federal register

TUESDAY, AUGUST 3, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 149

Pages 14245–14290

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.

(Continued inside)

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

(*Continued on next page*)

List of CFR Parts Affected

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

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

Presidential Documents

Title 3—The President

PROCLAMATION 4070

American Trial Lawyers Week

By the President of the United States of America

A Proclamation

The idea of a fair trial, a legal scholar has observed, "has been the greatest contribution made to civilization by our Anglo-American polity." For twenty-five years, the members of the American Trial Lawyers Association have sought to translate this noble inspiration into an every-day reality for those whose disputes and grievances must be settled in a court of law.

Through the adversary process, these lawyers have now established a long and proud tradition and have shown that the methods and values of the trial advocate may serve as a model for the just resolution of disputes among men. Their continuing commitment to fair and orderly trials has become an essential part of the administration of justice in America.

In honor of the American Trial Lawyers Association on the occasion of its twenty-fifth anniversary, the Congress, by House Joint Resolution 714, has designated the week beginning August 1, 1971, as American Trial Lawyers Week and has requested the President to encourage appropriate observance of that week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon each American, during American Trial Lawyers Week, to renew his commitment to enhance the administration of justice for the public good; and I direct the appropriate Government officials to display the flag of the United States on all public buildings on Monday, August 2, 1971.

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

Richard Nixon

[FR Doc.71-11177 Filed 8-2-71;8:58 am]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes of the Code of Federal Regulations. The rate for subscription service to all revised volumes issued as of January 1, 1971, is $175 domestic, $45 additional for foreign mailing. The subscription price for revised volumes to be issued as of January 1, 1972, will be $195 domestic, $50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1971):

Title		Price
1		$1.00
2–3		2.50
3	1936–1938 Compilation	6.00
	1938–1943 Compilation	9.00
	1943–1948 Compilation	7.00
	1949–1953 Compilation	7.00
	1954–1958 Compilation	4.00
	1959–1963 Compilation	6.00
	1964–1965 Compilation	3.75
	1936–1965 Consolidated Indexes	3.50
	1936–1965 Consolidated Tables	5.25
	1966 Compilation	*1.00
	1967 Compilation	1.00
	1968 Compilation	.75
	1969 Compilation	1.00
	1970 Compilation	1.00
4		.50
5		1.75
6	[Reserved]	
7	Parts:	
	0–45	2.75
	46–51	1.75
	52	3.00
	53–209	3.00
	210–699	2.00
	700–749	2.00
	750–899	1.25
	900–944	1.75
	945–980	1.00
	981–999	1.00
	1000–1029	1.25
	1030–1059	1.00
	1060–1089	1.25
	1090–1119	1.25
	1120–1199	1.50
	1200–1499	2.00
	1500–end	2.50
8		1.00
9		2.00
10		1.75
11	[Reserved]	
12	Parts:	
	1–299	2.50
	300–end	2.50
13		1.25
14	Parts:	
	1–59	3.00
	60–199	2.75
	200–end	3.00
15		1.75
16	Parts:	
	0–149	3.00
	150–end	2.00
17		2.75
18	Parts:	
	1–149	2.00
	150–end	2.00
19		2.50
20	Parts:	
	01–399	1.25
	400–end	3.00
21	Parts:	
	1–119	1.75
	120–129	1.75
	130–146e	2.75
	147–end	1.50
22		1.75
23		.50
24		2.75
25		1.75
26	Parts:	
	1 (§§ 1.0–1—1.300)	3.00
	1 (§§ 1.301–1.400)	1.00
	1 (§§ 1.401–1.500)	1.50
	1 (§§ 1.501–1.640)	1.25
	1 (§§ 1.641–1.850)	1.50
	1 (§§ 1.851–1.1200)	2.00
	1 (§§ 1.1201–end)	3.25
	2–29	1.25
	30–39	1.25
	40–169	2.50
	170–299	3.50
	300–499	1.50
	500–599	1.75
	600–end	.60
27		.45
28		.75
29	Parts:	
	0–499	1.50
	500–899	3.00
	900–end	1.50
30		2.00
31		2.00
32	Parts:	
	1–8	3.25
	9–39	2.00
	40–399	3.00
	400–589	2.00
	590–699	1.00
	700–799	3.25
	800–999	2.00
	1000–1399	.75
	1400–1599	1.50
	1600–end	1.00
32A		1.25
33	Parts:	
	1–199	2.50
	200–end	1.75
34	[Reserved]	
35		1.75
36		1.25
37		.70
38		3.50
39		3.25
40	[Reserved]	
41	Chapters:	
	1–2	2.75
	3–5D	1.75
	6–17	3.50
	18	3.25
	19–100	1.00
	101–end	2.00
42		1.75
43	Parts:	
	1–999	1.50
	1000–end	2.75
44		.40
45	Parts:	
	1–999	2.00
	200–end	2.00
46	Parts:	
	1–65	2.75
	66–145	2.75
	146–149	3.75
	150–199	2.75
	200–end	3.00
47	Parts:	
	0–19	1.75
	20–69	2.50
	70–79	1.75
	80–end	2.75
48	[Reserved]	
49	Parts:	
	1–199	4.00
	200–999	1.75
	1000–1199	1.25
	1200–1299	3.00
	1300–end	1.00
50		1.25
General Index		1.50
List of Sections Affected, 1949–1963 (Compilation)		6.75

*Out of print.

Title 7—AGRICULTURE

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

[Amdt. 8]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container, Pack, and Container Marking Regulations

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under

the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of Texas citrus fruits, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) The recommendations of the Texas Valley Citrus Committee reflects its appraisal of the need for restricting the use of containers and pack sizes to those most suitable for the packing and handling of fruit to promote orderly marketing, so as to provide consumers with good quality fruit and maximize returns to producers pursuant to the declared policy of the act. The amendment authorizes handlers to continue to ship grapefruit and oranges in mesh or women type bags having a capacity of 18 pounds of fruit after August 1, 1971. Containers of this type were authorized for temporary use during the periods January 1 through March 31, 1971, and April 1 through August 1, 1971, under amendments 6 and 7, respectively, of § 906.340 (7 CFR 906.340; 36 F.R. 143; 5962), while the container's suitability and effectiveness was being evaluated under a committee research project. On the basis of the findings of the research project and other available information, the committee recommends that mesh or woven type bags having a capacity of 18 pounds of fruit continue to be authorized for the shipment of grapefruit and oranges.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (i) the handling of fruit is now in progress and to be of maximum benefit the provisions of this amendment should be effective upon the date hereinafter specified, (ii) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, (iii) this amendment was recommended by members of the Texas Valley Citrus Committe in an open meeting at which all interested persons were afforded opportunity to submit their views, (iv) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and (v) this amendment relieves restrictions on the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas.

(4) It is hereby found that the amendment hereinafter set forth is in accordance with the provisions of said marketing agreement and order, and will tend to effectuate the declared policy of the Act.

Order. It is therefore ordered that the provisions of § 906.340 (7 CFR 906.340; 36 F.R. 143; 5962) are amended as follows:

Paragraph (a)(1)(iv) is amended to read:

§ 906.340 Container, pack, and container marking regulations.

(a) * * *

(1) * * *

(iv) Bags having a capacity of 5 or 8 pounds of fruit: *Provided*, That handlers may ship fruit in mesh or woven type bags having a capacity of 18 pounds of fruit;

* * * * *

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

Dated: July 29, 1971, to become effective August 2, 1971.

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

[FR Doc.71-11122 Filed 7-30-71;12:35 pm]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Increase in Expenses for 1970–71 Fiscal Year

On July 17, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 13272) regarding a proposed increase in expenses for the fiscal year September 1, 1970, through August 31, 1971, pursuant to Order No. 909, as amended (7 CFR Part 900; 35 F.R. 16637), regulating the handling of Grapefruit grown in Arizona and designated parts of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in such notice which was submitted by the Grapefruit Administrative Committee (established pursuant to said amended marketing order), it is hereby found and determined that due increased expenses caused by greater than anticipated shipments of regulated fruit, the currently approved expenses are not sufficient to meet the expenses of the committee, thus rendering necessary an increase in expenses.

It is, therefore, ordered that paragraph (a) *Expenses* of § 909.209 (35 F.R. 17653; 36 F.R. 12000) are hereby amended to read as follows:

§ 909.209 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Administrative Committee during the period September 1, 1970, through August 31, 1971, will amount to $122,500.

* * * * *

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) said committee in the performance of its duties and functions is likely to incur obligations which may be in excess of that previously thought likely to be incurred, (2) the increase in the budget set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (35 F.R. 17653; 36 F.R. 12000), and (3) it is essential that the specification of expenses herein provided be issued immediately so that said committee can meet it's obligations and perform it's duties and functions within the fiscal period in accordance with said marketing order.

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

Dated: July 28, 1971.

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

[FR Doc.71-11071 Filed 8-2-71;8:48 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Nonimmigrants

Correction

In F.R. Doc. 71–10696 appearing on page 13910 in the issue of Wednesday, July 28, 1971, the word "any" appearing in the 10th line of subparagraph (3a) of § 214.2(h) under amendment 2 should read "and".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–SW–20]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Winnsboro, Tex.

On June 15, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11523) stating the Federal Aviation Administration proposed to designate the Winnsboro, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

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

WINNSBORO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Winnsboro Municipal Airport (latitude 32°56'22" N., longitude 95°16'43" W.) and within 1.5 miles each side of the Quitman, Tex., VOR 054° radial extending from the 5-mile-radius area to the VOR.

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

Issued in Fort Worth, Tex., on July 26, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-11044 Filed 8-2-71;8:47 am]

[Airspace Docket No. 71-WA-23]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

On June 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11816) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area at Amchitka, Alaska.

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

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 16, 1971, for 60 days duration, as hereinafter set forth.

Section 73.22 is amended by adding the following:

R-2207. AMCHITKA ISLAND, ALASKA

Boundaries: Within the boundary of Amchitka Island, Alaska, including the airspace within 3 nautical miles from and parallel to the shoreline.

Designated altitude: Surface to 18,000 feet MSL.

Time of designation: As activated by NOTAM issued by the using agency at least 24 hours in advance.

Controlling agency: Federal Aviation Administration, Anchorage, Alaska, ARTC Center.

Using agency: Manager, Nevada Operation Office, U.S. Atomic Energy Commission, Las Vegas, Nev.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 27, 1971.

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

[FR Doc.71-11045 Filed 8-2-71;8:47 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

CERTIFICATION OF TRUE COPIES AND USE OF THE DEPARTMENT SEAL

Under authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.121(d) is revised to read as follows to update the subject authority delegations:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(d) *Delegations regarding certification of true copies and use of Department seal.* (1) The following officials are authorized to certify true copies of or extracts from any books, records, papers, or other documents on file within the Food and Drug Administration, to certify that copies are true copies of the entire file, to certify the complete original record, or to certify the nonexistence of records on file within the Administration, and to cause the seal of the Department to be affixed to such certifications.

(i) Associate and Deputy Associate Commissioners.

(ii) Assistant and Deputy Assistant Commissioners.

(iii) Federal Register Writer, Office of the Associate Commissioner for Compliance.

(iv) Director and Deputy Director, Policy Management Staff, Office of the Assistant Commissioner for Program Coordination.

(v) Directors and Deputy Directors of Bureaus and Executive Director and Deputy Executive Director of Regional Operations.

(vi) Assistant Director for Planning and Analysis of the Bureau of Drugs, the Director and Deputy Director of the Office of Compliance of that Bureau, and the Director of the Division of Case Guidance of that Office and Bureau.

(vii) Assistant Director for Management of the Bureau of Foods, the Director and Associate Director of the Office of Compliance of that Bureau, the Director of the Division of Regulatory Guidance of that Office and Bureau, and the Director of the Division of Food Service and Milk Sanitation of the Office of Food Sanitation of that Bureau.

(viii) Assistant Director for Management of the Bureau of Product Safety and the Director of the Compliance Office of that Bureau.

(ix) Director and Deputy Director of the Division of Compliance of the Bureau of Veterinary Medicine.

(x) Executive Officer of the Bureau of Radiological Health.

(2) The following officials are authorized to cause the seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents:

(i) Associate and Deputy Associate Commissioners.

(ii) Assistant and Deputy Assistant Commissioner for Administration.

(iii) Director and Deputy Director of the FDA Training Institute.

* * * * *

Effective date. This order shall be effective upon FEDERAL REGISTER publication (8-3-71).

Dated: July 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11051 Filed 8-2-71;8:48 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

On April 14, 1971, a notice of proposed rule making to issue 26 CFR Part 179 to implement the provisions of title II, Machine Guns, Destructive Devices, and Curtain Other Firearms, of the Gun Control Act of 1968, was published in the FEDERAL REGISTER (36 F.R. 7059 (1971)). In accordance with the notice, interested parties were afforded an opportunity to submit written comments and an opportunity to be heard at a public hearing upon written request for the same. No request for a public hearing was received.

After consideration of all such relevant matters as was presented by interested parties regarding the rules proposed, and in order to make certain clarifying changes, the regulations as so published are hereby adopted subject to the changes set forth below:

PARAGRAPH 1. Section 179.11 is changed by adding two sentences at the end of the

definition of "Firearm" which sentences read: "For purposes of this definition, the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breechlock when closed and when the shotgun or rifle is cocked. The overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore."

PAR. 2. Section 179.112(a) is changed by deleting the words "in duplicate", from the first sentence thereof so that the sentence reads: "Each importer shall file with the Director an accurate notice on Form 2 (Firearms), Notice of Firearms Manufactured or Imported, executed under the penalties of perjury, showing his importation of a firearm."

PAR. 3. Section 179.116 is changed by deleting the words "Collector of Customs" and inserting in lieu thereof the words "District Director of Customs".

PAR. 4. Section 179.117 is changed by deleting the words "Collector of Customs" which appear in the first two sentences and inserting in lieu thereof the words "District Director of Customs".

PAR. 5. Section 179.118 is changed by deleting the words "Collector of Customs" and inserting in lieu thereof the words "District Director of Customs".

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

Approved: July 28, 1971.

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

In order to implement the provisions of Title II, Machine Guns, Destructive Devices, and Certain Other Firearms (U.S.C., Title 26, Chapter 53), of the Gun Control Act of 1968 (Public Law 90-618, 82 Stat. 1213), the following regulations are hereby prescribed as Part 179 of Title 26 of the Code of Federal Regulations:

Preamble. 1. These regulations, 26 CFR Part 179, "Machine Guns, Destructive Devices, and Certain Other Firearms," supersede Regulations 26 CFR Part 179 (1955 edition, 20 F.R. 6739, as amended) issued under the National Firearms Act of 1954 (U.S.C., Title 26, Chapter 53).

2. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. These regulations shall be effective on the first day of the first month following their publication in the FEDERAL REGISTER.

Subpart A—Scope of Regulations

Sec.
179.1 General.

Subpart B—Definitions

179.11 Meaning of terms.

Subpart C—Administrative and Miscellaneous Provisions

179.21 Forms prescribed.
179.22 Right of entry and examination.
179.23 Restrictive use of required information.
179.24 Destructive device determination.
179.25 Collector's items.

Subpart D—Special (Occupational) Taxes

179.31 Liability for tax.
179.32 Special (occupational) tax rates.
179.33 Special exemption.
179.34 Registration, return, and payment of special (occupational) taxes.
179.35 Employer identification number.
179.36 The special tax stamp, receipt for special (occupational) taxes.
179.37 Certificates in lieu of stamps lost or destroyed.
179.38 Engaging in business at more than one location.
179.39 Engaging in more than one business at the same location.
179.40 Partnership liability.
179.41 Single sale.

CHANGE OF OWNERSHIP

179.42 Changes through death of owner.
179.43 Changes through bankruptcy of owner.
179.44 Change in partnership or nincorporated association.
179.45 Change in corporation.

CHANGE OF BUSINESS LOCATION

179.46 Notice by taxpayer.

CHANGE OF TRADE NAME

179.47 Notice by taxpayer.

PENALTIES AND INTEREST

179.48 Failure to pay special (occupational) tax.
179.49 Failure to register change or removal.
179.50 Delinquency.
179.51 Fraudulent return.

