * *

(l) "Institution of higher education" means an educational institution in any State which meets the requirements of section 435(b) of the Higher Education Act of 1965. The term "educational institution" limits the scope of this definition to establishments where teaching is conducted and which have an identity of their own (42 U.S.C. 2753(b)).

* * * * *

(p) "Part-time employment" means hourly employment of a student under the Work-Study Program in accordance with the limitations established in § 175.6: *Provided*, That the employer normally compensates other persons (not employed under the provisions of this part) who hold or have held the same employment position, or if no other persons hold or have held the same employment position for that employer, most other employers normally compensate persons holding the position, except that

work performed for the institution itself by a student which satisfies a requirement of a degree or a certificate pursued by that student will not be considered employment (42 U.S.C. 2754(a)(1)).

* * * * *

(v) "Proprietary institution of higher education" means a private profit making educational institution in any State which (1) provides not less than a 6-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) is legally authorized within such State to provide a program of education beyond secondary school, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, and (5) has been in existence for 2 years (20 U.S.C. 1088(b)).

In § 175.4, paragraph (b) is deleted and the introductory text of paragraph (a) is revised to read as follows:

§ 175.4 Program eligibility.

(a) *General.* Work-Study Programs operated under an institutional agreement for the part-time employment of students may involve work for the institution itself (except in the case of a proprietary institution of higher education) or work for a public or private nonprofit organization in any State (42 U.S.C. 2754(a)(1)).

* * * * *

(b) [Deleted]

* * * * *

In § 175.7, paragraph (a) is revised to read as follows:

§ 175.7 Use of funds.

(a) Federal funds made available on the basis of an approved application submitted pursuant to this part may be used only (1) to pay the Federal share of compensation to eligible students employed in eligible Work-Study programs, and (2) as payments to an eligible institution in lieu of reimbursement for its expenses in administering the program during the fiscal year. The amount paid in lieu of expenses of administration may not exceed 3 percent of the compensation earned by the students, including the Federal share and the institutional share for both on and off campus programs. However, the aggregate amount paid to an institution in lieu of expenses for administration under this program and the Educational Opportunity Grant Program (20 U.S.C. 1061) plus the amount withdrawn from the institution's student loan fund under section 204(b) of title II of the National Defense Education Act of 1958 (20 U.S.C. 421) may not exceed $125,000 for a fiscal year (42 U.S.C. 2754(a)(2); 20 U.S.C. 1088(b)).

* * * * *

Section 175.11 is revised to read as follows:

§ 175.11 Maintenance of level of expenditures.

(a) The institution shall continue to spend in its own scholarship and student aid program, from sources other than funds received under title IV, part A or part C, of the Higher Education Act of 1965, as amended, not less than the average expenditure per year made for that purpose during the most recent period of 3 fiscal years preceding the effective date of the institutional agreement or the fiscal year of the first allocation of funds made under part C or part A, of the Act, whichever is the latest.

(b) An institution shall not be deemed to have failed to meet the requirement set forth in the preceding subsection if its inability to expend the amount required thereunder is solely attributable to the withdrawal of funds for student aid programs from outside sources (42 U.S.C. 2754(a)(5)).

In § 175.16, subparagraph (3) of paragraph (b) is revised to read as follows:

§ 175.16 Fiscal procedures, records, reports.

* * * * *

(b) * * *

(3) Be maintained in such a manner as to be readily auditable. All records pertaining to activity during a given fiscal year, including applications of students for employment under the Work-Study Program during that fiscal year shall be retained for a period of 3 years following the end of the fiscal year, or until audited by an authorized representative of the Federal Government, whichever is later, except that such records need not be retained longer than 5 years after the end of the fiscal year. Records involved in any claim or expenditure questioned on audit shall be retained until all such questions have been resolved (42 U.S.C. 2754(a)(8); 20 U.S.C. 1088(c)).

* * * * *

Effective date. Except as otherwise provided by law, the provisions of this part shall become effective 30 days after it is published in the FEDERAL REGISTER.

Dated: June 30, 1971.

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

Approved: July 18, 1971.

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

[FR Doc.71-10467 Filed 7-22-71;8:49 am]

Title 49—TRANSPORTATION

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

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Control Location, Identification, and Illumination

Correction

In F.R. Doc. 71-10076 appearing at page 13215 in the issue of Friday, July 16, 1971, the second amendment to Federal Motor Vehicle Safety Standard No. 101 (§ 571.21) should read as follows:

2. The last sentence of paragraph S4.3 is amended to read: "A control shall be provided to adjust the intensity of control illumination, continuously variable from an 'off' position to a position providing illumination sufficient for the vehicle operator to readily identify controls under conditions of reduced visibility."

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Revised S.O. 1063; Amdt. 1]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of July 1971.

Upon further consideration of Second Revised Service Order No. 1063 and good cause appearing therefor:

It appearing, that, because of a work stoppage of operating employees interfering with railroad operations, various railroads are unable to conduct normal operations.

It is ordered, That:

Section 1033-1063, Second Revised Service Order No. 1063 (Railroad Operating Regulations for Freight Car Movement) be, and it is hereby, suspended until further order of the Commission reinstating the provisions thereof.

Effective date: This amendment shall become effective at 6 a.m., July 19, 1971.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10493 Filed 7-22-71;8:51 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Ch. II]

TRANSFER OF ESKATROL TO SCHEDULE II

Notice of Proposed Rule Making

A final order was published in the FEDERAL REGISTER on July 7, 1971 (36 F.R. 12734) transferring amphetamines and methamphetamine and their salts, optical isomers, and salts of their optical isomers from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513), with certain execptions.

Application of the order to Eskatrol, a combination product for which a hearing was requested, was reserved pending review by the Bureau. Eskatrol, which contains 15 mg. of dextroamphetamine sulfate and 7.5 mg. of prochlorperazine, is manufactured by Smith Kline & French Laboratories.

It is hereby ordered that a hearing regarding the transfer of Eskatrol to Schedule II will commence at 10 a.m., on August 16, 1971, in Room 1210, 1405 Eye Street NW., Washington, D.C., and that the sole hearing issue is whether Eskatrol is so related in its action to the amphetamines and methamphetamine classified in Schedule II of the Controlled Substances Act that Eskatrol is likely to have the same or similar potential for abuse as such Schedule II substances.

Dated: July 16, 1971.

JOHN FINLATOR,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-10453 Filed 7-22-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 57]

METAL AND NONMETALLIC UNDERGROUND MINES

Notice of Extension of Time

On Saturday, July 3, 1971, there was published in the FEDERAL REGISTER (36 F.R. 12693), a notice of proposed rulemaking to amend certain provisions of § 57.24 and to add a new § 57.25 to Part 57, Subchapter N, Title 30, Code of Federal Regulations to provide procedures by which operators of underground uranium mines may obtain a variance from the 4 WLM per year standard in those cases where immediate compliance with a 4 WLM standard is technically infeasible. Interested persons were afforded a period of 15 days from the date of publication of the notice on July 3, 1971, within which to make comments, suggestions, and objections to the proposed amendments to Part 57. In view of requests which have been received for an extension of time the period of time within which interested persons may make comments, suggestions, and objections to the proposed amendments to Part 57 is hereby extended to August 2, 1971.

HOLLIS M. DOLE,
Secretary of the Interior.

JULY 21, 1971.

[FR Doc.71-10622 Filed 7-22-71;10:52 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Extension of Time To Submit Written Data, Views, or Arguments

Notice is hereby given in accordance with section 553(b), title 5, United States Code (1966) that the time for filing data, views, and arguments with respect to the proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 113, Title 9, Code of Federal Regulations, as published in the FEDERAL REGISTER on July 3, 1971 (36 F.R. 12694) is extended to 15 days after date of publication of this notice in the FEDERAL REGISTER.

Interested persons are to submit written comments, suggestions, or objections regarding the proposed amendments to such regulations to the Veterinary Biologics Division, Federal Center Building, Hyattsville, Md. 20782.

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

Done at Washington, D.C., this 20th day of July 1971.

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

[FR Doc.71-10498 Filed 7-22-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-126]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Ahoskie, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Ahoskie transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tri-County Airport (lat. 36°17'56" N., long. 77°10'26" W.); within 2 miles each side of Cofield VORTAC 255° radial, extending from the 5-mile-radius area to 13 miles west of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations at Tri-County Airport. A prescribed instrument approach procedure to this airport, utilizing the Cofield VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the

Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 8, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-10432 Filed 7-22-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-38]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a new control zone and transition area at MCALF Camp Pendleton, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

Two new instrument approach procedures have been developed for MCALF Camp Pendleton, utilizing the 230° T (215° M) and 041° T (026° M) radials, respectively, of the Camp Pendleton TACAN. The approach, based on the 041° T (026° M) radial will require designation of a 700-foot transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure while operating between 1,500 feet and 1,000 feet above the surface. In addition, a 3-mile-radius control zone is proposed to provide safe and efficient control of VFR operations.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (36 F.R. 2055) the following control zone is added:

CAMP PENDLETON, CALIF.

Within a 3-mile radius of Camp Pendleton MCALF latitude 33°18'04" N., longitude 117°21'06" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140) the following transition area is added:

CAMP PENDLETON, CALIF.

That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 3 miles northwest of the Camp Pendleton TACAN (latitude 33°18'04" N., longitude 117°21'06" W.) 041° radial, extending from the TACAN to 18 miles northeast of the TACAN.

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

Issued in Los Angeles, Calif., on July 15, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-10433 Filed 7-22-71;8:46 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 217, 241]

[Docket No. 23620; EDR-208]

UNIFORM SYSTEM OF ACCOUNTS AND DATA REPORTING REQUIREMENTS

Notice of Proposed Rule Making

JULY 19, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 217 and 241 of the Economic Regulations which would revise and clarify the reporting requirements for CAB Form 217 and CAB Form 41 Schedule T-6. The principal features of the proposed amendments are discussed in the attached Explanatory Statement, and the proposed amendments are set forth in the Proposed Rule. The amendments are proposed under the authority of sections 204 and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or argument pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before August 24, 1971, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

CAB Form 41 Schedule T-6 of Part 241 of the Economic Regulations calls for the reporting of civilian charter travel information by certificated route and supplemental air carriers, and CAB Form 217 of Part 217 of the Board's Economic Regulations calls for similar reporting by foreign air carriers.

In light of the Board's recently adopted charter regulations which permit both United States and foreign air carriers to combine different types of groups on a split charter, there appears to be a need for data to be reported on Schedule T-6 and Form 217 which would identify the different types of activity on split charters. Specifically, the data would consist of a breakdown of the number of seats contracted for each split charter by type of group—i.e., single entity, pro rata, etc. The proposed rule would provide for this breakdown, as well as for the reporting of study group charters under the newly enacted Part 373 of the Board's Special Regulations.

In addition to the above amendments, the proposal would clarify the intent of the present regulation that all civil charters are to be reported on Schedule T-6, including those charters which do not have a U.S. point in the itinerary. The remaining proposed changes set forth in the rule are editorial in nature, such as adding reference to Part 212 of the Economic Regulations in the instructions for reporting on Form 217. The proposed amendments do not affect the present format of either Schedule T-6 or Form 217.

It is proposed to amend Parts 217 and 241 of the Economic Regulations (14 CFR Parts 217 and 241), as follows:

1. Amend § 217.6 by revising paragraphs (b) and (g), to read as follows:

§ 217.6 **Reporting instructions.**

* * * * * *

(b) * * *

(1) Single entity charter, as defined in Parts 212 and 214 of this chapter (Board's Economic Regulations).

(2) Pro rata charter, as defined in Parts 212 and 214 of this chapter (Board's Economic Regulations). Mixed charters, as defined in Parts 212 and 214 of this chapter, are to be reported as pro rata charters.

* * * * *

(5) Split charter, as specified in §§ 212.8 and 214.7 of this chapter (Board's Economic Regulations).

(6) Study group charter, as defined in Part 373 of this chapter (Board's Special Regulations).

* * * * *

(g) Columns 4 and 5 shall reflect, respectively, the aggregate number of seats and the aggregate cargo capacity in tons contracted for on flights reported in Column 3. Column 4 on the split charter report shall reflect a breakdown of the

aggregate number of seats contracted for (on flights reported in column 3) by type of charter group. The following symbols shall be used: A—single entity; B—pro rata; C—study group; and D—inclusive tour.

* * * * *

2. Amend section 25, Schedule T–6, by revising paragraphs (c), (f), and (i) to read as follows:

Section 25—Traffic and Capacity Elements

* * * * *

Schedule T–6—Summary of Civil Aircraft Charters

* * * * *

(c) Separate reports shall * * *

(4) Split charter, as specified in § 207.11 of the Board's Economic Regulations.

(5) Study group charter, as defined in Part 373 of the Board's Special Regulations.

* * * * *

(f) All civilian charter flights shall be reported, including those which do not have a U.S. point in the itinerary; military charters shall not be reported.

* * * * *

(i) Columns 4 and 5 shall reflect, respectively, the aggregate number of seats and the aggregate cargo capacity in tons contracted for on flights reported in column 3. Column 4 on the split charter report shall reflect a breakdown of the aggregate number of seats contracted for (on flights reported in column 3) by type of charter group. The following symbols shall be used: A—single entity; B—pro rata and C—study group.

* * * * *

3. Amend section 35, Schedule T–6, by revising paragraphs (b), (e), and (h), to read as follows:

Section 35—Traffic and Capacity Elements

* * * * *

Schedule T–6—Summary of Civil Aircraft Charters

* * * * *

(b) Separate reports shall * * *

(3) Split charter, as specified in § 208.6 of the Board's Economic Regulations.

(6) Study group charter, as defined in Part 373 of the Board's Special Regulations.

* * * * *

(e) All civilian charter flights shall be reported, including those which do not have a United States point in the itinerary; military charters shall not be reported.

* * * * *

(h) Columns 4 and 5 shall reflect, respectively, the aggregate number of seats and the aggregate cargo capacity in tons contracted for on flights reported in column 3. Column 4 on the split charter report shall reflect a breakdown of the aggregate number of seats contracted for (on flights reported in column 3) by type of charter group. The following symbols shall be used: A—single entity; B—pro rata; C—study group; and D—inclusive tour.

* * * * *

[FR Doc.71–10480 Filed 7–22–71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

OCIE LEE CARLISLE

Notice of Granting of Relief

Notice is hereby given that Ocie Lee Carlisle, 13919 Lauder, Detroit, MI 48227, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 29, 1948, in the Jefferson County, Ala., Circuit Court, Bessemer Division, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ocie Lee Carlisle because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ocie Lee Carlisle to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ocie Lee Carlisle's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Ocie Lee Carlisle be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 15th day of July 1971.

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

[FR Doc.71-10474 Filed 7-22-71;8:49 am]

MATT DAVIS, JR.

Notice of Granting of Relief

Notice is hereby given that Matt Davis, Jr., Route 3, Box 190, Clarksdale, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 20, 1968, by the U.S. District Court, in and for the Northern District of Mississippi, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Matt Davis, Jr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Matt Davis, Jr. to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Matt Davis Jr.'s application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Matt Davis, Jr. be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 15th day of July 1971.

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

[FR Doc.71-10475 Filed 7-22-71;8:49 am]

ERNEST McNICOL

Notice of Granting of Relief

Notice is hereby given that Ernest McNicol, 2838 West 102d Street, Evergreen Park, IL 60642, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 31, 1949, in the La Salle County District Court of Illinois, Ottawa, Ill., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ernest McNicol because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ernest McNicol to receive, possess, or transport in commerce or effecting commerce, any firearm.

Notice is hereby given that I have considered Ernest McNicol's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Ernest

McNicol be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 9th day of July 1971.

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

[FR Doc.71-10476 Filed 7-22-71;8:49 am]

ANGELO ANTHONY MORABITO

Notice of Granting of Relief

Notice is hereby given that Angelo Anthony Morabito, 26328 Simone, Dearborn Heights, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 21, 1960, in the Recorder's Court of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Angelo Morabito because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Angelo Marobito to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Angelo Morabito's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Angelo Morabito be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 9th day of July 1971.

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

[FR Doc.71-10477 Filed 7-22-71;8:50 am]

JOHN ROGOSZEWSKI

Notice of Granting of Relief

Notice is hereby given that John Rogoszewski, 3202 Lowell Street, Saginaw, MI has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on June 5, 1941, April 15, 1947, February 9, 1942, and May 29, 1951, each in the Saginaw County, Mich., Circuit Court, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Rogoszewski because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for John Rogoszewski to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Rogoszewski's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That John Rogoszewski be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 15th day of July 1971.

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

[FR Doc.71-10478 Filed 7-22-71;8:50 am]

Office of the Secretary

PENTAERYTHRITOL FROM ITALY

Notice of Intent To Discontinue Antidumping Investigation

JULY 15, 1971.

Information was received on February 19, 1971, that pentaerythritol, including nitration grade pentaerythritol, monopentaerythritol, technical pentaerythritol, dipentaerythritol, tripentaerythritol, and mixtures thereof, from Italy was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of May 5, 1971, on page 8407.

I hereby announce an intent to discontinue the antidumping investigation of pentaerythritol from Italy.

Statement of reasons on which this notice of intent to discontinue antidumping investigation is based:

The Italian manufacturer responsible for all exports of pentaerythritol to the United States has canceled all outstanding contracts for export to the United States and has instructed its U.S. distributor not to accept further orders.

Formal assurances have been received from the manufacturer that it will make no future sales of pentaerythritol in the several forms which are the subject of the investigation, and no future sales of the same class or kind of merchandise, for exportation to and importation into the United States.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraph, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-10473 Filed 7-22-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW MEXICO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of New Mexico natural disasters have caused a general need for agricultural credit:

New Mexico

Colfax	Mora
De Baca	Quay
Guadalupe	Roosevelt
Harding	San Miguel
Lea	Union

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

Done at Washington, D.C., this 19th day of July, 1971.

T. K. COWDEN,
Assistant Secretary.

[FR Doc.71-10458 Filed 7-22-71;8:47 am]

NEW MEXICO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of New Mexico natural disasters have caused a general need for agricultural credit:

NEW MEXICO

Bernalillo.	Otero.
Catron.	Rio Arriba.
Chaves.	Sandoval.
Curry.	San Juan.
Dona Ana.	Santa Fe.
Eddy.	Sierra.
Grant.	Socorro.
Hidalgo.	Taos.
Lincoln.	Torrance.
Luna.	Valencia.
McKinley.	

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

Done at Washington, D.C., this 20th day of July 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-10497 Filed 7-22-71;8:51 am]

DEPARTMENT OF COMMERCE

Patent Office

PATENTS AND TRADEMARKS

Relief in Cases Affected by the Postal Emergency of March 1970

On June 30, 1971, President Nixon signed into law Public Law 92-34.

Public Law 92-34 requires claims for the benefit of an earlier filing date (Section 1.) and requests for such other relief as may be appropriate (Sec. 2.) to be filed in the Patent Office within 6 months after enactment, that is by December 30, 1971. Failure to file a statement within the noted period will result in loss of right to take advantage of the benefits of the law. Further explanation or evidence may be required at a subsequent time. Public Law 92-34 provides relief only for situations caused by the postal emergency which began on March 18, 1970, and ended on or about March 30, 1970, and for which there is no remedy under existing law.

The following explanation is designed to serve as a guide for persons desiring relief under the law.

The verified statement required to be filed under sections 1 and 2 of the law may be by any of the following:

(a) Applicant(s) for patent or trademark registration;

(b) Patentee(s) or trademark registrant;

(c) Owner(s) of record.

In cases involving plural inventors, statements made under (a) or (b) must be signed by all inventors.

The verified statement must specify the particular earlier date of receipt in the Patent Office to which the applicant, patentee or trademark registrant, or owner of record believes his application, fee or other paper would be entitled except for the delay caused by the postal emergency of March, 1970. The statement must be verified, that is, in the form of an oath or declaration. (37 CFR 1.68 (Patent Rule 68) and 2.20 (Trademark Rule 2.20).)

Evidence will not normally be required or considered by the Patent Office regarding a claimed filing date of March 18, 1970, or later, in applications actually filed before June 1, 1970. Claims for earlier filing dates in cases actually filed after June 1, 1970, or claiming a date prior to March 18, 1970, will be considered prima facie unreasonable unless an acceptable explanation of the basis for the claim is filed in the Patent Office with the claim or within 1 month or such longer time as may be prescribed by the Commissioner. Any claim not accepted by the Patent Office because it is obviously defective on its face or unreasonable may be subjected to further review by petition to the Commissioner.

The statement should adequately identify the involved application, patent, or trademark registration by including the name of the applicant, patentee or registrant, title of the invention or an identification of the mark, serial number, filing date, group art unit number and any other identifying data such as status of the case (e.g., awaiting first action, amendment, brief, etc.). Acceptable statements will be acknowledged, made of record and retained in the Patent Office files.

When practical, earlier filing dates accorded under this law, as well as the originally granted filing dates, will be identified on ensuing patents and trademark registrations. These dates will also be included in the Official Gazette in connection with patents, trademark registrations and trademarks published for opposition. In other cases, such as applications in issue prior to filing of a claim, the patent or trademark registration number and claimed filing dates will be published in the Official Gazette after December 30, 1971.

Patents issued with earlier filing dates afforded by this law will not be effective as prior art as of such earlier filing dates under subsection 102(e) of title 35 of the United States Code.

In a pending patent application in which a claim for an earlier filing date has been acknowledged under this law, applicants need not file a Rule 131 affidavit to overcome a reference having an effective filing date between the "earlier" and the actual filing date of the application. Intervening references of this type will be cited but not applied by the examiner. Although a statement claiming an earlier date is accepted by the Patent Office, the claimed earlier date may be called into question in subsequent inter partes proceedings in the Patent Office or in the courts. In these proceedings, the applicant or owner may be required to present further evidence establishing the filing date to which the application is entitled. In such cases a definite determination shall be made as to whether the applicant is entitled to the earlier date under the law.

In cases where a patent application or an application for registration or late renewal of a trademark is determined to have become abandoned for failure to meet a statutory time limit because of the postal emergency, the application will automatically be restored to pending status by the acceptance of the request, and prosecution or other processing of the application will be resumed. Similarly, if a trademark registration is determined to have been cancelled for failure to meet the statutory time limit within which to file the affidavit required under section 8 of the Trademark Act (15 U.S.C. 1058a) because of the said emergency, the order for cancellation will be rescinded.

As explained in the notice of January 26, 1971 (882 O.G. 1342), applicants who may be entitled to earlier filing dates should note that a change in their U.S. filing date might, in turn, alter the date of expiration of the 6- and 12-month periods for filing applications abroad under provisions of the Paris Convention for the Protection of Industrial Property.

Dated: July 14, 1971.

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

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

[FR Doc.71-10469 Filed 7-22-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-358; NDA 10-634]

G. D. SEARLE & CO.

Amisometradine; Notice of Withdrawal of Approval of New Drug Application

In the FEDERAL REGISTER of October 15, 1970 (35 F.R. 16199) the Commissioner of Food and Drugs announced (DESI 10634) his conclusions pursuant to evaluating a report received from the National Academy of Sciences, National Research Council, Drug Efficacy Study Group, concerning amisometradine for oral use, stating that the drug is regarded as possibly effective as a diuretic for its labeled indications. Six months from the date of that publication were allowed for the holder of the application and any person marketing the drug without approval to obtain and submit data providing substantial evidence of effectiveness for the drug. No such data have been received.

By letter of April 2, 1971, G. D. Searle & Co., Post Office Box 5110, Chicago, Illinois 60680, holder of NDA 10-634 for Rolicton Tablets, containing amisometradine, voluntarily requested withdrawal of approval of their new drug application, thereby waiving the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120) finds that on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug application, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: July 12, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10445 Filed 7-22-71;8:47 am]

[Docket No. FDC-D-343; NDA 6-653]

BREON LABORATORIES, INC.

p-Nitrosulfathiazole for Rectal Use; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In an announcement published in the FEDERAL REGISTER of August 28, 1970 (35 F.R. 13755), Breon Laboratories, Inc., Subsidiary of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, holding new-drug application No. 6-653 for Nisulfazole Suspension, containing p-nitrosulfathiazole, and any interested person who may be adversely affected by removal of the drug from the market, were invited to submit pertinent data bearing on the announced intention to initiate proceedings to withdraw approval of the application. No data have been submitted in response to the announcement.

Therefore, notice is given to Breon Laboratories, Inc., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the above-named new drug application, and all amendments and supplements applying thereto, on the grounds that new information before the Commissioner with respect to this drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug application should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 12, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10446 Filed 7-22-71;8:47 am]

[Docket FDC-D-301; NDA 9-097 etc.]

ORAL COMBINATION DRUGS CONTAINING HEXAMETHONIUM CHLORIDE WITH RESERPINE OR ALSEROXYLON AND MEPROBAMATE WITH PENTOLINIUM TARTRATE

Notice of Withdrawal of Approval of New Drug Applications

A notice was published in the FEDERAL REGISTER of March 24, 1971 (36 F.R. 5541) extending to each holder of a new drug application listed below, and to any

interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act, withdrawing approval of each listed application and all amendments and supplements thereto. The basis of the proposed action was the lack of substantial evidence that the drugs are effective for their labeled indications and that each component of the combinations contributes to the total effects claimed.

There was no response or written appearance from any interested party within 30 days after publication of said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to:

NDA	Drug	NDA Holder
9-097	Rauwiloid and Hexamethonium Tablets; containing alseroxylon and hexamethonium chloride.	Riker Laboratories, Inc., 19901 Nordhoff Street, Northridge, Calif. 91328.
11-336	Equalysen Tablets; containing meprobamate and pentolinium tartrate.	Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.
9-924	Reserthonium Tablets; containing reserpine and hexamethonium chloride.	Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 11106.
10-326	Hexatina Tablets; containing hexamethonium chloride and reserpine.	Fellows-Testagar Division, Fellows Medical Manufacturing Co., Inc., 12741 Capital Avenue, Oak Park, Mich. 48237.

evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above new drug applications and all amendments and supplements thereto is withdrawn effective on the date of the signature of this document.

Dated: July 12, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10447 Filed 7-22-71;8:47 am]

[Docket No. FDC-D-364; NDA's 6-762, etc.]

SCHERING CORP. ET AL.

Certain Topical Preparations for Ophthalmic, Otic, or Nasal Use; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Applications

In the FEDERAL REGISTER of September 17, 1970 (35 F.R. 14518) the Food and Drug Administration announced its conclusions (DESI 6762) pursuant to evalution by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning certain topical preparations for ophthalmic, otic, or nasal use.

That announcement stated that the Food and Drug Administration had concluded that these drugs were possibly effective for their labeled indications. The holders of new drug applications, and persons marketing such drugs without a new drug application, as well as other interested persons, were given 6 months to obtain and submit data to provide substantial evidence of effectiveness for the indications for which the drugs had been classified as possibly effective.

In that such data have not been received, the drugs listed below have been reclassified as lacking substantial evidence of effectiveness for their labeled indications.