APPLICATION OF STATE LAWS

179.52 State regulations.

Subpart E—Tax on Making Firearms

179.61 Rate of tax.

APPLICATION TO MAKE A FIREARM

179.62 Application to make.
179.63 Identification of applicant.
179.64 Procedure for approval of application.
179.65 Denial of application.
179.66 Subsequent transfer of firearms.
179.67 Cancellation of stamp.

EXCEPTIONS TO TAX ON MAKING FIREARMS

179.68 Qualified manufacturer.
179.69 Making a firearm for the United States.
179.70 Certain government entities.

REGISTRATION

179.71 Proof of registration.

Subpart F—Transfer Tax

179.81 Scope of tax.
179.82 Rate of tax.
179.83 Transfer tax in addition to import duty.

APPLICATION AND ORDER FOR TRANSFER OF FIREARM

179.84 Application to transfer.
179.85 Identification of transferee.
179.86 Action on application.
179.87 Cancellation of stamp.

EXEMPTIONS RELATING TO TRANSFERS OF FIREARMS

179.88 Special (occupational) taxpayers.
179.89 Transfers to the United States.
179.90 Certain government entities.
179.91 Unserviceable firearms.
179.92 Transportation of firearms to effect transfer.

OTHER PROVISIONS

179.93 Transfers of firearms to certain persons.

Subpart G—Registration and Identification of Firearms

179.101 Registration of firearms.
179.102 Identification of firearms.
179.103 Registration of firearms manufactured.
179.104 Registration of firearms by certain governmental entities.

Subpart H—Importation and Exportation

IMPORTATION

179.111 Procedure.
179.112 Registration of imported firearms.
179.113 Conditional importation.

EXPORTATION

179.114 Application and permit for exportation of firearms.
179.115 Action by Director.
179.116 Procedure by exporter.
179.117 Action by Customs.
179.118 Proof of exportation.
179.119 Transportation of firearms to effect exportation.
179.120 Refunds.
179.121 Insular possessions.

MUTUAL SECURITY ACT

179.122 Requirements.

Subpart I—Records and Returns

179.131 Records.

Subpart J—Stolen or Lost Firearms or Documents

179.141 Stolen or lost firearms.
179.142 Stolen or lost documents.

Subpart K—Examination of Books and Records

179.151 Failure to make returns: substitute records.
179.152 Penalties (records and returns).

Subpart L—Distribution and Sale of Stamps

Sec.
179.161 Orders for stamps.
179.162 Stamps authorized.
179.163 Reuse of stamps prohibited.

Subpart M—Redemption of or Allowance for Stamps or Refunds

179.171 Redemption of or allowance for stamps.
179.172 Refunds.

Subpart N—Penalties and Forfeitures

179.181 Penalties.
179.182 Forfeitures.

Subpart O—Other Laws Applicable

179.191 Applicability of other provisions of internal revenue laws.
179.192 Commerce in firearms and ammunition.
179.193 Mutual Security Act.

AUTHORITY: The provisions of this Part 179 issued under 68A Stat. 917; 26 U.S.C. 7805 and 26 U.S.C. Chapter 53, unless otherwise noted.

Subpart A—Scope of Regulations

§ 179.1 General.

This part contains the procedural and substantive requirements relative to the importation, manufacture, making, exportation, identification and registration

of, and the dealing in, machine guns, destructive devices and certain other firearms under the provisions of the National Firearms Act (Chapter 53, I.R.C.).

Subpart B—Definitions

§ 179.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude other things not enumerated which are in the same general class or are otherwise within the scope thereof.

Antique firearm. Any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Any other weapon. Any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

Assistant Regional Commissioner. An Assistant Regional Commissioner, Alcohol, Tobacco and Firearms, who is responsible to, and functions under, the direction and supervision of a Regional Commissioner, Internal Revenue.

Commissioner. The Commissioner of Internal Revenue.

Customs officer. Any officer of the Bureau of Customs or any agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a Regional Commissioner of Customs, or by another principal customs officer under delegated authority, to perform the duties of an officer of the Bureau of Customs.

Dealer. Any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

Destructive device. (a) Any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellent charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) similar device; (b) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes; and (c) any combination of parts either designed or intended for use in converting any device into a destructive device as described in paragraphs (a) and (b) of this definition and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed or redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684 (2), 4685, or 4686 of title 10 of the United States Code; or any device which the Director finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

Director. The Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Treasury Department, Washington, D.C. 20224.

Director of the Service Center. A Director of an Internal Revenue Service Center in an internal revenue region.

District Director. A District Director of Internal Revenue.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this—(insert type of document, such as, statement, application, request, certificate), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Exportation. The severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country.

Exporter. Any person who exports firearms from the United States.

Firearm. (a) A shotgun having a barrel or barrels of less than 18 inches in length; (b) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (c) a rifle having a barrel or barrels of less than 16 inches in length; (d) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (e) any other weapon, as defined in this subpart; (f) a machine gun; (g) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (h) a destructive device. The term shall not include an antique firearm or any device (other than a machine gun or destructive device) which, although designed as a weapon, the Director finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon. For purpose of this definition, the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breechlock when closed and when the shotgun or rifle is cocked. The overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore.

Fixed ammunition. That self-contained unit consisting of the case, primer, propellant charge, and projectile or projectiles.

Frame or receiver. That part of a firearm which provides housing for the hammer, bolt or breechblock and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Importation. The bringing of a firearm within the limits of the United States or any territory under its control or jurisdiction, from a place outside thereof (whether such place be a foreign country or territory subject to the jurisdiction of the United States), with intent to unlade. Except that, bringing a firearm from a foreign country or a territory subject to the jurisdiction of the United States into a foreign trade zone for storage pending shipment to a foreign country or subsequent importation into this country, pursuant to the I.R.C. and this part, shall not be deemed importation.

Importer. Any person who is engaged in the business of importing or bringing firearms into the United States.

I.R.C. The Internal Revenue Code of 1954, as amended.

Machine gun. Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

Make. This term and the various derivatives thereof shall include manufacturing (other than by one qualified to engage in such business under this part), putting together, altering, any combination of these, or otherwise producing a firearm.

Manual reloading. The inserting of a cartridge or shell into the chamber of a firearm either with the hands or by means of a mechanical device controlled and energized by the hands.

Manufacturer. Any person who is engaged in the business of manufacturing firearms.

Muffler or silencer. Any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive, and is not limited to mufflers or silencers for "firearms" as defined.

Person. A partnership, company, association, trust, estate, or corporation, as well as a natural person.

Pistol. A weapon originally designed, made, and intended to fire a small projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s). The term shall not include any gadget device, any gun altered or converted to resemble a pistol, any gun that fires more than one shot, without manual reloading, by a single function of the trigger, or any small portable gun such as: Nazi belt buckle pistol, glove pistol, or a one-hand stock gun designed to fire fixed shotgun ammunition.

Regional Commissioner. A regional commissioner of internal revenue.

Revolver. A small projectile weapon, of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

Rifle. A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

Shotgun. A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

Transfer. This term and the various derivatives thereof shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

United States. The States and the District of Columbia.

U.S.C. The United States Code.

Unserviceable firearm. A firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

Subpart C—Administrative and Miscellaneous Provisions

§ 179.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and in the instructions thereon or issued in respect thereto, and as required by this part. Each form requiring that it be executed under penalties of perjury shall be executed under penalties of perjury.

§ 179.22 Right of entry and examination.

Any internal revenue officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part may enter during business hours the premises (including places of storage) of any importer or manufacturer of or dealer in firearms, to examine any books, papers, or records required to be kept pursuant to this part, and any firearms kept by such importer, manufacturer or dealer on such premises, and may require the production of any books, papers, or records necessary to determine any liability for tax under chapter 53, I.R.C., or the observance of chapter 53, I.R.C., and this part.

§ 179.23 Restrictive use of required information.

No information or evidence obtained from an application, registration, or record required to be submitted or retained by a natural person in order to comply with any provision of chapter 53, I.R.C., or this part or section 207 of the Gun Control Act of 1968 shall be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application or registration, or the compiling of the record containing the information or evidence: *Provided, however,* That the provisions of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

§ 179.24 Destructive device determination.

The Director shall determine in accordance with section 5845(f), I.R.C., whether a device is excluded from the definition of a destructive device. A person who desires to obtain a determination under that provision of law for any device which he believes is not likely to be used as a weapon shall submit a written request, in triplicate, for a ruling thereon to the Director. Each such request shall be executed under the penalties of perjury and contain a complete and accurate description of the device, the name and address of the manufacturer or importer thereof, the purpose of and use for which it is intended, and such photographs, diagrams, or drawings as may be necessary to enable the Director to make his determination. The Director may require the submission to him, of a sample of such device for examination and evaluation. If the submission of such device is impracticable, the person requesting the ruling shall so advise the Director and designate the place where the device will be available for examination and evaluation.

§ 179.25 Collector's items.

The Director shall determine in accordance with section 5845(a), I.R.C., whether a firearm or device, which although originally designed as a weapon, is by reason of the date of its manufacture, value, design, and other characteristics primarily a collector's item and is not likely to be used as a weapon. A person who desires to obtain a determination under that provision of law shall follow the procedures prescribed in § 179.24 relating to destructive device determinations, and shall include information as to date of manufacture, value, design and other characteristics which would sustain a finding that the firearm or device is primarily a collector's item and is not likely to be used as a weapon.

Subpart D—Special (Occupational) Taxes

§ 179.31 Liability for tax.

Every person who engages in the business of importing, manufacturing or dealing in (including pawnbrokers) firearms in the United States is required to pay a special (occupational) tax for each place where such business is conducted.

§ 179.32 Special (occupational) tax rates.

(a) The special (occupational) taxes are as follows:

	Per year or fraction thereof
Class 1—Importer of firearms	$500
Class 2—Manufacturer of firearms	500
Class 3—Dealer in firearms	200
Class 4—Importer only of weapons classified as "any other weapon"	25
Class 5—Manufacturer only of weapons classified as "any other weapon"	25
Class 6—Dealer only in weapons classified as "any other weapon"	10

(b) The tax year begins July 1 and ends June 30. Special (occupational) taxes are due and payable on first engaging in business, and thereafter on or before the first day of July each year. Special (occupational) taxes may not be prorated. Persons commencing business at any time after the first day of July in any year are liable for the special (occupational) tax for the complete tax year.

§ 179.33 Special exemption.

(a) Any person required to pay special (occupational) tax under this part shall

be relieved from payment of that tax if he establishes to the satisfaction of the Director that his business is conducted exclusively with, or on behalf of, the United States or any department, independent establishment, or agency thereof. The Director may relieve any person manufacturing firearms for or on behalf of the United States from compliance with any provision of this part in the conduct of the business with respect to such firearms.

(b) The exemption in this section may be obtained by filing with the Director an application, in letter form, setting out the manner in which the applicant conducts his business, the type of firearm to be manufactured, and proof satisfactory to the Director of the existence of the contract with the United States, department, independent establishment, or agency thereof, under which the applicant intends to operate.

§ 179.34 Registration, return, and payment of special (occupational) taxes.

(a) Each person, prior to commencing any business taxable under section 5801, I.R.C., shall, for each place of business operated by such person, register, file a return (Form 11) with, and pay the proper tax to, the District Director of the internal revenue district in which each such place of business is located, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the Director of the Service Center serving the internal revenue district in which the place of business is located. Thereafter, such person shall, for each place of business, register, file a return (Form 11), and pay the proper tax on or before the 1st day of July each year during which he continues such business. If a person has paid special (occupational) taxes for a taxable year he will be furnished a return (Form 11) which shall be filled out and executed for registration and tax payment for the succeeding taxable year if that person intends to continue in business. Properly completing, executing, and timely filing of a return (Form 11) will constitute compliance with section 5802, I.R.C. A person doing business under a style or trade name shall give his own name, followed by his style or trade name. In the case of a partnership, unincorporated association, firm, or company, other than a corporation, its style or trade name shall be given, also the name of each member and his place of residence. In the case of a corporation, its style or trade name shall be given, also the name of each responsible officer and his place of residence. The class of business, as described in § 179.32, and the period for which special (occupational) tax is due, shall also be stated. The Form 11 shall be executed under penalties of perjury.

(b) Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the Director of the Service Center and which are filed by hand carrying shall be filed with the District Director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

§ 179.35 Employer identification number.

(a) The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(b) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from any District Director or any Director of a Service Center.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11. This same number is used for all internal revenue purposes requiring the use of a taxpayer identification number.

(e) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the District Director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the Director of the Service Center serving such district. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer, if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 179.36 The special tax stamp, receipt for special (occupational) taxes.

Upon filing a properly completed and executed return (Form 11) accompanied by remittance of the full amount due, the taxpayer will be issued a special tax stamp as evidence of payment of the special (occupational) tax.

§ 179.37 Certificates in lieu of stamps lost or destroyed.

When a special tax stamp has been lost or destroyed, such fact should be reported immediately to the Director of the Service Center who issued the stamp. A certificate in lieu of the lost or destroyed stamp will be issued to the taxpayer upon the submission of an affidavit showing to the satisfaction of the Director of the Service Center that the stamp was lost or destroyed.

§ 179.38 Engaging in business at more than one location.

A person shall pay the special (occupational) tax for each location where he engages in any business taxable under section 5801, I.R.C. However, a person paying a special (occupational) tax covering his principal place of business may utilize other locations solely for storage of firearms without incurring special (occupational) tax liability at such locations. A manufacturer, upon the single payment of the appropriate special (occupational) tax, may sell firearms of the type(s) covered by such tax, if such firearms are of his own manufacture, at the place of manufacture and at his principal office or place of business if no such firearms, except samples, are kept at such office of place of business. When a person changes the location of a business for which he has paid the special (occupational) tax, he will be liable for another such tax unless the change is properly registered with the Director of the Service Center serving the internal revenue district in which the special tax stamp was issued, as provided in § 179.46.

§ 179.39 Engaging in more than one business at the same location.

If more than one business taxable under section 5801, I.R.C., is carried on at the same location during a taxable year, the special (occupational) tax imposed on each such business must be paid. This section does not require a qualified manufacturer or importer to qualify as a dealer if such manufacturer or importer also engages in business on his qualified premises as a dealer. However, a qualified manufacturer who engages in business as an importer must also qualify as an importer. Further, a qualified dealer is not entitled to engage in business as a manufacturer or importer. Also, one qualified to manufacture, for example, only "any other weapons" shall not be qualified to manufacture or deal in other categories of firearms. Conversely, a person qualified, for example, to manufacture all firearms may manufacture and deal in firearms in the "any other weapons" category.

§ 179.40 Partnership liability.

Any number of persons doing business in partnership at any one location shall be required to pay but one special (occupational) tax.

§ 179.41 Single sale.

A single sale, unattended by circumstances showing the one making the sale to be engaged in business, does not create special (occupational) tax liability.

CHANGE OF OWNERSHIP

§ 179.42 Changes through death of owner.

Whenever any person who has paid special (occupational) tax dies, the surviving spouse or child, or executors or administrators, or other legal representatives, may carry on such business for the remainder of the term for which tax has been paid and at the place for which the tax was paid without any additional payment, subject to the conditions hereinafter stated. If the surviving spouse or child, or executor or administrator, or other legal representative of the deceased taxpayer continues the business, such person shall, within 30 days after the date on which the successor begins to carry on the business, file a new return, Form 11, with the Director of the Service Center serving the internal revenue district in which the business is located. The return thus executed shall show the name of the original taxpayer, together with the basis of the succession. (As to liability in case of failure to register, see § 179.49.)

§ 179.43 Changes through bankruptcy of owner.

A receiver or referee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special (occupational) tax liability. In such cases, the change shall be registered with the Director of the Service Center serving the internal revenue district in which the business is located in a manner similar to that required by § 179.42.

§ 179.44 Change in partnership or unincorporated association.

When one or more members withdraw from a partnership or an unincorporated association, the remaining member, or members, may, without incurring additional special (occupational) tax liability, carry on the same business at the same location for the balance of the taxable period for which special (occupational) tax was paid, provided any such change shall be registered in the same manner as required by § 179.42. Where new member(s) are taken into a partnership or an unincorporated association, the new firm so constituted may not carry on business under the special tax stamp of the old firm. The new firm must file a return, pay the special (occupational) tax and register in the same manner as a person who first engages in business is required to do under § 179.34 even though the name of the new firm may be the same as that of the old. Where the members of a partnership or an unincorporated association, which has paid special (occupational) tax, form a corporation to continue the business, a new special tax stamp must be taken out in the name of the corporation.