NDA 10-500: Metreton Nasal Spray (prednisolone acetate and chlorpheniramine maleate); Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003.

NDA 8-894: Corticloron Sterile Suspension (cortisone acetate and chlorpheniramine maleate); Schering Corp.

NDA 6-762: Propion Ophthalmic Solution (sodium propionate); Wyeth Laboratories Division of American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101.

Therefore, notice is given to the holders of the new-drug applications listed above, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new-drug applications and all amendments and supplements thereto on the grounds that new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug applications should not be withdrawn. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new-drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues

will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

The notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 12, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10448 Filed 7-22-71;8:47 am]

[Docket No. FDC-D-359; NDA 10-337]

FLING ANTIPERSPIRANT POWDER

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In the FEDERAL REGISTER of September 25, 1970 (35 F.R. 14956) the Food and Drug Administration announced (DESI 10337) its conclusions pursuant to evaluation by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group of Fling Antiperspirant Powder, containing alphacarboxythioanisole, for which NDA No. 10-337 is held by The Kendall Co., 309 West Jackson Boulevard, Chicago, Ill. 60606. The announcement stated that the drug is regarded as possibly effective as an antiperspirant to control perspiration, stop odor, and soothe feet. Holders of previously approved new drug applications and any person marketing such drug without approval were allowed 6 months to obtain and submit data providing substantial evidence of effectiveness for those indications. No such evidence having been received, the drug is regarded as lacking substantial evidence of effectiveness for its labeled indications.

Therefore, notice is given to the Kendall Co. and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of said new drug application and all amendments and supplements thereto on the grounds that new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053–53, as amended; 21 U.S.C. 355) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 12, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10449 Filed 7-22-71;8:47 am]

[Docket No. FDC-D-348; NDA No. 9-922]

VITAMIX PHARMACEUTICALS, INC.

Pyrilamine Maleate-Dextroamphetamine Hydrochloride Injection; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In the FEDERAL REGISTER of October 15, 1970 (35 F.R. 16196), the Food and Drug Administration announced (DESI 9922) its conclusions, pursuant to evaluation by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning Dexa-Pyramine Injection containing pyrilamine maleate and dextroamphetamine hydrochloride. The announcement stated that there is a lack of substantial evidence within the meaning of the Federal Food, Drug, and Cosmetic Act, that the drug is effective as a fixed-combination for the conditions of use recommended in its labeling. The holder of the new drug application No. 9-922 for Dexa-Pyramine Injection, Vitamix Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, Pa. 19132, and any interested persons who may be adversely affected by the removal of the drug from the market were invited to submit, within 30 days after publication of the notice in the FEDERAL REGISTER, any pertinent data bearing on the proposal of the Commissioner to initiate proceedings to withdraw approval of the new drug application.

There has been no response to the announcement.

Therefore, notice is given to Vitamix Pharmaceuticals, Inc., and to any interested person who may be adversely affected that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of said application and all amendments and supplements thereto, on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the condi-

tions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 12, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10450 Filed 7-22-71;8:47 am]

[Docket No. FDC-D-342; NDA No. 12-663]

WYETH LABORATORIES

Spartase Tablets; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In a notice (DESI 5597) published in the FEDERAL REGISTER of January 10, 1970 (35 F.R. 396), the Food and Drug Administration announced its conclusion that preparations containing magnesium and potassium aspartates are regarded as possibly effective for their labeled indications.

The holder of the new drug application was given 6 months to submit, in a supplemental or original new drug application, data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective, i.e., in the management of fatigue. No such data have been received.

Therefore, notice is hereby given to Wyeth Laboratories, P.O. Box 8299, Philadelphia, Pennsylvania 19101, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) withdrawing approval of new-drug application No. 12-663 for Spartase Tablets, containing 250 mg. potassium aspartate and 250 mg. magnesium aspartate and all amendments and supplements thereto on the grounds that new information, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal, Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under

authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 12, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10451 Filed 7-22-71;8:48 am]

Health Services and Mental Health Administration

OCCUPATIONAL HEALTH

Notice of Availability of Toxic Substances List

Section 20(a)(6) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(6)) directs the Secretary of Health, Education, and Welfare to publish on or before June 29, 1971, a list of all known toxic substances by generic family or other useful grouping and the concentrations at which such toxicity is known to occur.

Notice is hereby given that the Toxic Substances List, consisting of approximately 12,000 substances, has been compiled and is available for inspection at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD, and at the Public Health Service Information Centers as listed in 45 CFR 5.31. It is expected that copies of the list will be available to the public after July 31 from the Government Printing Office.

Dated: June 29, 1971.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: July 5, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-10468 Filed 7-22-71;8:49 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Final Detailed Statement on the Environmental Considerations by the Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Related to the Proposed Issuance of an Operating License to the Commonwealth Edison Co. and the Iowa-Illinois Gas and Electric Co. for Quad-Cities Nuclear Power Station, Units 1 and 2" is being placed in the following location where it will be available for inspection by members of the public: The Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy is also being sent to the Chairman of the Rock Island County Board of Supervisors, Rock Island, Ill. 61201. Single copies of the statement may be obtained by writing the Director, Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 12th day of July 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-10434 Filed 7-22-71;8:46 am]

[Dockets Nos. 50-348, 50-349]

ALABAMA POWER CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Alabama Power Co. (the applicant), for construction permits for two pressurized water nuclear reactors, to be known as the Joseph M. Farley Nuclear Plant, Units 1 and 2, each having a gross electrical output of approximately 860 megawatts, and a thermal capacity of approximately 2,660 megawatts. The proposed facilities are to be located at the applicant's 1,850-acre site on the west side of the Chattahoochee River in southeast Alabama, 16½ miles east of Dothan and 100 miles southeast of Montgomery, Ala. The hearing will be held in the vicinity of the site of the proposed facilities. The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

The date and place of a prehearing conference will be set by the Board. The date and place of the hearing will be set at or after the prehearing conference. In setting these dates due regard shall be had for the convenience and necessity of the parties or their representatives, as well as of the Board members. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Upon receipt of a report by the Advisory Committee on Reactor Safeguards and upon completion of a favorable Safety Evaluation of the application by the AEC regulatory staff, the Director of Regulation will consider making affirmative findings on Item Nos. 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of construction permits to the applicant.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR § 2.4 of the Commission's "Rules of Practice," the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the construction permits proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether construction permits should be issued to the applicant.

In addition, any party may, in accordance with paragraph 11 of Appendix D of 10 CFR Part 50, raise as an issue in the proceeding whether the issuance of the permits would be likely to result in a significant, adverse effect on the environment. If such a result were indicated, in accordance with the declaration of national policy expressed in the National Environmental Policy Act of

1969, the Board will give consideration to the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need to meet on a timely basis requirements for electrical power in the affected region.

These additional issues do not include (i) radiological effects (since such effects are within the four numbered items set forth above) or (ii) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act. If any party raises any such issue, the Board will make findings of fact on, and resolve, the matters in controversy among the parties with regard to those issues. With respect to those aspects of environmental quality for which environmental quality standards and requirements have been established by authorized Federal, State and regional agencies, proof that the applicant is equipped to observe and agrees to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements will be considered dispositive for this purpose.

As they become available, the application, the proposed construction permits, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), the Safety Evaluation by the Commission's regulatory staff, the applicant's Environmental Report, the Commission's Detailed Statement on Environmental Considerations, and the transcripts of the prehearing conference and of the hearing, will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public. Copies of those documents will also be made available at the George S. Houston Memorial Library, 212 West Vurdeshaw Street, Dothan, AL 36301, for inspection by members of the public during regular business hours. Copies of the proposed construction permits, the ACRS report, the regulatory staff's Safety Evaluation, the applicant's Environmental Report, and the Commission's Detailed Statement on Environmental Considerations may be obtained, when available, by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR section 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR § 2.714, the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's "Rules of Practice," must be filed by the applicant not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER. Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's "Rules of Practice," an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR § 2.785 of the Commission's "Rules of Practice," and has made the delegation pursuant to paragraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice-Chairman of the Atomic Safety and Licensing Board Panel, with a third member to be designated by the Commission.

A "Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter" was published in the FEDERAL REGISTER on February 20 and 27, and March 6 and 13, 1971. The notice afforded an opportunity for any person wishing to have his views on the antitrust aspects of the application presented to the Attorney General for consideration to submit such views to the Commission within 60 days after February 20, 1971.

Dated at Washington, D.C., this 21st day of July 1971.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-10621 Filed 7-22-71;10:34 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23618; Order 71-7-98]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of July 1971.

By tariff revisions[1] effective August 2, 1971, American Airlines, Inc. (American), Continental Air Lines, Inc. (Continental), Trans World Airlines, Inc. (TWA) and United Air Lines, Inc. (United) propose round-trip standby excursion fares between Honolulu and Boston, Chicago, Detroit, New York, and St. Louis. The proposed fares would be available for the period August 2 through September 16, 1971, to persons of all ages for travel on Monday through Thursday, and have a 7-day minimum and 30-day maximum stay requirement. Stopovers at intermediate cities would not be permitted,[2] nor would the fares

[1] American Airlines, Inc., Tariff CAB No. 253. Continental Air Lines, Inc., Tariff CAB No. 86. Trans World Airlines, Inc., Tariff CAB No. 240. United Air Lines, Inc., Tariff CAB No. 323.

[2] The one exception is that United would permit stopovers at Los Angeles, San Francisco, and San Diego.

include free air transportation for visits to other islands in Hawaii (i.e. the common fare agreement with the Hawaiian carriers would not apply).

The excursion fares, which are set at the level presently applicable to GIT fares for groups of 154 persons, are 25.9 to 37.8 percent below present offpeak coach fares and from 9.8 to 16.2 percent below present youth standby fares. The fares would generate from 2.7 to 2.9 cents per mile, compared with a range of 3.8 to 4.3 cents per mile for present offpeak coach fares.

In justification of its proposal American alleges that the proposed fares are comparable to existing standby and group fares in these same markets, and that the net revenue received would exceed that from group fares since fewer travel agent commissions would be paid and since revenue absorption stemming from the Hawaiian common fare provision would not be sustained. The carrier further contends that the proposed fares will help in competing with the low youth fares now being offered to Europe, and that it will not add service to accommodate the anticipated increase in traffic since its Monday through Thursday load factors during May 1971, averaged less than 30 percent despite the operation of only one flight daily from each origin point.

Aloha Airlines, Inc. (Aloha), Braniff Airways, Inc. (Braniff), Hawaiian Airlines, Inc. (Hawaiian), Northwest Airlines, Inc. (Northwest) and United have filed complaints requesting suspension and investigation of the proposal.[3] The complainants allege that American has not justified its proposal by providing either traffic generation or revenue/cost data; that the proposed fares are not related to the cost of service; and that the fares are contrary to the position supporting fare increases taken by American in the "U.S. Mainland-Hawaii Fare Investigation."

The complainants further allege that the proposal will only result in substantial dilution of revenue during the peak Hawaii travel period, and that this dilution will spread to all Hawaiian carriers because of competitive filings should American's proposal be permitted. The carriers point out that since American is operating flights to Hawaii with only a 30-percent load factor, the proposed standby provision is not a meaningful restriction; that youth fares are presently available from most cities to Hawaii; and that the fares, which are available to all ages, are not intended to compete with transatlantic youth fares as American states. Aloha and Hawaiian allege that by excluding applicability of the Hawaii common fare provision American is violating its certificate.

In answer to the complaints, American estimates that it expects to carry 7,000 round-trip passengers during the period the tariff would be in effect of which 2,625 are potentially subject to diversion, amounting to a maximum loss in revenues of $165,375. American alleges that generation of five passengers per day per market will offset this loss. In addition, American contends that the advent of youth fares in the transatlantic market places it in the position of needing to compete for pleasure traffic. Accordingly, the carrier contends that the Board should permit carriers an opportunity to compete for this traffic, albeit in different geographical areas. American alleges that the proposed fares will cover the cost of service, as they are at the same level as the GIT fares which were found reasonable in a recent investigation. American also alleges that the practice of extending common fares to all points in Hawaii is not now followed with respect to youth and military standby and reservation fares, and hence need not be applicable in the case of its proposed fares.

Upon consideration of the tariff proposal, the complaints and answer thereto, and all other relevant matters the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the fares should be suspended pending investigation.

While the fares are proposed for a limited period of effectiveness, that period covers the time of peak travel in the Mainland-Hawaii market. Traffic has been disappointing in the Hawaii market this year, and if the carriers are to recoup at least a part of the losses so far sustained, it would seem particularly important to avoid the risk of revenue dilution. In view of the low-load factors being experienced and the resulting minimal risk to the passenger of not being able to board the flight of his choice, we believe it probable that the proposed significant discounts from coach fares would divert a substantial amount of traffic which would otherwise travel at higher fares. While American indicates the belief that the proposed fares will be especially appealing to youths, in view of the alleged uncertainty that exists in connection with space available travel, it gives no estimate of expected generation over and above its present youth standby fares in these markets, which are only 10 to 16 percent higher than those here proposed.

For these reasons, we believe there is considerable question as to whether the fares would result in an improvement in net revenues, and believe the risk is sufficient that the proposal should not be undertaken during the peak travel period to Hawaii.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions in American Airlines, Inc.'s CAB No. 253, Continental Air Lines, Inc.'s CAB No. 86, Trans World Airlines, Inc.'s CAB No. 240, and United Air Lines, Inc.'s CAB No. 323, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, American Airlines, Inc.'s CAB No. 253, Continental Air Lines, Inc.'s CAB No. 86, Trans World Airlines, Inc.'s CAB No. 240, and United Air Lines, Inc.'s CAB No. 323, are suspended and their use deferred to and including October 30, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Aloha Airlines, Inc. and Hawaiian Airlines, Inc., in Docket 23577, Braniff Airways, Inc., in Docket 23576, Northwest Airlines, Inc., in Docket 23574, and United Air Lines, Inc., in Docket 23573, are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed with the aforesaid tariffs and be served upon Aloha Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Hawaiian Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10481 Filed 7-22-71;8:50 am]

[Docket No. 23575; Order 71-7-99]

BRANIFF AIRWAYS, INC., ET AL.

Order Authorizing Discussions Regarding No-Show Problem

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of July 1971.

Braniff Airways, Inc. (Braniff), Delta Air Lines, Inc. (Delta), and National Airlines, Inc. (National), have requested authority to discuss the no-show problem among themselves and with all other U.S. domestic scheduled passenger carriers. The carriers indicate that the discussions would focus upon the Eastern Air Lines, Inc. (Eastern), conditional reservation rule,[1] and all possible alternative plans

[3] A travel agent, Don Travel Service, has filed a letter of protest.

[4] Dissenting statement of member Minnetti filed as part of original statement.

[1] By Order 71-6-120 dated June 24, 1971, the Board dismissed the complaints file against Eastern's proposed conditional reservation rule and the plan became effective July 1, 1971. By Order 71-6-164 dated June 30, 1971, the Board denied a joint petition for reconsideration of Order 71-6-120 filed by Braniff, Delta, and National.

for attacking the no-show and related overbooking problem.[2]

The applicants state that both the novelty of Eastern's approach and the practical (and other) problems involved in its conditional reservation rule dictate the need for industry discussions on the no-show problem, with the Eastern approach as a starting point. The carriers further assert that with the resources of the entire industry brought to bear, the possibility of eliminating the problems in Eastern's rule as it now stands would be greatly increased and, as an alternative, the industry might well come up with a superior alternative plan. The applicants allege that a fresh industry look at the persistent no-show problem, without the pressures and procedural constraints of responding to a tariff filing, is clearly indicated.

In Order 71-6-120, we indicated the belief that the no-show problem is essentially an industry problem which should preferably be dealt with on a uniform basis, and a receptivity to applications for industrywide discussions. A resolution of the no-show problem throughout the industry should also tend to reduce the number of denied boardings to passengers holding confirmed space.[3] With Eastern's plan as a starting point, we believe industrywide discussions of the no-show problem and related overbooking practices would be useful and in the public interest. Accordingly, we will grant the request to hold such discussions.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, 412, and 414 thereof:

It is ordered, That:

1. Air West, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., may engage in meetings at which the Board's representatives may be present, for a 90-day period extending from the date of this order, to discuss the matter of passenger no-shows;

2. The Director of the Bureau of Economics shall be given at least 48 hours' notice of the time and place of meetings;

3. The carriers shall keep complete and accurate minutes of such discussions and a true copy of such minutes shall be filed with the Board's Docket Section not later than 2 weeks after the close of the discussions;

4. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being incorporated in a tariff filing or placed in effect; and

5. This order shall be served upon Air West, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10482 Filed 7-22-71;8:50 am]

[Docket No. 18014; Order 71-7-97]

LIVE ANIMALS AND BIRDS

Order Regarding Revised Air Express Minimum Charge

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of July 1971.

By Order E-26405, dated February 26, 1968, the Board set a "maximum lawful minimum charge to be demanded, charged, collected or received for the transportation of live animals and birds by air express" of $6.25 per shipment. On March 16, 1971, REA Express, Inc. (REA), filed a motion to vacate Order E-26405. In support of its motion, REA asserts that its presently effective minimum charge for general commodity traffic is $8.50 and that, because of cost increases of the past several years, the $6.25 rate is substantially below REA's present out-of-pocket costs of carrying this traffic. REA desires to be able to file tariff revisions which would increase their minimum charge to $8.50 and bring its rates for live animals to levels at or above the general commodity rate.

On March 16, 1971, a motion for leave to file an otherwise unauthorized document, accompanied by a pleading designated a complaint, was filed on behalf of the Allied American Bird Co. (Allied American), a division of Hartz Mountain Products Corp. The Board will treat this pleading as an answer to REA's motion.

Allied American does not appear to challenge the reasonableness of REA's proposed increased minimum charge per se, but requests that the Board condition its vacation of Order E-26405 upon the requirement that section 10 of the Air Express Tariff (Specific Commodity Rates and Charges on Live Animals and Birds) be canceled, making live animal traffic subject to section 5, the General Commodity rate. This, Allied American states, would constitute interim relief "until section 10 of this tariff can be refiled with adequate justification for the Board to evaluate, or whatever other steps the Board may deem necessary to insure lawful rates charged by Air Express on live animal traffic without undue discrimination or undue prejudice." In support of its request, Allied American states that many of the rates charged for live animal shipments exceed the general commodity rates, particularly for heavier shipments and longer distances, and that these premiums have never been tested for lawfulness by the Board.

The Board has concluded to grant REA's motion to vacate Order E-26405. At the time the Board's decision and Order E-26405 were issued, the minimum air express charge for both general and specific commodity rated shipments was $5.50. In that order the Board permitted minimum charge for live animal traffic to be increased above that in general commodity traffic but limited the amount of the minimum charge on live animals to $6.25 on finding that higher costs for live animal traffic warranted a differential of 75 cents above the general commodity rates. Subsequently the minimum charges for general commodity traffic were raised by various increments until the present $8.50 minimum charge was effectuated pursuant to Order 70-9-98 dated September 18, 1970.[1] A minimum charge for live animals and birds at a level sufficiently below the current general commodity minimum charge appears to bear no relationship to the cost relationship of live animal traffic to general commodity traffic and the basis for the earlier order appears no longer applicable. In these circumstances the Board will revoke minimum charges for live animals prescribed in Order E-26405. This will permit REA to file its proposed tariff revisions to increase the minimum charges on live animal traffic. This tariff filing however, will be subject to the applicable provisions of the Federal Aviation Act of 1958 and the Board's regulations including the opportunity for complaints requesting suspension and investigation.

The Board will not, however, condition this revocation on the cancellation by REA of section 10 of the Air Express Tariff so as to result in live animal traffic bearing the same interim rates as general commodity traffic as requested by Allied American. While this action will result in live animal rates being higher than general commodity rates for larger, long-haul shipments than the general commodity rates and equal to general commodity rates for smaller

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[2] No answers were filed to the application.

[3] Recently the Board released a report showing that during fiscal 1970 approximately 99,000 passengers were denied boardings despite holding confirmed space, of which 37,000 received denied boarding compensation.

[1] This order applied to interim rate increases only. By Order 70-7-109 (July 23, 1970) REA's revisions in their air express rates, including a proposed $8.50 minimum charge, had been suspended and placed under investigation.

shipments, the currently applicable rates for the major long-haul shipments have remained substantially unchanged for several years. While such variations in the relationship of animal rates to general commodity rates are not desirable, the Board cannot find in Allied American's pleading, or otherwise, a basis for imposing the condition it requests.

Accordingly, pursuant to provisions of the Federal Aviation Act of 1958:

It is ordered, That:

1. The maximum lawful minimum charge to be demanded, charged, collected, or received for the transportation of live animals and birds in air express prescribed in Order E–26405, dated February 26, 1968, is revoked;

2. The motion of REA Express, Inc., is granted;

3. The motion and complaint of Allied American Bird Co. is dismissed except to the extent granted herein; and

4. A copy of this order will be served upon REA Express, Inc., and the Allied American Bird Co., and upon all other parties to Docket 18014.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–10483 Filed 7–22–71;8:50 am]

[Dockets Nos. 23345, 21355; Order 71–7–107]

MODERN AIR TRANSPORT, INC., ET AL.

Order Regarding Approval of Transfer of Certain Certificates of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of July 1971.

On April 29, 1971, Modern Air Transport, Inc. (Modern), and Hugh B. Mitchell, Trustee in bankruptcy of Standard Airways, Inc. (Standard Trustee), filed a joint application seeking Board approval, without a hearing, of the transfer of Standard's certificates of public convenience and necessity to Modern, pursuant to sections 401(h) and 801 of the Federal Aviation Act of 1958, as amended. In addition, the joint applicants request that the Board vacate the present suspension of Standard's operating authority and dismiss the investigation now pending in Docket 21355, instituted to determine whether Standard's certificates should be modified, suspended, or revoked for failure to comply with section 401(n) of the Act.[1]

Briefly stated, the circumstances surrounding the instant application are as follows: Both Modern and Standard are certificated supplemental air carriers. Following a period of severe financial reverses, Standard ceased all operations and subsequently, in late 1969, filed a petition in bankruptcy seeking reorganization, pursuant to which a trustee has been appointed. Standard voluntarily agreed to the suspension of its operating authority following the institution of an investigation into its continuing fitness in Docket 21355,[2] and further proceedings in the investigation have been temporarily deferred pending final decree or order in the bankruptcy proceedings.[3]

Standard presently holds domestic and military charter authority and charter authority for service to Mexico, Canada, and the Caribbean. However, as indicated above, all of this authority has been suspended. Modern, which now holds domestic and Canada/Mexico rights, is primarily interested in acquiring Standard's authority to operate U.S.-Caribbean charters, and has agreed to pay a total of $1 million in consideration for the transfer and reactivation of Standard's certificates.

Although Standard's Caribbean authority expires by its terms on November 26, 1971, approximately 5 months hence, Standard has filed a timely application for renewal of its certificate[4] which will permit its authority to continue in effect pending the conclusion of the renewal proceeding, pursuant to section 9(b) of the Administrative Procedure Act.[5]

In their application, the joint applicants contend that the requested transfer of Sandard's certificates, and the lifting of its suspension to enable Modern to utilize Standard's non-redundant authority, is in the public interest and should be approved by the Board without a hearing pursuant to section 401(h). They urge that a hearing is neither necessary nor appropriate, and that approval should not be deferred for simultaneous consideration with the forthcoming case on renewal of supplemental authority in the Caribbean.

A number of answers in response to the joint application have been submitted,[6] generally opposing grant of the relief requested without a hearing.[7]

Upon consideration of the foregoing pleadings and all relevant facts, we have decided to set the application for hearing and to deny the request for approval of the proposed certificate transfer without a hearing. A hearing may be legally required since the proposed transaction appears to contemplate an acquisition by Modern of a substantial part of the properties of Standard, within the meaning of section 408 of the Act.[8] In addition, we have concluded that the proposed transfer raises complex and controversial questions of fact, law, and policy which can best be resolved through evidentiary proceedings.

We have also decided against deferring the present proceeding for consolidation or simultaneous consideration with the case which will consider renewal of supplemental carrier authority in the Caribbean. The Board's policy has been to afford expeditious consideration to merger and acquisition cases, notwithstanding the pendency of certification cases involving similar routes.[9] In the present case, a decision in the acquisition case would be substantially delayed if the acquisition proceeding were deferred until a certification case is instituted and finally decided. We believe that a delay of this magnitude is undesirable. The proposed acquisition holds promise of permitting the completion of Standard's bankruptcy proceedings, and the reimbursement of Standard's creditors, including passengers who made deposits for charters which were never operated. The proposed acquisition could also permit the reinstitution of service which the Board has found to be required by the public convenience and necessity.[10] Accordingly, we believe it desirable that a prompt decision be reached on the Modern-Standard proposal.

However, the parties should be aware that if the Board ultimately approves the transfer of Standard's certificate, Modern will obtain only a temporary certificate. Modern would take this certificate subject to any determinations which the Board may make in a renewal proceeding, and a favorable decision on transfer of the temporary certificate would place the Board under absolutely no obligation to renew this authority.

In view of our decision herein, any decision to terminate the suspension of Standard's certificates would be premature. However, we will consolidate the present case and the section 401(n) case which is considering the suspension or revocation of Standard's certificate. Consolidation will permit simultaneous consideration of the related issues of whether Modern should be permitted to

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[2] Dissenting statement of members Minetti and Murphy filed as part of original document.

[1] Order 70–1–28, dated Jan. 6, 1970.

[3] The suspension of Standard's certificates was effected by Order 70–7–78, dated July 16, 1970.

[4] On May 28, 1971, the U.S. District Court for the Western District of Washington issued an order confirming the plan of reorganization and liquidation by which Modern would acquire Standard's operating authority, subject to Board approval.

[4] Docket 23384, filed May 11, 1971.

[5] 5 U.S.C., section 558(c).

[6] Answers were filed by American Airlines, Eastern Air Lines, Pan American World Airways, Trans International Airlines, Universal Airlines, World Airway, and Capitol International Airways, and Saturn Airways (jointly).

[7] The joint applicants filed a reply to the answers together with a motion for leave to file. Capitol and Saturn oppose the motion. We have decided to grant the motion for leave to file an otherwise unauthorized reply.

[8] Cf., Airlift-Slick Route Transfer Case, Order E–26810, dated May 20, 1968; Wien-Pan American Route Transfer, 38 CAB 796 (1963).

[9] See e.g., Eastern-Mackey Merger Case, Order E–24427, served Nov. 22, 1966; Universal-American Flyers, Order 71–5–80, dated Apr. 13, 1971.

[10] Of course, the foregoing statements are based on the materials now before us, and do not preclude a different conclusion on the basis of the evidence developed in the acquisition proceeding.

acquire Standard's certificates and whether further action should be taken with respect to Standard's certificates in the 401(n) proceeding: [11]

Accordingly, it is ordered, That:

1. The joint application of Modern Air Transport, Inc., and Hugh B. Mitchell, Trustee of Standard Airways, Inc., for approval of the transfer of Standard's certificates of public convenience and necessity to Modern, in Docket 23345, be and it hereby is set for hearing, pursuant to sections 401(h), 408, and 801 of the Act, before an Examiner of the Board at a time and place to be hereafter designated;

2. The Motion of the joint applicants for leave to file an otherwise unauthorized reply to the answers herein, be and it hereby is granted;

3. The investigation instituted in Docket 21355 to consider whether Standard's certificates of public convenience and necessity should be modified, suspended, or revoked for failure to comply with section 401(n) of the Act, be and it hereby is consolidated for simultaneous consideration with the route transfer application in Docket 23345;

4. Motions or petitions for modification or reconsideration of this order shall be filed no later than 20 days after the date of service of this order, and answers to such pleadings shall be filed no later than 20 days thereafter;

5. The deferral of further proceedings in Docket 21355, as ordered by Order 70-7-78, dated July 16, 1970, be and it hereby is terminated;

6. Except to the extent granted herein, the joint application of Modern Air Transport, Inc., and Hugh B. Mitchell, Trustee of Standard Airways, Inc., be and it hereby is denied; and

7. A copy of this order shall be served upon each certificated supplemental air carrier, Hugh B. Mitchell, Trustee of Standard Airways, Inc., all parties to Docket 21355, and upon American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10484 Filed 7-22-71;8:50 am]

[11] Toward this end, we are hereby terminating the deferral of further proceedings in Docket 21355, as ordered by Order 70-7-78, dated July 16, 1970. The section 401(n) issues will include, but not be limited to, the lifting of the suspension of Standard's certificate, in the event the proposed route transfer is approved. Thus, the consolidated proceeding will include the issue of whether Standard's certificates should be modified, suspended, or revoked, in the event the route transfer is disapproved.

[Docket No. 23496]

PANDAIR FREIGHT, LTD.

Foreign Air Carrier Permit for Indirect Foreign Air Transportation; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 4, 1971, at 10 a.m., e.d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., July 19, 1971.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[FR Doc.71-10486 Filed 7-22-71;8:50 am]

[Docket Nos. 23443-23445; Order 71-7-104]

SOUTHERN AIRWAYS, INC., AND UNITED AIR LINES, INC.

Order To Show Cause and Granting Temporary Suspension and Temporary Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of July 1971.

On May 27, 1971, Southern Airways, Inc. (Southern), and United Air Lines, Inc. (United), filed concurrently three applications requesting (1) a temporary authorization for United to suspend service at Mobile and a temporary exemption authorizing Southern to serve Mobile as an intermediate point on segment 8 of route 98; [1] (2) an amendment of Southern's certificate to designate Mobile, Ala., on a subsidy-ineligible basis, as an intermediate point on segment 8 of route 98 between Gulfport/Biloxi, Miss., and Eglin Air Force AFB, Fla.; [2] and (3) an amendment of United's certificate to delete the intermediate point Mobile, Ala., from route 51.[3] Both applicants request the Board to amend their certificates by the issuance of an order to show cause, or in the alternative, by a consolidated, expedited hearing on their applications in Dockets 23443 and 23444.

In support of their applications, Southern and United allege, inter alia, that various schedule adjustments over the years by United have failed to produce satisfactory load factors for service to Mobile; that Eastern, National, or Southern provide service or have authority to serve all but five [4] of the major Mobile markets which United is authorized to serve and that the latter five markets collectively generate only 12 passengers per day; that savings of $72,000 per year will accrue to United if the suspension is authorized; that Southern will add Mobile as a stop on a daily New Orleans-Washington/New York [5] service which will benefit approximately 7,700 passengers in 1972; that the forecast level of traffic can be accommodated on Southern's existing services; [6] that Southern will realize a subsidy reduction of $63,485 in 1972; that only $17,000 will be diverted from National; and that Eastern will benefit from the additional Mobile-Atlanta/Birmingham traffic by an estimated $30,000 increase in net revenues.

An answer in support of Southern's and United's applications was filed by the Mobile civic parties.[7]

The Air Line Pilots Association, International (ALPA), filed an answer opposing the grant of interim exemption authority to Southern and temporary suspension authority to United. ALPA contends that the proposed deletion of United's service at Mobile will have an adverse impact on the pilots and stewardesses of United. ALPA further contends that the applicants have failed to advance any reason for the grant of the interim relief requested and therefore urges the Board to set these applications for a hearing to consider, along with other issues, the question of the need for and the nature of appropriate labor protective provisions.

Upon consideration of the issues raised by the applicants, and the pleadings filed, we have decided to issue an order to show cause proposing to (1) amend Southern's certificate so as to designate Mobile, Ala., as an intermediate point on segment 8 of route 98 between Gulfport/Biloxi, Miss., and Eglin AFB, Fla., and (2) amend United's certificate so as to delete the intermediate point Mobile, Ala., from route 51. In addition, we will grant Southern a temporary exemption to serve Mobile as an intermediate point on segment 8 of route 98, and authorize United to temporarily suspend service at Mobile pending final Board action in the show cause proceeding.

We tentatively find and conclude that the public convenience and necessity require the foregoing certificate amendments.

In support of our ultimate finding, we tentatively find that the grant of the requested authority to Southern and United will not have an adverse effect on the overall quality of service provided at

[1] Joint application filed in Docket 23445.
[2] Docket 23443.
[3] Docket 23444.
[4] Buffalo, Asheville, Charleston, Rochester, and Youngstown.

[5] Northbound service is scheduled to make intermediate stops at Eglin AFB and Columbus, Ga.—southbound service will stop at Dothan in addition to Eglin and Columbus.
[6] Southern stated that it will increase service when general economic conditions improve.
[7] The city of Mobile, Ala., and the Mobile Area Chamber of Commerce.

Mobile;[8] that Southern will achieve a subsidy need reduction from its service to Mobile; that United will realize a significant savings which will help offset its system losses;[9] that no other air carrier will be significantly affected;[10] and that ALPA's contentions are substantially similar to those which have been rejected by the Board in prior proceedings.[11]

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.[12]

Turning to the applications for temporary relief, we find that it is in the public interest to permit United to temporarily suspend service at Mobile. For reasons set forth above, we believe that United has made a sufficient preliminary showing that its suspension, coupled with an exemption to Southern, will not have an adverse effect on the overall service at Mobile and that suspension will result in savings to United.[13]

We find further that grant of exemption authority pendente lite to Southern is warranted. The relief granted herein is temporary and involves no new stations or equipment for Southern. Southern is authorized to serve all of the markets in question, and the effect of our award is simply to allow Southern to provide improved service between Mobile and Washington/New York. No other carrier has objected to the exemption request. Under the circumstances here presented, we find that it would be an undue burden to deprive the carrier of the savings and operational efficiencies that will inure to it under the authority authorized herein during the pendency of its application for an amendment to its certificate.

Accordingly, we find that enforcement of section 401 with respect to the service described above would be an undue burden on Southern by reason of the limited extent of, and the unusual circumstances affecting its operations, and is not in the public interest.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending (1) United's certificate of public convenience and necessity for route 51 so as to delete Mobile, Ala., and (2) Southern's certificate of public convenience and necessity by adding Mobile, Ala., as an intermediate point on segment 8 of route 98 between Gulfport/Biloxi, Miss., and Eglin AFB, Fla., with service to Mobile to be operated on a subsidy-ineligible basis;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objectons are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. United Air Lines, Inc., be and it hereby is authorized to suspend service temporarily at Mobile, Ala.;

6. Southern Airways, Inc., be and it hereby is temporarily exempted from the provisions of section 401 of the Act, and the terms, conditions, and limitations of its certificate of public convenience and necessity for route 98 to the extent that they would otherwise prevent Southern from serving Mobile, Ala., as an intermediate point on segment 8 of route 98;

7. The authority granted in ordering pargraphs 5 and 6 shall be effective until 60 days following final Board decision in the show cause proceeding instituted by paragraphs 1 through 4 hereof;

8. The suspension and/or the exemption authority granted herein may be amended or revoked at any time in the discretion of the Board without hearing;

9. The motion of the Air Line Pilots Association, International for leave to file a late-filed answer, be and it hereby is granted;

10. A copy of this order shall be served upon Southern Airways, Inc., United Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc.; the Governor of Alabama; the Governor of Mississippi; the Governor of New Jersey; the Governor of New York; the mayors of Biloxi, Birmingham, Gulfport, and Mobile; the Federal Aviation Agency; the Alabama Department of Aeronautics; the Florida Department of Transportation; and The Air Line Pilots Association, International; and

11. This order may be amended or revoked at any time in the discretion of the Board without a hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10485 Filed 7-22-71;8:50 am]

[8] United presently provides single-plane service in three Mobile markets, Pittsburgh, Atlanta, and Birmingham. All of these markets presently receive single-plane service from Eastern and Southern, except the Pittsburgh market which generated 11 passengers a day in fiscal 1970. The Atlanta market which totaled 250 passengers per day in fiscal 1970, presently receives nine daily nonstop and one-stop round trips from Eastern, United, and Southern. The Birmingham market, which totaled 86 passengers per day in fiscal 1970, presently receives five daily nonstop round trips from Eastern, United, and Southern. Southern will provide single-plane service in the New Orleans, New York, and Washington markets which generated 174, 98, and 21 daily passengers, respectively, in fiscal 1970.

[9] United's reported net loss for the first quarter of 1971 exceeds $33 million.

[10] No carrier has objected to United's and Southern's applications.

[11] See Orders 70-10-118, dated Oct. 26, 1970, and 70-12-100, dated Dec. 17, 1970. See also Orders 69-4-137, 69-6-51, 69-6-56, 69-6-57, and 69-6-59, dated respectively April 30, 1969, June 11, 1969, and the latter three orders dated June 12, 1969, wherein similar contentions were made by ALPA concerning various certificated carrier-air taxi operator agreements. Further, ALPA has not made any showing that United's pilots or employees will be adversely affected by termination of service at Mobile with respect to seniority rights, displacement, or any other matters involved in standard labor protective conditions. As pointed out in Order 69-4-137, the Board generally imposes labor protective provisions in situations involving mergers or route transfers where there is general and systemwide impact on employees. ALPA has not demonstrated that the present situation falls within the Board's policy.

[12] We also find that Southern is fit, willing, and able properly to perform the proposed transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

[13] For reasons similar to those set forth in footnote 11 above, and the cases cited herein, the objections of ALPA do not warrant the denial of temporary authorizations to United and Southern.

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, Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include the following projects:

1. New Castle County: A system of sewage interceptors to be constructed by the Department of Public Works, New Castle County, Del. Parts of the Governor Printz, Hyde Run, Brookside, Red

Clay Creek, and Christina River interceptor systems will be involved. The combined projects are to provide relief for the entire South Delaware interceptor system and parts of the North Delaware interceptor system.

2. Hampton Lakes Water Co.: A well water supply project to augment public water supply in Southampton Township, Burlington County, N.J. A new well, No. 2, and an existing well, No. 1, will be used to provide a combined groundwater withdrawal limited to 31 million gallons per month.

3. Borough of Westville: A well water supply project to augment public water supplies in the Borough of Westville, Gloucester County, N.J. The new facility, designated as Well No. 5, will be used to increase the groundwater withdrawal by a maximum average of 800,000 gallons per day.

4. Warminster Township Municipal Authority: A project to upgrade the sewage treatment plant of Warminster Township, Bucks County, Pa. Chemical treatment and rapid sand filtration will be added to the treatment system handling 3.8 million gallons daily. About 96 percent of BOD_5 will be removed from the waste stream prior to discharge into Little Neshaminy Creek.

5. Borough of St. Clair: A project to upgrade the sewage treatment plant in the Borough of St. Clair, Schuylkill County, Pa. The existing primary treatment plant will be upgraded to a level that will enable 90 percent removal of BOD_5. The plant will treat a flow of 750,000 gallons per day prior to discharge into Mill Creek, a tributary of the Schuylkill River.

6. Westtown Sewer Co: A project to upgrade the company's sewage treatment plant in Westtown Township, Chester County, Pa. Capacity will be increased to 290,000 gallons per day. Improved treatment will enable the removal of 94 percent of BOD_5 and suspended solids prior to discharge to the East Branch of Chester Creek.

7. Borough of Kennett Square: A project to expand the sewage treatment plant of the Borough of Kennett Square, Chester County, Pa. A new contact stabilization plant will be added to the existing trickling filter plant. Expanded treatment will enable the removal of 90 percent of BOD_5 prior to discharge into Red Clay Creek.

8. Bucks County Water and Sewer Authority: A proposed interceptor sewer system to serve portions of Middletown, Newtown and Lower Makefield Townships, Bucks County, Pa. The interceptor will parallel Core Creek and is designed to serve approximately 44,000 persons by the year 2010. The interceptor will convey sewage to the city of Philadelphia's Northeast Treatment Plant.

9. Valley Forge Sewer Authority: A sewage treatment plant to be located in Schuylkill Township, Chester County, Pa. The plant and associated sewerage system will serve several adjacent townships and boroughs. The treatment plant will remove 95 percent of BOD_5 from an average wasteload of 8 million gallons per day. Treated discharge will be to the Schuylkill River.

10. Milford-Trumbauersville Sewer Authority: A comprehensive sewerage system and treatment plant to serve 4,000 persons in Milford Township and Trumbauersville Borough, Bucks County, Pa. The treatment will provide 95 percent removal of BOD_5 from a wasteload of 400,000 gallons per day. Discharge will be to Unami Creek, a tributary of the Perkiomen Creek.

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.

W. Brinton Whitall,
Secretary.

July 15, 1971.

[FR Doc.71-10435 Filed 7-22-71;8:46 am]

FEDERAL MARITIME COMMISSION

W. N. PROCTOR CO., INC., AND PISTORINO AND CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. Leo Fitzpatrick, President, W. N. Proctor Co., Inc., 40 Broad Street, Boston, MA 02109.

Agreement FF 71-5, between W. N. Proctor Co., Inc. (FMC No. 645), and Pistorino & Co., Inc. (FMC No. 520), was filed for the purpose of obtaining approval, pursuant to section 15, Shipping Act, 1916, of the sale of W. N. Proctor, Inc.'s outstanding capital stock to Pistorino & Co., Inc.

W. N. Proctor, Inc., will continue to operate as an independent ocean freight forwarder under its existing separate license.

Dated: July 20, 1971.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.71-10464 Filed 7-22-71;8:47 am]

FLOTA MERCANTE GRANCOLOMBIANA, S.A., AND GULF AND SOUTH AMERICAN STEAMSHIP CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lloyd F. Dolese, Secretary and Treasurer, Gulf & South American Steamship Co., Inc., Post Office Box 50038, New Orleans, LA 70150.

Agreement No. 9956, between Flota Mercante Grancolombiana, S.A., and Gulf & South American Steamship Co., Inc., establishes a pooling arrangement between the parties on all cargo (excluding mail, passenger baggage, automobiles accompanying passengers, bananas, ex-

plosives, livestock, bulk cargoes moving in lots of 1,000 short tons or more, and bullion). The agreement covers the trade area from U.S. gulf ports of Brownsville, Tex., to Tampa, Fla, to the Colombian ports of Santa Marta, Barranquilla, Cartagena, and Buenaventura, and the Ecuadorian ports of Guayaquil and Manta.

The parties have agreed to provide a minimum number of sailings from the U.S. gulf ports to the Colombian and Ecuadorian ports. The agreement also provides that each party will use its best efforts to secure for the other party the benefit of its nation's decrees, legislation, and/or administrative rules and regulations regarding the reservation of cargo to its nation's merchant marine.

In addition, Gulf & South American Steamship Co., Inc., shall have equal access to all cargo moving between U.S. gulf ports and Buenaventura, Colombia, and Manta and Guayaquil, Ecuador.

The agreement shall remain in effect until December 31, 1973. It may be terminated by one of the parties giving the other party at least three (3) months' prior written notice of termination before the expiration date.

Dated: July 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10465 Filed 7-22-71;8:47 am]

FEDERAL POWER COMMISSION

[Docket No. RI72-9, etc.]

AMOCO PRODUCTION CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 14, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: 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) 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.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the 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.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI72-9	Amoco Production Co.	566	4	Southern Union Gathering Co. (Ute Dome Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	$66	6-14-71		[7] 6-15-71	13.0	13.0551	
RI72-10	Chevron Oil Co., Western Division.	27	8	Transwestern Pipeline Co. (Kermit and South Kermit Fields, Winkler County, Tex., Permian Basin).	8,638	6-14-71	7-15-71	[3] 12-15-71	[14] 21.0919	[4] [14] 22.0963	RI71-645, Do. Do.
		28	8		3,264	6-14-71	7-15-71	[3] 12-15-71	[14] 21.0919	[4] [14] 22.0963	
		29	8		120,528	6-14-71	7-15-71	[3] 12-15-71	[14] 21.0919	[4] [14] 22.0963	
RI72-11	Belco Petroleum Corp.	1	35	El Paso Natural Gas Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo).	2,297	6-15-71	[16] 8-14-71	[3] 1-14-72	[5] 18.9309	[3] [5] 20.8452	Do.
					76,227	6-15-71	[16] 8-14-71	[3] 1-14-72	[6] 20.1198	[4] [5] 22.0743	Do.
					36,089	6-15-71	[16] 8-14-71	[3] 1-14-72	[5] 21.2986	[4] [5] 23.3035	Do.
	do	2	23	do	2,297	6-15-71	[16] 8-14-71	[3] 1-14-72	[5] 18.9309	[3] [5] 20.8452	RI71-225, Do. Do.
					76,227	6-15-71	[16] 8-14-71	[3] 1-14-72	[6] 20.1198	[4] [5] 22.0743	
					36,089	6-15-71	[16] 8-14-71	[3] 1-14-72	[5] 21.2986	[4] [5] 23.3035	
RI72-12	Sun Oil Co.	200	3	United Gas Pipe Line Co. (West Belle Isle, St. Mary Parish) (Southern Louisiana).	14,700	6-14-71	[16] 9- 5-71	9- 6-71	[5] 20.625	[16] 21.625	
RI72-13	The Superior Oil Co. et al.	3	[5] [18] 26	Trunkline Gas Co. (Pecan Lake and South Thornwell Field, Cameron Parish) (Southern Louisiana).	44,435	6-14-71		7-30-71	24.05	[16] [18] 26.0	G-20577.
RI71-750	Getty Oil Co.	107	[18] 1-24	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 47, Field) (Offshore Louisiana).	4,611	6-14-71		[17] 3-17-71	21.375	[18] 23.5	RI71-428.

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Contract rate is 27.2 cents plus applicable tax reimbursement.
[2] Contract dated prior to Oct. 1, 1968 and the proposed rate exceeds the rate limit for a 1-day suspension.
[3] Gas delivered at a pressure below 250 p.s.i.g.
[4] Gas delivered at a pressure above 250 p.s.i.g. but below transmission line pressure.
[5] Gas delivered at a pressure sufficient to enter transmission line (800 p.s.i.g.).
[6] Includes adjustment based on increase in Bureau of Labor Statistics Index of Wholesale Prices of all commodities.
[7] In accordance with order dated June 2, 1971 issuing certificate in Docket No. CI71-703.
[8] Initial rate subject to refund floor of 20 cents.
[9] Includes letter dated Apr. 7, 1971 whereby Trunkline advises Superior that it is now contractually required to pay 26 cents.
[10] Increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413 as amended Oct. 27, 1971.
[11] Based on Favored Nations provisions of Superior's contract.
[12] Applies only to sales from the "KJ" Sand Reservoir.
[13] Letter dated June 10, 1971 whereby Getty advises that the "KD" Sand Reservoir was discovered prior to Oct. 1, 1968 and does not qualify for higher ceiling.
[14] Applies only to gas produced from reservoirs discovered after Oct. 1, 1968 shown in documents submitted pursuant to Opinion No. 567 and reported separately.
[15] The pressure base is 14.65 p.s.i.a.
[16] Contractual due date.
[17] Accepted, subject to refund in Docket No. RI71-750, as of Mar. 17, 1971.

Getty Oil Co. had previously filed a proposed increase under its FPC Gas Rate Schedule No. 107 to 23.5 cents per Mcf. The proposed increase was suspended by order issued February 26, 1971, and made effective subject to refund as of March 17, 1971 in Docket No. RI71-750. Getty now states that one of the reservoirs, the "KD" reservoir, previously claimed for third vintage status under its original filing, does not qualify for such status and therefore it is not entitled to the 23.5-cent price for gas sold from such reservoir. No amounts attributable to the increased rate have been paid for gas sold from such reservoir. Accordingly, the substitute increase shall be accepted, subject to refund in Docket No. RI71-750, as of March 17, 1971, the same date the original increase was made effective subject to refund.

The proposed increase of Amoco Production Co. is suspended for 1 day pursuant to Commission order issued June 2, 1971, in Docket No. CI71-703 which among other things granted Respondent a certificate and advised that it could file up to the contract rate and collect such rate after a 1-day suspension period from the date of filing.

The proposed increases filed by Chevron Oil Co. and Belco Petroleum Corp. for sales in areas outside southern Louisiana which exceed the corresponding rate filing limitations imposed in southern Louisiana are suspended for 5 months. The increases pertaining to southern Louisiana sales are suspended for a period ending 45 days from the date of filing or 1 day from the contractually due date, whichever is later, consistent with prior Commission action on southern Louisiana increases exceeding the area rates set forth in Opinions Nos. 546 and 546-A. The proposed increased rates in areas outside southern Louisiana which do not exceed the corresponding rate limitation for increased rates in southern Louisiana are suspended for a period ending 61 days from the date of filing or for 1 day from the contractually due date, whichever is later.

Certain respondents request effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-10358 Filed 7-22-71;8:45 am]

[Docket No. CP70-229]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

JULY 21, 1971.

Take notice that on July 2, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (petitioner), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP70-229 a petition to amend, as supplemented on July 14, 1971, the order heretofore issued by the Commission pursuant to section 3 of the Natural Gas Act, on October 23, 1970, in said docket, by extending to April 1, 1972, the time within which petitioner is authorized to import natural gas from Canada, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of October 23, 1970 (44 FPC), authorized petitioner to import up to 30 million Mcf of natural gas from Canada at a point of interconnection with the facilities of Trans-Canada Pipelines Ltd. (Trans-Canada) near Niagara Falls, N.Y., during the period from November 1, 1970, to November 1, 1971. Petitioner states that it has completed the importation of approximately 19,400,000 Mcf. Petitioner states that a delay in the importation of the remaining volumes until after November 1, 1971, will provide additional volumes of gas for its customers, Consolidated Gas Supply Corp. and Iroquois Gas Corp., during the peak winter season. Therefore, petitioner requests that the order of the Commission heretofore issued in said docket be amended to provide for the importation of the remaining volumes of natural gas during the period from November 1, 1971 to April 1, 1972.

Petitioner states that if the delivery of the remaining volumes of natural gas is to be delayed, it will be necessary for Trans-Canada to inject these volumes into storage. Therefore, petitioner requests that action be taken on this petition at the earliest convenience.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 29, 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10506 Filed 7-22-71;8:52 am]

[Docket No. RP71-31]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Change in FPC Gas Tariff

JULY 21, 1971.

Take notice that on June 10, 1971, Transcontinental Gas Pipe Line Corp. (Transco) tendered for filing changes in its FPC Gas Tariff to be effective July 26, 1971. After Transco's compliance with the Commission Staff's request for additional data, the tendered filing was assigned a filing date of July 12, 1971, to be effective August 12, 1971, in accordance with section 4(d) of the Natural Gas Act. By letter filed July 13, 1971, Transco requests that the date upon which the company submitted its proposed change (June 10, 1971) be assigned to such filing or, in the alternative that the 30 day notice provision of section 4(d) of the Act be waived in accordance with § 154.51 of the Commission's regulations under the Act, to permit the filing to become effective on July 26, 1971, as proposed. The proposed tariff revisions would increase charges for jurisdictional sales and services by $1,009,283 per annum based on operations for the 12 months ended April 30, 1971.

The increase contained in the proposed tariff sheets results from a claimed increase in Transco's jurisdictional revenue requirements due to the inclusion in its rate base of advanced payments totaling $9,946,589 pursuant to Commission Orders 410 (issued Oct. 2, 1970) and 410-A (issued Jan. 8, 1971). The effect of Transco's proposal would be to increase Transco's commodity rates by 0.1 cent per Mcf.

The seven advance payments which Transco proposes to include in the company's rate base all provide for repayment to the company if the ventures are successful. Two such contracts provide for total repayment of the advance regardless of the outcome of the venture, two provide for repayment of up to one-half the advance if the venture is uneconomical, and the remaining three make no provision for repayment if the venture is uneconomical. All seven contracts require the dedication and sale to Transco of all commercial quantities of gas discovered. One of the seven contracts is for development of reserves and the remaining six are for various types of exploration.

Transco's authority to file the proposed changes is contingent upon the Commission's disposition of Transco's motion filed on April 29, 1971, in which it requests permission to adjust its rates from time to time to reflect advance payments for gas.

Copies of the proposed tariff changes were served on Transco's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make 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.71-10505 Filed 7-22-71;8:52 am]

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

HIGHLIGHTS LISTING

Notice of Exceptions

Section 16.25(b) of Title 1 of the Code of Federal Regulations authorizes the Director of the Federal Register to grant exceptions to the highlights listing requirement of § 16.25(a). Additional exceptions are required to be published in the FEDERAL REGISTER and this is the third such publication (see 36 F.R. 7757, Apr. 24, 1971 and 36 F.R. 11822, June 19, 1971).

The list of exceptions granted by the Director is periodically reviewed and modifications are made where warranted. Public and official comments are invited and should be submitted to: Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408. A public docket is maintained containing all correspondence concerning exceptions from the highlights requirement. This docket is available for inspection at the Office of the Federal Register, 633 Indiana Avenue NW., Washington, DC, Monday through Friday, 8:45 a.m. to 5:15 p.m.

The following exceptions are added to the list published at 36 F.R. 11822, June 19, 1971:

Exemption No.	Agency	Class of documents
	GENERAL EXCEPTIONS	
71-6	All agencies	Documents implementing and supplementing the Federal Procurement Regulations (41 CFR Ch. 1) and the Armed Services Procurement Regulations (32 CFR Ch. I, Subch. A).
	SPECIFIC AGENCY EXCEPTIONS	
71-106	Federal Aviation Administration, Department of Transportation.	Airworthiness Directives (14 CFR Part 39).

Dated: July 21, 1971.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.71-10558 Filed 7-22-71;8:53 am]

FEDERAL RESERVE SYSTEM

FIRST SECURITY NATIONAL 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 Security National Corp., which is a bank holding company located in Beaumont, Tex., for prior approval by the Board of Governors of the acquisition by Applicant of 37.5 percent of the voting shares of Gateway National Bank of Beaumont, Beaumont, 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 19, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.17-10436 Filed 7-22-71;8:46 am]

GENERAL SERVICES ADMINISTRATION

Property Management and Disposal Service

[Wildlife Order 92]

FARLINGTON NATIONAL FISH HATCHERY, FARLINGTON, KANS.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By a deed from the United States of America dated June 30, 1971, the property known as the Farlington National Fish Hatchery, consisting of 140.35 acres of land improved with fish raising ponds, and more particularly described in said deed, has been conveyed to the State of Kansas.