§ 179.45 Changes in corporation.

Additional special (occupational) tax is not required by reason of a mere change of name or increase in the capital stock of a corporation if the laws of the State of incorporation provide for such change or increase without the formation of a new corporation. A stockholder in a corporation who after its dissolution continues the business, incurs new special (occupational) tax liability.

CHANGE OF BUSINESS LOCATION

§ 179.46 Notice by taxpayer.

Whenever during the taxable year a taxpayer intends to remove his business to a location other than specified in his last special (occupational) tax return (see § 179.34), he shall file with the Director of the Service Center serving the internal revenue district in which the special tax stamp was issued (a) a return, Form 11, bearing the notation "Removal Registry," and showing the new address intended to be used, (b) his current special tax stamp, and (c) a letter application requesting the amendment of his registration. The Director of the Service Center, upon approval of the application, shall return the special tax stamp, amended to show the new business location. Firearms operations shall not be commenced at the new business location by the taxpayer prior to the required approval of his application to so change his business location.

CHANGE OF TRADE NAME

§ 179.47 Notice by taxpayer.

Whenever during the taxable year a taxpayer intends to change the name of his business, he shall file with the Director of the Service Center serving the internal revenue district in which the special tax stamp was issued (a) a return, Form 11, bearing the notation "Amended," and showing the trade name intended to be used, (b) his current special tax stamp, and (c) a letter application requesting the amendment of his registration. The Director of the Service Center, upon approval of the application, shall return the special tax stamp, amended to show the new trade name. Firearms operations shall not be commenced under the new trade name by the taxpayer prior to the required approval of his application to so change the trade name.

PENALTIES AND INTEREST

§ 179.48 Failure to pay special (occupational) tax.

Any person who engages in a business taxable under section 5801, I.R.C., without timely payment of the tax imposed with respect to such business (see § 179.34) shall be liable for such tax, plus the interest and penalties thereon (see sections 6601 and 6651 I.R.C.). In addition, such person may be liable for criminal penalties under section 5871, I.R.C.

§ 179.49 Failure to register change or removal.

Any person succeeding to and carrying on a business for which special (occupational) tax has been paid without registering such change within 30 days thereafter, and any taxpayer removing his business with respect to which special (occupational) tax has been paid to a place other than that for which tax was paid without obtaining approval therefor (see § 179.46), will incur liability to an additional payment of the tax, addition to tax and interest, as provided in sections 5801, 6651, and 6601, respectively, I.R.C., for failure to make return (see § 179.50) or pay tax, as well as criminal penalties for carrying on business without payment of special (occupational) tax (see section 5871 I.R.C.).

§ 179.50 Delinquency.

Any person liable for special (occupational) tax under section 5801, I.R.C., who fails to file a return (Form 11), as prescribed, will be liable for a delinquency penalty computed on the amount of tax due unless a return (Form 11) is later filed and failure to file the return timely is shown to the satisfaction of the District Director or the Director of the Service Center, whichever is designated to receive the return (Form 11), to be due to reasonable cause. The delinquency penalty to be added to the tax is 5 percent if the failure is for not more than 1 month, with an additional 5 percent for each additional month or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate (section 6651, I.R.C.). However, no delinquency penalty is assessed where the 50 percent addition to tax is assessed for fraud (see § 179.51).

§ 179.51 Fraudulent return.

If any part of any underpayment of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment, but no delinquency penalty shall be assessed with respect to the same underpayment (section 6653, I.R.C.).

APPLICATION OF STATE LAWS

§ 179.52 State regulations.

Special tax stamps are merely receipts for the tax. Payment of tax under Federal law confers no privilege to act contrary to State law. One to whom a special tax stamp has been issued may still be punishable under a State law prohibiting or controlling the manufacture, possession or transfer of firearms. On the other hand, compliance with State law confers no immunity under Federal law. Persons who engage in the business of importing, manufacturing or dealing in firearms, in violation of the law of a State, are nevertheless required to pay special (occupational) tax as imposed under the internal revenue laws of the United States. For provisions relating to restrictive use of information furnished to comply with the provisions of this part see § 179.23.

Subpart E—Tax on Making Firearms

§ 179.61 Rate of tax.

Except as provided in this subpart, there shall be levied, collected, and paid upon the making of a firearm a tax at the rate of $200 for each firearm made. This tax shall be paid by the person making the firearm. Payment of the tax on the making of a firearm shall be represented by a $200 adhesive stamp bearing the words "National Firearms Act."

APPLICATION TO MAKE A FIREARM

§ 179.62 Application to make.

No person shall make a firearm unless he has filed with the Director a written application on Form 1 (Firearms), Application to Make and Register a Firearm in duplicate, executed under the penalties of perjury, to make and register the firearms and has received the approval of the Director to make the firearm which approval shall effectuate registration of the weapon to the applicant. The application shall identify the firearm to be made by serial number, type, model, caliber or gauge, length of barrel, other marks of identification, and the name and address of original manufacturer (if he is not the original manufacturer). The applicant must identify himself on the Form 1 (Firearms) by name and address and, if other than a natural person, the name and address of the principal officer or authorized representative and the employer identification number and, if an individual, the identification must include the date and place of birth and the social security number of the applicant and the information prescribed in § 179.63. Each applicant shall identify the Federal firearms license and special (occupational) tax stamp issued to him, if any. The applicant also shall show required information evidencing that his making or possession of the firearms would not be in violation of law. Further, the applicant shall show why he intends to make the firearm. A National Firearms Act stamp (see § 179.61) must be affixed to the original application in the space provided therefor and properly canceled (see § 179.67) if the making is taxable. If the making of the firearm is tax exempt under this part, an explanation of the basis of the exemption shall be attached to the Form 1 (Firearms). Form 1 (Firearms) and appropriate tax stamp may be obtained from any District Director of Internal Revenue.

§ 179.63 Identification of applicant.

If the applicant is an individual, he shall attach to each copy of the Form 1 (Firearms) a properly executed Form 4539, Identification of Transferee or Maker of Firearm, containing an individual photograph of himself, taken within 1 year prior to the date of such application, and his fingerprints. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. The application must be supported by a certificate of the local chief of police, sheriff of the county, United States attorney, United States marshal, or such other person whose certificate may in a particular case be acceptable to the Director, certifying that he is satisfied that the fingerprints and photograph appearing on the application are those of the applicant and that he has no information indicating that the possession of the firearm by the maker would be in violation of State or local law or that the maker will use the firearm for other than lawful purposes.

§ 179.64 Procedure for approval of application.

The application to make a firearm, Form 1 (Firearms), must be forwarded directly, in duplicate, by the maker of the firearm to the Director. The Director will consider the application for approval or disapproval. If the application is approved, the Director will return the original thereof to the maker of the firearm and retain the duplicate. Upon receipt of the approved application, the maker is authorized to make the firearm described therein. The maker of the firearm shall not, under any circumstances, make the firearm until the application, satisfactorily executed, with the "National Firearms Act" stamp attached, has been forwarded to the Director and has been approved and returned by him. If the application is disapproved, the original Form 1 (Firearms) with the "National Firearms Act" stamp attached thereto will be returned to the applicant with the reasons for disapproval stated on the form, and tax will be refunded as provided in § 179.172.

§ 179.65 Denial of application.

An application to make a firearm shall not be approved by the Director if the making or possession of the firearm would place the person making the firearm in violation of law.

§ 179.66 Subsequent transfer of firearms.

Where a firearm which has been made in compliance with section 5821, I.R.C., and the regulations contained in this part, is to be transferred subsequently, the transfer provisions of the firearms laws and regulations must be complied with. (See Subpart F of this part).

§ 179.67 Cancellation of stamp.

The person affixing to a Form 1 (Firearms) a "National Firearms Act" stamp shall cancel it by writing or stamping thereon, in ink, his initials, and the day, month and year, in such manner as to render it unfit for reuse. The cancellation shall not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

EXCEPTIONS TO TAX ON MAKING FIREARMS

§ 179.68 Qualified manufacturer.

A manufacturer qualified under this part to engage in such business may make the type of firearm which he is qualified to manufacture without payment of the making tax. However, such manufacturer shall report and register each firearm made in the manner prescribed by this part.

§ 179.69 Making a firearm for the United States.

A firearm may be made by, or on behalf of, the United States or any department, independent establishment, or agency thereof without payment of the making tax. However, if a firearm is to be made on behalf of the United States, the maker must file an application, in duplicate, on Form 1 (Firearms) and obtain the approval of the Director in the manner prescribed in § 179.62.

§ 179.70 Certain government entities.

A firearm may be made without payment of the making tax by, or on behalf of, any State, or possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations. Any person making a firearm under this exemption shall first file an application, in duplicate, on Form 1 (Firearms) and obtain the approval of the Director as prescribed in § 179.62.

REGISTRATION

§ 179.71 Proof of registration.

The approval by the Director of an application, Form 1 (Firearms), to make a firearm under this subpart shall effectuate registration of the firearm described in the Form 1 (Firearms) to the person making the firearm. The original Form 1 (Firearms) showing approval by the Director shall be retained by the maker to establish proof of his registration of the firearm described therein, and shall be made available to any internal revenue officer on request.

Subpart F—Transfer Tax

§ 179.81 Scope of tax.

Except as otherwise provided in this part, each transfer of a firearm in the United States is subject to a tax to be represented by an adhesive stamp of the proper denomination bearing the words "National Firearms Act" to be affixed to the Form 4 (Firearms), Application for Transfer and Registration of Firearm, as provided in this subpart.

§ 179.82 Rate of tax.

The transfer tax imposed with respect to firearms transferred within the United States is at the rate of $200 for each firearm transferred, except that the transfer tax on any firearm classified as "any other weapon" shall be at the rate of $5 for each such firearm transferred. The tax imposed on the transfer of the firearm shall be paid by the transferor.

§ 179.83 Transfer tax in addition to import duty.

The transfer tax imposed by section 5811, I.R.C., is in addition to any import duty.

APPLICATION AND ORDER FOR TRANSFER OF FIREARM

§ 179.84 Application to transfer.

Except as otherwise provided in this subpart, no firearm may be transferred

in the United States unless an application, Form 4 (Firearms), Application for Transfer and Registration of Firearm, in duplicate, executed under the penalties of perjury to transfer the firearm and register it to the transferee has been filed with and approved by the Director. The application, Form 4 (Firearms), shall be filed by the transferor and shall identify the firearm to be transferred by type; serial number; name and address of the manufacturer and importer, if known; model; caliber, gauge or size; in the case of a short-barreled shotgun or a short-barreled rifle, the length of the barrel; in the case of a weapon made from a rifle or shotgun, the overall length of the weapon and the length of the barrel; and any other identifying marks on the firearm. In the event the firearm does not bear a serial number, the applicant shall obtain a serial number from the Assistant Regional Commissioner and shall stamp (impress) or otherwise conspicuously place such serial number on the firearm in a manner not susceptible of being readily obliterated, altered or removed. The application, Form 4 (Firearms), shall identify the transferor by name and address; shall identify the transferor's Federal firearms license and special (occupational) tax stamp, if any; and if the transferor is other than a natural person, shall show the title or status of the person executing the application. The application also shall identify the transferee by name and address, and, if the transferee is a natural person not qualified as a manufacturer, importer or dealer under this part, he shall be further identified in the manner prescribed in § 179.85. The application also shall identify the special (occupational) tax stamp and Federal firearms license of the transferee, if any. Any tax payable on the transfer must be represented by an adhesive stamp of proper denomination being affixed to the application, Form 4 (Firearms), properly cancelled. Form 4 (Firearms) and appropriate tax stamp may be obtained from any District Director of Internal Revenue.

§ 179.85 Identification of transferee.

If the transferee is an individual, he shall attach to each copy of the application, Form 4 (Firearms), a properly executed Form 4539, Identification of Transferee or Maker of Firearm, containing an individual photograph of himself, taken within one year prior to the date of such application, and shall affix his fingerprints to the form. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. The Form 4539 must be supported by a certificate of the local chief of police, sheriff of the county, U.S. attorney, U.S. marshal or such other person whose certificate may in a particular case be acceptable to the Director certifying that he is satisfied that the fingerprints and photograph appearing on the Form 4539 are those of the transferee and that he has no information indicating that the receipt or possession of the firearm would place the transferee in violation of State or local law or that the transferee will use the firearm for other than lawful purposes.

§ 179.86 Action on application.

The Director will consider a completed and properly executed application, Form 4 (Firearms), to transfer a firearm. If the application is approved, the Director will return the original thereof showing approval to the transferor who may then transfer the firearm to the transferee along with the approved application. The approval of an application, Form 4 (Firearms), by the Director will effectuate registration of the firearm to the transferee. The transferee shall not take possession of a firearm until the application, Form 4 (Firearms), for the transfer filed by the transferor has been approved by the Director and registration of the firearm is effectuated to the transferee. The transferee shall retain the approved application as proof that the firearm described therein is registered to him, and shall make the approved Form 4 (Firearms) available to any internal revenue officer on request. If the application, Form 4 (Firearms), to transfer a firearm is disapproved by the Director, the original application will be returned to the transferor with reasons for the disapproval stated on the application, and any tax paid will be refunded as provided in § 179.172. An application, Form 4 (Firearms), to transfer a firearm shall be denied if the transfer, receipt, or possession of a firearm would place the transferee in violation of law.

§ 179.87 Cancellation of stamp.

The method of cancellation of the stamp required by this subpart as prescribed in § 179.67 shall be used.

Exemptions Relating to Transfers of Firearms

§ 179.88 Special (occupational) taxpayers.

(a) A firearm registered to a person qualified under this part to engage in business as an importer, manufacturer, or dealer may be transferred by that person without payment of the transfer tax to any other person qualified under this part to manufacture, import or deal in that type of firearm.

(b) The exemption provided in paragraph (a) of this section shall be obtained by the transferor of the firearm filing with the Director an application, Form 3 (Firearms), Application for Tax-exempt Transfer of Firearm and Registration to Special (Occupational) Taxpayer, in duplicate, executed under the penalties of perjury. The application, Form 3 (Firearms), shall (1) show the name and address of the transferor and of the transferee, (2) identify the Federal firearms license and special (occupational) tax stamp of the transferor and of the transferee, (3) show the name and address of the manufacturer and the importer of the firearm, if known, (4) show the type, model, overall length (if applicable), length of barrel, caliber, gauge or size, serial number, and other marks of identification of the firearm, and (5) contain a statement by the transferor that he is entitled to the exemption because the transferee is a person qualified under this part to manufacture, import or deal in the type of firearm to be transferred. If the Director approves an application, Form 3 (Firearms), he shall return the original Form 3 (Firearms) to the transferor with the approval noted thereon. Approval of an application, Form 3 (Firearms), by the Director shall remove registration of the firearm reported thereon from the transferor and shall effectuate the registration of that firearm to the transferee. Upon receipt of the approved Form 3 (Firearms), the transferor shall deliver same with the firearm to the transferee. The transferor shall not transfer the firearm to the transferee until his application, Form 3 (Firearms), has been approved by the Director and the original thereof has been returned to the transferor. If the Director disapproves the application, Form 3 (Firearms), he shall return the original Form 3 (Firearms) to the transferor with the reasons for the disapproval stated thereon.

(c) The transferor shall be responsible for establishing the exempt status of the transferee before making a transfer under the provisions of this section. Therefore, before engaging in transfer negotiations with the transferee, the transferor should satisfy himself as to the claimed exempt status of the transferee and the bona fides of the transaction. If not fully satisfied, the transferor should communicate with the Director, report all circumstances regarding the proposed transfer, and await the Director's advice before making application for the transfer. An unapproved transfer or a transfer to an unauthorized person may subject the transferor to civil and criminal liabilities. (See sections 5852, 5861, and 5871 I.R.C.)

§ 179.89 Transfers to the United States.

A firearm may be transferred to the United States or any department, independent establishment or agency thereof without payment of the transfer tax. However, the procedures for the transfer of a firearm as provided in § 179.90 shall be followed in a tax-exempt transfer of a firearm under this section, unless the transferor is relieved of such requirement under other provisions of this part.