2. The above-described property was transferred for wildlife purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: July 16, 1971.

RICHARD W. AUSTIN,
Assistant Commissioner, Office of Real Property.

[FR Doc.71-10470 Filed 7-22-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2937]

AMWAY MUTUAL FUND

Notice of Filing of Application for Order Exempting Transaction

JULY 19, 1971.

Notice is hereby given that Amway Mutual Fund, Inc. (Applicant), 7575 East Fulton Road, Ada, MI 49301, a Delaware corporation registered under the Investment Company Act of 1940 (Act) as an open-end, diversified management investment company, has filed an application pursuant to section 17(b) of the Act for an order exempting from section 17(a) thereof a proposed transaction whereby Applicant would acquire from Amway Corp. (Amway) portfolio securities in consideration of shares of Applicant's common stock. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations therein, which are summarized below.

Amway is (1) an affiliated person of Applicant under section 2(a)(3) of the Act by virtue of its ownership of all of Applicant's outstanding voting securities; (2) a promoter of Applicant as defined in section 2(a)(30) of the Act since it is initiating and directing the organization of Applicant; and (3) an affiliate of an affiliate of Applicant by virtue of its ownership of all the outstanding voting stock of Amway Management Corp., Applicant's investment adviser and principal underwriter.

Applicant proposes to acquire from Amway shortly before the effective date of Applicant's registration statement under the Securities Act of 1933, portfolio securities (having a market value on May 24, 1971, of $2,250,331) at their market value on the date of acquisition. The consideration will be shares of Applicant's common stock, $1 par value, at the rate of one share of Applicant's stock for each $10 of market value of portfolio securities to be transferred subject to certain adjustments as set forth in the application in the event that Amway's portfolio at the time of transfer includes a net amount of unrealized appreciation. As of May 24, 1971, Amway's portfolio showed an unrealized loss of $102,856, or 4.57 percent of market value. In the opinion of Applicant's counsel, the transfer will qualify as a tax-free exchange so that the securities will have the same cost basis for tax purposes in the hands of Applicant as in the hands of Amway.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person or promoter of a registered investment company knowingly to sell any security or other property to such registered company.

Section 17(b) provides that a proposed transaction may be exempted from the provisions of section 17(a) upon application if the Commission finds that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Applicant submits that the granting of the requested order would permit Applicant to offer its initial shareholders immediate participation in a diversified securities portfolio. Applicant represents that the proposed transaction is consistent with its investment policy as recited in its registration statement and with the general purposes of the Act; and, that the terms of the proposed transaction, including the consideration to be received, are reasonable and fair and do not involve overreaching on the part of any person concerned.

Notice is further given that any interested person may, not later than August 5, 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 Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued 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.71-10437 Filed 7-22-71;8:46 am]

[70-5055]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issue and Sale of Common Stock by Holding Company Pursuant to an Underwritten Rights Offering

JULY 19, 1971.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, NY 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to offer up to 5,500,000 authorized but unissued shares of its common stock (additional common stock) for subscription by the holders of its outstanding shares of common stock on the basis of one share of the additional common stock for each ten (10) shares of common stock held on the record date. The record date will be August 26, 1971, or such later date as AEP's registration statement under the Securities Act of 1933 may become effective. The subscription price, to be determined by AEP's Board of Directors at about 3:45 p.m. on the day preceding the record date, will be not more than the closing price of AEP common stock on the New York Stock Exchange on the day prior to the record date and not less than 90 percent thereof. The subscription offer will expire September 17, 1971, unless the record date should be later than August 26, 1971, in which event the expiration date will be specified by amendment.

AEP further proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, such of the shares of the additional common stock as are not subscribed for pursuant to the subscription offer, together with any shares of common stock acquired by AEP pursuant to any stabilizing activities, which are also proposed to be effected by AEP in connection with the proposed transaction. The aggregate amount to be paid by AEP to the successful bidder or bidders for their commitments and obligations under the purchase contract will be determined by the competitive bidding procedure. The purchase contract will obligate the purchasers of the unsubscribed shares to make a public offering thereof promptly after the warrant expiration date. The stabilizing transactions may be effected on the New York Stock Exchange, in the over-the-counter market, or otherwise, but in no event will AEP acquire as a result of such transactions a net long position at any one time in excess of 500,000 shares of its common stock.

Rights to subscribe to the additional common stock will be evidenced by transferable subscription warrants which will be issued to all record holders of AEP common stock as promptly as practicable after the record date. No fractional shares will be issued; however, any holder with more than 10 shares, but not in exact multiples thereof, may purchase, at the subscription price, one extra share of additional common stock. A stockholder with less than 10 shares of common stock will be entitled to purchase, at the subscription price, one full share of additional common stock. In addition, each holder of a warrant or warrants who exercises such warrant or warrants in full will be given the privilege of subscribing, subject to allotment, at the same subscription price, for shares of additional unsubscribed common stock. AEP expects that subscription rights will be traded on the New York Stock Exchange and that, in addition, rights may be bought or sold through banks or brokers. In addition, AEP intends to afford to holders of warrants the opportunity to buy or to sell rights through AEP's subscription agent, such agent to charge 2 cents per right for its services in effecting such transactions.

No warrants will be mailed to stockholders with registered addresses outside the United States, Canada, and Mexico. Such stockholders will be informed in advance by AEP of their rights. Any of such warrants as to which no instructions have been received before 11 a.m. on the first full business day preceding the expiration date of the warrants will be sold for cash, and the net proceeds will be delivered to, or held for 2 years for the account of, such stockholders, after which such proceeds will become the property of AEP.

It is stated that the proceeds of the sale of the shares of additional common stock and any unsubscribed shares, together with other funds available to AEP are to be used by AEP to pay commercial paper as it matures, for working capital, and for other corporate purposes. At June 30, 1971, commercial paper in an aggregate amount of $111 million was outstanding.

Estimates of the fees and expenses to be incurred in connection with the proposed issue and sale of common stock are to be filed by amendment. It is stated that no State commission and no Federal commission, other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than 12 m. on August 16, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be

addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-10438 Filed 7-22-71;8:46 am]

[31-713]

PHILADELPHIA NATIONAL BANK ET AL.

Notice of Filing of Application for Order Declaring Applicants Not To Be Electric Utility Companies

JULY 19, 1971.

Notice is hereby given that the Philadelphia National Bank (PNB), the Commonwealth National Bank (CNB), the First National Bank of Saint Paul (FNB), and South Jersey National Bank (JNB), all of which are commercial banks organized as national banking associations under the laws of the United States, have together with Union Trust Company of Maryland (UTC), a commercial bank organized under the laws of the State of Maryland, filed an application and an amendment thereto for an order declaring that none of said Applicants will be "an electric utility company" within the meaning of section 2(a)(3) of the Public Utility Holding Company Act of 1935 (Act) as a result of the transactions set forth in the application. All interested parties are referred to the application, as amended, which is summarized below, for a complete statement of the facts.

All of the outstanding capital stock of PNB is owned by PNB Corp., a Pennsylvania corporation, and substantially all of the outstanding capital stock of FNB is owned by First Bank System, Inc., a Delaware corporation which is registered under the Bank Holding Company Act of 1956 and which also owns all or substantially all of the outstanding capital stock of 87 other commercial banks or trust companies. Neither CNB, JNB, nor UTC presently has a parent corporation. Neither any of the Applicants, nor either of the parent corporations of PNB and FNB, is presently a "holding company" or a "subsidiary company" of a "holding company," each as defined in the Act. If PNB, in its individual capacity, FNB, or PNB, in its capacity as trustee (as hereinafter described) were to become an electric utility company for the purposes of the Act as a result of the transactions described below, each of said corporations would in the absence of an appropriate exemption become subject to regulation under the Act. If PNB, as trustee were to become an electric utility company for the purposes of the Act, as a result of the transactions described below, CNB, JNB, and UTC would in the absence of an appropriate exemption become subject to regulation under the Act. If a parent corporation of CNB, JNB, or UTC should come into being during the terms of the lease described below and CNB, JNB, or UTC (or PNB as trustee) should be held to have become an electric utility company, such Applicants and their parent corporations would in the absence of an appropriate exemption become subject to regulation under the Act.

Philadelphia Electric Co. (PECO) is an electric utility company organized under the laws of the Commonwealth of Pennsylvania and is subject to the jurisdiction of the Public Utility Commission of Pennsylvania. PECO is an exempt holding company pursuant to Rule 2 promulgated under section 3(a) of the Act.

On April 29, 1971 (First Closing Date), PNB as trustee (Trustee) under a trust agreement (Trust Agreement) for the benefit of PNB in its individual capacity, CNB, FNB, JNB, and UTC (Trustors) entered into an equipment lease (Lease) with PECO whereby the Trustee leased 17 gas turbine generating units and accessory equipment (Units) to PECO for a term of approximately 25 years. PECO had previously entered into purchase agreements with various manufacturers to supply the Units to PECO for an aggregate purchase price of approximately $42 million.

On the First Closing Date PECO assigned its rights under the purchase agreements to the Trustee and the Trustee reimbursed PECO for its costs incurred for such items (as set forth in the Lease), principally progress payments made to the manufacturers, and the manufacturers delivered bills of sale with respect to the Units to the Trustee. The funds paid to PECO were, to the extent of $33,250,000, the proceeds of borrowings by the Trustee from institutional lenders, which borrowings were evidenced by 6¼ percent notes (Interim Notes) which were issued by the Trustee on the First Closing Date and which mature October 15, 1971. The balance of the funds paid to PECO, $275,552.63, had been advanced by the Trustors to the Trustee on the First Closing Date as an equity investment in the trust estate created by the Trust Agreement.

Additional advances to the Trustee are required to be made by the Trustors, by way of investment, to the end that when the total Lessor's Cost will have been paid approximately 20 percent of such total will have been paid with funds advanced by the Trustors and approximately 80 percent of such total will have been paid with funds borrowed by the Trustee.

Before October 16, 1971 (Term Loan Closing Date), the trustee is to borrow $33,250,000 from certain institutional investors, which borrowings will be evidenced by 8 percent First Mortgage Equipment Notes (First Mortgage Equipment Notes) which will be payable in installments semiannually on April 1 and October 1 in each year, commencing April 1, 1972, to and including October 1, 1996. The Interim Notes are, and the First Mortgage Equipment Notes will be, obligations of the Trustee, payable solely out of the assets of the trust estate, and secured by an Indenture of Mortgage, Assignment of Lease and Security Agreement (Mortgage) between the Trustee and Girard Trust Bank (Security Trustee) whereby the Trustee has granted the Security Trustee a security interest in the Units and the Lease and has assigned to the Security Trustee, as security, all sums due and to become due under the Lease.

On the Term Loan Closing Date PECO will pay the Trustee by way of interim rent an amount equal to (a) the interest then payable on the Interim Notes and (b) an amount, calculated at the same interest rate as that payable on the Interim Notes, on the funds invested by the Applicants prior to that date, and the Interim Notes will be retired and the interest paid thereon by the Trustee.

On each of the 50 consecutive dates occurring semiannually after October 1, 1971, PECO will pay periodic rent (Periodic Rent) for each Unit leased.

The Lease is a net lease under which PECO is responsible for maintaining, repairing, and insuring the Units and for paying substantially all taxes, assessments and other costs arising from the possession and use thereof. The Periodic Rent is calculated to provide funds sufficient to pay the principal of and interest on the First Mortgage Equipment Notes and to return the equity investment of the Applicants. PECO has the right to buy the Units at the end of the lease term, at their then fair market value, and after the term has expired, the Applicants will be entitled to receive any proceeds realized from leasing or selling the Units to PECO or to others.

The Applicants and PECO have applied to the Commissioner of Internal Revenue for a tax ruling with respect to the proposed transactions.

Upon application by PECO, the Pennsylvania Utility Commission (PUC) has determined that (1) the transfer of PECO's rights to the Units under the purchase agreements with the manufacturers thereof does not require the approval of the PUC; (2) neither the

Trustee, the trust under the Trust Agreement, nor any of the Trustors is a public utility subject as such to the jurisdiction of the PUC; and (3) PECO's assumption of the contingent obligations contained in the Lease and the Indemnity Agreement require the filing of a securities certificate with the PUC. The Securities certificate referred to above has been filed with and registered by the PUC.

The application states that neither any Applicant in its individual capacity, nor PNB as Trustee, will receive any revenue from the sale of electric energy generated by the Units. The Applicants' only financial interest in the transaction, except as stated below as to PNB, will be to receive payments from rentals and other proceeds, as described above and to receive certain tax benefits. PNB's only additional financial interest in the transaction will be to receive fees for its services as Trustee under the Lease. Each of the Applicants, representing that it is a company primarily engaged in one or more businesses other than the business of an electric utility company and that, by reason of the fact that no electric energy will be sold by it, or by PNB as Trustee, as a result of the proposed transactions, requests an order under section 2(a)(3) of the Act declaring that neither such Applicants nor PNB as Trustee will be an electric utility company as a result of the above described transactions.

Notice is further given that any interested person may, not later than August 16, 1971, request in writing that a hearing be held in respect of the request for exemption, stating the nature of his interest and the reasons for such request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date the Commission may grant the exemptions requested, or take such other action as it deems appropriate.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10439 Filed 7-22-71;8:46 am]

[811-1790]

STANDARD & POOR'S/INTERCAPITAL GROWTH FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 19, 1971.

Notice is hereby given that Standard & Poor's/InterCapital Growth Fund, Inc. Applicant, 1775 Broadway, New York, NY 10019, a Delaware corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant states that it registered under the Act on December 30, 1968, by filing both a Notification of Registration on Form N-8A, and a Registration Statement on Form N-8B-1. On the same date a Registration Statement on Form S-5 was filed with the Commission under the Securities Act of 1933; that Registration Statement has not been made effective and Applicant's request for withdrawal of the Registration Statement was granted on July 7, 1971. Applicant represents that it has no shareholders and that no public offering or sale of its common stock has been or is intended to be made.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides in pertinent part, that when the Commission, upon application, finds that a registered investment company has cease to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 10, 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 issuer, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of its 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 Commissions 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) any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10440 Filed 7-22-71;8:46 am]

SELECTIVE SERVICE SYSTEM

RANDOM SELECTION SEQUENCE FOR INDUCTION OF REGISTRANTS

Notice of Lottery Drawing

By virtue of the authority vested in me by § 1631.5 of Selective Service Regulations (16 CFR 1631.5; Executive Order 11606), a drawing will be conducted in the Department of Commerce Auditorium, Washington, D.C., on August 5, 1971, beginning at 10 a.m., e.d.s.t., to establish a random selection sequence for induction of registrants who during the calendar year 1971 have attained their 19th but not their 20th year of age.

[SEAL] CURTIS W. TARR,
Director.

JULY 19, 1971.

[FR Doc.71-10452 Filed 7-22-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License Application No. 09/12-5155]

OPPORTUNITY CAPITAL CORPORATION OF CALIFORNIA

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 § 107.102 of the regulations governing small business investment companies (13 CFR § 107.102 (1971)) under the name of Opportunity Capital Corporation of California, 101 Howard Street, San Francisco, CA 94105, 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 and shareholders are as follows:

James A. Bacigalupi, Jr., 337 Glendale Road, Hillsborough, CA 94010. Director.
Robert J. Gicker, 15 Entrata Avenue, San Anselmo, CA. Director.
Robert L. Shearn, 153 Sir Francis Drake Boulevard, Ross, CA 94957. Director and chairman of the board.
Melvin C. Yocum, 318 Miramontes Road, Woodside, CA. President and director.
Dante F. Tapia, 230 Moscow Street, San Francisco, CA. Treasurer.
Melvin A. Loupe, 131 West 40th Avenue, San Mateo, CA 94403. Director.
William V. Taylor, 66 Cleary Court, San Francisco, CA. Director.
William T. Lunny, 1803 Broadway, San Francisco, CA. Director.
Nelton T. Bogart, Jr., 336 Walsh Road, Atherton, CA 94025. Director.
Phillip W. McClanahan, 340 Euclid Avenue, San Francisco, CA. Secretary and director.
Arno A. Rayner, 275 East Strawberry Drive, Mill Valley, CA 94941. Director.
Frederick W. Andersen, 741 Woodstock Lane, Los Altos, CA. Director.
Harry W. Clester, 17 Janet Way, Apartment 3, Tiburon, CA. Vice president and assistant secretary.

Bank of America National Trust and Savings Association, Bank of America Center, San Francisco, CA 94120. 14.9 percent.
Standard Oil Co. of California, 225 Bush Street, San Francisco, CA 94120. 14.9 percent.
Wells Fargo Bank, 464 California Street, San Francisco, CA 94120. 11.9 percent.

The applicant, a California corporation, will begin operations with $670,000 of paid-in capital and surplus consisting of 6,700 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 national 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 15 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 San Francisco, Calif.

Dated: July 15, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-10441 Filed 7-22-71;8:46 am]

[Delegation of Authority No. 30 (Rev. 13), Amdt. 3]

REGIONAL DIRECTOR, REGION VII

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30 (Rev. 13) (36 F.R. 5881), as amended (36 F.R. 7625 and 36 F.R. 11129), is hereby further amended by adding paragraph 2 to part II, section C, to read as follows:

Part II. Community Economic Development (CED) Program.

* * * * *

Section C. Lease Guarantee Approval Authority.

* * * * *

2. To guarantee sureties of small business against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed the following amounts:

(a) Regional Director, Region VII, $500,000.

Effective date: July 8, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-10442 Filed 7-22-71;8:47 am]

[Declaration of Disaster Loan Area 836 (Class B)]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1971, because of the effects of certain disasters damage resulted to residences and business property located in Linn County and adjacent counties in the State of Iowa;

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 Linn County and adjacent counties, suffered damage or destruction resulting from excessive rain and flooding, occurring on July 10, 1971.

OFFICE

Small Business Administration District Office, 210 Walnut Street, Des Moines, IA 50309.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1972.

Dated: July 16, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-10443 Filed 7-22-71;8:47 am]

TARIFF COMMISSION

[TEA-F-27]

BANGOR SHOE MANUFACTURING CO., INC.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Bangor Shoe Manufacturing Co., Inc., Bangor, Maine, the U.S. Tariff Commission, on July 14, 1971, instituted an investigation under section 301(c)(1) of the said act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with women's and men's leather footwear of the types produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the customhouse.

Issued: July 20, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-10459 Filed 7-22-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 333]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 19, 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 17745 (Sub-No. 6 TA), filed July 12, 1971. Applicant: CONTRACTORS CARGO COMPANY, 11100 South

Garfield, South Gate, CA 90280. Applicant's representative: Herbert Alan Dubin, Federal Bar Building West, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ballast rock and road rock*, from Wahweap Creek located near Glen Canyon City, Utah, to the Navajo Generating Station located near Page, Ariz., for 150 days. NOTE: Contract carrier not authorized to tack or interline authority. Supporting shipper: Salt River Project, Post Office Box 1980, Phoenix, AZ 85001. 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 57315 (Sub-No. 20 TA), filed July 9, 1971. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, MA 02150. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except liquid commodities in bulk as described in sections A and B of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Boston, Cambridge, Somerville, and Everett, Mass., to Suffield and Torrington, Conn., for 180 days. Supporting shippers: Arrow Wholesale Meat Packers, Inc., 130 Newmarket Square, Boston, MA 02118; Borden Inc., Foods Division, 50 Revere Beach Parkway, Medford, MA 02155; Bowker Storage & Distributing Co., Inc., Post Office Box 9188, John F. Kennedy Station, Boston, Mass. 02114; Churny Co., Inc., 39 Medford Street, Somerville, MA 02143; Columbia Packing Co., 155 Southampton Street, Boston, MA 02118. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2211-B John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 76032 (Sub 285 TA), filed July 12, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: David N. Inwood (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meatpackers*, as described in sections A, B, C, and D of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Greeley, Colo., to points in Connecticut, District of Columbia, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, for 180 days. NOTE: Carrier does not intend to tack with presently existing authority. Supporting shipper: Monfort Packing Co., Box 1407, Greeley, CO 80631. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 80018 (Sub-No. 16 TA), filed July 13, 1971. Applicant: EDMAC TRUCKING COMPANY, INC., 620 Dunn Road, Post Office Box 770, Fayetteville, NC 28302. Applicant's representative: A. W. Flynn, Jr., Post Office Box 180, Greensboro, NC 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry rendered tankage*, in bulk, from Allentown, Boyertown, Chester, Lancaster, and Philadelphia, Pa.; Brooklyn, N.Y.; Whippany, Elizabeth, Bayonne, Newark, and Secaycus, N.J.; and Newark, Del.; to Fayetteville, N.C., with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Capr Fear Feed Products, Inc., Post Office Box 1659, Fayetteville, NC 28302. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 85465 (Sub-No. 40 TA), filed July 12, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 952, Fifth Avenue and Fifth Street, Scottsbluff, NE 69361. Applicant's representative: Truman H. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Swift & Co. at Gering and Scottsbluff, Nebr., to points in Mississippi, North Carolina, and South Carolina, for 180 days. Supporting shipper: John K. Drake, Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and U.S. Courthouse, Lincoln, Nebr. 68508.

No. MC 108119 (Sub-No. 33 TA), filed July 12, 1971. Applicant: E. L. MURPHY TRUCKING CO., 3303 Sibley Memorial Highway, Post Office Box 3010, 55101, St. Paul, MN 55111. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road rollers and scarifiers and parts and attachments therefor*, from the plantsite and warehouse sites of American Hoist & Derrick Co., at Minneapolis, Minn., to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: American Hoist & Derrick Co., 63 South Robert Street, St. Paul, MN 55107. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 111045 (Sub-No. 84 TA), filed July 12, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Palm River Road, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, other than table salt, in bulk, in pneumatic trailers, from Birmingham, Ala., to points in Tennessee, for 180 days. Supporting shipper: Morton Salt Co., Post Office Box 11868 Northside, Atlanta, GA 30305. 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 129386 (Sub-No. 7 TA), filed July 12, 1971. Applicant: REFRIGERATED TRUCKS, INC., 1007 Mullowney Lane, Billings, MT 59102. Applicant's representative: Clayton Brown (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses and such commodities* as are used by meatpackers in the conduct of their businesses when destined to and for use by meatpackers, as described in sections A, C, and D of appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Midland Empire Packing Co., Inc., Billings, Mont., to points in Colorado, Illinois, Minnesota, Nebraska, and Wisconsin, for 180 days. NOTE: Applicant intends to tack authority applied for to authority held by it in MC 129386. Supporting shipper: Midland Empire Packing Co., Inc., Post Office Box 1375, Billings, MT 59103. 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 133221 (Sub-No. 4 TA), filed July 6, 1971. Applicant: OVERLAND CO., INC., Box 406A, Route 1, Lawrenceville, GA 30245. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam products* (except in bulk), from Gales Ferry, Conn.; Midland, Mich.; Magnolia, Ark.; and Pevely, Mo.; to points in Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, for 150 days. Supporting shipper: Dow Chemical Co., Midland, Mich. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, Atlanta, GA 30309.

No. MC 135080 (Sub-No. 2 TA), filed July 8, 1971. Applicant: BEAULIEU TRANSPORT LIMITEE, 10, 272 Des Hetres Boulevard, Shawinigan, PQ Canada. Applicant's representative: Adrien R. Paquette, 200, Rue St-Jacques, 10ieme Etage, Montreal 126, PQ Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, from ports of entry on the international boundary line between the United States and Canada and points in New York, Michigan, Minnesota, Wisconsin, and Washington, for 180 days. Supporting shipper: Les Industries Dauphin Ltee, Grand'Mere, PQ Canada. Send protests to: Mr. Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 135758 TA, filed July 12, 1971. Applicant: LESTER GILBERT, doing business as GILBERT TRUCKING CO., 825C Oakleaf Circle, Birmingham, AL 35209. Applicant's representative: Richard Y. Bradley, Post Office Box 2707, Columbus, GA 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, from points in Russell and Jefferson Counties, Ala., Escambia County, Fla., and Cobb County, Ga., to points in Alabama, Georgia, Mississippi, and Tennessee and in the State of Florida in and west of Hamilton, Suwannee, Lafayette, and Dixie Counties, for 180 days. Supporting shipper: Bickerstaff Clay Products Co., Inc., Columbus, Ga. 31901. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 135760 TA, filed July 12, 1971. Applicant: COAST REFRIGERATED TRUCKING CO., INC., 315 Market Street, Wilmington, NC 28401. Applicant's representative: C. W. Fletcher (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork products*, between Castle Haynes and Holly Ridge, N.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); for the account of Carolina Meat Processors, Inc., restricted to the transportation of shipments moving in trailers equipped with mechanical refrigeration and approved by the Meat Inspection Division of the U.S. Department of Agriculture, for 180 days. Supporting shipper: Carolina Meat Processors, Inc., Post Office Box 294, Wilmington, NC 28401. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-10487 Filed 7-22-71;8:50 am]

[Notice 334]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 20, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2310 (Sub-No. 5 TA) (Correction), filed June 9, 1971, published FEDERAL REGISTER issues June 22, 1971, and June 29, 1971, respectively, and republished in part as corrected this issue. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, 620 Boston Street, LaPorte, IN 46350. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. NOTE: The purpose of this republication is to show the original publishing date as June 22, 1971, in lieu of June 11, 1971, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 108207 (Sub-No. 320 TA) (Correction), filed June 17, 1971, published FEDERAL REGISTER, June 29, 1971, corrected and republished in part as corrected this issue. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). NOTE: The purpose of this partial republication is to reflect the corrected Sub-No. 320 TA, in lieu of 340 TA, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 111729 (Sub-No. 320 TA) (Correction), filed June 14, 1971, published FEDERAL REGISTER June 24, 1971, corrected and republished in part as corrected this issue. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). NOTE: The purpose of this partial republication is to show the correct spelling as Sterling, Ill., in lieu of Stering, Ill., show erroneously in previous publication. The rest of the notice remains the same.

No. MC 117765 (Sub-No. 128 TA), filed July 12, 1971. Applicant: HAHN TRUCKING LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the plantsite of Pabst Brewing Co., Peoria Heights, Ill., to Kansas City and Topeka, Kans., for 180 days. Supporting shipper: Midwest Distributing Co., D. A. Altieri, Owner, 7300 Kaw Drive, Kansas City, KS 66111. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 135700 TA (Correction), filed June 18, 1971, published FEDERAL REGISTER July 2, 1971, corrected and republished in part as corrected this issue. Applicant: HAMMON TRUCKING, INC., 2561 Geary Street, Redding, CA 96001. Applicant's representative: George M. Carr, 351 California Street, Suite 1215, San Francisco, CA 94104. NOTE: The purpose of this partial republication is to show applicant's correct name as Hammon Trucking, Inc., in lieu of Hammond Trucking, Inc., which was shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 135756 TA, filed July 9, 1971. Applicant: MELVIN M. GRANTHAM, doing business as DELTA MOTOR FREIGHT, 414 Pecan, Clarksdale, MS 38416. Applicant's representative: Charles M. Merkel, Post Office Box 836, Clarksdale, MS 38614. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Memphis, Tenn., and Clarksdale, Miss., reviving the intermediate point of Lyon, Miss., from Memphis, Tenn., to Clarksdale, Miss., over U.S. Highway 61 and return over the same route, for 180 days. NOTE: Applicant intends to interline with other carriers in Memphis, Tenn. Supported by: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. 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.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-10488 Filed 7-22-71;8:50 am]

[Notice 720]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 20, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72980. By order of July 19, 1971, the Motor Carrier Board approved the transfer to Frontier Transportation Co., a corporation, Anchorage, Alaska, of the operating rights in certificate No. MC-133621 issued May 12, 1970, to Frontier Transportation Co., a division of Frontier Rock & Sand, Inc., Anchorage, Alaska, authorizing the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and their byproducts, and machinery, materials, equipment, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof, between points in Alaska (except points in the Alaska Panhandle), subject to restrictions. J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501, attorney for applicants.

No. MC-FC-73002. By order of July 16, 1971, the Motor Carrier Board approved the transfer to Robert L. Smith, 315 Allen Street, Alma, MI 48801, of Permit No. MC-128992 (Sub No. 1), issued to J. C. Smith & Sons, Inc., 1205 Michigan Avenue, St. Louis, MI, authorizing the transportation of: Corrugated steel pipe, from Alma, Mich., to a specified portion of Ohio.

No. MC-FC-73003. By order of July 19, 1971, the Motor Carrier Board approved the transfer to Samuel H. Myers, Jr., Fairfax, Va., of the operating rights in Permit No. MC-89479 issued January 28, 1957, to Samuel H. Myers, doing business as S. H. Myers, Vienna, Va., authorizing the transportation of feed and farm supplies, over specified routes, from Baltimore, Md., to points in Fairfax County, Va., serving no intermediate points. Robert M. Sielaty, 1819 H Street NW., Washington, DC 20006, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10489 Filed 7-22-71;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 20, 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. 42252—*Liquefied Carbon Dioxide from Yazoo City, Miss.* Filed by M. B. Hart, Jr., Agent (No. A6270), for interested rail carriers. Rates on liquefied carbon dioxide, in tank carloads, as described in the application, from Yazoo City, Miss., to Jacksonville and South Jacksonville, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 195 to Southern Freight Association, Agent, tariff I.C.C. S-699. Rates are published to become effective on August 26, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10490 Filed 7-22-71;8:51 am]

ASSIGNMENT OF HEARINGS

JULY 20, 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 98499 Sub 9, White Truck Line, Inc., assigned October 4, 1971, at Atlanta, Ga., in Room 305, 1252 West Peachtree Street.

MC-1931 Sub 12, Von Der Ahe Van Lines, Inc., now being assigned for continued hearing on September 20, 1971, in Courtroom No. 2, 1114 Market Street, St. Louis, Mo.

MC-119767 Sub 250, Beaver Transport Co., now assigned July 22, 1971, Chicago, Ill., has been canceled.

MC 134968 Sub 1, Bert F. Jones, d.b.a. Mitey Bee Xpress, now assigned July 22, 1971, at Denver, Colo., hearing canceled and application dismissed.

MC 98499 Sub 10, White Truck Line, Inc., assigned October 4, 1971, at Atlanta, Ga., in Room 305, 1252 West Peachtree Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10491 Filed 7-22-71;8:51 am]

[Rev. S.O. 994; I.C.C. Order No. 56-A]

PENN CENTRAL TRANSPORTATION CO., ET AL.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 56 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees; and Soo Line Railroad Co.), and good cause appearing therefor:

It is ordered, That:

(a) I.C.C. Order No. 56 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 5 p.m., July 16, 1971.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 16, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-10492 Filed 7-22-71;8:51 am]

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WASHINGTON, D.C.
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PART II

DEPARTMENT OF THE INTERIOR

■

Geothermal Resources Leasing and Operations on Public, Acquired, and Withdrawn Lands

■

Notice of Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR 3000, 3045, 3104, 3200]

GEOTHERMAL RESOURCES LEASING AND OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

Notice of Proposed Rule Making

The purpose of this proposed rule making is to implement the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566). That Act provides for the leasing of public lands for geothermal resource exploration, development, and production.

Environmental statements will be prepared and disseminated in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. Part 4332(2)(C) (Supp. V., 1965–69)), prior to the promulgation of any leasing and operating regulations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Geothermal Coordinator, Department of the Interior, Washington, D.C. 20240, within 60 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 3000.0–5 of Subpart 3000, Chapter II, Title 43 of the Code of Federal Regulations is revised to read as follows:

§ 3000.0–5 Definitions.

As used in this subchapter the following terms shall mean as follows:

(a) "Leasable minerals." (1) Oil and gas. (i) Gas, any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at ordinary temperature and pressure conditions. (ii) Oil, crude oil, any liquid hydrocarbon substance which occurs naturally in the earth, including drip gasoline or other natural condensates recovered from gas, without resort to manufacturing process.

(b) "Geothermal resources" means geothermal steam and associated geothermal resources which include: (1) All products of geothermal processes, embracing indigenous steam, hot water and hot brines; (2) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations; (3) heat or other associated energy found in geothermal formations; and (4) any byproducts derived from them.

(c) "Byproduct" means (1) any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium) which are found in solution or developed in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves, and (2) commercially demineralized water.

(d) "Known geothermal resource areas" (KGRA) means an area in which the geology, nearby discoveries, competitive interests, or other indicia would, in the opinion of the Secretary, engender a belief in men who are experienced in the subject matter that the prospects for extraction of geothermal steam or associated geothermal resources are good enough to warrant expenditures of money for that purpose. Any relevant data and information pertaining to the criteria, including without limitation any pertinent engineering and economic data, may be considered in classifying land for inclusion in a KGRA.

(e) "Other leasable minerals." (1) Coal, chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium and sodium; sulphur in the States of Louisiana and New Mexico; phosphate; and native asphalt, solid and semisolid bitumen and bituminous rock (including oil impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried). (2) Solid (hardrock) minerals; minerals in acquired lands which would be subject to location under the U.S. mining laws if located in the public domain lands.

(f) "Secretary." The Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(g) "Director." The Director of the Bureau of Land Management or any person duly authorized to exercise the powers vested in that officer.

(h) "State Director." The Director of a Bureau of Land Management State office.

(i) "Authorized officer" means any person authorized by law or by lawful delegation of authority in the Bureau of Land Management to perform the duties described.

(j) "Proper BLM office" means the Bureau of Land Management office having jurisdiction over the leased lands or lands subject to lease.

(k) "Commercial quantities" shall mean quantities sufficient to pay a profit after all costs of production have been met.

(l) "Public domain lands." Original public domain lands which have never left Federal ownership; also, lands in Federal ownership which were obtained by the Government in exchange for public lands or for timber on such lands; also original public domain lands which have reverted to Federal ownership through operation of the public land laws.

(m) "Acquired lands." Lands which the United States obtains by deed through purchase or gift, or through condemnation proceedings. They are distinguished from public domain lands in that acquired lands may or may not have been originally owned by the Government. If originally owned by the Government such lands have been disposed of (patented) under the public land laws and thereafter reacquired by the United States.

(n) "Other lands" (1) "Withdrawn lands." Lands which have been withdrawn and dedicated to public purposes. (2) "Reserved lands." Lands which have been withdrawn from disposal and dedicated to a specific public purpose. (3) "Segregated lands." Lands included in a withdrawal or in an application or entry which segregates them from operation of the public land laws.

2. Subpart 3045 of Chapter II, Title 43 of the Code of Federal Regulations is amended by substituting the words "oil and gas, or geothermal resources" for "oil and gas" wherever they appear throughout the Subpart. As revised Subpart 3045 reads as follows:

Subpart 3045—Geophysical Exploration Operations (Oil and Gas or Geothermal Resources)

§ 3045.0–1 Purposes.

The purpose of the regulations in this Subpart 3045 is to establish procedures to be followed in conducting exploration of the public land for oil and gas or geothermal resources. For exploratory operations for other leasable minerals, the lease or permit required by the appropriate regulations must be secured. The regulations in this subpart are not applicable to exploration operations conducted pursuant to oil and gas or geothermal resourses lease, and also are not applicable to the exploration of public domain lands for minerals subject to location under the U.S. mining laws.

§ 3045.0–5 Definitions.

For the purpose of the regulations in this subpart:

(a) "Oil and gas or geothermal resources exploration" means any activity relating to the search for evidence of oil and gas or geothermal resources which requires physical presence upon the land and which may result in damage to public lands or resources thereon. It includes, but is not limited to, geophysical operations, construction of roads and trails, and cross-country transit by vehicle over public domain. It does not include the casual use of public lands for oil and gas or geothermal resources exploration. It does not include core drilling for subsurface geologic information or drilling for oil and gas or geothermal resources; these activities will only be authorized by the issuance of an oil and gas or geothermal resources lease. The regulations in this subpart, however, are not intended to prevent drilling operations necessary for placing explosive charges for seismic exploration, nor do they affect the exclusive right to "drill" for oil and gas or

geothermal resources by a lessee upon his leased premises.

(b) "Public lands" means lands owned by the United States and administered by the Bureau of Land Management. It does not include retained mineral interest in lands, title to which has passed from the United States.

(c) "Casual use" means activities that involve practices which do not ordinarily lead to any appreciable disturbance or damage to lands, resources, and improvements. For example, activities which do not involve use of heavy equipment or explosives and which do not involve vehicle movement except over established roads and trails are "casual use."

§ 3045.0–7 Cross-references.

43 CFR 3104.9.
43 CFR 3104.15.

§ 3045.1 Notice of intent to conduct oil and gas or geothermal resources operations.

§ 3045.1–1 Application.

(a) *Forms and where filed.* Any person desiring to conduct oil and gas or geothermal resources exploration operations under the regulations of this subpart shall, prior to entry upon the lands, file with the District Manager of the Bureau of Land Management for the district in which the public lands are located a "Notice of Intent to Conduct Oil and Gas or Geothermal Resources Exploration Operations," on a form approved by the Director.

(b) *Requirements.* The "Notice of Intent to Conduct Oil and Gas or Geothermal Resources Exploration Operations" will contain the following:

(1) The name and address, including zip code, both of the person, association, or corporation for whom the operations will be conducted and of the person who will be in charge of the actual exploration activities.

(2) A statement that the signers agree that exploration operations will be conducted pursuant to the terms and conditions listed on the approved form.

(3) A brief description of the type of operations which will be undertaken.

(4) A description of the lands to be explored, by township and range.

(5) Approximate date of commencement of operations.

§ 3045.2 Completion of operations.

Upon completion of the exploratory operations, there shall be filed with the District Manager a "Notice of Completion of Oil and Gas or Geothermal Resources Exploration Operations." Within 90 days after the filing of such "Notice of Completion," the District Manager shall notify the party who had conducted the operations whether all of the terms and conditions set out by the regulations in this subpart and in the "Notice of Intent to Conduct Oil and Gas or Geothermal Resources Exploration Operations" have been complied with, or whether any additional measures must be taken to rectify any damage to the land, specifying the nature and extent thereof.

§ 3045.3 Bond requirements.

(a) Amount of bond and when filed (see 3104.9).

(b) Termination of period of liability (see 3104.9–5).

3. Sections 3104.9, 3104.9–1, and 3104.9–5 of Subpart 3104, Chapter II, Title 43 of the Code of Federal Regulations are amended by substituting the words "oil and gas, or geothermal resources" for "oil and gas" wherever they appear throughout. As revised these sections read as follows:

§ 3104.9 Exploration bond.

(a) *Individual.* Simultaneously with the filing of the Notice of Intent to Conduct Oil and Gas or Geothermal Resources Exploration Operations, and before the entry is made on the land, the party or parties filing the "Notice of Intent to Conduct Oil and Gas or Geothermal Resources Exploration Operations" must file with the District Manager a surety company bond in the amount of $5,000, conditioned upon the full and faithful compliance, for each oil and gas or geothermal resources exploration operation, with all of the terms and conditions of the regulations in this subpart and of that notice.

(b) *Nationwide.* A $50,000 nationwide bond.

(c) *Statewide.* A statewide bond in the amount of $25,000 covering all oil and gas or geothermal Resources exploration operations in the same State.

§ 3104.9–1 Riders to existing bond forms.

(a) *Nationwide and statewide bonds.* Holders of nationwide and statewide oil and gas or Geothermal Resources lease bonds shall be permitted to amend their bonds to include exploration activities in lieu of furnishing additional bonds.

§ 3104.9–5 Termination of period of liability.

The District Manager will not give his consent to the cancellation of the bond if an individual bond was submitted, or to the termination of liability if a State or nationwide bond was submitted, unless and until all of the terms and conditions of the "Notice of Intent to Conduct Oil and Gas or Geothermal Resources Exploration Operations" have been complied with. Should the District Manager or any other authorized officer of the Bureau of Land Management fail to notify the party within 90 days from the filing of "Notice of Completion" that all terms and conditions have been complied with or that additional corrective measures must be taken to rehabilitate the land, liability under an individual bond or liability for a particular oil and gas or geothermal resources exploration operation under a State or nationwide bond shall automatically terminate on the 91st day.

4. A new Group 3200 is added to Chapter II, Title 43 of the Code of Federal Regulations to read as follows:

Group 3200—Geothermal Resources Leasing

PART 3200—GEOTHERMAL RESOURCES LEASING; GENERAL

Subpart 3200—Geothermal Resources Leasing; General

Sec.
3200.0–3 Authority.
3200.0–5 Definitions.
3200.0–6 Preleasing procedures.
3200.0–7 Cross reference.

Subpart 3201—Available Lands; Limitations; Unit Agreements

3201.1 Lands subject to geothermal leasing.
3201.1–1 General.
3201.1–2 Department of the Interior.
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3201.1–5 Patented lands.
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3202.2 Statements required to be submitted.
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3203.1 Primary and additional term.
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3203.1–2 Primary term.
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3205.3–9 Readjustments.

Subpart 3206—Lease Bonds

Subpart 3200—Geothermal Resources Leasing; General

§ 3200.0–3 Authority.

These regulations are issued pursuant to the Geothermal Steam Act of 1970 (84 Stat. 1566), and rights to develop and utilize geothermal resources in land subject to these regulations may be acquired only in accordance with these regulations.

§ 3200.0–5 Definitions.

As used in Group 3200, the term:

(a) "The Act" means the Geothermal Steam Act of 1970;

(b) "Geothermal lease" means a lease issued under authority of the Act;

(c) "Sole party in interest" means a party who is and will be vested with all legal and equitable rights under the lease. No one is, or shall be deemed to be, a sole party in interest with respect to a lease in which any other party has any interest in the lease;

(d) "Interest in the lease" means any interest whatever in a geothermal lease, including, but not limited to: A record title interest; a working interest; an operating right; a claim to any prospective or future advantage or benefit from a lease; a participation in any increment, issue, or profit which may be derived, or accrue in any manner, from the lease based upon, or pursuant to, any agreement or understanding in existence at the time when the offer is filed; and an agreement pertaining to any of the foregoing;

(e) "Supervisor" means a representative of the Secretary under administrative direction of the Director, Geological Survey, through the Chief, Conservation Division, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or any subordinate of such representative acting under his direction.

§ 3200.0–6 Preleasing procedures.

(a) When an area is initially considered for geothermal leasing or when the need arises, the Director shall request other interested Bureaus and Federal agencies to prepare reports describing, to the extent known, resources contained within the general area and the potential effect of mineral operations upon the resources of the area and its total environment.

(b) The Director, prior to the final selection of tracts for leasing, shall, when appropriate, evaluate fully the potential effect of the leasing program on the total environment, fish and other aquatic resources, wildlife habitat and populations, esthetics, recreation, and other resources in the entire area during exploratory, developmental, and operational phases. To aid him in his evaluation and selection of tracts he may request and consider the views and recommendations of appropriate Federal agencies, may hold public hearings after appropriate notice, and may consult with State agencies, organizations, industries, and individuals, and shall consider all other potential uses of the land and its natural resources. The Director shall develop special terms and conditions to be included in leases when they are needed to protect the environment, to permit use of the land for other purposes, and to protect other natural resources; any terms and conditions to be included in leases shall be published in the notice announcing the availability of the land for leasing.

§ 3200.0–7 Cross reference.

(a) The regulations governing operations under geothermal leases are found in 30 CFR Part 270.

(b) The regulations setting forth the basic policies for management of the public lands are found in Part 1725 of this chapter.

§ 3200.0–8 Use of surface.

(a) A lessee shall be entitled to use only so much of the surface of the lands covered by his lease as may be found by the Supervisor to be necessary for the production, utilization, and conservation of geothermal resources. Any use of the surface for a power generation plant or a commercial or industrial facility will be authorized only under a separate permit issued by the Secretary for that specific use and subject to all terms and conditions which he may include in that permit. The lessee shall not be entitled to use any mineral materials subject to the Materials Act except as provided by Part 3600 of this chapter.

(b) Operations under other leases or uses on the same lands shall not unreasonably interfere with or endanger operations under leases issued under these regulations nor shall operations under these regulations unreasonably interfere with or endanger operations under any lease, license, claim, permit, or other authorized use pursuant to the provisions of any other Act.

Subpart 3201—Available Lands; Limitations, Unit Agreements

§ 3201.1 Lands subject to geothermal leasing.

§ 3201.1–1 General.

Subject to the exceptions listed below, geothermal leases may be issued for (a) lands administered by the Secretary of the Interior; (b) national forest lands or other lands administered by the Department of Agriculture through the Forest Service; and (c) geothermal resources in lands which have been conveyed by the United States subject to a reservation to the United States of geothermal resources.

§ 3201.1–2 Department of the Interior.

(a) Except as provided in this section, leases may be issued in accordance with the regulations in this part for withdrawn lands, for acquired lands, and for geothermal resources in lands which have passed from Federal ownership subject to a reservation to the United States of the geothermal resources therein where such lands or resources are administered by the Secretary of the Interior.

(b) Notwithstanding any other provision in these regulations, geothermal leases shall not be issued for: (1) Lands which the Secretary has identified or may identify as being necessary to the performance of his or any other Federal agency's authorized functions, and on which geothermal resource development would interfere with such functions in his judgment; or (2) lands respecting which the Secretary has made or may make a finding that the issuance of geothermal leases would be contrary to the public interest. Upon receipt of an application for a geothermal lease affecting lands withdrawn under section 3 of the Reclamation Act of 1902 (43 U.S.C. § 416) or any other appropriate authority, notice thereof and an opportunity to comment thereon shall be given to the head of the agency for whose benefit the withdrawal was made. Where leases are issued under Part 3210 or 3220 for lands neighboring such reserved lands, the lessees shall be required to perform such lease operations and take such measures as are prescribed by the Secretary for the protection of the Federal interests therein. Stipulations for this purpose will be incorporated in any applicable leases.

§ 3201.1–3 Department of Agriculture.

Leases for lands withdrawn or acquired in aid of functions of the Department of Agriculture, for example, lands administered by the Forest Service, may be issued by the Secretary of the Interior only with the consent of, and subject to such terms and conditions as may be prescribed by, the head of that Department to insure adequate utilization of the lands for the purpose for which they were withdrawn or acquired.

§ 3201.1–4 Federal Power Commission.

Leases for lands to which section 24 of the Federal Power Act, as amended (16 U.S.C. 818), is applicable, may be issued by the Secretary of the Interior only with the consent of, and subject to, such terms and conditions as the Federal Power Commission may prescribe to insure adequate utilization of such lands for power and related purposes.

§ 3201.1–5 Patented lands.

(a) Except as provided in paragraph (b) of this section, geothermal resources in lands which have passed from Federal ownership subject to reservation to the United States of the geothermal resources therein may be leased under the regulations in this group subject to the provisions in this part and to such terms

and conditions as may be prescribed by the authorized officer to insure adequate protection of the surface and any improvements thereon.

(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be leased under this group unless the question of the title to such resources has been resolved favorably to the United States pursuant to the provisions of section 21(b) of the Act.

§ 3201.1–6 Excepted areas.

Leases shall not be issued for lands which are: (1) Administered under the National Park System; (2) within a national recreation area; (3) in a fish hatchery administered by the Secretary, wildlife refuge, wildlife range, game range, wildlife management area, or waterfowl production area, or for lands acquired or reserved for the protection and conservation of fish and wildlife which are threatened with extinction; or (4) tribally or individually owned Indian trust or restricted lands, within or without the boundaries of Indian reservations.

§ 3201.2 Acreage limitations.

(a) No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the Secretary or otherwise, any direct or indirect interest in Federal leases in any one State exceeding 20,480 acres. Nor may any person, association, or corporation be permitted to convert mineral leases, permits, applications therefor, or mining claims, pursuant to the provisions of section 4 (a)–(f) of the Act into geothermal leases for more than 10,240 acres.

(b) In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease shall be that party's proportionate part of the total lease acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holdings of any association or corporation unless he is the beneficial owner of more than 10 per centum of the stock or other instruments of ownership or control of that association or corporation. Parties owning a royalty or other interest determined by or payable out of a percentage of production from a lease will be charged with a similar percentage of the total lease acreage.

(c) An association shall not be deemed to exist between the parties to a contract for development of leased lands, whether or not coupled with an interest in the lease, nor between colessees, but each party to any such contract or each colessee will be charged with his proportionate interest in the lease. No holding of acreage in common by the same persons in excess of the maximum acreage specified in the law for any one lessee will be permitted.

§ 3201.3 Leases within unit areas.

Before issuance of a geothermal lease for lands within an approved unit agreement, the lease applicant or successful bidder will be required to file evidence that he has entered into an agreement with the unit operator for the development and operation of the lands in a lease if issued to him under and pursuant to the terms and provisions of the approved unit agreement, or a statement giving satisfactory reasons for the failure to enter into such agreement. If such statement is acceptable, he will be permitted to operate independently but will be required to conform to the terms and provisions of the agreement with respect to such operations.

Subpart 3202—Qualifications of Lessees

§ 3202.1 Who may hold leases.

Leases may be issued only to: (1) Citizens of the United States; (2) associations of such citizens; (3) corporations organized under the laws of the United States, any State or the District of Columbia; or (4) governmental units, including, without limitation, municipalities. The term "association" includes a partnership.

§ 3202.2 Statements required to be submitted.

§ 3202.2–1 General.

(a) Each applicant for a lease is required to submit with his application a statement that his interests, direct and indirect, in Federal geothermal leases, and applications, do not exceed the acreage limitations prescribed in § 3201.2, together with a statement of his citizenship.

(b) If the applicant is an association or corporation, the application must be accompanied by: (1) A statement showing that it is authorized to hold geothermal leases; (2) a statement that the officer executing the application is authorized to act on behalf of the association or corporation; and (3) a certified copy of articles of association or incorporation.

§ 3202.2–2 Municipalities.

A municipality must submit evidence (a) that it is authorized to hold a geothermal lease; and (b) that the action proposed has been authorized by its governing body.

§ 3202.2–3 Guardian or trustee.

(a) *Guardian.* If the application is made by a guardian, he must submit: (1) A certified copy of the court order authorizing him to act as guardian and, in behalf of his ward, to enter into contractual agreements and to fulfill all obligations arising under the lease; and (2) statements as to the citizenship and holdings under the Act of himself and of each person under his guardianship for whom the offer or nomination is made.

(b) *Trustee.* If the application is made by a trustee, he must submit a copy of the instrument establishing the trust or a certified copy of the court order authorizing him to act as trustee, in behalf of the beneficiary, as to all obligations arising under the lease; and statements as to the citizenship and holdings under the Act of himself and of each beneficiary.

§ 3202.2–4 Attorney-in-fact.

If an application is filed by an attorney-in-fact, it must be accompanied by evidence as to his authority to act.

§ 3202.2–5 Evidence previously filed.

Where the statements required by § 3202.2 have been previously filed a reference by serial number to the record in which they have been filed, together with a statement as to any amendments will be accepted.

§ 3202.2–6 Death of applicant.

If an applicant or nominator or a successful bidder dies before the lease is issued, the application or nomination will automatically terminate or the bid will be rejected.

§ 3202.2–7 Showing as to sole party in interest.

Each application must be accompanied either by a signed statement by the applicant that he is the sole party in interest, or by a signed statement by the applicant setting forth the names of all other persons who have an interest in the lease and their qualifications to hold a lease.

Subpart 3203—Leasing Terms

§ 3203.1 Primary and additional term.

§ 3203.1–1 Dating of leases.

All geothermal leases will be dated as of the first day of the month following the date on which the leases are signed on behalf of the lessor except that, where prior written request has been made, a lease may be dated as of the first day of the month within which it is so signed. A renewal lease will be dated from the termination of the original lease.

§ 3203.1–2 Primary term.

All leases shall be for a primary term of 10 years.

§ 3203.1–3 Additional term.

(a) If geothermal steam is produced or utilized in commercial quantities within the primary term of a lease, that lease shall continue for so long thereafter as geothermal steam is produced or utilized in commercial quantities, but the lease shall in no event continue for more than 40 years after the end of the primary term.

(b) For the purposes of paragraph (a) of this section, production or utilization of geothermal steam in commercial quantities shall be deemed to include the completion of one or more wells producing or capable of producing geothermal steam in commercial quantities and a bona fide sale of such geothermal steam for delivery to or utilization by a facility or facilities not yet installed but scheduled for installation not later than 15 years from the date of commencement of the primary term of the lease.

§ 3203.1–4 Renewals.

If, at the end of 40 years after the conclusion of the primary term, steam is being produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a right to a renewal of the lease for a second 40-year term on such terms and conditions as the Secretary deems appropriate.

§ 3203.1–5 Extensions.

(a) A lease which has been extended by reason of production, or on which geothermal steam has been produced, and which has been determined by the Secretary to be incapable of further commercial production and utilization of geothermal steam may be further extended so long as one or more valuable byproducts are produced in commercial quantities but for not more than 5 years.

(b) The primary term of a lease may also be extended for a period of 5 years and so long thereafter as geothermal steam is produced or utilized in commercial quantities (but for not more than 35 years) where the lessee commenced actual drilling operations prior to the end of the primary term and those operations are being diligently prosecuted at that time.

(c) Any lease on which there has been a suspension of operations or production, or both, under 30 CFR § 270.17 shall be extended for a period equal to the period of suspension.

§ 3203.1–6 Conversion to mineral leases or mining claims.

(a) If the byproducts being produced in commercial quantities are leasable under the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. sections 181–287), or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. sections 351–359), and the leasehold is primarily valuable for the production thereof, the lessee shall be entitled to convert his geothermal lease to a mineral lease under, and subject to all the terms and conditions of, the appropriate Act upon application at any time before expiration of the lease extension by reason of byproduct production.