§ 179.90 Certain government entities.

(a) A firearm may be transferred without payment of the transfer tax to any State, possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

(b) The exemption provided in paragraph (a) of this section shall be obtained by the transferor of the firearm filing with the Director an application, Form 5 (Firearms), Application for Tax-exempt Transfer and Registration of Firearm, in duplicate, executed under the penalties of perjury. The application

shall (1) show the name and address of the transferor and of the transferee, (2) identify the Federal firearms license and special (occupational) tax stamp, if any, of the transferor and of the transferee, (3) show the name and address of the manufacturer and the importer of the firearm, if known, (4) show the type, model, overall length (if applicable), length of barrel, caliber, gauge or size, serial number, and other marks of identification of the firearm, and (5) contain a statement by the transferor that he is entitled to the exemption because the transferee is a governmental entity coming within the purview of paragraph (a) of this section. If the Director approves an application, Form 5 (Firearms), he shall return the original Form 5 (Firearms) to the transferor with the approval noted thereon. Approval of an application, Form 5 (Firearms), by the Director shall effectuate the registration of that firearm to the transferee. Upon receipt of the approved Form 5 (Firearms), the transferor shall deliver same with the firearm to the transferee. The transferor shall not transfer the firearm to the transferee until his application, Form 5 (Firearms), has been approved by the Director and the original thereof has been returned to the transferor. If the Director disapproves the application, Form 5 (Firearms), he shall return the original Form 5 (Firearms) to the transferor with the reasons for the disapproval stated thereon.

(c) The transferor shall be responsible for establishing the exempt status of the transferee before making a transfer under the provisions of this section. Therefore, before engaging in transfer negotiations with the transferee, the transferor should satisfy himself of the claimed exempt status of the transferee and the bona fides of the transaction. If not fully satisfied, the transferor should communicate with the Director, report all circumstances regarding the proposed transfer, and await the Director's advice before making application for transfer. An unapproved transfer or a transfer to an unauthorized person may subject the transferor to civil and criminal liabilities. (See sections 5852, 5861, and 5871 I.R.C.)

§ 179.91 Unserviceable firearms.

An unserviceable firearm may be transferred as a curio or ornament without payment of the transfer tax. However, the procedures for the transfer of a firearm as provided in § 179.90 shall be followed in a tax-exempt transfer of a firearm under this section, except a statement shall be entered on the transfer application, Form 5 (Firearms), by the transferor that he is entitled to the exemption because the firearm to be transferred is unserviceable and is being transferred as a curio or ornament. An unapproved transfer, the transfer of a firearm under the provisions of this section which is in fact not an unserviceable firearm, or the transfer of an unserviceable firearm as something other than a curio or ornament, may subject the transferor to civil and criminal liabilities. (See sections 5811, 5852, 5861, and 5871 I.R.C.)

§ 179.92 Transportation of firearms to effect transfer.

Notwithstanding any provision of § 178.28 of this chapter, it shall not be required that authorization be obtained from any Assistant Regional Commissioner for the transportation in interstate or foreign commerce of a firearm in order to effect the transfer of a firearm authorized under the provisions of this subpart.

Other Provisions

§ 179.93 Transfers of firearms to certain persons.

Where the transfer of a destructive device, machine gun, short-barreled shotgun, or short-barreled rifle is to be made by a person licensed under the provisions of Title I of the Gun Control Act of 1968 (82 Stat. 1213) to a person not so licensed, the sworn statement required by § 178.98 of this chapter shall be attached to and accompany the transfer application required by this subpart.

Subpart G—Registration and Identification of Firearms

§ 179.101 Registration of firearms.

(a) The Director shall maintain a central registry of all firearms in the United States which are not in the possession of or under the control of the United States. This registry shall be known as the National Firearms Registration and Transfer Record and shall include:

(1) Identification of the firearm as required by this part;

(2) Date of registration; and

(3) Identification and address of person entitled to possession of the firearm as required by this part.

(b) Each manufacturer, importer, and maker shall register each firearm he manufactures, imports, or makes in the manner prescribed by this part. Each firearm transferred shall be registered to the transferee by the transferor in the manner prescribed by this part. No firearm may be registered by a person unlawfully in possession of the firearm except during an amnesty period established under section 207 of the Gun Control Act of 1968 (82 Stat. 1235).

(c) A person shown as possessing firearms by the records maintained by the Director pursuant to the National Firearms Act (Chapter 53, I.R.C.) in force on October 31, 1968, shall be considered to have registered the firearms in his possession which are disclosed by that record as being in his possession on October 31, 1968.

(d) The National Firearms Registration and Transfer Record shall include firearms registered to the possessors thereof under the provisions of section 207 of the Gun Control Act of 1968.

(e) A person possessing a firearm registered to him shall retain proof of registration which shall be made available to any internal revenue officer upon request.

(f) A firearm not identified as required by this part shall not be registered.

§ 179.102 Identification of firearms.

Each manufacturer, importer, or maker of a firearm shall legibly identify it by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer, importer, or maker on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame, receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer, or maker, and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the manufacturer or importer maintains his place of business, or the maker made the firearm; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer: *Provided*, That the Director may authorize other means of identification of the manufacturer, importer, or maker upon receipt of letter application, in duplicate, from same showing that such other identification is reasonable and will not hinder the effective administration of this part: *Provided, further*, That in the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of letter application, in duplicate, from the manufacturer, importer, or maker showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable. A firearm frame or receiver which is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by a manufacturer, importer, or maker, shall be identified as required by this section.

§ 179.103 Registration of firearms manufactured.

Each manufacturer qualified under this part shall file with the Director an accurate notice on Form 2 (Firearms), Notice of Firearms Manufactured or Imported, executed under the penalties of perjury, to show his manufacture of firearms. The notice shall set forth the name and address of the manufacturer, identify his special (occupational) tax stamp and Federal firearms license, and show

the date of manufacture, the type, model, length of barrel, overall length, caliber, gauge or size, serial numbers, and other marks of identification of the firearms he manufactures, and the place where the manufactured firearms will be kept. All firearms manufactured by him during a single day shall be included on one notice, Form 2 (Firearms), filed by the manufacturer no later than the close of the next business day. The manufacturer shall prepare the notice, Form 2 (Firearms), in duplicate, file the original notice as prescribed herein and keep the copy with the records required by Subpart I of this part at the premises covered by his special (occupational) tax stamp. Receipt of the notice, Form 2 (Firearms), by the Director shall effectuate the registration of the firearms listed on that notice. The requirements of this part relating to the transfer of a firearm are applicable to transfers by qualified manufacturers.

§ 179.104 Registration of firearms by certain governmental entities.

Any State, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations, which acquires for official use a firearm not registered to it, such as by abandonment or by forfeiture, will register such firearm with the Director by filing Form 10 (Firearms), Registration of Firearms Acquired by Certain Governmental Entities, and such registration shall become a part of the National Firearms Registration and Transfer Record. The application shall identify the applicant, describe each firearm covered by the application, show the location where each firearm usually will be kept, and, if the firearm is unserviceable, the application shall show how the firearm was made unserviceable. This section shall not apply to a firearm merely being held for use as evidence in a criminal proceeding. The Form 10 (Firearms) shall be executed in duplicate in accordance with the instructions thereon. Upon registering the firearm, the Director shall return the original Form 10 (Firearms) to the registrant with notification thereon that registration of the firearm has been made.

Subpart H—Importation and Exportation

Importation

§ 179.111 Procedure.

(a) No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction unless the person importing or bringing in the firearm establishes to the satisfaction of the Director that the firearm to be imported or brought in is being imported or brought in for:

(1) The use of the United States or any department, independent establishment, or agency thereof or any State or possession or any political subdivision thereof; or

(2) Scientific or research purposes; or

(3) Testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or registered dealer.

The burden of proof is affirmatively on any person importing or bringing the firearm into the United States or any territory under its control or jurisdiction to show that the firearm is being imported or brought in under one of the above subparagraphs. Any person desiring to import or bring a firearm into the United States under this paragrah shall file with the Director an application on Form 6 (Firearms), Application and Permit for Importation of Firearms, Ammunition and Implements of War, in triplicate, executed under the penalties of perjury. The application shall show the information required by Subpart G of Part 178 of this chapter. A detailed explanation of why the importation of the firearm falls within the standards set out in this paragraph shall be attached to the application. The person seeking to import or bring in the firearm will be notified of the approval or disapproval of his application. If the application is approved, the original Form 6 (Firearms) will be returned to the applicant showing such approval and he will present the approved application, Form 6 (Firearms), to the Customs officer at the port of importation. The approval of an application to import a firearm shall be automatically terminated at the expiration of six (6) months from the date of approval unless, upon request, it is further extended by the Director. If the firearm described in the approved application is not imported prior to the expiration of the approval, the Director shall be so notified. Customs officers will not permit release of a firearm from Customs custody, except for exportation, unless covered by an application which has been approved by the Director and which is currently effective. The importation or bringing in of a firearm not covered by an approved application may subject the person responsible to civil and criminal liabilities. (See sections 5861, 5871 and 5872 I.R.C.)

(b) Part 178 of this chapter also contains requirements and procedures for the importation of firearms into the United States. A firearm may not be imported into the United States under this part unless those requirements and procedures are also complied with by the person importing the firearm.

(c) The provisions of this subpart shall not be construed as prohibiting the return to the United States or any territory under its control or jurisdiction of a firearm by a person who can establish to the satisfaction of Customs that (1) the firearm was taken out of the United States or any territory under its control or jurisdiction by such person, (2) the firearm is registered to that person, and (3) if appropriate, the authorization required by Part 178 of this chapter for the transportation of such a firearm in interstate or foreign commerce has been obtained by such person.

§ 179.112 Registration of imported firearms.

(a) Each importer shall file with the Director an accurate notice on Form 2 (Firearms), Notice of Firearms Manufactured or Imported, executed under the penalties of perjury, showing his importation of a firearm. The notice shall set forth the name and address of the importer, identify his special (occupational) tax stamp and Federal firearms license, and show the date of release from Customs custody, the type, model, length of barrel, overall length, caliber, gauge or size, serial number, and other marks of identification of the firearm imported, and the place where the imported firearm will be kept. The Form 2 (Firearms) covering an imported firearm shall be filed by the importer no later than fifteen (15) days from the date the firearm was released from Customs custody. The importer shall prepare the notice, Form 2 (Firearms), in duplicate, file the original return as prescribed herein, and keep the copy with the records required by Subpart I of this part at the premises covered by his special (occupational) tax stamp. The timely receipt by the Director of the notice, Form 2 (Firearms), and the timely receipt by the Assistant Regional Commissioner of the copy of Form 6A (Firearms), Release and Receipt of Imported Firearms, Ammunition and Implements of War, required by § 178.112 of this chapter, covering the weapon reported on the Form 2 (Firearms) by the qualified importer, shall effectuate the registration of the firearm to the importer.

(b) The requirements of this part relating to the transfer of a firearm are applicable to the transfer of imported firearms by a qualified importer or any other person.

§ 179.113 Conditional importation.

The Director may permit the conditional importation or bringing into the United States of any firearm for the purpose of examining and testing the firearm in connection with making a determination as to whether the importation or bringing in of such firearm will be authorized under this subpart. An application under this section shall be filed, in triplicate, with the Director. The Director may impose conditions upon any importation under this section including a requirement that the firearm be shipped directly from Customs custody to the Director and that the person importing or bringing in the firearm must agree to either export the weapon or destroy it if a final determination is made that it may not be imported or brought in under this subpart. A firearm so imported or brought into the United States may be released from Customs custody in the manner prescribed by the conditional authorization of the Director.

Exportation

§ 179.114 Application and permit for exportation of firearms.

Any person desiring to export a firearm without payment of the transfer tax must file with the Director an application on Form 9 (Firearms), Application and Permit for Exportation of Firearms, in quadruplicate, for a permit providing for deferment of tax liability. Part 1 of the application shall show the name and address of the foreign consignee, number of firearms covered by the application,

the intended port of exportation, a complete description of each firearm to be exported, the name, address, State Department license number (or date of application if not issued), and identification of the special (occupational) tax stamp of the transferor. Part 1 of the application shall be executed under the penalties of perjury by the transferor and shall be supported by a certified copy of a written order or contract of sale or other evidence showing that the firearm is to be shipped to a foreign designation. Where it is desired to make a transfer free of tax to another person who in turn will export the firearm, the transferor shall likewise file an application supported by evidence that the transfer will start the firearm in course of exportation, except, however, that where such transferor and exporter are registered special-taxpayers the transferor will not be required to file an application on Form 9 (Firearms).

§ 179.115 Action by Director.

If the application is acceptable, the Director will execute the permit, Part 2 of Form 9 (Firearms), to export the firearm described on the form and return three copies thereof to the applicant. Issuance of the permit by the Director will suspend assertion of tax liability for a period of six (6) months from the date of issuance. If the application is disapproved, the Director will indicate thereon the reason for such action and return the forms to the applicant.

§ 179.116 Procedure by exporter.

Shipment may not be made until the permit, Form 9 (Firearms), is received from the Director. If exportation is to be made by means other than by parcel post, two copies of the form must be addressed to the District Director of Customs at the port of exportation, and must precede or accompany the shipment in order to permit appropriate inspection prior to lading. If exportation is to be made by parcel post, one copy of the form must be presented to the postmaster at the office receiving the parcel who will execute Part 4 of such form and return the form to the exporter for transmittal to the Director. In the event exportation is not effected, all copies of the form must be immediately returned to the Director for cancellation.

§ 179.117 Action by Customs.

Upon receipt of a permit, Form 9 (Firearms), in duplicate, authorizing the exportation of firearms, the District Director of Customs may order such inspection as deemed necessary prior to lading of the merchandise. If satisfied that the shipment is proper and the information contained in the permit to export is in agreement with information shown in the shipper's export declaration, the District Director of Customs will, after the merchandise has been duly exported, execute the certificate of exportation (Part 3 of Form 9 (Firearms)). One copy of the form will be retained with the shipper's export declaration and the remaining copy thereof will be transmitted to the Director.

§ 179.118 Proof of exportation.

Within a six-month's period from date of issuance of the permit to export firearms, the exporter shall furnish or cause to be furnished to the Director (a) the certificate of exportation (Part 3 of Form 9 (Firearms)) executed by the District Director of Customs as provided in § 179.117, or (b) the certificate of mailing by parcel post (Part 4 of Form 9 (Firearms)) executed by the postmaster of the post office receiving the parcel containing the firearm, or (c) a certificate of landing executed by a Customs officer of the foreign country to which the firearm is exported, or (d) a sworn statement of the foreign consignee covering the receipt of the firearm, or (e) the return receipt, or a reproduced copy thereof, signed by the addressee or his agent, where the shipment of a firearm was made by insured or registered parcel post. Issuance of a permit to export a firearm and furnishing of evidence establishing such exportation under this section will relieve the actual exporter and the person selling to the exporter for exportation from transfer tax liability. Where satisfactory evidence of exportation of a firearm is not furnished within the stated period, the transfer tax will be assessed.

§ 179.119 Transportation of firearms to effect exportation.

Notwithstanding any provision of § 178.28 of this chapter, it shall not be required that authorization be obtained from any Assistant Regional Commissioner for the transportation in interstate or foreign commerce of a firearm in order to effect the exportation of a firearm authorized under the provisions of this subpart.

§ 179.120 Refunds.

Where, after payment of tax by the manufacturer, a firearm is exported, and satisfactory proof of exportation (see § 179.118) is furnished, a claim for refund may be submitted on Form 843 (see § 179.172). If the manufacturer waives all claim for the amount to be refunded, the refund shall be made to the exporter. A claim for refund by an exporter of tax paid by a manufacturer should be accompanied by waiver of the manufacturer and proof of tax payment by the latter.

§ 179.121 Insular possessions.

Transfers of firearms to persons in the insular possessions of the United States are exempt from transfer tax, provided title in cases involving change of title (and custody or control, in cases not involving change of title), does not pass to the transferee or his agent in the United States. However, such exempt transactions must be covered by approved permits and supporting documents corresponding to those required in the case of firearms exported to foreign countries (see §§ 179.114 and 179.115), except that the Director may vary the requirements herein set forth in accordance with the requirements of the governing authority of the insular possession. Shipments to the insular possessions will not be authorized without compliance with the requirements of the governing authorities thereof. In the case of a nontaxable transfer to a person in such insular possession, the exemption extends only to such transfer and not to prior transfers.

MUTUAL SECURITY ACT

§ 179.122 Requirements.

(a) Persons engaged in the business of importing firearms are required by the Mutual Security Act (22 U.S.C. 1934) to register with the Secretary of the Treasury. (See Part 180 of this chapter.)

(b) Persons engaged in the business of exporting firearms caliber .22 or larger are subject to the requirements of a license issued by the Secretary of State. Application for such license should be made to the Office of Munitions Control, Department of State, Washington, D.C. 20502, prior to exporting firearms.

Subpart I—Records and Returns

§ 179.131 Records.

For the purposes of this part, each manufacturer, importer, and dealer in firearms shall keep and maintain such records regarding the manufacture, importation, acquisition (whether by making, transfer, or otherwise), receipt, and disposition of firearms as are prescribed, and in the manner and place required, by Part 178 of this chapter. In addition, each manufacturer, importer, and dealer shall maintain, in chronological order, at his place of business a separate record consisting of the documents required by this part showing the registration of any firearm to him. If firearms owned or possessed by a manufacturer, importer, or dealer are stored or kept on premises other than the place of business shown on his special (occupational) tax stamp, the record establishing registration shall show where such firearms are stored or kept. The records required by this part shall be readily accessible for inspection at all reasonable times by internal revenue officers.

Subpart J—Stolen or Lost Firearms or Documents

§ 179.141 Stolen or lost firearms.

Whenever any registered firearm is stolen or lost, the person losing possession thereof will, immediately upon discovery of such theft or loss, make a report to the Director showing the following: (a) Name and address of the person in whose name the firearm is registered, (b) kind of firearm, (c) serial number, (d) model, (e) caliber, (f) manufacturer of the firearm, (g) date and place of theft or loss, and (h) complete statement of facts and circumstances surrounding such theft or loss.

§ 179.142 Stolen or lost documents.

When any Forms 1, 2, 3, 4, 5, 6A, or 10 (Firearms) evidencing possession of a firearm is stolen, lost, or destroyed, the person losing possession will immediately

upon discovery of the theft, loss, or destruction report the matter to the Director. The report will show in detail the circumstances of the theft, loss, or destruction and will include all known facts which may serve to identify the document. Upon receipt of the report, the Director will make such investigation as appears appropriate and may issue a duplicate document upon such conditions as the circumstances warrant.

Subpart K—Examination of Books and Records

§ 179.151 Failure to make returns: substitute returns.

If any person required by this part to make returns shall fail or refuse to make any such return within the time prescribed by this part or designated by the Director, then the return shall be made by an internal revenue officer upon inspection of the books, but the making of such return by an internal revenue officer shall not relieve the person from any default or penalty incurred by reason of failure to make such return.

(53 Stat. 437; 26 U.S.C. 6020)

§ 179.152 Penalties (records and returns).

Any person failing to keep records or make returns, or making, or causing the making of, a false entry on any application, return or record, knowing such entry to be false, is liable to fine and imprisonment as provided in section 5871, I.R.C.

Subpart L—Distribution and Sale of Stamps

§ 179.161 Orders for stamps.

Each order for stamps to be used under this part shall be made in writing to the District Director or his duly authorized agent in the internal revenue collection district in which the stamps are to be used, showing the date of the order, the number of "National Firearms Act" stamps applied for, and the name and address of the purchaser, and shall be signed in ink by the purchaser.

§ 179.162 Stamps authorized.

Adhesive stamps of the $5 and $200 denomination, bearing the words "National Firearms Act," have been prepared and distributed to District Directors, and only such stamps shall be used for the payment of the transfer tax and for the tax on the making of a firearm.

§ 179.163 Reuse of stamps prohibited.

A stamp once affixed to one document cannot lawfully be removed and affixed to another. Any person willfully reusing such a stamp shall be subject to the penalty prescribed by section 7208, I.R.C.

Subpart M—Redemption of or Allowance for Stamps or Refunds

§ 179.171 Redemption of or allowance for stamps.

Where a "National Firearms Act" stamp is destroyed, mutilated or rendered useless after purchase, and before liability has been incurred, such stamp may be redeemed by giving another stamp in lieu thereof. Claim for redemption of the stamp should be filed on Form 843. Such claim shall be accompanied by the stamp or by a satisfactory explanation of the reasons why the stamp cannot be returned, and shall be filed within 3 years after the purchase of the stamp. The claim shall be filed with the Director of the Service Center serving the internal revenue district in which the tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.)

(68A Stat. 830; 26 U.S.C. 6805)

§ 179.172 Refunds.

As indicated in this part, the transfer tax or tax on the making of a firearm is ordinarily paid by the purchase and affixing of stamps, while special tax stamps are issued in payment of special (occupational) taxes. However, in exceptional cases, transfer tax, tax on the making of firearms, and/or special (occupational) tax may be paid pursuant to assessment. Claims for refunds of such taxes, whether paid pursuant to assessment or voluntarily paid, shall be filed on Form 843 within 3 years next after payment of the taxes. Such claims shall be filed with the Director of the Service Center serving the internal revenue district in which the tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.)

(68A Stat. 808, 830; 26 U.S.C. 6511, 6805)

Subpart N—Penalties and Forfeitures

§ 179.181 Penalties.

Any person who violates or fails to comply with the requirements of Chapter 53, I.R.C., shall upon conviction, be subject to the penalties imposed under section 5871, I.R.C.

§ 179.182 Forfeitures.

Any firearm involved in any violation of the provisions of Chapter 53, I.R.C., shall be subject to seizure, and forfeiture under the internal revenue laws: *Provided, however,* That the disposition of forfeited firearms shall be in conformance with the requirements of section 5872, I.R.C. In addition, any vessel, vehicle or aircraft used to transport, carry, convey, or conceal or possess any firearm with respect to which there has been committed any violation of any provision of Chapter 53, I.R.C., or the regulations in this part issued pursuant thereto, shall be subject to seizure and forfeiture under the Customs laws, as provided by the act of August 9, 1939 (49 U.S.C. 781–788).

Subpart O—Other Laws Applicable

§ 179.191 Applicability of other provisions of internal revenue laws.

All of the provisions of the internal revenue laws not inconsistent with the provisions of Chapter 53, I.R.C., shall be applicable with respect to the taxes imposed by sections 5801, 5811, and 5821, I.R.C. (see section 5846, I.R.C.).

§ 179.192 Commerce in firearms and ammunition.

For provisions relating to commerce in firearms and ammunition, including the movement of destructive devices, machine guns, short-barreled shotguns, or short-barreled rifles, see 18 U.S.C., chapter 44, and Part 178 of this chapter issued pursuant thereto.

§ 179.193 Mutual Security Act.

For provisions relating to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war, see section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), and the regulations issued pursuant thereto.

[FR Doc.71-11089 Filed 8-2-71;8:51 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—PUBLIC RELATIONS

PART 830—PROFESSIONAL ENTERTAINMENT PROGRAM IN OVERSEAS AREAS

PART 831—AWARDS TO ENTERTAINERS AND SPONSORS OF ENTERTAINMENT UNITS

Parts 830 and 831 are hereby deleted from Title 32 of the Code of Federal Regulations. The Air Force regulation on which it was based has been superseded by a joint regulation under which the Secretary of the Army acts as Executive Agent for Administration of the Armed Forces Professional Entertainment Program Overseas.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of the Judge Advocate General.

[FR Doc.71-11068 Filed 8-2-71;8:49 am]

SUBCHAPTER M—ANIMALS

PART 930a—SENTRY/SCOUT DOGS

Part 930a of Title 32 of the Code of Federal Regulations is hereby deleted from the Code of Federal Regulations. The regulation on which it was based (10 U.S.C. 8012) has been rescinded.

By Order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of the Judge Advocate General.

[FR Doc.71-11067 Filed 8-2-71;8:49 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area, Calif.

A proposal was published on page 7143 of the FEDERAL REGISTER of April 15, 1971, to amend Part 7 of Title 36 of the Code of Federal Regulations to add § 7.91. The effect of this amendment is to insure the availability of water of quality adequate for resource management and domestic use, and to insure its return at the same level of quality for other users of the Central Valley Project.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Comments received were in support of this addition, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

Section 7.91 is added as follows:

§ 7.91 Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area.

(a) *Water sanitation.* (1) Vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facilities sealed to prevent discharge.

(2) Chemical or other type marine toilets with approved holding tanks or storage containers will be permitted, but will be discharged or emptied only at designated sanitary pumping stations.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 79 Stat. 1298; 16 U.S.C. 460q-3)

DANIEL J. TOBIN, Jr.,
Acting Director, Western Region.

[FR Doc.71-11038 Filed 8-2-71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

PART 14H-1—GENERAL

Designation of Contracting Officer Position

JULY 27, 1971.

Pursuant to the authority contained in the Act of November 2, 1921, C. 115, 42 Stat. 208 (25 U.S.C. 13) and 41 CFR 14-1.008, § 14H-1.451-2(a)(1) of 41 CFR Chapter 14H is being amended to designate the Deputy Commissioner as a contracting officer position.

Since this amendment involves internal Bureau procedures, advance notice and public procedure thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (Supp. V, 1965-1969).

Since delay in the amendment becoming effective could delay the internal processing of contracts in the Bureau with resultant delay in providing services to Indian people, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (Supp. V, 1965-1969). Accordingly, these regulations will become effective upon the date of publication in the FEDERAL REGISTER (8-3-71).

As amended, § 14H-1.451-2(a)(1) of 41 CFR Chapter 14H reads as follows:

§ 14H-1.451-2 Designation of Contracting officer positions.

(a) Each of the following organizational titles are designated as contracting officer positions.

(1) Headquarters Office Officials:

(i) Deputy Commissioner.

(ii) Associate Commissioner for Support Services.

(iii) Director of Operating Services.

(iv) Chief, Division of Property and Supply Management.

(v) Engineering Contract Adviser.

(vi) Chief, Division of Plant Design and Construction, Albuquerque, N. Mex.

(vii) Chief, Plant Management Engineering Center, Denver, Colo.

(viii) Executive Officer, Indian Affairs Data Center, Albuquerque, N. Mex.

(ix) Property and Supply Officer, Indian Affairs Data Center, Albuquerque, N. Mex.

* * * * *

LOUIS R. BRUCE,
Commissioner.

[FR Doc.71-11036 Filed 8-2-71;8:46 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-3-71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of rails, gallinules, waterfowl, and coots on the Brigantine National Wildlife Refuge, N.J., is permitted during established State and Federal seasons on only those areas designated by signs as open to hunting.

These open areas are delineated as Hunting Units 1, 2, and 3 on maps available at Refuge Headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

(1) Hunting on Unit 3 during the waterfowl season is restricted to certified Young Waterfowler Program Trainees only, by permit from designated blind sites, from the opening of the duck hunting season up to and including the third Saturday.

(2) Hunting on Unit 3, after the third Saturday of the duck hunting season is restricted to certified Young Waterfowler Program Trainees and program instructors only, by permit from designated blind sites.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1972.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-11033 Filed 8-2-71;8:46 am]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-3-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Erie National Wildlife Refuge, Pa., is permitted. The open hunting area is delineated on maps available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1972.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-11034 Filed 8-2-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 35]

WILDERNESS PRESERVATION AND MANAGEMENT

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136), and 43 U.S.C. 1201, and in accordance with the Administrative Procedures Act as amended (5 U.S.C. 553), it is proposed to add a new Part 35, Wilderness Preservation and Management, to Title 50, Code of Federal Regulations, as set forth below.

The purpose of the new part is to carry out provisions of the Wilderness Act and subsequent Acts establishing wilderness areas within the National Wildlife Refuge System under the jurisdiction of the Secretary of the Interior.

While this addition does not require public review pursuant to statute, it is made available for review to afford the public an opportunity to participate in the rule making process. Interested persons are invited to submit written comments, suggestions, or objections with respect to the proposed new part to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

It is intended that the new part will become effective 30 days following the date of publication of final rulemaking in the FEDERAL REGISTER.

A new Part 35 is added as follows:

PART 35—WILDERNESS PRESERVATION AND MANAGEMENT

Subpart A—General Rules

Sec.

Subpart B—Special Regulations for Specific National Wildlife Refuge Wildernesses [Reserved]

AUTHORITY: The provisions of this Part 35 issued under 78 Stat. 890; 16 U.S.C. 1131–1136; 43 U.S.C. 1201.

Subpart A—General Rules

§ 35.1 Definitions.

"National Wildlife Refuge Wilderness" shall consist of lands in the National Wildlife Refuge System that have been designated by Act of Congress as units of the National Wilderness Preservation System.

"Secretary" means the Secretary of the Interior.

"Director" means the Director of the Bureau of Sport Fisheries and Wildlife.

"Refuge System" means the lands of the National Wildlife Refuge System.

"Wilderness System" means the lands designated as wilderness by the Congress under the provisions of the Wilderness Act.

§ 35.2 Objectives.

(a) Units of the National Wildlife Refuge System have been established by diverse legal means and are administered for a variety of wildlife program purposes. The establishment of each National Wildlife Refuge Wilderness is within and supplemental to the purposes for which a specific national wildlife refuge was established and is administered. Each wilderness shall be administered for such other purposes for which the national wildlife refuge was established and shall be also administered to preserve its wilderness character.

(b) Except as otherwise provided by law, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific educational, conservation, and historical use and shall be administered in such a manner as will leave them unimpaired for future use and enjoyment as wilderness. Natural ecological succession will be allowed to operate freely to the extent feasible.

§ 35.3 General regulations.

Parts 25, 26, 27, 28, 32 and 33 of this subchapter, pertaining to the National Wildlife Refuge System, are hereby incorporated as a part hereof by reference, insofar as said parts do not conflict with the provisions of the Wilderness Act of 1964 and subsequent Acts establishing wilderness areas within units of the National Wildlife Refuge System.

§ 35.4 Appropriations and personnel.

No appropriation shall be made available for the payment of expenses or salaries for the administration of a National Wildlife Refuge Wilderness as a separate unit nor shall any appropriation be made available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

§ 35.5 Commercial enterprises, roads, motor vehicles, motorized equipment, motorboats, aircraft, mechanical transport, structures, and installations.

Except as specifically provided by law, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within a National Wildlife Refuge Wilderness, and except as necessary to meet minimum requirements for the administration of the area as wilderness (including measures required in emergencies involving the health and safety of persons within the area) there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanized transport, and no structure or installation within any such area.

(a) The Director may authorize occupancy and use of a national wildlife refuge by officers, employees, agencies, and agents of Federal, State, and county governments to carry out the purposes of the Wilderness Act and the Act establishing the wilderness and will prescribe conditions under which motorized equipment, mechanical transport, aircraft, motorboats, installations, or structures may be used to meet the minimum requirements for authorized activities to protect and administer the wilderness. The Director may also prescribe the conditions under which such equipment, transport, aircraft, installations, or structures may be used in emergencies involving the health and safety of persons, damage to property, violations of civil and criminal law, or other purposes.

(b) The Director may permit, subject to such restrictions as he deems desirable, the landing of aircraft and the use of motorboats at places within a wilderness where such uses were established prior to the date the wilderness was designated by Act of Congress as a unit of the National Wilderness Preservation System: *Provided*, Such use is permitted by the enabling legislation covering such area.

§ 35.6 Public use.

Public uses of a National Wildlife Refuge Wilderness will be in accordance with the purposes for which the individual national wildlife refuge was established and laws and regulations governing public uses within the National Wildlife Refuge System.

(a) When public uses are authorized within a National Wildlife Refuge Wilderness, the Refuge Manager may regulate such use when he determines that certain uses have an adverse effect on wilderness resources and values. Regulating will include limiting the numbers of persons allowed in the wilderness in point of time, imposing restrictions on time,

seasons, kinds and location of public uses, requiring a permit or reservation to visit the area, and similar actions.

(b) All persons entering a National Wildlife Refuge Wilderness may be required to remove such materials as they carry in, except as provided by specific wilderness regulations contained in Subpart B of this part.

(c) Informational signs for the convenience of visitors will not be permitted in a National Wildlife Refuge Wilderness: *Provided*, That rustic directional signs for visitor safety may be installed in locations appropriate to a wilderness setting.