(b) The lessee shall be entitled to locate under the mining laws all minerals which are not leasable and which would constitute a byproduct if commercial production or utilization of geothermal steam continued. The lessee in order to acquire the rights herein granted him shall complete the location of mineral claims within 90 days after the termination of the geothermal lease.

(c) Any lease converted under paragraph (a) of this section for the use of the surface of any mining claim location under paragraph (b) of this section for geothermal byproduct minerals affecting lands withdrawn or acquired in aid of a function of a Federal department or agency, including the Department of the Interior, shall be subject to such additional terms and conditions as may be prescribed by that department or agency with respect to the additional operations or effects resulting from such conversion upon the utilization of the lands for the purpose for which they are administered.

§ 3203.2 Lease acreage limitation.

A geothermal lease may not embrace more than 2,560 acres in a reasonably compact area, except where a departure is occasioned by an irregular subdivision. In such event, the leased acreage may exceed 2,560 acres by an amount which is smaller than the amount by which the area would be less than 2,560 acres if the irregular subdivision were excluded. No lease will be issued for less than 1,280 acres, except at the discretion of the Secretary, or where a departure is occasioned by an irregular subdivision. In event of a departure, the leased acreage may be less than 1,280 acres by an amount which is smaller than the amount by which the area would be more than 1,280 acres if the irregular subdivision were added.

§ 3203.3 Consolidation of units.

Two or more contiguous leases issued to the same lessee may be consolidated if the total combined acreage does not exceed 2,560 acres. Except where a departure is occasioned by an irregular subdivision as stated in § 3203.2.

§ 3303.4 Description of lands.

Applications and nominations shall include a description of the lands sought to be included in a geothermal lease. If the lands have been surveyed under the public land rectangular system, each application or nomination shall describe the lands by legal subdivision, section, township, and range. If the lands have not been so surveyed, each application shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to a monument or to a prominent topographic feature. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, each application or nomination for lands shown on such protracted surveys, filed on or after such effective date, shall describe the lands according to the legal subdivision, section, township, and range shown on the approved protracted surveys.

Subpart 3204—Surface Management Requirements, Special Requirements

§ 3204.1 General.

A lessee shall comply with and be bound by the following terms and conditions:

(a) *Equal employment opportunity.* To comply with Executive Order 11246, as amended, 30 F.R. 12319 (1965), and regulations issued pursuant thereto, 41 CFR Chapter 60 and Part 17 of this chapter.

(b) *Public access.* (1) To permit free and unrestricted public access to and upon the leased lands for all lawful and proper purposes except in areas where such access would unduly interfere with operations under the lease or would constitute a hazard to health and safety. Determinations by a lessee to restrict access within the leased area, shall be subject to approval of the Supervisor.

(2) During construction, to regulate public access and vehicular traffic to protect the public, wildlife, and livestock from hazards associated with the project. For this purpose, the lessee shall provide warnings, fencing, flag men, barricades, and other safety measures as appropriate.

(c) *Pollution abatement*—(1) *Pesticides and herbicides.* To comply with all rules issued by the Department of the Interior and the Environmental Protection Agency pertaining to the use of poisonous substances on public lands.

(2) *Water pollution.* To conduct lease operations and maintenance in a manner consistent with Federal and State water quality standards and public health and safety standards. Toxic materials shall not be released into any lake, water drainage, or underground water.

(3) *Air pollution.* To control emissions from operations in accordance with Federal and State air quality standards.

(4) *Erosion control.* To minimize disturbance to vegetation, drainage channels, and streambanks. The lessee shall employ such soil and resource conservation and protection measures on the leased lands as the Supervisor determines are necessary.

(5) *Noise control.* To control noise emissions from operations as directed by the Supervisor.

(d) *Sanitation and waste disposal.* To remove or dispose of all waste generated in connection with the operation in a manner acceptable to the Supervisor. The term "waste" as used in this stipulation means all discarded matter, including but not limited to human waste, trash, garbage, refuse, petroleum products, and waste material resulting from the extraction and processing operation.

(e) *Aesthetics.* To take aesthetics into account in the planning, design, and construction of facilities on the leased premises.

(f) *Wildlife.* To employ such measures as are deemed necessary by the Supervisor to protect wildlife, including fish, and their habitat.

(g) *Antiquities and historical sites.* To conduct activities on discovered, known or suspected archaeological, paleontological, or historical sites in accordance with lease terms or instructions issued by the Supervisor.

(h) *Restoration.* To provide for the restoration of all disturbed lands in a manner approved by the authorized officer, except as provided in 30 CFR Part 270, where approval will be by the Supervisor.

§ 3204.2 Waste prevention.

All leases shall be subject to the condition that the lessee will, in conducting

his exploration, development, and operations, use all reasonable precautions to prevent waste of geothermal resources and other resources found or developed in the leased lands.

§ 3204.3 Readjustment of terms and conditions.

(a) (1) Except as otherwise provided by law, the terms and conditions of any geothermal lease may be readjusted as determined by the authorized officer at not less than 10-year intervals beginning 10 years after the date geothermal steam is produced. Each lease shall provide for such readjustments.

(2) The authorized officer shall give notice to the lessee of any proposed readjustment of the terms and conditions of the lease and the nature thereof, and unless the lessee files with the authorized officer an objection to the proposed terms or relinquishes the lease within 30 days after receipt of such notice, the lessee shall be deemed conclusively to have agreed to such terms and conditions. If the lessee files objections, and agreement cannot be reached between the authorized officer and the lessee within a period of 60 days, the lease may be terminated by either party.

(b) Any readjustment of the terms and conditions of any lease of lands withdrawn or acquired in aid of a function of a Federal department or agency may be made only with the approval of that other agency.

§ 3204.4 Reservation to the United States of oil, hydrocarbon gas, and helium.

The United States reserves the ownership of and the right to extract oil, hydrocarbon gas, and helium from all geothermal resources produced from lands leased under the Act. Whenever the right to extract oil, hydrocarbon gas, and helium, from geothermal resources produced from such lands is exercised, it shall be exercised so as to cause no substantial interference with the production of geothermal resources from such lands.

§ 3204.5 Compensation for drainage; compensatory royalty.

(a) Upon a determination by the Supervisor that adjacent or cornering lands owned by the United States are being drained of geothermal resources by wells drilled on adjacent lands, the authorized officer may execute agreements with the owners of adjacent or cornering lands whereby the United States, or the United States and its lessees, shall be compensated for such drainage, such agreements to be made with the consent of any lessee affected thereby. The precise nature of any agreement will depend on the conditions and circumstances involved in the particular case.

(b) Where land in any lease is being drained of its geothermal resources by a well either on a Federal lease issued at a lower rate of royalty or on land not the property of the United States, the lessee must drill and produce all wells necessary to protect the leased lands from drainage. In lieu of drilling such wells, the lessee may, with the consent of the Supervisor, pay compensatory royalty in the amount determined in accordance with 30 CFR Part 270.

§ 3204.6 Patented lands.

The terms and conditions of any geothermal resource lease for lands conveyed by the United States subject to a reservation to the United States of geothermal resources may be readjusted upon notification to the surface owner.

Subpart 3205—Service Charges

§ 3205.1 Payments.

§ 3205.1–1 Form of remittance.

Remittances required under these regulations may be made by cash payment, check, certified check, bank draft, bank cashier's check, or money order. All remittances will be deposited as received.

§ 3205.1–2 Where submitted.

(a) *Rentals on nonproducing leases.* Rentals under all nonproducing leases issued shall be paid at the proper BLM office. All remittances to the Bureau of Land Management shall be made payable to the Bureau of Land Management.

(b) *Other payments.* All royalties on producing leases, communitized leases in producing well units, unitized leases in producing unit areas, leases on which compensatory royalty is payable and all payments under easements for directional drilling are to be paid to the Supervisor. All remittances to the Geological Survey shall be made payable to the U.S. Geological Survey.

§ 3205.2 Service charges.

(a) *Competitive lease applications.* No service charge is required.

(b) *Noncompetitive lease applications.* Applications for noncompetitive leases must be accompanied by a service charge of $50 for each application.

(c) *Assignments.* Applications for approval of an assignment of a lease or interest therein must be accompanied by a service charge of $50 for each application.

(d) *Nominations.* No service charge is required.

§ 3205.3 Rentals and royalties.

§ 3205.3–1 Payment with application.

Each application must be accompanied by payment of the first year's rental of not less than $1 per acre or fraction thereof based on the total acreage included in the application. An application accompanied by a payment of the first year's rental which is deficient by not more than 10 percent will be approved by the authorized officer provided all other requirements are met, but, if the additional rental is not paid within 30 days from notice, the application or the lease, if issued, will be canceled.

§ 3205.3–2 Payment of annual rental.

(a) Annual rental in the amount of not less than $1 per acre or fraction thereof must be paid in advance and must be received by the proper BLM office on or before the anniversary date of the lease. If there is no well on the leased lands capable of producing geothermal resources in commercial quantities, the failure to pay rental on or before the anniversary date shall terminate the lease by operation of law, except as provided by § 3245.2.

(b) If, on the anniversary date of the lease, less than a full year remains in the lease term, the rentals shall be payable in the same proportion as the period remaining in the lease term is to a full year. The rentals shall be prorated on a monthly basis for the full months, and on a daily basis for the fractional month remaining in the lease term. For the purpose of prorating rentals for a fractional month, each month will be deemed to consist of 30 days.

(c) If the term of a lease for which prorated rentals have been paid is further extended to or beyond the next anniversary date of the lease, rentals for the balance of the lease year shall be due and payable on the first day of the first month following the date through which the prorated rentals were paid. If the rentals are not paid for the balance of the lease year, the lease will be subject to cancellation. However, if the anniversary date occurs before the end of the notice period, the rental for the following lease year shall nevertheless be due on the anniversary date and failure to pay the full rental for that year on or before that date shall cause the lease to terminate automatically by operation of law except as provided by § 3245.2. The lessee shall not be relieved of liability for rental due for the balance of the previous lease year.

(d) If the payment is due on a day in which the proper BLM office to receive payment is not open, payment received on the next official working day will be deemed to be timely.

§ 3205.3–3 Escalating rental rates.

To encourage the orderly and timely development of geothermal leases, all leases issued pursuant to the regulations in this Group will include an escalating rental provision as follows: (a) Beginning with the 6 year and for each year of the primary term thereafter until the lease year beginning on or after the commencement of production of geothermal resources in commercial quantities, the rental may be set by the authorized officer as the amount of rental for the preceding year plus an additional amount of not more than the annual rental for the 5th lease year; and (b) if the lease has been extended for reasons other than commencement of production of geothermal resources in commercial quantities, the rental for the 11th year and for each year thereafter until the lease year beginning on or after the commencement of such production may be set by the authorized officer as the amount of rental for the preceding year plus an additional amount of not more than the annual rental for the 10th lease year.

§ 3205.3–4 Fractional interests.

Rentals, minimum royalties, and royalties payable for lands in which the United States owns an undivided fractional interest shall be in the same proportion to the rentals, minimum royalties, and royalties provided for in § 3205.3, as the undivided fractional interest of the United States in the geothermal resources is to the full mineral interest.

§ 3205.3–5 Royalty on production.

Royalty shall be paid at the following rates on geothermal resources produced, utilized, processed, removed, or sold from leases, or reasonably susceptible of sale or utilization: (a) A royalty of not less than 10 per centum and not more than 15 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee or reasonably susceptible to sale or utilization by the lessee; (b) a royalty of not more than 5 per centum of any byproduct derived from production under the lease and sold or utilized or reasonably susceptible of sale or utilization by the lessee, except that as to any byproduct which is a mineral named in section 1 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181), the rate of royalty for such mineral shall be the same as that provided in that Act and the maximum rate of royalty for such mineral shall not exceed the maximum royalty applicable under that Act; (c) a minimum royalty of $2 per acre or fraction thereof in lieu of rental payable at the expiration of each lease year for each producing lease, commencing with the lease year beginning on or after the commencement of production in commercial quantities.

§ 3205.3–6 Royalty on commercially demineralized water.

All geothermal leases issued pursuant to the provisions of this group shall provide for the payment to the lessor of a royalty on commercially demineralized water at a rate to be specified in the lease of not more than 5 per centum of the value of such commercially demineralized water that has been sold or utilized by the lessee or is reasonably susceptible of sale or utilization by the lessee.

§ 3205.3–7 Waiver, suspension or reduction of rental or royalty.

(a) The authorized officer may waive, suspend, or reduce the rental or royalty for any lease or portion thereof in the interests of conservation and to encourage the greatest ultimate recovery of geothermal resources if he determines that this is necessary to promote development or that the lease cannot be successfully operated under the lease terms.

(b) An application hereunder shall be filed in triplicate with the Supervisor, and must: (1) Contain the serial number of the leases and the names of the lessee and operator; (2) show the number, location, and status of each well that has been drilled, a tabulated statement for each month covering a period of not less than 6 months prior to the date of filing the application of the aggregate amount of production subject to royalty computed in accordance with the operating regulations, the number of wells counted as producing each month, and the average production per well per day; (3) contain a detailed statement of expenses and costs of operating the entire lease, the income from the sale of any leased products and all facts tending to show whether the wells can be successfully operated using the royalty or rental fixed in the lease; and (4) where the application is for a reduction in royalty, furnish full information as to whether royalties or payments out of production are paid to others than to the United States, the amounts so paid, and the efforts made to reduce them. The applicant must also file agreements of the holders to a permanent reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

§ 3205.3–8 Application for and effect of suspension of operations and production.

(a) Applications by lessees for suspensions of operations or production, or both, under a producing geothermal lease (or for relief from any drilling or producing requirements of such a lease) shall be filed in triplicate with the Supervisor, who is authorized to act on applications filed pursuant to this section and to terminate suspensions which have been or may be granted. Complete information must be furnished showing the necessity of the relief sought.

(b) A suspension shall take effect as of the time specified in the order of the Supervisor. Rental and minimum royalty payments will be suspended during any period of suspension of all operations and production directed, or assented to, by the Supervisor, beginning with the first day of the lease month in which the suspension of operations and production becomes effective or, if the suspension of operations and production becomes effective on any date other than the first day of a lease month, beginning with the first day of the lease month following such effective date. The suspension of rental and royalty payments shall end on the first day of the lease month in which operations or production is resumed. Where rentals are creditable against royalties and have been paid in advance, proper credit will be allowed on the next rental or royalty due under the lease.

(c) No lease shall be deemed to expire by reason of a suspension of either operations or production only, pursuant to any order or assent of the Supervisor.

(d) If there is a well on the leased premises capable of producing geothermal resources and all operations and production are suspended pursuant to any order of the Supervisor, approval of recommencement of drilling operations will terminate the suspension as to operations but not as to production, and will terminate both the period of suspension of rental and royalty payments provided in paragraph (b) of this section and the period of suspension for which an equivalent extension will be granted. However, as provided in paragraph (c) of this section, the lease will not be deemed to expire so long as the suspension of operations or production remains in effect.

(e) The relief authorized under this section may also be obtained for any leases included within an approved unit or cooperative plan of development and operation.

(f) See 30 CFR 270.17 for regulations concerning action of the Supervisor on applications filed pursuant to this section.

§ 3205.3–9 Readjustments.

The rentals and royalties of any geothermal lease may be readjusted at not less than 20-year intervals beginning 35 years after the date geothermal steam is produced as determined by the Supervisor. In the event of any such readjustment neither the rental nor royalty paid during the preceding period shall be increased by more than 50 per centum, and in no event shall the royalty payable exceed 22½ per centum. Each geothermal lease shall provide for such readjustment. The Supervisor will give notice of any proposed readjustment of rental and royalties. Unless the lessee relinquishes the lease within 30 days after receipt of such notice, he shall conclusively be deemed to have agreed to such terms and conditions. If the lessee files objections, and no agreement can be reached between the authorized officer and the lessee within a period of 60 days, the lease may be terminated by either party.

Subpart 3206—Lease Bonds

§ 3206.1 Types of bonds and filing.

§ 3206.1–1 Types of bonds.

(a) *Lease compliance bond.* The applicant for a noncompetitive lease or the successful bidder for a competitive lease, prior to the issuance of the lease, must furnish a corporate surety bond of not less than $10,000 conditioned on compliance with all the terms of the lease.

(b) *Protection bond.* A lessee will be required prior to entry on the leased lands to furnish and maintain a bond of not less than $5,000 for indemnification for all damages occasioned to persons or property as the result of lease operations.

§ 3206.1–2 Filing of bonds.

A single original copy of the bond on forms approved by the Director must be filed in the proper BLM office. Bonds may be filed with a noncompetitive lease application to expedite action thereon, or within 30 days after receipt of notice by the applicant of the bond requirement, or as required and directed by the authorized officer. For unit bond forms see 30 CFR Part 271.

§ 3206.2 Termination of period of liability.

The period of liability of any bond will not be terminated until all lease terms and conditions have been fulfilled.

§ 3206.3 Operators bond.

An operator, or, if there are more than one for different portions of the lease, each operator, shall furnish a corporate surety bond or bonds in an amount prescribed by the Supervisor.

§ 3206.4 Qualified corporate sureties.

Treasury lists. A list of companies holding certificates of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6–13), as acceptable sureties on Federal bonds is published in the FEDERAL REGISTER annually.

§ 3206.5 Nationwide bond.

In lieu of bonds required under any of the preceding paragraphs, the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessee pending departmental approval of operating agreements may furnish a bond the amount of which must be not less than for $150,000 for full nationwide coverage for all geothermal leases.

§ 3206.0 Statewide bond.

In lieu of any of the bonds required by the preceding paragraphs, the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessee pending departmental approval of operating agreements, may furnish a statewide bond the amount of which must be at the rate of not less than $50,000 for each unit of coverage.

§ 3206.7 Default.

§ 3206.7–1 Payment by surety.

Where upon a default the surety makes payment to the Government of any indebtedness due under a lease, the face amount of the surety bond and the surety's liability thereunder shall be reduced by the amount of such payment.

§ 3206.7–2 Penalty.

Thereafter, upon penalty of cancellation of all of the leases covered by that bond, the principal shall post a new nationwide bond in the amount of $150,000 or a unit bond, as the case may be, within 6 months after notice, or within such shorter period as the authorized officer of the Bureau of Land Management may fix. However, in lieu thereof, the principal may within that time file separate bonds for each lease.

§ 3206.8 Applicability of provisions to existing bonds.

The provisions hereof may be made applicable to any nationwide or statewide bond in force at the time of the approval of the amendment of this paragraph by filing in the appropriate land office a written consent to that effect and an agreement to be bound by the provisions hereof executed by the principal and the surety. Upon receipt thereof the bond will be deemed to be subject to the provisions of this paragraph.

PART 3210—NONCOMPETITIVE LEASES

Subpart 3210—Noncompetitive Leases; General

Sec.
3210.1 General.
3210.1–1 Withdrawal of application.
3210.1–2 Amendment to lease.
3210.1–3 Determination of priorities.
3210.1–4 Rejections.

Subpart 3211—Regular Offers

3211.1 Availability of land.
3211.2 Application.

Subpart 3212—Bureau Motion, Lands Previously Leased for Geothermal Resources

3212.1 Releasing of formerly leased lands.
3212.2 Leasing units receiving multiple nominations.
3212.3 Leasing units receiving single nominations.
3212.4 Nominating procedures.
3212.5 Rental returned.

Subpart 3210—Noncompetitive Leases; General

§ 3210.1 General.

§ 3210.1–1 Withdrawal of application.

An application may not be withdrawn, either in whole or in part, unless the request is received by the proper BLM office before the lease has been signed on behalf of the United States even though the effective date of the lease is subsequent to the date of filing of the withdrawal, except where a separate conflicting lease has been signed on behalf of the United States covering the land described in the withdrawal.

§ 3210.1–2 Amendment to lease.

If any of the land applied for is open to filing when the application was filed but is omitted from the lease for any reason and thereafter becomes available for noncompetitive leasing, the original lease will be amended to include the omitted land unless, before the issuance of the amendment, the proper BLM office receives a withdrawal of the lessee's application with respect to such land or such omitted lands have been determined to be within a KGRA.

§ 3210.1–3 Determination of priorities.

No lease shall be issued before final action has been taken on (a) any prior application to lease the land, (b) any subsequent application to lease the land that is based upon a claimed preferential right and (c) any petition for the renewal or reinstatement of an existing or former lease on the land. If a lease is issued before final action has been taken on such applications and petitions, it shall be canceled, after due notice to the lessee, where the applicant or petitioner is found to be qualified and entitled to receive a lease of the land. Multiple applications for lease of the same lands received in the mail or delivered on the same day will be deemed to display a competitive interest and to have been simultaneously filed. If the lands are not within any KGRA, the right of priority to a noncompetitive geothermal lease, among those persons simultaneously filing therefor, will be determined by a public drawing.

§ 3210.1–4 Rejections.

If, after the filing of an application for a noncompetitive lease and before the issuance of a lease, or amendment thereto, pursuant to that application, the land embraced in the application becomes included within a KGRA, the application will be rejected as to such KGRA lands.

Subpart 3211—Regular Offers

§ 3211.1 Availability of land.

Lands and deposits subject to disposition under this Subpart which are not within any KGRA will be available for leasing on the 30th day after the effective date of these regulations. All applications to lease the same lands (which are not within any KGRA) which are filed between the effective date of these regulations and 30 days following that time will be considered to have been filed simultaneously, and the respective priority of the various applications will be determined in accordance with § 3210.1–3.

§ 3211.2 Application.

No specific form is required. An application for a lease must be filed in the proper BLM office in duplicate for public lands and in triplicate for acquired lands. An application will be considered filed when it is received in the proper office during business hours. The application must include the following:

(a) The applicant's name and address.

(b) A statement of applicant's citizenship and qualifications.

(c) A complete and accurate description of the lands applied for.

(d) An exploration and development plan which shall include: (1) Map showing topography, drainage pattern, present road and trail locations, present utility systems, proposed road and trail location, proposed well locations, potential surface plant facilities and pipelines, and (2) a narrative statement setting forth his proposed exploration plan and methods. The narrative statement should also describe the measures proposed to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, damage to fish and wildlife or other natural resources, air and noise pollution and hazards to public health and safety both during and after exploration or development activities.

(e) A statement of interest, direct or indirect, in other Federal geothermal leases or applications in the same State. Such total interest may not exceed 20,480 acres.

Subpart 3212—Bureau Motion—Land Previously Leased for Geothermal Resources

§ 3212.1 Releasing of formerly leased lands.

From time to time the authorized officer will publish in the FEDERAL REGISTER, post in each State Office, and provide appropriate news coverage of: (a)

A list of leasing units composed of lands in canceled, expired, relinquished, or terminated leases which are not withdrawn from leasing or not included in a KGRA and which he has determined to be available for leasing, and (b) a request for nominations for leasing. Nominations of tracts should be addressed to the proper BLM office.

§ 3212.2 Leasing units receiving multiple nominations.

If the lands are determined not to be within any KGRA, multiple nominations for such lands within the prescribed period will be considered as simultaneous filings and each nominator will be given the opportunity to qualify for a lease in accordance with Subpart 3211. Where more than one nominator qualifies for a lease, the priority shall be determined by public drawing.

§ 3212.3 Leasing units receiving single nominations.

(a) Tracts receiving only one nomination, which have not been included within any KGRA, will be leased to the nominator, all else being regular.

(b) If no nominations are received a lease may be issued pursuant to an application filed in accordance with these regulations.

§ 3212.4 Nominating procedures.

No specific form is required. Only one complete leasing unit, identified by unit number, may be included in a nomination. Lands not on the published list may not be included in the nomination. The nomination must be accompanied by (a) the first year's advance rental, and (b) a signed statement that the nominator will furnish the information required by these regulations within 15 days after notification that his nomination is the only one for the tract.

§ 3212.5 Rental returned.

If an applicant or nominator withdraws his application or nomination or if his application or nomination to lease is rejected, the advance rental will be returned to him.

PART 3220—COMPETITIVE LEASES

Subpart 3220—Competitive Leases; General

Sec.
3220.1 General.
3220.2 Nominations.
3220.3 Publication of notice of lease sale.
3220.4 Contents of notice of lease sale.
3220.5 Bidding requirements.
3220.6 Award of lease.

Subpart 3220—Competitive Leases; General

§ 3220.1 General.

(a) Lands within a KGRA, except as provided under § 3201.1–2(b), will be available for leasing on the effective date of these regulations.

(b) The authorized officer will accept nominations to lease, or may on his own motion from time to time call for nominations to lease. Nominations may be withdrawn at any time.

§ 3220.2 Nominations.

(a) No specific form is required.

(b) A nomination must be filed in the proper BLM office in duplicate for public lands and triplicate for acquired lands and must include the following:

(1) The nominator's name and address.

(2) A statement of citizenship and qualifications for lease.

(3) A description of the lands.

(4) A statement of the interests, direct or indirect, held in other Federal geothermal leases or nominations in the same State.

§ 3220.3 Publication of notice of lease sale.

Where the Secretary determines to offer all or any of the nominated land for competitive leasing he will publish a notice of lease sale once a week for 4 consecutice weeks, or for such other period as he may direct.

§ 3220.4 Contents of notice of lease sale.

The notice will state that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice which shall be that portion of the total advertising cost that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared. The notice will also state the time and place of sale, the manner in which bids may be submitted, the description of the lands, and the terms and conditions of the sale, including royalty and rental rates.

§ 3220.5 Bidding requirements.

(a) A separate sealed bid must be submitted for each lease unit. Each bidder must submit with his bid a certified or cashier's check, bank draft, money order or cash in the amount of one-half of the amount bid together with proof of qualifications as required by these regulations.

(b) All bidders are warned against violation of the provisions of Title 18 U.S.C. section 1860 prohibiting unlawful combination or intimidation of bidders.

§ 3220.6 Award of lease.

All sealed bids shall be opened at the place, date, and hour specified in the notice. No bids will be accepted or rejected at that time, except as otherwise provided in these regulations. Leases will be awarded to the highest responsible qualified bidder. The right to reject any and all bids is reserved. If the authorized officer fails to accept the highest bid for a lease within 30 days after the date on which the bids are opened, all bids will be considered rejected. If the lease is awarded, three copies of the lease will be sent to the successful bidder who shall be required to execute them within 30 days from receipt thereof, to pay the first year's rental, the balance of the bonus bid, and file the required bond or bonds. Deposits on rejected bids will be returned. If the successful bidder fails to execute the lease or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Act. When the three copies of the lease are executed by the successful bidder and returned to the authorized officer, the lease will be executed by the authorized officer and a copy will be mailed to the successful bidder.