(d) Limited public use facilities and improvements may be provided as necessary for the protection of the refuge and wilderness and for public safety. Facilities and improvements will not be provided for the comfort and convenience of wilderness visitors.

(e) Public services and temporary structures generally offered by packers, outfitters, and guides for realizing the recreational or other wilderness purposes of a wilderness may be permitted. Temporary installations and structures which existed for these and subsistence purposes under valid special use permit or easement when the wilderness was established may be continued if their use is necessary to administer the refuge for the purposes for which it was established and for wilderness purposes. The number, nature, and extent of such temporary structures and services will be controlled through regulations and special use permits issued by the Refuge Manager so as to provide maximum protection of wilderness resources and values.

(f) Hunting and fishing in a refuge wilderness will be in accordance with Federal and State regulations including special regulations for the specific wildlife refuge. Hunting or fishing which requires motorized equipment will not be permitted except as provided in § 35.5 (a) and (b).

§ 35.7 Control of wildfires, insects, pest plants, and disease.

To the extent necessary the Director shall prescribe measures to control wildfires, insects, pest plants, and disease to prevent unacceptable loss of wilderness resources and values, loss of life, and damage to property.

§ 35.8 Forest management.

Forest management activities in a National Wildlife Refuge Wilderness will be directed toward allowing natural ecological processes to operate freely. Commercial harvesting of timber shall not be permitted except where necessary to control attacks of insects or disease as prescribed in § 35.7.

§ 35.9 Livestock grazing.

(a) The grazing of livestock, where established prior to the date of legislation which includes an area in the National Wilderness Preservation System, shall be permitted to continue subject to the provisions of the enabling Act and Part 29 of this subchapter and in accordance with special provisions which may be prescribed for individual units. Numbers of permitted livestock will not be more liberal than those utilizing a wilderness prior to establishment and may be more restrictive.

(b) The Director may permit, subject to such conditions as he deems necessary, the maintenance, reconstruction or relocation, by nonmechanical means, of only those livestock management improvements and structures which existed within a wilderness when it was incorporated into the National Wilderness Preservation System.

§ 35.10 Scientific uses.

Recognizing the scientific value of wilderness, research data gathering and similar scientific uses not requiring mechanical or motorized equipment or permanent structures or installations will be encouraged providing that wilderness values are not impaired. The person or agency involved in scientific investigation must be willing to accept reasonable limitations on activities and location and size of the area to be used for research purposes. A special use permit authorizing scientific uses shall be required.

§ 35.11 Water rights.

Nothing in the regulations in this part constitutes an expressed or implied claim or denial on the part of the Department of the Interior as to exemption from State water laws.

§ 35.12 Access to State and private lands.

Rights of States or persons, and their successors in interest, whose land is surrounded by a National Wildlife Refuge Wilderness, will be recognized to assure adequate access to that land. Adequate access is defined as the combination of modes and routes of travel which will best preserve the wilderness character of the landscape. Mode of travel designated shall be reasonable and consistent with accepted, conventional, contemporary modes of travel in said vicinity. Use will be consistent with reasonable purposes for which such land is held. The Director will issue such permits as are necessary for access, designating the means and route of travel for ingress and egress so as to preserve the wilderness character of the area.

§ 35.13 Special regulations.

(a) Special regulations will be issued for individual units of wilderness within the Refuge System as established by Public Law. These special regulations will supplement the provisions of this part.

(b) Special regulations may contain Administrative and Public uses as recognized in the:

(1) Legislative Record of the establishing Act.

(2) Committee Reports of the Congress.

(3) Departmental and Executive Reports to the Congress.

(4) Other provisions.

(c) Such special regulations shall be published in Subpart B of this part after a wilderness has been established by Public Law and shall become effective upon publication in the FEDERAL REGISTER.

Subpart B—Special Regulations for Specific National Wildlife Refuge Wildernesses [Reserved]

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1971.

[FR Doc.71-11035 Filed 8-2-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 925]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Approval of Expenses and Fixing of Rate of Assessment for the 1971–72 Fiscal Period

Consideration is being given to the following proposals submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, during the period July 1, 1971, through June 30, 1972, will amount to $5,870.

(2) That there be fixed, at $0.01 per one-half bushel 30-pound containers or equivalent quantity of fresh prunes when in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 925.41 of the aforesaid marketing agreement and order.

(3) That unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1971, be carried over as a reserve in accordance with the applicable provisions of § 925.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the

office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 29, 1971.

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

[FR Doc.71-11084 Filed 8-2-71;8:50 am]

[7 CFR Parts 1030, 1032, 1046, 1049, 1050, 1062, 1099]

[Dockets Nos. AO-361-A3 etc.]

MILK IN THE CHICAGO REGIONAL AND CERTAIN OTHER MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1030	Chicago Regional	AO-361-A3.
1032	Southern Illinois	AO-313-A20.
1046	Louisville-Lexington-Evansville.	AO-123-A37.
1049	Indiana	AO-319-A16.
1050	Central Illinois	AO-355-A9.
1062	St. Louis-Ozarks	AO-10-A42.
1099	Paducah, Ky	AO-183-A24.

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Chicago Regional, Southern Illinois, Louisville-Lexington-Evansville, Indiana, Central Illinois, St. Louis-Ozarks, and Paducah, Ky., marketing areas, which was issued June 4, 1971 (36 F.R. 11352), is hereby extended to August 30, 1971.

The above notice of extension of time for filing exceptions is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: July 28, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-11070 Filed 8-2-71;8:48 am]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 10]

INTERAGENCY COMMITTEE ON CONSTRUCTION

Stabilization of Prices and Compensation; Notice of Extension of Time for the Filing of Comments

Certain persons who may have an interest in the proposed amendment of 29 CFR by addition of a new Part 10 (36 F.R. 12458, June 30, 1971) have requested additional time within which to file written comments.

Upon consideration, the Department hereby gives notice that the time in which to file written comments or suggestions in the above-described rule making is extended to and including August 15, 1971.

Issued at Washington, D.C., this 29th day of July 1971.

For the Interagency Committee on Construction.

GEORGE ROMNEY,
Chairman.

Approved:

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-11112 Filed 8-2-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 146c]

CHLORTETRACYCLINE HYDROCHLORIDE POWDER TOPICAL VETERINARY

Proposed Revocations

In the FEDERAL REGISTER of August 5, 1970 (35 F.R. 12492), the Food and Drug Administration announced (DESI 0054 NV) that it concurred with conclusions of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding the effectiveness of Aureomycin Powder 2 Percent, a drug for veterinary use containing chlorotetracycline hydrochloride and benzocaine and marketed by American Cynamid Co., Box 400, Princeton, N.J. 08540.

The notice provided for the submission of certain information within 6 months and no new information was submitted in response. Based on the NAS/NRC report and other relevant material, the Commissioner of Food and Drugs concludes (1) that substantial evidence is lacking that the subject drug is effective under the conditions of use prescribed, recommended, or suggested in its labeling and (2) that the antibiotic drug regulation covering this drug should therefore be amended by deleting provisions for its certification.

Since an order was published April 29, 1971 (36 F.R. 8033), amending § 146c.230 of the antibiotic drug regulations to restrict tetracycline hydrochloride powder topical to use in man, and since neither that drug nor chlortetracycline hydrochloride powder topical is currently marketed for use in man, the Commissioner also concludes that § 146c.230 should be revoked and that § 146c.242 covering a similar product no longer marketed should be revoked.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 512, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended, 82 Stat. 343-51; 21 U.S.C. 352, 357, 360b) and under authority delegated to him (21 CFR 2.1230), the Commissioner proposes that Part 146c be amended by revoking § 146c.230 *Chlortetracycline hydrochloride powder topical; tetracycline hydrochloride powder topical for human use* and § 146c.242 *Tetracycline-neomycin complex powder topical; tetracycline hydrochloride-neomycin sulfate powder topical.*

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11052 Filed 8-2-71;8:49 am]

Office of the Secretary

[41 CFR Part 3-4]

RESEARCH CONTRACTS WITH EDUCATIONAL INSTITUTIONS IN THE UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by adding a new Subpart 3-4.56, Research Contracts with Educational Institutions in the United States. The new subpart will establish Department policy on the review and direction requirements for application in certain research contracts.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director of Procurement and Materiel Management, OASAM, Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days following publication of this notice in the FEDERAL REGISTER. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Division of Procurement and Materiel Management.

Dated: July 27, 1971.

ROBERT C. COULTER,
Acting Deputy Assistant Secretary for Administration.

As proposed, the new Subpart 3-4.56 would read as follows:

Subpart 3–4.56—Research Contracts With Educational Institutions in the United States

Sec.

§ 3–4.5600 Scope of subpart.

This subpart sets forth the Department's policy on review and direction of research contracts with educational institutions in the United States, and implements Part I, Attachment A, OMB Circular No. A–101, establishing Government policy on review and direction of the research effort under research projects.

§ 3–4.5601 Changes in research methods, procedures, objectives or phenomena under study.

(a) Review and direction requirements for research contracts with educational institutions should, whenever possible, permit the principal investigator to change the methods and procedures for conducting the research without obtaining prior Government approval. Significant changes in the methods or procedures utilized by the contractor shall be reported in subsequent technical reports.

(b) In the event the methodology or experiment is stated as a specific objective of the contract, such stated objectives shall not be changed by the contractor without obtaining prior approval from the contracting officer.

(c) The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed by the contractor without obtaining prior approval of the contracting officer.

(d) The degree of review or direction exercised may vary from contract to contract depending upon the amount of detail used in stating the objectives of the research effort. If the review or direction requirements are to differ from those specified in paragraphs (a), (b), and (c) of this section, the contract should clearly specify such additional or different requirements as necessary.

§ 3–4.5602 Change or absence of the principal investigator or project leader.

(a) The decision as to whether the Department is interested in a proposed research contract is based, to a considerable extent, upon its evaluation of the proposed contractor's principal investigator or project leader's knowledge of the field and his capabilities to manage the contract in an efficient and productive manner. Therefore, the Department desires that the named principal investigator or project leader be continuously responsible for the conduct of the contract and be closely involved with the research efforts.

(b) Written prior approval of the contracting officer is required by the contractor to change the contractor's principal investigator or project leader or to continue work under the contract without participation of the principal investigator or project leader for a period in excess of 3 continuous months. Any substantial reduction in the effort devoted to the contract work by the contractor's principal investigator or project leader also requires the prior written approval of the contracting officer. If the contracting officer determines that the reduction of effort would be so substantial as to impair the successful prosecution of the contract, he may request a change of principal investigator or project leader suitable to the Department, or terminate or appropriately modify the contract.

(c) The provisions of paragraph (b) of this section also apply when the contract identifies coprincipal investigators or project leaders or otherwise includes and identifies additional contractor personnel considered essential to the conduct of the proposed research contract.

§ 3–4.5603 Subcontracting or transferring the research effort.

The Department's decision to enter into a research contract with an educational institution is based in part upon its evaluation of the principal investigator(s) or project leader(s) as well as the support available to the contract from the institution, such as facilities and administrative assistance. During the negotiation of the contract the contracting officer (contract negotiator) shall to the extent possible, obtain complete information concerning the contractor's plans for subcontracting any portion of the research effort. None of the research effort shall be subcontracted or transferred to another organization without having been specifically set forth in the contract, or without the prior approval of the contracting officer. This does not preclude the purchase of supplies, materials, equipment or general support services. None of the foregoing shall be construed to authorize transfer of a research contract or any interest therein, where prohibited by law.

[FR Doc.71-11076 Filed 8-2-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 47]

[Docket No. 11271; Notice 71-21]

NOTICE OF OWNERSHIP BY TRANSFEREE OF U.S. REGISTERED AIRCRAFT

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 47 of the Federal Aviation Regulations to require the buyer or other transferee of an aircraft last registered in the United States to notify the FAA of his ownership within 10 days after he becomes the owner, unless within that period he submits an Application for Aircraft Registration under that part.

Interested persons are invited to participate in the making of the proposed rule submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before September 3, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Section 47.41 requires the holder of a Certificate of Aircraft Registration to return the certificate to the FAA Aircraft Registry, showing on the reverse side of the certificate the termination of registration that occurs, among other things, upon the transfer of ownership. However, few certificates are returned (although the imposition of a tax by the Airport and Airway Revenue Act of 1970, 84 Stat. 236, has been followed by a noted increase in the number of reported sales), and the transferor continues to be shown as the owner even though he has relinquished his interest in the aircraft.

Section 47.44 was adopted January 6, 1970 (35 F.R. 2578) to provide for obtaining updated knowledge as to registration eligibility and identification. When the certificate holder, now alerted by a mailed form yearly under § 47.44, does advise the FAA Aircraft Registry of a transfer of his ownership, his name is removed from the records as the registered owner; however, the transferee's name is not added until registration in his name is completed. Also, many transfers occur where the transferor is not the holder of the certificate, such as a dealer or a person within the chain from the registered owner, in which case the transferor is not now required to notify the FAA Aircraft Registry.

The buyer or other transferee of an aircraft is not now required to notify the FAA Aircraft Registry at the time he becomes the owner. However, he must apply for registration before he can legally operate the aircraft or, in the case of a dealer, he must first show that he is the owner.

It is now proposed to provide more current and accurate aircraft records as to the movement, between owner registrations, of aircraft bearing U.S. registration numbers, by requiring the buyer or other transferee of aircraft last registered in the United States to notify the

FAA Aircraft Registry of his ownership, within 10 days after he becomes the owner, unless within that period of time he applies for registration.

In consideration of the foregoing, it is proposed to insert a new § 47.7 after § 47.5 of the Federal Aviation Regulations to read as follows:

§ 47.7 Notice of ownership.

Within 10 days after a citizen of the United States becomes the owner of an aircraft last previously registered under the Federal Aviation Act of 1958, or under other laws of the United States, he shall sign and submit to the FAA Aircraft Registry a notice of his ownership, unless within that period of time he submits an Application for Aircraft Registration under this part. The notice shall contain—

(a) The name and address of the previous owner;

(b) The date of the transfer; and

(c) The make, model, serial number, and United States registration number of the aircraft.

This amendment is proposed under the authority of sections 313(a), 501, 503, and 505 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1401, 1403, 1405), section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)), and section 1.47(a) of the Regulations of the Office of the Secretary of Transportation.

Issued in Oklahoma City, Okla., on July 15, 1971.

A. L. COULTER,
Director, Aeronautical Center.

[FR Doc.71-11043 Filed 8-2-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-91]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Pennington Gap, Va., transition area.

The authorization of a new NDB instrument approach procedure for Lee County Airport, Pennington Gap., Va., will require designation of a 700-foot floor transition area to provide controlled airspace for aircraft executing this procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views 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 the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Pennington Gap, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to designate a Pennington Gap, Va., 700-foot floor transition area as follows:

PENNINGTON GAP, VA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 36°44'33" N., 83°01'50" W. of Lee County Airport, Pennington Gap, Va.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 20, 1971.

BRIAN J. VINCENT,
Acting Director, Eastern Region.

[FR Doc.71-11040 Filed 8-2-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-96]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Farmville, Va., transition area.

The NDB Runway 3 instrument approach procedure for Farmville Municipal Airport, Farmville, Va., requires designation of a 700-foot floor transition area to provide airspace protection for aircraft executing the instrument approach procedure.

Interested parties may submit such written data or views as they may desire. Communciations should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views 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 the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Farmville, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Farmville, Va., 700-foot floor transition area as follows:

FARMVILLE, VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 37°21'22" N., 78°26'16" W. of Farmville Municipal Airport, Farmville, Va.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 20, 1971.

BRIAN J. VINCENT,
Acting Director, Eastern Region.

[FR Doc.71-11041 Filed 8-2-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-109]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Galax, Va., transition area.

The VOR/DME Runway 17 and NDB-A instrument approach procedures for Twin County Airport require designation of a 700-foot floor transition area to provide airspace protection for aircraft executing the instrument approach procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for

informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views 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 the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Galax, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Galax, Va., 700-foot floor transition area as follows:

GALAX, VA.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, 36°45'52" N., 80°49'20" W. of Twin City Airport; and within 4.5 miles each side of the Pulaski VORTAC 196° radial, extending from the 10.5-mile radius area to 8 miles south of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 20, 1971.

BRIAN J. VINCENT,
Acting Director, Eastern Region.

[FR Doc.71-11042 Filed 8-2-71; 8:47 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket 71-19; Notice 1]

TIRE AND RIM SELECTION AND RIM PERFORMANCE

Proposed Motor Vehicle Safety Standard

The purpose of this notice is to propose a new motor vehicle safety standard No. 120, which would establish tire and rim selection requirements for multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles, performance and marking requirements for rims for use on these vehicles, and requirements for a vehicle tire and rim information label.

The proposed standard would require each vehicle to which the standard applies to be equipped with tires that meet the requirements either of Standard No. 109 or Standard No. 119, and with rims that are designated by both the manufacturer of the tires and the manufacturer of the rims as suitable for use with those tires. The tires would be required to have maximum load ratings that equal or exceed the gross axle weight rating of the axle on which they are mounted divided by the number of tires on the axle, and in the case of tires listed under Standard No. 109 (basically passenger-car tires), to exceed this rating quotient by 10 percent.

Each vehicle would also be required to carry a permanent label, of the type specified in the certification regulations (49 CFR Part 567), that would specify the tires and rims with which the vehicle is equipped by its manufacturer, with applicable maximum loads and inflation pressures, and speed restrictions, if any.

One performance requirement for rims would be that they must withstand the tests of Standard No. 119 for high speed and endurance, when any tires are mounted on them that are specified in the tire and rim association publications as suitable for use with them, except for tires the manufacturer expressly designates as unsuitable. This designation, which it is assumed would be used only in exceptional cases, would be by permanent marking on the rim. The other rim performance requirement would be that a rim retain a tire (that is, prevent complete disengagement) when the tire suffers sudden deflation at 60 m.p.h., followed by a controlled stopping of the vehicle.

Each rim would be required to be marked on its outer side with the DOT certification symbol, the name or identifying symbol of the manufacturer, and the rim's maximum load and inflation pressure ratings.

Proposed effective date: January 1, 1973.

Interested persons are invited to submit written data, views, and arguments concerning the proposed standard. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on November 2, 1971, will be considered, and will be available for examination in the docket room at the above address both before and after the closing date. To the extent possible, comments filed after the closing date will be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

This notice of proposed rulemaking is issued under the authority of sections 103, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on July 29, 1971.

ROBERT L. CARTER,
Acting Associate Administrator, Motor Vehicle Programs.

§ 571.21 Federal Motor Vehicle Safety Standards.

* * * * *

MOTOR VEHICLE SAFETY STANDARD NO. 120

TIRE AND RIM SELECTION AND RIM PERFORMANCE

S1. *Scope.* This standard establishes performance and marketing requirements for rims, requires vehicles to be equipped with tires of appropriate size that conform to Standard No. 109 or Standard No. 119 and with rims that meet the requirements of this standard, and requires vehicles to have a tire and rim information label.

S2. *Purpose.* The purpose of this standard is to insure that vehicles are equipped with tires and rims of adequate size and strength to provide safe operational performance.

S3. *Application.* This standard applies to multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles, and to rims for use on those types of vehicles.

S4. *Definitions.* All terms defined in the Act and the rules and standards issued under its authority are used as defined therein.

S5. *Requirements.*

S5.1 *Tire and rim selection.* Each vehicle shall be equipped with tires that meet the requirements of Standard No. 109 or Standard No. 119, and with rims that are designated by both the manufacturer of the tires and the manufacturer of the rims as suitable for use with those tires. The maximum load rating of each tire and each rim shall be not less than the gross axle weight rating of the axle on which they are mounted divided by the number of tires on the axle. The maximum load rating of tires that are listed in Appendix A of Standard No. 109 shall be at least 10 percent greater than the gross axle weight rating divided by the number of tires on the axle.

S5.2 *Information label.* Each vehicle shall have a tire and rim information label, of the type and affixed in the manner and location described in paragraphs (b) through (f) of § 567.4 of this chapter (the certification regulations), containing the information set forth below, in the English language, lettered in block capitals and numerals not less than three thirty-seconds of an inch high. The information may, at the option of the vehicle manufacturer, be appended to the certification label required by Part 567 of this chapter.

(a) The tire size and rim designations of the tires and rims with which the vehicle is equipped.

(b) The maximum load ratings of the tires and rims, and the maximum cold inflation pressures of the tires, with which the vehicle is equipped, as marked on the

tires and rims in accordance with applicable motor vehicle safety standards.

(c) The speed restrictions, if any, of tires with which the vehicle is equipped, as marked on the tires in accordance with Standard No. 119.

S5.3 *Rim performance.* Each rim shall be capable of meeting the performance requirements of S5.3.2 and S5.3.3 when used with any tire, except for nonmatching tires designated in accordance with S5.3.1, for which the rim is listed as appropriate in the publications, current at the time of manufacture of the rim, of the following organizations:

The Tire and Rim Association.
The European Tyre and Rim Organisation.
Japan Standards Association.
The Japan Automobile Tire Manufacturers Association.
Deutsche Industrie Norm.
The Society of Motor Manufacturers & Traders, Ltd.
Scandinavian Tire and Rim Organization.

S5.3.1 If a rim is—

(a) Listed in the publications specified in S5.3 as appropriate for matching with one or more tire size designations; and

(b) Determined by its manufacturer not to be appropriate for matching with one or more of those tire size designations; then the rim shall be permanently marked or labeled with the words "Not to be used" followed by all such nonmatching tire size designations.

S5.3.2 The tire shall not become completely disengaged from the rim, when the rim is tested according to the following procedure.

(a) Mount the tire on the rim.

(b) Mount the rim in a single-tire, single-axle position (i.e., not a dual-tire, or tandem-axle installation) in the left front position on a four-wheeled vehicle loaded so that the tire is loaded to its maximum load rating.

(c) Adjust the tire pressure to the tire's maximum inflation pressure.

(d) Drive the vehicle in a straight line on a level surface at 60 m.p.h., or at the tire's maximum speed, if any, as marked on the tire, whichever is less.

(e) Deflate the tire, completely (i.e., to ambient atmospheric pressure) through an opening of 0.15 square inch for tires listed in Appendix A of Standard No. 109 whose maximum inflation pressure is 45 p.s.i. or less and for motorcycle tires, and of 0.31 square inch for all other tires.

(f) As soon as the tire is deflated, decelerate the vehicle to a stop at a rate of 8 feet per second per second.

S5.3.3 When the tire and rim are subjected to the endurance test or the high speed performance test of Standard No. 119 (S6.2 and S6.4 of that standard), the rim shall show no visible deformation at any point.

S5.4 *Rim marking.* Each rim shall be marked on the outer side with the following information, in the English language, with lettering not less than one-eighth of an inch high, impressed to a depth of not less than 0.005 inch below the surrounding surface:

(a) The symbol DOT, which shall constitute the manufacturer's certification that the rim conforms to all applicable motor vehicle safety standards.

(b) The name of the manufacturer, or identifying symbol assigned by the NHTSA.

(c) The rim's maximum load rating and maximum inflation pressure, as follows: "Max load_____lbs. Max pressure_____p.s.i."

* * * * *

[FR Doc.71-11090 Filed 8-2-71;8:51 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

TARGHEE NATIONAL FOREST, IDAHO

Order of Transfer of Administrative Jurisdiction of Land

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 217), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, aggregating some 6.90 acres which lie within or adjacent to exterior boundaries of the Targhee National Forest, Idaho, and which were acquired by the Bureau of Reclamation in the development of the Island Park Reservoir, Minidoka Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes:

BOISE MERIDIAN

WITHDRAWN LAND

T. 13 N., R. 42 E.,
Sec. 25, that portion of lot 8 lying north of the east-west centerline of said section 25, containing 6.90 acres, more or less.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest Lands provided that all lands and waters within the Island Park Reservoir area needed or used for the operation of the project or for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER (8-3-71).

Dated: July 27, 1971.

ELLIS L. ARMSTRONG,
Commissioner of Reclamation.

[FR Doc.71-11032 Filed 8-2-71;8:46 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 20, 1971, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 2 (pp. 3930–31), April 6 (pp. 6526–28), May 4 (pp. 8333–36), June 3 (pp. 10811–13), and July 8 (pp. 12868–70). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following corrections should be made:

FLORIDA

Everglades and Seminole Indian Reservations (Collier County) are removed from the Register.

Olustee Battlefield is in Baker County (not Columbia).

ALABAMA

Barbour County

Eufaula, *McNab Bank Building*, Broad Street.

Lowndes County

Hayneville, *Lowndes County Courthouse*, Washington Street.

ALASKA

Gateway Borough, Ketchikan, *Alaska Totems*, between Park and Deermont Avenues.

Interior District

Flaxman Island, *Leffingwell Camp*, Arctic coast, 58 miles west of Barter Island.

ARIZONA

Cochise County

Fairbank vicinity, *Quiburi*, north of Fairbank.

ARKANSAS

Independence County

Batesville, *Garrott House (Case-Maxfield House)*, 561 East Main Street.

Jefferson County

Pine Bluff, *Du Bocage*, 1115 West Fourth Street.

Pine Bluff, *Hudson-Grace-Borreson House*, 716 West Barraque.

Ouachita County

Camden, *McCollum-Chidester House*, 926 Washington Street NW.

Washington County

Fayetteville, *Headquarters House (Tebbetts House)*, 118 East Dickson Street.

CALIFORNIA

Los Angeles County

Los Angeles, *Barnsdall Park*, 4800 Hollywood Boulevard.

COLORADO

Denver County

Denver, *Moffat, David H., House*, 808 Grant Street.

Pitkin County

Redstone vicinity, *Osgood Castle (Cleveholm)*, approximately 1 mile south of Redstone on Colorado 133.

IOWA

Dubuque County

Dubuque, *Dubuque County Courthouse*, 720 Central Avenue.

MISSISSIPPI

Claiborne County

Port Gibson, *Van Dorn House*, Van Dorn Drive.

Harrison County

Gulfport vicinity, *Fort Massachusetts*, south of Gulfport on Ship Island.

Marion County

Sandy Hook vicinity, *Ford House*, south of Sandy Hook on Old Columbia-Covington Road.

Warren County

Vicksburg, *Planters Hall*, 822 Main Street.

MISSOURI

Butler County

Naylor vicinity, *Kochler Fortified Archeological Site*, 1 mile northeast of Naylor.

NEW HAMPSHIRE

Hillsborough County

Nashua, *Hunt Memorial Library*, 6 Main Street.

NORTH CAROLINA

Davidson County

Lexington, *Old Davidson County Courthouse*, Main and Center Streets.

Lenoir County

Kinston vicinity, *Jackson, Jesse, House*, on U.S. 11, south of Kinston.

Orange County

Chapel Hill, *Playmakers Theatre (Smith Hall)*, Cameron Avenue, University of North Carolina.

Hillsborough, *Old Orange County Courthouse*, 106 East King Street.

Hillsborough, *St. Matthew's Episcopal Church and Churchyard*, St. Mary's Road.

Perquimans County

Hertford vicinity, *Newbold-White House*, southeast of Hertford off Route 1336 north of the junction with Route 1337.

Union County

Monroe, *Union Courthouse*, Courthouse Square.

OKLAHOMA

Bryan County

Kenefic vicinity, *Fort McCulloch*, approximately 2 miles southwest of Kenefic.

Haskell County

Kinta vicinity, *McCurtain, Green, House*, NE ¼NE¼ sec. 35, T. 8 N., R. 20 E.

LeFlore County

Hodgens vicinity, *Conser, Peter, House*, 3.5 miles west of Hodgens.

Oklahoma County

Edmond, *Old North Tower*, 400 East Hurd Street, Central State College campus.

PENNSYLVANIA

Philadelphia County

Philadelphia, *Cathedral of Sts. Peter and Paul*, 18th Street and the Parkway.
Philadelphia, *Mikveh Israel Cemetery*, northwest corner of Spruce and Darien Streets.
Philadelphia, *Society Hill Historic District*, bounded on the north by Walnut Street (both sides), on the south by Lombard Street, on the east by the pier line of the Delaware River, and on the west by Eighth Street (both sides).

SOUTH CAROLINA

Charleston County

Edisto Island vicinity, *Edisto Island Presbyterian Church*, 1.9 miles north of Edisto Island on S.C. 174.

Union County

Union vicinity, *Cross Keys House*, 12 miles southwest of Union on S.C. 49.

TEXAS

Aransas County

Rockport, *Mathis, Thomas H., House*, 612 Church Street.

Hill County

Hillsboro, *Hill County Courthouse*, Courthouse Square.

Houston County

Kennard vicinity, *Westerman Mound*, 5.8 miles southeast of Kennard.

Lampasas County

Lampasas, *Lampasas County Courthouse*, bounded by South Live Oak, East Fourth, South Pecan, and East Third Streets.

Lubbock County

Lubbock vicinity, *Lubbock Lake Site*, north of Lubbock near the intersection of Clovis Highway and Loop 289.

Nacogdoches County

Nacogdoches, *Old Nacogdoches University Building*, Washington Square.

Parker County

Weatherford, *Parker County Courthouse*, Courthouse Square.

San Augustine County

San Augustine, *Cullen, Ezekiel, House*, 207 South Congress.

Travis County

Austin vicinity, *Levi Rockshelter*, on Lick Creek west of Texas 71, about 27 miles west of Austin.

Waller County

Hempstead vicinity, *Liendo*, 2 miles northeast of Hempstead off FM 1488.

WEST VIRGINIA

Wirt County

Burning Springs, *Burning Springs Complex*, along the north bank of the Kanawha River from the confluence of Burning Springs Run.

WYOMING

Fremont County

Ethete, *St. Michael's Mission*.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[FR Doc.71-11037 Filed 8-2-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-350; NDA's 12-349; 12-471]

AMERICAN CYANAMID CO. ET AL.

Mephenoxalone Tablets and Emylcamate Tablets; Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of June 25, 1970 (35 F.R. 10394), the Commissioner of Food and Drugs announced (DESI 6566) his conclusions pursuant to evaluating reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drugs, stating that these drugs lack substantial evidence of effectiveness for some labeled indications and were regarded as possibly effective for other labeled indications. Six months from the date of that publication were allowed for the holders of the applications and any person marketing such drugs without approval to obtain and submit data providing substantial evidence of effectiveness of the drugs for the indications for which they were regarded as possibly effective. Such evidence has not been received. Both firms have voluntarily requested withdrawal of approval of their new drug applications and thereby waived the opportunity for a hearing.

1. Trepidone tablets containing mephenoxalone; Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 12-741).

2. Striatran Tablets containing emylcamate; Merck Sharp & Dohme, Division of Merck & Co., West Point, Pa. 19486 (NDA 12-349).

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 each of said drugs, 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 findings, 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 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11057 Filed 8-2-71;8:48 am]

[Docket No. FDC-D-356; NDA 10-231]

BROEMMEL PHARMACEUTICALS

Op-Hydrin Ophthalmic Suspension; Notice of Withdrawal of Approval of New Drug Application

In the FEDERAL REGISTER of September 17, 1970 (35 F.R. 14577), the Commissioner of Food and Drugs announced (DESI 6762) his conclusions pursuant to evaluating reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning Op-Hydrin Ophthalmic Suspension (hydrocortisone acetate and phenylephrine hydrochloride), stating that this drug is regarded as possibly effective for its labeled indications. Six months from the date of that publication were allowed for the holder of the new-drug application and any person marketing the drug without approval to obtain and submit data providing substantial evidence of effectiveness for the drug.

By letter of March 1, 1971, Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, California 94109, holder of NDA 10-231 for Op-Hydrin Ophthalmic Suspension, stated that manufacturing of the drug has been discontinued and voluntarily requested withdrawal of approval of their new drug application, thereby waiving the opportunity for 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 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11059 Filed 8-2-71;8:48 am]

[DESI 4837; Docket No. FDC-D-349; NDA 4-837, etc.]

KAHLENBERG LABORATORIES, INC., ET AL.

Certain Antifungal Drugs; Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13591), the Commissioner

announced (DESI 4837)[1] his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drugs for topical use:

1. Cerosal Ointment containing salicylic acid, cerium salicylate, butylparaben, thymol, chlorobutanol, and dioctyl sodium sulfosuccinate; Kahlenberg Laboratories, Inc., Post Office Box 3318, Sarasota, Fla. 33578 (NDA 4-837).