PART 3230—RIGHTS TO CONVERSION TO GEOTHERMAL LEASES OR APPLICATION FOR GEOTHERMAL LEASES

Subpart 3230—Rights to Conversion to Geothermal Leases or Application for Geothermal Leases; General

Sec.
3230.1 General.
3230.1–1 Rights to conversion to geothermal leases.
3230.1–2 Rights to conversion to applications for geothermal leases.
3230.1–3 Land in which minerals are reserved to the United States.
3230.1–4 Conflicting claims of rights to conversion to geothermal leases.
3230.1–5 Evidence required to qualify for grant of rights to conversion to geothermal leases.
3230.1–6 Method of leasing to owners of conversion rights to geothermal leases.
3230.1–7 Acreage limitation.
3230.2 Qualifications.
3230.3 Applications.
3230.3–1 Filing of application.
3230.3–2 Statements required.
3230.4 Conversion to geothermal leases or to applications for geothermal leases.
3230.4–1 Processing and adjudicating applications.
3230.4–2 Approval.

Subpart 3230—Rights to Conversion to Geothermal Leases or Application for Geothermal Leases

§ 3230.1 General.

§ 3230.1–1 Rights to conversion to geothermal leases.

Where lands were on September 7, 1965, subject to valid leases or permits issued under the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181–287), or the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–358), or subject to valid existing mining claims located on or prior to September 7, 1965, the lessees, permittees, or claimants, or their successors in interest, if qualified to hold geothermal leases, shall have the right, subject to certain limitations as hereinafter provided, to convert such leases, permits or claims to geothermal leases covering the same lands.

§ 3230.1–2 Rights to conversion to applications for geothermal leases.

Where lands were subject to application for leases or permits under the mineral leasing laws referred to in § 3230.1–1 on September 7, 1965, the applicants may, subject to certain limitations as hereinafter provided, convert their applications to applications for geothermal leases having priorities dating from the time of filing such applications under said mineral leasing laws.

§ 3230.1–3 Land in which minerals are reserved to the United States.

Where a right to one of the forms of conversion referred to in §§ 3230.1–1 or 3230.1–2 is claimed as to lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States, final action on any claim to conversion rights under section 4 of the Act shall be held in abeyance until such time as the question of title to the geothermal resources in such lands has been resolved pursuant to the provisions of section 21(b) of the Act.

§ 3230.1–4 Conflicting claims of rights to conversion to geothermal leases.

Where there are conflicting claims of rights to conversion to geothermal leases based upon mineral leases, mineral permits, or mining claims embracing the same land, the date of issuance of the permit or lease or of recordation of the claim shall determine priority.

§ 3230.1–5 Evidence required to qualify for grant of rights to conversion to geothermal leases.

Any person claiming rights to conversion to a geothermal lease must show to the reasonable satisfaction of the authorized officer that substantial expenditures for the exploration, development or production of geothermal steam were made prior to September 7, 1965, on the lands for which a lease is sought or on adjoining, adjacent or nearby lands, including both Federal and non-Federal lands.

§ 3230.1–6 Method of leasing to owners of conversion rights to geothermal leases.

(a) *Lands included within any KGRA*—(1) *Competitive lease.* Where lands have been included with any KGRA, the owner of a conversion right to a geothermal lease for such lands shall be entitled to the issuance of a competitive lease only in accordance with the provisions of subparagraph (2) of this paragraph.

(2) *Preference right.* Lands which have been included within any KGRA shall be leased only by competitive bidding in the manner prescribed in Subpart 3220 of this chapter. Upon the competitive sale, the competitive geothermal lease shall be issued to the person owning the right to conversion to a geothermal lease for such lands if he makes payment of an amount equal to the highest bona fide bid for that lease, and makes payment of the rental for the first year, within thirty (30) days after he receives written notice from the Secretary of the amount of the highest bid.

(b) *Lands not included within any KGRA—Noncompetitive lease.* Where lands have not been included within any KGRA, the owner of a conversion right to a geothermal lease for such lands, if otherwise qualified, shall be entitled to the issuance of a noncompetitive lease for such lands.

§ 3230.1–7 Acreage limitation.

No person shall be permitted to convert to geothermal leases mineral leases, permits, applications therefor, or mining claims for more than 10,240 acres.

§ 3230.2 Qualifications.

Persons who believe they are qualified under the Act to convert mineral leases or permits or valid existing mining claims to geothermal leases and persons who believe they are entitled to convert applications for mineral leases and permits to applications for geothermal leases shall comply with the procedures set forth below.

§ 3230.3 Applications.

§ 3230.3–1 Filing of application.

A written application shall have been filed with the proper BLM office on or before June 22, 1971, pursuant to the notice published in the FEDERAL REGISTER of January 15, 1971, 36 F.R. 623. If such an application has been filed and does not contain the information specified in section 3230.3–2 hereof, such information must be supplied by the applicant within 60 days of the effective date of these regulations.

§ 3230.3–2 Statements required.

(a) An application based on a valid lease or permit referred to in section 3230.1–1 hereof shall include the date of issuance, the State in which the lands are located, and the serial number of the lease or permit. An application based on a mining claim referred to in § 3230.1–1 shall include the name, location, legal description or reference sufficient to identify the lands on the ground, date of location and date and place of recordation of the mining claim (including volume and page) which the applicant seeks to convert to a geothermal lease. An application based on an application for a mineral lease or permit referred to in section 3230.1–1 shall include the date the application for the lease or permit was filed with the Bureau of Land Management and the location of the proper BLM office where the application was filed, and should indicate the serial number assigned to the application.

(b) An application shall include a description of the lands sought to be included in a geothermal lease. If the lands have been surveyed under the public land rectangular system, each application shall describe the lands by legal subdivision, section, township, and range. If the lands have not been so surveyed, each application shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to a monument or to a prominent topographic feature. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, each application for lands shown on such protracted surveys, filed on or after such effective date, shall describe the lands according to the legal subdivision, section, township, and range shown on the approved protracted surveys.

(c) An application shall be accompanied by a detailed statement showing: (1) The expenditures made for the exploration, development, or production of geothermal steam by the applicant on lands for which a geothermal lease is sought or on adjoining, adjacent or nearby Federal or non-Federal lands and the date or dates such expenditures were made, (2) the names and current addresses of the persons who actually performed the aforesaid exploration, development, or production work, (3) the geological, geophysical, and engineering data acquired in such exploration, development, and production which demonstrates, or tends to demonstrate the expenditures claimed, and (4) a map showing the location where the expenditures and improvements were made.

(d) The applicant shall file such additional information with respect to the application as requested by the authorized officer.

§ 3230.4 Conversion to geothermal leases or to applications for geothermal leases.

§ 3230.4–1 Processing and adjudicating applications.

Application for conversion to geothermal leases or to applications for geothermal leases together with all information and data submitted pursuant to § 3230.3–2 hereof and any other pertinent available information or data shall be reviewed by the authorized officer for the purpose of determining whether the required showing has been made, and thereafter the authorized officer shall prepare a proposed determination which shall be submitted to the Secretary.

§ 3230.4–2 Approval.

The authorized officer will make a determination that the applicant has or has not satisfactorily shown that he is entitled to receive the grant of a geothermal lease, or application for a geothermal lease.

PART 3240—RULES GOVERNING LEASES

Subpart 3240—Rules Governing Leases

Subpart 3241—Lease Extensions, Continuations, or Renewal

Sec.

Subpart 3242—Assignments and Transfers

Subpart 3241—Lease Extensions, Continuation, or Renewal

§ 3241.1 Applications.

An application for lease extension, continuation, or renewal may be filed by the record title holder of the lease, by an assignee of the record title whose assignment has been filed for approval, or by an operator whose operating agreement has been filed for approval.

§ 3241.2 Forms.

An application for extension or renewal must be filed, within ninety days before the expiration date of the lease, on a form approved by the Director or unofficial copies of that form in current use. The application must be accompanied by a service charge of $50 which will be retained as a service charge even though the application is later withdrawn or rejected. The unofficial copies must be exact reproductions, on one sheet of both sides, of the official form.

§ 3241.3 Segregation effect of application.

The timely filing of an application for extension shall have the effect of segregating the leased lands until the final action taken on the application is noted, for public lands, on the tract book, or, for acquired lands, on the official records relating thereto, of the proper BLM office.

§ 3241.4 Rejection.

If, during the 90-day period prior to the expiration date of the lease, the record title holder, assignee of record title, or operator files an application or request for extension, which is not on the prescribed form or unofficial copies thereof, or fails to file the prescribed number of copies, he shall be notified of the defect and allowed 30 days after receipt of notice in which to correct it. If the applicant fails to correct the defect within the time prescribed, the application will be rejected.

§ 3241.5 Expiration by operation of law.

Upon failure of the lessee or other person enumerated in § 3241.1 to file an application for extension within the specified period, the lease will expire at the end of its primary term without notice to the lessee. Notation of such expiration need not be made on the official records, but the lands previously covered by that expired lease will be subject to the filing of new lease offers only as provided in these regulations.

Subpart 3242—Assignments and Transfers

§ 3242.1 Assignments, transfers, interests, qualifications.

§ 3242.1-1 Record title assignments or transfers of leases or undivided lease interests.

(a) The record title of leases may be assigned as to all or part of the leased acreage, except that no assignment will be approved where (1) either the assigned or retained portions created by the assignment would be less than 640 acres, unless the total acreage in the lease being partially assigned is less than 1,280 acres occasioned by an irregular subdivision, as provided in section 3203.2 of this part, in which case the assigned and retained portions may be less than 640 acres by an amount which is smaller than the amount by which the area would be more than 640 acres if the irregular subdivision were added, or (2) an undivided interest of less than 10 percent would be created in the leased acreage.

(b) To obtain approval of a transfer affecting the record title of a geothermal lease, a request for such approval must be made not more than 90 days after the date of the final execution of the assignment by the parties.

§ 3242.1-2 Qualifications.

(a) No assignment will be approved (1) if the assignee or any other party in interest is not qualified to take and hold a lease; (2) if a required bond is not filed; or (3) if the statement of interest required under § 3202.4-1 is not filed.

(b) An assignment to a minor will not be approved.

(c) The assignment must be accompanied by a signed statement by the assignee either (1) that he is the sole party in interest in the assignment, or (2) setting forth the names and qualifications of the other parties holding interests in the lease. Where the assignee is not the sole party in interest, separate statements must be signed by each of the other parties and by the assignee setting forth the nature and extent of the interest of each party and the nature of the agreement between them. These separate statements must be filed in the proper BLM office not later than 15 days after the filing of assignment.

(d) Where an attorney-in-fact or agent signs, on behalf of the assignor or assignee, the instrument of transfer or the application for approval, evidence of the authority of the attorney-in-fact or agent to sign such assignment or application must be furnished to the authorized officer.

(e) In order for the heirs or devisees of the deceased holder of a lease, an operating agreement, or an overriding royalty interest in a producing lease, to be recognized by the authorized officer as the holder of that lease, agreement or interest, the appropriate showing required under the regulations in this group must be furnished to the authorized officer.

§ 3242.2 Requirements for filing of assignments or transfers.

§ 3242.2-1 Place of filing and service charge.

A request for approval of any assignment or other instrument of transfer of a lease or interest therein must be filed in the proper BLM office and accompanied by a nonrefundable service charge of $50. An application not accompanied by payment of such a service charge will not be accepted for filing.

§ 3242.2-2 Number of copies required.

Three copies of all instruments of assignment or transfer, and a single copy of any additional information relating to citizenship or qualifications of corporations must be filed in the proper BLM office.

§ 3242.2-3 Time of filing assignments, transfers of leases, or undivided lease interests.

(a) All instruments of transfer of a lease or of an interest therein, including assignments of working interests, operating agreements, and operating rights, must be filed in the proper BLM office for approval within 90 days from

the date of execution of such instrument and must contain all of the terms and conditions agreed upon by the parties thereto, together with evidence and statements similar to that required of an applicant under these regulations in this group.

(b) A separate instrument of assignment must be filed in the proper BLM office for each geothermal lease involving transfers of record title. When transfers to the same person, association, or corporation involve more than one geothermal lease, one request for approval and one showing as to the qualifications of the assignee will be sufficient.

§ 3242.2–4 Forms and statements.

A form approved by the Director, or unofficial copies of that form in current use, must be used for transfers and requests for approval referred to in this section. Unofficial copies used must be exact reproductions on one sheet of both sides of the officially approved one-page form, except that the copies must include: (a) The following statement above the signature of the assignee: "This form is submitted in lieu of the official form and contains all of the provisions thereof as of the date of filing of this assignment;" and (b) the name and address of the printer or other party issuing unofficial reproductions of the official form. The approved form may be used for an assignment which affects a transfer of the record title to all or part of a geothermal lease, but it is not to be used for any other type of transfer. The application for assignment shall be deemed to be approved upon execution by the authorized officer.

§ 3242.2–5 Description of lands.

Each instrument of transfer must describe the lands involved in the same manner as described in the lease.

§ 3242.3 Bonds.

Where an assignment does not create separate leases, the assignee, if the assignment so provides, may become a joint principle on the bond with the assignor. Any assignment which does not convey the assignor's record title in all of the lands in the lease must also be accompanied by consent of his surety to remain bound under the bond of record as to the lease retained by said assignor, if the bond, by its terms, does not contain such consent. If a party to the assignment has previously furnished a nationwide or statewide bond, no additional showing is necessary by such party as to the bond requirement.

§ 3242.4 Approval.

Upon approval, an assignment shall be effective as of the first day of the lease month following the date of filing of the assignment required by this Subpart in the proper BLM office.

§ 3242.5 Continuing responsibility.

(a) The assignor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment is approved.

(b) Upon approval, the assignee and his surety shall be responsible for the performance of all lease obligations notwithstanding any terms in the assignment to the contrary.

§ 3242.6 Production payments.

If payments out of production are reserved, a statement must be submitted stating the details as to the amount, method of payment, and other pertinent items.

§ 3242.7 Overriding royalty interests.

§ 3242.7–1 General.

(a) Overriding royalty interests in geothermal leases constitute accountable acreage holdings under these regulations.

(b) If an overriding royalty interest is created which is not shown in the instrument of assignment or transfer, a statement must be filed in the proper BLM office describing the interest.

(c) Any such assignment will be deemed valid if accompanied by a statement over the assignee's signature that the assignee is a citizen of the United States, an association of such citizens, or a corporation organized under the laws of the United States or of one of the States or the District of Columbia, and that his interests in geothermal leases do not exceed the acreage limitations provided in these regulations.

(d) All assignments of overriding royalty interests must be filed for record in the proper BLM office within 90 days from the date of execution. Such interests will not receive formal approval.

§ 3242.7–2 Limitation of overriding royalties.

(a) Except as herein provided, an overriding royalty on the value of the output of all geothermal resources, or any of them, at the point of shipment to market may be created by assignment or otherwise: *Provided*, That, (1) the overriding royalty is not for less than one-fourth (¼) of 1 percent of the value of such output, and does not exceed 50 percent of the rate of royalty due to the United States as specified in the geothermal lease, or as reduced pursuant to such lease, and (2) the overriding royalty, when added to overriding royalties previously created, does not exceed the maximum rate established herein.

(b) The creation of an overriding royalty interest that does not conform to the requirements of paragraph (a) of this section shall be deemed a violation of the lease terms, unless the agreement creating overriding royalties provides (1) for a prorated reduction of all overriding royalties so that the aggregate rate of royalties does not exceed the maximum rate established in paragraph (a) of this section and (2) for the suspension of an overriding royalty during any period when the royalties due to the United States have been suspended pursuant to the terms of the geothermal lease.

§ 3242.8 Lease account status; requirements.

Unless the lease account is in good financial standing as to the area covered by an assignment at the time the assignment and bond are filed, or is placed in good standing before the assignment is reached for action, the lease shall be subject to termination in accordance with these regulations.

§ 3242.9 Effect of assignment.

An assignment of the record title of the complete interest in a portion of the lands in a lease shall segregate the assigned and retained portions into separate and distinct leases. An assignment of an undivided interest in the entire leasehold shall not segregate the lease into separate or distinct leases.

Subpart 3243—Production and Use of Byproducts

§ 3243.1 General.

Where the Supervisor determines that production, use, or conversion of geothermal steam is susceptible of producing a valuable byproduct or byproducts, including commercially demineralized water contained in or derived from such geothermal steam for beneficial use in accordance with applicable State water laws, the authorized officer shall require substantial beneficial production or use thereof, except where he determines that:

(a) Beneficial production or use is not in the interest of conservation of natural resources;

(b) Beneficial production or use would not be economically feasible; or

(c) Beneficial production and use should not be required for other reasons satisfactory to him.

§ 3243.2 Prior rights.

The production or use of such byproducts shall be subject to the rights of the holders of preexisting leases, permits or claims covering the same lands or the same minerals.

§ 3243.3 Production and use of commercially demineralized water as a byproduct, production, and use of other sources of water.

§ 3243.3–1 General.

Except as provided in these regulations, the lessee shall have the right to process fluids, including brine, condensate, and other fluids, which are associated with geothermal steam within lands subject to the geothermal lease for the purpose of developing, producing, and utilizing the commercially demineralized water recovered as a result of such processing.

§ 3243.3–2 Prohibition on production of commercially demineralized water.

The lessee shall not be authorized to engage in the primary production of commercially demineralized water from the produced fluids contained in or derived from geothermal steam referred to in § 3243.3–1, where such use would result in the undue waste of geothermal energy.

§ 3243.3–3 Water wells on geothermal areas.

All leases issued under these regulations shall be subject to the condition that, where the lessee finds only fresh water in any well drilled for production of geothermal resources, the Secretary may, when the water is of such quality and quantity as to be valuable and usable for agricultural, domestic, or other purpose, acquire the casing in the well at the fair market value of the casing.

§ 3243.3–4 State water laws.

Nothing in these regulations shall constitute an express or implied claim or denial on the part of the Federal Government as to its exemption from State water laws.

§ 3243.4 Noncompliance with regulations or lease terms.

A lease may be canceled by the authorized officer for any violation of these regulations or the lease terms 30 days after receipt of notice of the violation by the lessee unless the violation has been corrected or is one that cannot be corrected within the notice period, and the lessee has commenced in good faith within the notice period, and thereafter proceeds diligently to correct the violation. A lessee shall be entitled to a hearing on the matter of any claimed violation or proposed cancellation of lease if a request for a hearing is made to the authorized officer within the 30-day period after notice. The period for correction of violation or commencement to correct a violation of regulations or of lease terms, as aforesaid, shall be extended to 30 days after the lessee's receipt of the authorized officer's decision upon such a hearing if the authorized officer shall find that a violation exists.

§ 3243.5 Removal of material and supplies upon termination of lease.

Upon the expiration of the lease, or the earlier termination thereof pursuant to this subpart, the lessee shall have the privilege at any time within a period of ninety (90) days thereafter of removing from the premises any materials, tools, appliances, machinery, structures, and equipment other than improvements needed for producing wells. Any materials, tools, appliances, machinery, structures, and equipment subject to removal shall at the option of the lessor become the property of the lessor on expiration of the 90-day period, or any extension thereof that may be granted because of adverse climatic conditions throughout that period, but the lessee shall remove any or all such property where so directed by the lessor.

Subpart 3244—Cooperative Conservation Provisions

§ 3244.1 Cooperative or unit plans.

For the purpose of more properly conserving the natural resources of any geothermal pool, field or like area, lessees and their representatives may unite with each other or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of any geothermal resource area, or any part thereof (whether or not any part of that geothermal resource area is then subject to any cooperative or unit plan of development or operation). Applications to unitize shall be filed with the Supervisor who shall certify whether such plan is necessary or advisable in the public interest. The procedure in obtaining approval of a cooperative or unit plan of development, including the suggested text of an agreement, is contained in 30 CFR Part 271.

§ 3244.2 Acreage chargeability.

All leases committed to any unit or cooperative plan approved or prescribed by the Supervisor shall be expected in determining holdings or control for purposes of acreage chargeability. For the extension of leases committed to a unit plan, see Subpart 3203 of these regulations.

§ 3244.3 Communitization or drilling agreements.

§ 3244.3–1 Approval.

(a) The Supervisor is authorized, when separate tracts under lease cannot be independently developed and operated in conformity with an established well-spacing or well-development program, to approve communitization or drilling agreements providing for the apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit for the lease, or any portion thereof, with other lands, whether or not owned by the United States, when in the public interest. Operations or production pursuant to such an agreement shall be deemed to be operations or production as to each lease committed thereto.

(b) Preliminary requests to communitize separate tracts shall be filed in triplicate with the Supervisor.

(c) Executed agreements shall be submitted to the Supervisor in sufficient number to permit retention of five copies after approval.

§ 3244.3–2 Requirements.

The agreement shall describe the separate tracts comprising the drilling or spacing unit, disclose the apportionment of the production or royalties to the several parties and the name of the operator, and shall contain adequate provisions for the protection of the interests of all parties, including the United States. The agreement must be signed by or in behalf of all interested parties and will be effective only after approval by the Supervisor.

§ 3244.4 Operating, drilling, development contracts or a combination for joint operations.

§ 3244.4–1 Approval.

(a) The Secretary may on such conditions as he may prescribe, approve operating, drilling, or development contracts made by one or more geothermal lessees, with one or more persons, associations, or corporation whenever, in his discretion, the conservation of natural products of the public convenience or necessity may require, or the interests of the United States may be best served thereby.

(b) The Secretary may approve a combination for joint operations, pursuant to which lessees may combine their interests in leases for the purpose of constructing and carrying on the business of producing geothermal resources, or of establishing and constructing common lines to be used by them jointly in the transmission or transportation of geothermal resources from their several wells or from the wells of other lessees, or to increase the acreage which may be acquired or held under the provisions of the Act relating to competitive leases.

(c) Contracts submitted for approval under this section should be filed with the Supervisor together with enough copies to permit retention of five copies after approval.

(d) The authority of the Secretary to approve operating, drilling, or development contracts or a combination for joint operations, without regard to acreage limitations ordinarily will be exercised only to permit operators to enter into contracts with a number of lessees sufficient to justify operations on a large scale for the discovery, development, production, or transmission, or transportation of geothermal resources, and to finance the same.

§ 3244.4–2 Requirements.

(a) The contract must be accompanied by a statement showing all the interests held by the contractor in the area or field and the proposed or agreed plan of operation or development of the field. All the contracts held by the same contractor in the area or field should be submitted for approval at the same time, and full disclosure of the project made. Complete details must be furnished in order that the Secretary may have facts upon which to make a definite determination in accordance herewith and to prescribe the conditions on which approval of the contracts shall be made.

(b) The application must show a reasonable need for the combination and that it will not result in any concentration of control over the production or sale of geothermal resources which would be inconsistent with the antimonopoly provisions of law.

§ 3244.4–3 Acreage chargeability.

All leases operated under approved operating, drilling or development contracts or a combination for joint operations and interests thereunder, shall be excepted in determining holdings or control for purposes of acreage chargeability.

Subpart 3245—Terminations and Expirations

§ 3245.1 Relinquishments.

A lease, or any legal subdivision of the area covered by such lease, may be surrendered by the record title holder by

filing a written relinquishment in triplicate in the proper BLM office. A relinquishment shall take effect on the date it is filed, subject to the continued obligation of the lessee and his surety: (a) To make payments of all accruing rentals and royalties; (b) to place all wells on the land to be relinquished in condition for suspension of operations or abandonment as prescribed by the Supervisor; (c) to restore the surface resources in accordance with all regulations and the terms of the lease; and (d) to comply with all other environmental stipulations provided for by such regulations or lease. A statement must be furnished that all moneys due and payable to workmen employed on the leased premises have been paid.

§ 3245.2 Automatic terminations and reinstatements.

§ 3245.2–1 General.

Except as provided in § 3245.2–2 any lease will automatically terminate by operation of law if the lessee fails to pay the rental on or before the anniversary date of such lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. The termination of the lease for failure to pay the rental must be noted on the official records of the proper BLM office. Upon such notation the lands included in such lease will become subject to the filing of new lease offers as provided for in Subpart 3212 of these regulations.

§ 3245.2–2 Exceptions.

(a) *Nominal deficiency.* If the rental payment due under a lease is paid on or before its anniversary date but the amount of the payment is deficient and the deficiency is nominal, the lease shall not have automatically terminated unless the lessee fails to pay the deficiency within the period prescribed in a Notice of Deficiency, or by the due date, whichever is later. A deficiency is nominal if it is not more than $10 or one percentum (1%) of the total payment due, whichever is more. The authorized officer shall send a Notice of Deficiency to the lessee on an approved form. The Notice shall be sent by certified mail, return receipt requested, and shall allow the lessee 15 days from the date of receipt to submit the full balance due to the proper BLM office. If the payment called for in the notice is not made within the time allowed, the lease will have terminated by operation of law as of its anniversary date.

(b) *Reinstatements.* (1) Except as hereinafter provided, the authorized officer may reinstate a lease which has terminated automatically for failure to pay the full amount of rental due on or before the anniversary date, if it is shown to his satisfaction that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee; and a petition for reinstatement, together with the required rental, including any back rental which has accrued from the date of termination of the lease, is filed with the proper BLM office.

(2) The burden of showing that the failure to pay on or before the anniversary date was justifiable or not due to lack of reasonable diligence will be on the lessee. Reasonable diligence normally requires sending or delivering payments sufficiently in advance of the anniversary date to account for normal delays in the collection, transmittal, and delivery of the payment. The authorized officer may require evidence, such as post office receipts, of the time of sending or delivery of payments.

(3) Under no conditions will a lease be reinstated if (i) a valid lease has been issued prior to the filing of a petition for reinstatement affecting any of the lands covered by the terminated lease, or (ii) the interest in the lands has been withdrawn, disposed of, or has otherwise become unavailable for leasing. However, the authorized officer will not issue a new lease for lands covered by a lease which terminated automatically until 90 days after the date of termination. (4) Reinstatement of terminated leases is discretionary with the Secretary. The basic criterion in accordance with which this discretion will be exercised is whether the Secretary would be willing to issue a lease if a new lease offer for the same land were under consideration.

Dated: July 15, 1971.

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

[FR Doc.71–10347 Filed 7–22–71;8:45 am]

Geological Survey

[30 CFR Part 270]

GEOTHERMAL RESOURCES OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

Notice of Proposed Rule Making

The purpose of this proposed rule making is to implement the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566). That Act provides for the leasing of public lands for geothermal resource exploration, development, and production.

Environmental statements will be prepared and disseminated in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4332(2)(C) (Supp. V., 1965–69)) prior to the promulgation of any leasing and operating regulations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Geothermal Coordinator, Department of the Interior, Washington, D.C. 20240, within 60 days of the date of publication of this notice in the FEDERAL REGISTER.

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GENERAL PROVISIONS

§ 270.1 Purpose and authority.

The Geothermal Steam Act enacted on December 24, 1970, (84 Stat. 1566) referred to in this part as "the Act", authorizes the Secretary of the Interior to prescribe rules and regulations applicable to operations conducted under a lease granted pursuant to that Act, and for the development and conservation of geothermal steam and associated geothermal resources, the prevention of waste, the protection of the public interest, and the protection of water quality, and other environmental qualities. The regulations in this part shall be administered by the Director through the

Chief, Conservation Division, or his duly appointed representative.

§ 270.2 Definitions.

As used in the regulations in this part, the term:

(a) "Secretary" means the Secretary of the Interior.

(b) "Director" means the Director of the Geological Survey.

(c) "Supervisor" means either a representative of the Secretary (under administrative direction of the Director, exercised through the Chief, Conservation Division, Geological Survey) who is authorized to regulate operations and to perform other duties prescribed in the regulations in this part, or any subordinate of such representative acting under his direction.

(d) "Geothermal lease" means a lease issued under 43 CFR Group 3200.

(e) "Lessee" means the individual, corporation, or association to which a geothermal lease has been issued and its successor in interest or assignee. It also means any agent of the lessee or an operator holding authority by or through the lessee.

(f) "Operator" means the individual, corporation, or association having control or management of operations on the leased lands or a portion thereof. The operator may be the lessee, designated operator, or agent of the lessee, or holder of rights under an approved operating agreement.

(g) "Geothermal resources" means (1) all products of geothermal processes, embracing indigenous steam, hot water, and hot brines; (2) steam and other gases, hot water, and hot brines, resulting from water, gas, or other fluids artificially introduced into geothermal formations; (3) heat or other associated energy found in geothermal formations; and (4) any byproduct derived therefrom.

(h) "Byproduct" means (1) any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium), which are found in solution or developed in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves, and (2) commercially demineralized water.

(i) "Waste" means (1) physical waste as that term is generally understood; (2) waste of reservoir energy through inefficiency, improper use of or unnecessary dissipation of reservoir energy; (3) the location, spacing, drilling, equipping, operating, or producing of any geothermal well or wells in a manner which causes or tends to cause reduction in the quantity of geothermal energy ultimately recoverable from a reservoir under prudent and workmanlike operations or which tends to cause unnecessary or excessive surface or subsurface loss or destruction of geothermal energy; and (4) the inefficient transmission of geothermal energy from the source (wellhead) to point of utilization.

(j) "Directionally drilled well" means the deviation of a well bore from the vertical or from its normal course in an intended predetermined direction or course with respect to the points of the compass. Directionally drilled well shall not include those deviated for the purpose of straightening a hole that has become crooked in the normal course of drilling or holes deviated at random without regard to compass direction in an attempt to sidetrack a portion of the hole on account of mechanical difficulty in drilling.

(k) "Geothermal Resources Operational (GRO) Orders." Formal numbered orders, issued by the Supervisor, with the prior approval of the Chief, Conservation Division, Geological Survey, which implement the regulations in this part and apply to operations in an area, region, or any major portion thereof.

(l) "Producible well" means a well which is capable of producing geothermal resources in commercial quantities.

(m) "Commercial quantities" means quantities sufficient to pay a profit after all costs of production have been met.

JURISDICTION AND FUNCTIONS OF SUPERVISOR

§ 270.10 Jurisdiction.

Drilling and production operations, handling and measurement of production, determination and collection of royalty and, in general, all operations conducted on a geothermal lease are subject to the regulations in this part and the applicable regulations contained in 43 CFR Group 3200, and are under the jurisdiction of the Supervisor for the region in which the leased land is situated, subject to the supervisory authority of the Secretary and the Director.

§ 270.11 General functions.

The Supervisor is authorized and directed to carry out the provisions of this part. He will require compliance with the terms of geothermal leases, with the regulations in this part and the applicable regulations in 43 CFR Group 3200, and with the applicable statutes. He shall act on all applications, requests, and notices required in this part. In executing his functions under this part the Supervisor shall ensure that all operations conform to the best practice and are conducted in such manner as to protect the deposits of the leased lands and to result in the maximum ultimate recovery of geothermal resources, with minimum waste, and are consistent with the principles of the use of the land for other purposes and of the protection of the environment. Inasmuch as conditions in one area may vary widely from conditions in another area, the regulations in this part are intended to be general in nature. Detailed procedures hereunder in any particular area will be covered by GRO orders. The Supervisor may issue oral orders to govern lease operations, but such orders shall be confirmed in writing by the Supervisor as promptly as possible. The Supervisor may issue other orders and rules to govern the development and method for production of a pool, field, or area. Prior to the issuance of GRO orders and other orders and rules, the Supervisor may consult with, and receive comments from Federal and State agencies, lessees, operators, and other interested parties. Before permitting operations on the leased land, the Supervisor shall determine if the lease is in good standing, whether the lessee is authorized to conduct operations, has filed an acceptable bond, and has an approved plan of operations.

§ 270.12 Regulation of operations.

The Supervisor shall inspect and supervise operations performed under the regulations in this part to: (a) Prevent waste and damage to formations or deposits containing geothermal resources; (b) prevent unnecessary damage to other natural resources; (c) prevent degradation of the water quality; (d) protect other environmental qualities; and (e) prevent injury to life or property. The Supervisor shall issue such GRO orders as are necessary to accomplish these purposes.

§ 270.13 Required samples, tests, and surveys.

When necessary or advisable, the Supervisor shall require that adequate samples be taken and tests or surveys be made using acceptable techniques, without cost to the lessor, to determine the identity and character of formations; the presence of geothermal resources, water, or reservoir energy; the quantity and quality of geothermal resources, or water; the amount and direction of deviation of any well from the vertical; formation, casing, and tubing pressures, temperatures, rate of heat and fluid flow, and whether operations are conducted in a manner looking to the protection of the interests of the lessor.

§ 270.14 Drilling and abandonment of wells.

The Supervisor shall require that drilling be conducted in accordance with the terms of the lease, GRO orders, and the regulations in this part and 43 CFR Group 3200; and shall require plugging and abandonment of any well or wells no longer necessary for operations in accordance with plans approved or prescribed by him. Upon the failure of a lessee to comply with any requirement under this section, the Supervisor is authorized to perform the work at the expense of the lessee and the surety.

§ 270.15 Well spacing and well casing.

The Supervisor shall approve proposed well-spacing and well-casing programs or prescribe such modifications

to the programs as he determines necessary for proper development, giving consideration to such factors as: (a) Topographic characteristics of the area; (b) hydrologic, geologic and reservoir characteristics of the field; (c) the number of wells that can be economically drilled to provide the necessary volume of geothermal resources for the intended use; (d) protection of correlative rights; (e) minimizing well interference; (f) unreasonable interference with multiple use of lands; and (g) protection of the environment.

§ 270.16 Royalties and other payments.

The Supervisor shall determine the value of production accruing to the lessor as royalty, the loss through waste or failure to drill and produce protection wells on the lease, and the compensation due to the lessor as reimbursement for such loss.

§ 270.17 Suspension of operations and production.

(a) On receipt of an application filed in accordance with 43 CFR 3205.3–7 for suspension of operations or production, or both, under a producing geothermal lease (or for relief from any drilling or producing requirements of such a lease), the Supervisor may, if he deems the suspension or relief warranted, approve the application.

(b) In the interest of conservation, the Supervisor may, on his own motion, suspend operations or production, or both, on any geothermal lease.

(c) Where operations or production, or both, under a lease, have been suspended, the Supervisor may approve resumption of operations or production either on his own motion or upon written request by the lessee or his agent.

(d) Whenever it appears from facts adduced by or furnished to the Supervisor that the interest of the lessor require additional drilling or producing operations, he may, by written notice, order the beginning or resumption of such operations.

(e) Any action of the Supervisor under this Section shall be subject to the right of appeal under § 270.81.

(f) See 43 CFR Group 3200 for regulations concerning requests to waive, suspend, or reduce payments of rental or royalty, and extensions of leases on which operations or production have been suspended.

REQUIREMENTS FOR LESSEES

(INCLUDING OPERATORS)

§ 270.30 Lease terms, regulations, waste, damage, and safety.

(a) The lessee shall comply with the lease terms, lease stipulations, applicable laws and regulations and any amendments thereof, GRO orders, and other written or oral orders of the Supervisor. All oral orders (to be confirmed in writing as provided in § 270.11) are effective when issued unless otherwise specified.

(b) The lessee shall take all reasonable precautions to prevent: (1) Waste; (2) damage to any natural resource including trees and other vegetation, fish and wildlife and their habitat; (3) injury or damage to persons, real or personal property; and (4) any environmental pollution or damage.

§ 270.31 Designation of operator or agent.

In all cases where operations are not conducted by the lessee but are to be conducted under authority of an unapproved operating agreement, assignment or other arrangement, a "designation of operator" shall be submitted to the Supervisor, in a manner and form approved by him, prior to commencement of operations. Such a designation will be accepted as authority of the operator or his local representative to act for the lessee and to sign any papers or reports required under the regulations in this part. All changes of address and any termination of the authority of the operator shall be immediately reported, in writing, to the Supervisor.

§ 270.32 Local agent.

When required by the Supervisor, the lessee shall designate a local representative empowered to receive notices and comply with orders of the Supervisor issued pursuant to the regulations in this part.

§ 270.33 Drilling and producing obligations.

(a) The lessee shall diligently drill and produce such wells as are necessary to protect the lessor from loss by reason of production on other properties, or in lieu thereof, with the consent of the Supervisor, shall pay a sum determined by the Supervisor as adequate to compensate the lessor for failure to drill and produce any such well.

(b) The lessee shall promptly drill and produce such other wells as the Supervisor may require in order that the lease be developed and produced in accordance with good operating practices. (See 43 CFR Part 3234.)

§ 270.34 Drilling and development programs.

Prior to commencing any drilling operations on the lease, including the making of locations or well sites, the lessee shall submit, for approval by the Supervisor, a plan setting forth the proposed development program for the area. Each plan for the leased area shall include:

(a) Structural information based on available geologic and geophysical data;

(b) Heat flow and hydrologic information;

(c) The proposed location of each well, including projected bottomhole locations of any directionally drilled wells; and

(d) All pertinent information or data which the Supervisor may require to support the drilling program and development program for the utilization of geothermal resources.

§ 270.35 Subsequent well operations.

After completion of all operations authorized under any previously approved notice or plan, the lessee shall not begin to redrill, repair, deepen, plug back, shoot, or plug and abandon any well, make casing tests, alter the casing or liner, stimulate production, change the method of recovering production, or use any formation or well for brine or fluid disposal without first notifying the Supervisor and receiving written approval of his plan and intention prior to commencing the contemplated work. However, in an emergency a lessee may take action to prevent damage without receiving prior approval from the Supervisor, but in such cases the lessee shall report his action to the Supervisor as soon as possible.

§ 270.36 Well designations.

The lessee shall mark each derrick upon commencement of drilling operations and each producing or suspended well in a conspicuous place with his name or the name of the operator, the serial number of the lease, the number and location of the well. Whenever possible, the well location shall be described by section or tract, township, range, and by quarter-quarter section or lot. The lessee shall take all necessary means and precautions to preserve these markings.

§ 270.37 Well records.

(a) The lessee shall keep for each well at his field headquarters or at other locations conveniently available to the Supervisor, accurate and complete records of all well operations including production, drilling, logging, directional well surveys, casing, perforation, safety devices, redrilling, deepening, repairing, cementing, alterations to casing, plugging, and abandoning. The records shall contain a description of any unusual malfunction, condition or problem; all the formations penetrated; the content and character of mineral deposits and water in each formation; thermal gradients, temperatures, pressures, analyses of geothermal waters, the kind, weight, size, grade, and setting depth of casing; and any other pertinent information.

(b) The lessee shall, within 30 days after completion of any well, transmit to the Supervisor copies of the records of all operations in a form prescribed by the Supervisor.

(c) Upon request of the Supervisor, the lessee will furnish (1) legible, exact copies of service company reports on cementing, perforating, acidizing, analyses of cores, electrical, and temperature logs, chemical analyses of steam and waters, or other similar services; (2) other reports and records of operations in the manner and form prescribed by the Supervisor.

§ 270.38 Samples, tests, and surveys.

(a) The lessee, when required by the Supervisor, will make adequate sampling, tests and/or surveys using acceptable techniques, to determine the presence, quantity, quality, and potential of geothermal resources, mineral deposits, or water; the amount and direction of deviation of any well from the vertical;

and/or formation temperatures and pressures, casing, tubing, or other pressures and such other facts as the Supervisor may require. Such tests or surveys shall be made without cost to the lessor.

(b) The lessee shall, without cost to the lessor, take such formation samples or cores to determine the identity and character of any formation as are required and prescribed by the Supervisor.

§ 270.39 Directional survey.

The Supervisor may require an angular deviation and directional survey to be made of the finished hole of each directionally drilled well. The survey shall be made at the risk and expense of the lessee unless requested by an offset lessee, and then, at the risk and expense of the offset lessee. A copy of the survey shall be furnished the Supervisor.

§ 270.40 Well control.

The lessee or operator shall: (a) Take all necessary precautions to keep all wells under control at all times; (b) utilize trained and competent personnel; (c) utilize properly maintained equipment and materials; and (d) use operating practices which insure the safety of life and property. The selection of the types and weights of drilling fluids and provisions for controlling fluid temperatures, blowout preventers, and other surface control equipment and materials, casing and cementing programs, etc., to be used shall be based on sound engineering principles and shall take into account apparent geothermal gradients, depths and pressures of the various formations to be pentrated and other pertinent geologic and engineering data and information about the area.

§ 270.41 Pollution.

The lessee shall not pollute the land, water, or air; pollute streams, damage the surface or pollute the underground water of the leased or other land. Federal and State air and water quality standards will be followed unless more stringent requirements are stipulated by the Supervisor. Plans for disposal of well effluents must take into account effects on ground waters, streams, plants, fish and wildlife and their populations, atmosphere, or any other effects which may cause or contribute to pollution, and such plans must be approved by the Supervisor before action is taken under them.

§ 270.42 Noise abatement.

The lessee shall minimize noise when conducting air drilling operations or when the well is allowed to produce while drilling or drilling is being conducted. Welfare of the operating personnel and the public must not be affected as a consequence of the noise created by the expanding gases. The method and degree of noise abatement shall be as approved by the Supervisor.

§ 270.43 Pits or sumps.

Materials and fluids or any fluid necessary to the drilling, production, or other operations by a lessee may, upon approval by the Supervisor, be discharged or placed in pits and sumps. The lessee shall provide pits and sumps of adequate capacity and design to retain all materials. In no event shall the contents of a pit or sump be allowed to: (a) Contaminate streams, artificial canals or waterways, ground waters, lakes or rivers; (b) adversely affect environment, persons, plants, fish and wildlife and their populations; or (c) damage the aesthetic values of the property or adjacent properties. When no longer needed, pits and sumps are to be filled and covered and the premises restored to a near natural state, as prescribed by the Supervisor.

§ 270.44 Well abandonment.

The lessee shall promptly plug and abandon any well on the leased land that is not used or useful. No well shall be abandoned until its lack of capacity for further profitable production of geothermal resources has been demonstrated to the satisfaction of the Supervisor. Before abandoning a producible well, the lessee shall submit to the Supervisor a statement of reasons for abandonment and his detailed plans for carrying on the necessary work. A producible well may be abandoned only after receipt of written approval by the Supervisor. No well shall be plugged and abandoned until the manner and method of plugging has been approved or prescribed by the Supervisor. Equipment shall be removed, and premises at the well site shall be restored as near as reasonably possible to its original condition immediately after plugging operations are completed on any well except as otherwise authorized by the Supervisor. Drilling equipment shall not be removed from any suspended drilling well without taking adequate measures to close the well and protect the subsurface resources.

§ 270.45 Accidents.

The lessee shall take all reasonable precautions to prevent accidents and shall notify the Supervisor within 24 hours of all accidents on the leased land, and shall submit a full report thereon within 15 days.

§ 270.46 Workmanlike operations.

The lessee shall carry on all operations and maintain the property at all times in a safe and workmanlike manner, having due regard for the preservation and the conservation of the property and the environment and for the health and safety of employees. The lessee shall remove from the property or store, in an orderly manner, all scrap or other materials not in use.

§ 270.47 Departure from orders.

The Supervisor may prescribe or approve either in writing or orally with prompt written confirmation, waivers or deviations from the requirements of GRO orders and other orders issued pursuant to these regulations, when such departures are necessary for the proper control of a well, conservation of natural resources, protection of human health and safety, property, or the environment.

§ 270.48 Sales contracts.

The lessee shall file with the Supervisor within 30 days after the effective date thereof copies of all contracts for the disposal of geothermal resources from the lease.

§ 270.49 Royalty payments.

The lessee shall pay all royalties as due under the terms of the lease. Payments of royalties are due not later than the last day of the month following the month in which sales were made, and shall be by check, bank draft, or money order, drawn to the order of the United States Geological Survey. Taxes are not deductible in computing royalties.

MEASUREMENT OF PRODUCTION AND COMPUTATION OF ROYALTIES

§ 270.60 Measurement of geothermal resources.

The lessee shall measure or gauge all production in accordance with methods approved by the Supervisor or may arrange with the Supervisor for other acceptable methods of measuring and recording production. The quantity and quality of all production shall be determined in accordance with the standard practices, procedures, and specifications generally used in industry.

§ 270.61 Determination of content of byproducts.

The lessee shall periodically furnish the Supervisor the results of periodic tests showing the content of the byproducts. Such tests shall be taken as specified by the Supervisor and the method of testing approved by him.

§ 270.62 Value of geothermal production for computing royalties.

The value of geothermal production for the purpose of computing royalty shall be the reasonable value of the product, as determined by the Supervisor. In determining the reasonable value of the product, the Supervisor shall consider: (1) The highest price paid for a majority of the production of like quality in the same field or area; (2) the total consideration received by the lessee for any disposition of the geothermal production; (3) the value of alternate available energy sources; and (4) other relevant matters.

(b) Under no circumstances shall the value of any geothermal production for the purposes of computing royalties be less than:

(1) The total consideration accruing to the lessee from the sale thereof in cases where geothermal resources are sold by the lessee to another party; or

(2) That amount which is the product of the percentage of the value of the end product attributable to the geothermal resource times the total value of such end products in cases where geothermal resources are not sold by the lessee before being utilized, but are instead directly used in manufacturing, power production, or other industrial activity.

§ 270.63 Computation of royalties.

(a) The value of geothermal production, as determined pursuant to § 270.62, shall be apportioned between geothermal steam, heat, and other forms of energy and the byproducts.

(b) The royalties payable shall be the sum of (1) the amount resulting from the multiplication of the value attributable to the geothermal steam, heat, and other forms of energy by the royalty rate set for such forms of geothermal energy in the lease and (2) the amount resulting from the multiplication of the value attributable to byproducts by the royalty rate for byproducts set in the lease.

§ 270.64 Commingling production.

The Supervisor may authorize the lessee to commingle the production from different wells and/or leases with the production of other operators subject to such conditions as he may prescribe.

PROCEDURE IN CASE OF VIOLATION OF THE REGULATIONS OR LEASE TERMS

§ 270.80 Default, termination of lease.

Whenever an owner of a lease fails to comply with the provisions of the regulations or lease terms, the Supervisor shall give a 30-day notice to remedy any defaults or violations. Failure to perform or commence the necessary remedial action within the prescribed time period may result in termination of the lease. Lessee is entitled to request a hearing concerning any claimed default or violation pursuant to section 12 of the Act.

§ 270.81 Appeals.

(a) An appeal from any order issued under authority of the regulations in this part may be filed as set forth in this section. Compliance with any such order shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Director or the Secretary (dependent upon the officer with whom the appeal is pending) and then only upon a determination that such suspension will not be detrimental to the lessor or upon the submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

(b) An appeal to the Director may be taken from any order of the Supervisor by filing the appeal with the Supervisor within 20 days after service of the order. The appeal shall incorporate or be accompanied by such written showing and argument on the facts and law as the appellant may deem adequate to justify reversal or modification of the order. All statements of fact must be made under oath.

(c) The Supervisor shall transmit the appeal and accompanying papers to the Director with a full report and recommendations. The Director shall review the record and render a decision.

(d) An appeal from the Director's decision may be taken by filing the appeal with the Director within 30 days after service of the Director's decision. The appeal shall be accompanied by such written showing and argument on the facts and law as appellant may deem adequate to justify reversal or modification of the decision. Any statement of fact not previously submitted to the Director must be made under oath.

(e) Oral argument in any case pending before the Director or the Secretary will be allowed only in the discretion of that officer at a time to be fixed by him.

REPORTS TO BE MADE BY ALL LESSEES (INCLUDING OPERATORS)

§ 270.90 General requirements.

Information required to be submitted in accordance with the regulations in this part shall be furnished as directed by the Supervisor. Copies of forms can be obtained from the Supervisor and must be filed with that official within the time limit prescribed.

§ 270.91 Application for permit to drill, redrill, deepen, or plug-back.

(a) A permit to drill, redrill, deepen, or plug-back a well on Federal lands must be obtained from the Supervisor before the work is begun. The application for the permit shall state the location of the well in feet, and direction from the nearest section or tract lines as shown on the official plat of survey or protracted surveys; the altitude of the ground and derrick floor above sea level and how it was determined.

(b) The proposed drilling and casing plan shall be outlined in detail under the heading "Details of Work" in the applications referred to herein, and shall describe the type of tools and equipment to be used, the proposed depth to which the well will be drilled, the estimated depths to the top of important markers, the estimated depths at which water, geothermal resources, or other mineral resources are expected, the proposed casing program (including the size and weight of casing), the depth at which each string is to be set, and the amount of cement and mud to be used, the drilling method and type of circulating media (water, mud, foam, air or combinations thereof), the type of blowout prevention equipment to be used, the proposed coring, logging, or other program (such as drilling time log and sample description) to be used to determine the formations penetrated and the proposed program for determining geothermal gradients and the sampling and analysis of geothermal resources.

(c) Each application shall be accompanied by a plat showing the surface and bottomhole locations and the distances from the nearest section or tract lines as shown on the official plat of survey or protracted surveys. The scale shall not be less than 2,000 feet to 1 inch.

§ 270.92 Sundry notices and reports on wells.

(a) Any written notice of intention to do work or to change plans previously approved must be filed in triplicate, unless otherwise directed, and must be approved by him before the work is begun. If, in case of emergency, any notice is given orally or by wire, and approval is obtained, the transaction shall be confirmed in writing. A subsequent report of the work performed must also be filed with the Supervisor.

(b) Casing test: Notice shall be given in advance to the Supervisor or his representative of the date and time when the operator expects to make a casing test. Later, by agreement, the exact time shall be fixed. In the event of casing failure during the test, the casing must be repaired or replaced or recemented as required by the Supervisor or his representative. The results of the test must be reported within 30 days after making a casing test. The report must describe the test completely and state the amount of mud and cement used, the lapse of time between running and cementing the casing and making the test, and the method of testing.

(c) Repairs or conditioning of well: Befor the repairing or conditioning of a well, a notice setting forth in detail the plan of work must be filed with, and approved by, the Supervisor. A detailed report of the work accomplished and the methods employed, including all dates, and the results of such work must be filed within 30 days after completion of the repair work.

(d) Well stimulation: Before the lessee commences stimulation of a well by any means, a notice, setting forth in detail the plan of work, must be filed with and approved by the Supervisor. The notice shall name the type of stimulant and the amount to be used. A report showing the amount of stimulant used and the production rate before and after stimulation must be filed within 30 days from completion of the work.

(e) Altering casing in a well: Notice of intention to run a liner or to alter the casing by pulling or perforating by any means must be filed with and approved by the Supervisor before the work is started. This notice shall set forth in detail the plan of work. A report must be filed within 30 days after completion of the work stating exactly what was done and the results obtained.

(f) Notice of intention to abandon well: Before abandonment work is begun on any well, whether a drilling well, geothermal resources well, water well, or so-called dry hole, notice of intention to abandon shall be filed with, and approved by, the Supervisor. The notice must be accompanied by a complete log, in duplicate, of the well to date, provided the complete log has not been filed previously, and must give a detailed statement of the proposed work, including such information as kind, location, and length of plugs (by depths), plans for mudding, cementing, shooting, testing, and removing casing, and any other pertinent information.

(g) Subsequent report of abandonment: After a well is abandoned or plugged, a subsequent record of work done must be filed with the Supervisor. This report shall be filed separately within 30 days after the work is done.

The report shall give a detailed account of the manner in which the abandonment or plugging work was carried out, including the nature and quantities of materials used in plugging and the location and extent (by depths) of the plugs of different materials; records of any tests or measurements made, and of the amount, size, and location (by depths) of casing left in the well; and a detailed statement of the volume of mud fluid used, and the pressure attained in mudding. If an attempt was made to part any casing, a complete report of the methods used and results obtained must be included.

§ 270.93 Log and history of well.

The lessee shall furnish in duplicate to the Supervisor, not later than 30 days after the completion of each well, a complete and accurate log and history, in chronological order, of all operations conducted on the well. A log shall be compiled for geologic information from cores or formations samples and duplicate copies of such log shall be filed. Duplicate copies of all electric logs, temperature surveys, water and steam analyses, hydrologic or heat flow tests, or direction surveys, if run, shall be furnished.

§ 270.94 Monthly report of operations.

A report of operations for each lease must be made for each calendar month, beginning with the month in which drilling operations are initiated. The report must be filed in duplicate with the Supervisor on or before the last day of the month following the month for which the report is filed unless an extension of time for the filing of the report is granted by the Supervisor. The report shall disclose accurately all operations conducted on each well during the month, the status of operations on the last day of the month, and a general summary of the status of operations on the leased lands. The report must be submitted each month until the lease is terminated or until omission of the report is authorized by the Supervisor. The report shall show for each calendar month:

(a) The lease serial number or the unit or communitization agreement number which shall be inserted in the upper right corner;

(b) Each well listed separately by number, and its location by 40-acre subdivision (quarter-quarter section or lot), section number, township, range, and meridian;

(c) The number of days each well was produced, whether steam or hot water or both were produced, and the number of days each input well was in operation, if any;

(d) The quantity of production and any byproducts obtained from each well, if any are recovered;

(e) The depth of each active or suspended well, and the name, character, and depth of each formation drilled during the month, the date and reason for every shutdown, the names and depths of important formation changes, the amount and size of any casing run since the last report, the dates and results of any tests conducted, and any other noteworthy information on operations not specifically provided for in the form.

(f) The footnote must be completely filled out as required by the Supervisor. If no sales were made during the calendar month, the report must so state.

§ 270.95 Monthly report of sales and royalty.

A report of sales and royalty for each productive lease must be filed each month once sales of production are made even though sales may be intermittent, unless otherwise authorized by the Supervisor. Total volumes of geothermal resources produced and sold, the value of production, and the royalty due the lessor must be shown. If byproducts are being recovered, the same requirement shall be applicable. This report is due on or before the last day of the month following the month in which production was obtained and sold or utilized, together with the royalties due the United States. Payment or royalty is to be made pursuant to § 270.49 unless otherwise authorized by the Supervisor.

§ 270.96 Forms or reports.

When forms or reports other than those referred to in the regulations in this part may be necessary, instructions for the filing of such forms or reports will be given by the Supervisor.

§ 270.97 Public inspection of records.

Geologic and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect or until such time as the Supervisor determines that release of such information is required and necessary for the proper development of the field or area.

Dated: July 15, 1971.

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

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