2. Sporostacin Solution containing chlordantoin and benzalkonium chloride; Ortho Pharmaceutical Corp., Raritan, N.J. 08869 (NDA 12-569).

3. Keralac, nail lacquer, containing chloranil; Philip T. Paul, doing business as Salem Pharmacal, 23 Summit Road, Naugatuck, Conn. 06770 (NDA 11-379).

The announcement stated that these drugs are regarded as possibly effective for their labeled indications. Six months from the date of that publication were allowed for the holders of the applications and any person marketing such drug without approval to obtain and submit data providing substantial evidence of effectiveness of the drugs. No such data have been received, and the holders of said new-drug applications have requested withdrawal of approval of their new-drug applications and thereby have waived opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the 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 each of said drugs, 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 findings, approval of the above-listed new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11053 Filed 8-2-71;8:48 am]

[Docket No. FDC-D-351; NDA 6-566, etc.]

WILLIAM S. MERRILL CO. ET AL.

Oxanamide and Certain Other Drugs; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Applications

In the FEDERAL REGISTER of June 25, 1970 (35 F.R. 10394), the Food and Drug Administration announced its conclusions (DESI 6566) pursuant to evaluation by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, of the following drugs:

NDA No.	Drug	NDA holder
10-811	Quiactin Tablets, containing oxanamide.	The William S. Merrell Co., Division Richardson Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215.
13-261	Lenetran Tablets, containing mephenoxalone.	Lakeside Laboratories, Division Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, Wis. 53201
6-566	Tolserol Tablets, Capsules,[1] Elixir, Injection, and Powder [1] for Injection, containing mephenesin.	E. R. Squibb & Sons, Inc., Division Olin Mathieson Chemical Corp., 745 Fifth Avenue, New York, N.Y. 10022
9-157	Tolseram Tablets and Suspension, containing mephenesin carbamate.	E. R. Squibb & Sons, Inc.
16-934	Dioloxol Tablets, Capsules, and Elixir, containing mephenesin.	G. W. Carnrick Co., 65 Horse Hill Road, Cedar Knolls, N.J. 07927.

[1] Although not specifically reviewed by the Academy, these are regarded as similarly affected.

The announcement stated that the drugs are regarded as possibly effective for some of their labeled indications and lacking substantial evidence of effectiveness for others. Six months were allowed for the submission of data providing substantial evidence of effectiveness for the indications for which the drugs were regarded as possibly effective. Since such evidence was not received, the drugs are now regarded as lacking substantial evidence of effectiveness for all of their labeled indications.

Therefore, notice is given to the holders of the new-drug applications listed above and to any 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 listed new-drug applications and all amendments and supplements thereto on the grounds that new information before him with respect to such 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 all 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, 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 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11058 Filed 8-2-71;8:48 am]

[DESI 5887]

STREPTOMYCIN SULFATE FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice (DESI 5887) published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7997), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on streptomycin sulfate preparations for parenteral use stating that these drugs were regarded as effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of these drugs has been submitted pursuant to the notice of May 21, 1969.

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

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

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

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

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11054 Filed 8-2-71;8:48 am]

[Docket No. FDC-D-345; NADA 9-242V]

HESS AND CLARK

Cadmium Anthranilate; Notice of Opportunity for Hearing

Notice is hereby given to Hess and Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44805, and to any interested persons who may be adversely affected that the Commissioner of Foods and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA (new animal drug application) No. 9-242V, Cadmium Wormer for Hogs which contains cadmium anthranilate.

The Commissioner, on the basis of an evaluation of new information before him with respect to such drug together with evidence available to him when the application was approved, concludes that the drug is not shown to be safe under the conditions of use upon the basis of which the application was approved.

Data available to the Commissioner fail to establish the absence of unsafe residues of this product in the edible tissue of swine when this product is administered in accordance with the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicant and any interested persons who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 9-242V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above-listed drug product and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to appropriate regulatory action.

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

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

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

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug application.

Failure of such persons to file a written appearance of election within 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 concerning 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 a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11056 Filed 8-2-71;8:48 am]

[DESI 10899]

METHYLPHENIDATE HYDROCHLORIDE PARENTERAL

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Ritalin Hydrochloride lyophilized powder for injection, containing methylphenidate hydrochloride; Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, New Jersey 07901 (NDA 10-899).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

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

1. Methylphenidate hydrochloride parenteral is possibly effective in sedative overdosage emergencies, in hastening recovery from anesthesia, in overcoming

sedation in the newborn, in helping treat acute overdosage of barbiturates, alcohol, and other sedative drugs, and in overcoming drug-induced lethargy.

2. The drug lacks substantial evidence of effectiveness in increasing response to psychotherapy and in psychiatric conditions associated with depression.

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

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

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

The above-named holder of the new drug application for this drug has been mailed a copy of the Academy's report. Any interested person may obtain a copy of these reports by writing to the Press Relations Office, Food and Drug Administration (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10899, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

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

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

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

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

Dated: June 25, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11055 Filed 8-2-71;8:48 am]

AMERICAN POTATO CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Potato Co., Post Office Box 592, Blackfoot, Idaho 83221, has withdrawn its petition (FAP 1A2639), notice of which was published in the FEDERAL REGISTER of March 17, 1971 (36 F.R. 5150), proposing that § 121.1195 *Succinylated monoglycerides* (21 CFR 121.1195) be amended to provide for the additional safe use of succinylated monoglycerides as a conditioning agent in dehydrated potato products.

Dated: July 21, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11064 Filed 8-2-71;8:49 am]

AMERICAN VISCOSE DIVISION, FMC CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2703) has been filed by American Viscose Division, FMC Corp., Marcus Hook, Pa. 19061, proposing that § 121.2535 *Textiles and textile fibers* (21 CFR 121.2535) be amended to provide for the safe use of polyethylene terephthalate in the manufacture of textiles and textile fibers for food-contact use.

Dated: July 21, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11066 Filed 8-2-71;8:49 am]

AMERICAN VISCOSE DIVISION, FMC CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2704) has been filed by American Viscose Division, FMC Corp., Marcus Hook, Pa. 19061, proposing that § 121.2536 *Filters, resin-bonded* (21 CFR 121.2536) be amended to provide for the safe use of polyethylene terephthalate in the manufacture of resin-bonded filters for food-contact use.

Dated: July 21, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11065 Filed 8-2-71;8:49 am]

GOODYEAR TIRE & RUBBER CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2701) has been filed by the Goodyear Tire & Rubber Co., 142 Goodyear Boulevard, Akron, Ohio 44316, proposing that § 121.2509 *Release agents* (21 CFR 121.2509) be amended to provide for the safe use of *N,N'*-dioleoylethylenediamine as a release agent in polyvinyl chloride film for food-contact use.

Dated: July 27, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11062 Filed 8-2-71;8:49 am]

C. J. PATTERSON CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2705) has been filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, proposing that § 121.1211 *Sodium stearoyl-2-lactylate* (21 CFR 121.1211) be amended in paragraph (c) by adding "texturizing agent" to the intended uses prescribed for sodium stearoyl-2-lactylate and by adding "cooked potato dough products" to the foods in which the additive may be used.

Dated: July 21, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11069 Filed 8-2-71;8:49 am]

STANDARD OIL COMPANY OF CALIFORNIA

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2707) has been filed by Standard Oil Company of Calif., 225 Bush Street, San

Francisco, Calif. 94120, proposing that § 121.2553 *Lubricants with incidental food contact* (21 CFR 121.2553) be amended to provide for the safe use of magnesium ricinoleate, sodium metaborate, and polyurea produced by reacting tolylene diisocyanate and amines as components of lubricants with incidental food contact.

Dated: July 21, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11063 Filed 8-2-71;8:49 am]

UNIROYAL CHEMICAL

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2706) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Elm Street, Naugatuck, Conn. 06770, proposing that § 121.2577 *Pressure-sensitive adhesives* (21 CFR 121.2577) be amended to provide for the safe use of tri(mixed mono- and dinonylphenyl) phosphite as an antioxidant and/or stabilizer in the manufacture of pressure-sensitive adhesives for food-contact use.

Dated: July 27, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11061 Filed 8-2-71;8:49 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968), as amended, is hereby amended with regard to section 3-B, "Organization," as follows:

Below the centerhead "Center for Disease Control (3G00)," change the opening paragraph to read as follows:

(1) Plans, conducts, coordinates, supports, and evaluates a national program for the prevention and control, including interstate spread, of communicable and vector-borne diseases and other preventable conditions—including those related to malnutrition—through (a) surveillance, (b) research and development, (c) epidemiologic studies, (d) consultation and training, (e) public information and education, (f) technical assistance, (g) community demonstrations, and (h) control of importation and interstate shipment of etiologic agents and vectors; (2) directs and enforces foreign quarantine activities and regulations; (3) provides consultation and assistance in upgrading the performance of clinical laboratories and evaluates and licenses clinical laboratories engaged in interstate commerce; and (4) provides consultation to international organizations and other nations in the control of preventable diseases, and administers international activities for the eradication or control of malaria, malnutrition, measles, smallpox, and other preventable conditions.

RONALD BRAND,
Acting Assistant Secretary for Administration and Management.

JULY 27, 1971.

[FR Doc.71-11077 Filed 8-2-71;8:50 am]

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6, formerly part 10 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92 et seq., February 25, 1970) is amended as follows:

In section 6B "Organization" (j) "Office of the Assistant Commissioner for Education and Information" is superseded by the following:

(j) *Office of the Assistant Commissioner for Public Affairs.* Advises and assists the Commissioner concerning public affairs and consumer education.

Plans, coordinates, and participates in a comprehensive public affairs program that will create a positive atmosphere for FDA regulatory programs and will be conducive to the FDA personnel recruitment effort; acts as a focal point for dissemination of news concerning FDA activities.

Plans and conducts consumer education programs.

Develops and coordinates a program of liaison with the medical profession designed to further understanding and support for FDA activities.

Provides editorial, design, and graphic arts services.

Answers public inquiries and corresponds with the public on topics of consumer interest.

Approved: June 26, 1971.

RONALD BRAND,
Acting Assistant Secretary for Administration and Management.

[FR Doc.71-11078 Filed 8-2-71;8:50 am]

Social Security Administration

DEPUTY COMMISSIONER ET AL.

Delegation of Authority To Issue Subpenas

Correction

In F.R. Doc. 71-10688 appearing at page 13941 in the issue of Wednesday, July 28, 1971, the area of authority for the Assistant Commissioner for Administration should read as follows: "Cases in SSA components located in the national headquarters complex in the Baltimore-Washington area and cases in the regions which are referred for professional investigation by the Office of Administration's Investigations Branch."

ATOMIC ENERGY COMMISSION

[License No. 22-00057-37E]

MINNESOTA MINING AND MANUFACTURING CO.

Notice of Issuance of Byproduct Material License

Please take notice the Atomic Energy Commission has, pursuant to § 32.22 of 10 CFR 32, issued License No. 22-00057-37E to Minnesota Mining and Manufacturing Co., 3M Center, St. Paul, Minn. 55101, which authorizes the distribution of 3M Model 1D2D Radioluminescent Wrist Compasses to persons exempt from the requirements of the license pursuant to § 30.19 of 10 CFR 30.

1. The wrist compass is designed for use primarily by hunters and campers. It is 1⅛ inches in diameter and ⅜-inch high and is encased in a brass housing with a 1/16-inch wall and a 3/32-inch base. It is covered with a 1/16-inch thick acrylic face plate.

2. Each compass contains up to 2 mCi of promethium 147 (Pm-147) as 3M Model 1A2A radioluminescent paint applied to the dial and inside the face plate. The radioactive promethium 147 in the paint is fixed in 3M Brand Radiating Microspheres.

3. Each exempt compass will bear a label identifying the distributor (3M) and the radioisotope (Pm-147).

A copy of the license and a safety evaluation containing additional information, prepared by the Division of Materials Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545.

Dated at Bethesda, Md., July 26, 1971.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director, Division of Materials Licensing.

[FR Doc.71-11030 Filed 8-2-71;8:46 am]

CIVIL AERONAUTICS BOARD

AIR WEST

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JULY 26, 1971.

Notice is hereby given that the Civil Aeronautics Board on July 26, 1971, received an application, Docket 23659, from Hughes Air Corp. doing business

as Air West for amendment of its certificate of public convenience and necessity for route 76 to provide nonstop service between Santa Ana, Calif., and San Francisco, Calif. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11085 Filed 8-2-71;8:50 am]

[Docket No. 21115; Order 71-7-163]

OUTAGAMIE COUNTY, WIS., ET AL.

Order Granting Reconsideration and Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of July 1971.

Outagamie County, Wis., the city of Appleton, Wis., and the Appleton Area Chamber of Commerce (hereinafter referred to as the Appleton Parties) have filed a petition for reconsideration of Order 71-1-69, insofar as that order denied their request for an immediate hearing on their application, Docket 21115, to amend the certificate of North Central Airlines, Inc. (North Central), for Route 86 so as to redesignate the hyphenated point Oshkosh-Appleton as Oshkosh.[1] Answers in support of the Appleton Parties' petition have been filed by the National Air Transportation Conference (NATC)[2] and by Air Wisconsin.[3] North Central has filed an answer opposing the relief requested and also opposing Appleton's motion for leave to file late.

Upon consideration of the foregoing pleadings and all relevant facts, we have decided to grant the Appleton Parties' petition for reconsideration of Order 71-1-69, and to set for hearing their application for decertification of Appleton as part of a hyphenated point.

Upon reconsideration of our decision in Order 71-1-69, we believe that the petition for reconsideration of the Appleton Parties sets forth matters demonstrating that the application for decertification of Appleton should be set for hearing. In particular, the Appleton Parties have shown that there is a need to investigate the extent to which the City of Appleton has now emerged as a separate marketing entity for air service since it was first hyphenated with Oshkosh in 1964,[4] and the extent to which air travelers destined for Appleton may be confused by the present hyphenated designation.[5] Inasmuch as the community itself is requesting decertification as a point on North Central's system, and desires to rely on the noncertificated scheduled service provided by Air Wisconsin, we believe that an early hearing on the issues raised by the Appleton request would be desirable.

Accordingly, it is ordered, That:

1. The motion of Outagamie County, Wis., the city of Appleton, Wis., and the Appleton Area Chamber of Commerce for leave to file an otherwise unauthorized document be and it hereby is granted;

2. The petition of Outagamie County, Wis., the city of Appleton, Wis., and the Appleton Area Chamber of Commerce, for reconsideration of Order 71-1-69 be and it hereby is granted;

3. The motion of Outagamie County, Wis., the city of Appleton, Wis., and the Appleton Area Chamber of Commerce for hearing on their petition in Docket 21115, be and it hereby is granted;

4. The Appleton Parties' application, Docket 21115, be and it hereby is set for hearing before an Examiner of the Board at a time and place to be hereafter designated;

5. 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; and

6. A copy of this order shall be served upon North Central Airlines, Inc., Air Wisconsin, Inc., the cities of Appleton, Oshkosh, Neenah, Menasha, and Fond du Lac, Wis., Outagamie County, Wis., Winnebago County, Wis., and the Governors of Wisconsin, Illinois, Minnesota, Indiana, and Michigan.

This order will be published in FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11086 Filed 8-2-71;8:50 am]

[Docket No. 23333; Order 71-7-165]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Issued under delegated authority July 28, 1971.

By Order 71-7-74, dated July 14, 1971, action was deferred with a view toward eventual approval, subject to condition, on an agreement adopted at the worldwide cargo rate conference in Singapore. The agreement incorporates a procedural resolution relating to the establishment of Mid and South Atlantic specific commodity rates.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 71-7-74 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22460, R-7, be and hereby is approved, provided that rates established to/from points in Puerto Rico and the U.S. Virgin Islands pursuant to said resolution shall be filed with the Board as agreements under section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being placed in effect.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11087 Filed 8-2-71;8:51 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 103]

TRANS-COAST INVESTMENT CO.

Notice of Receipt of Application for Approval of Acquisition of Control of Independent Savings and Loan Association

JULY 29, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Trans-Coast Investment Co., Sherman Oaks, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Independent Savings and Loan Association, Salinas, Calif., an insured institution under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash of the guarantee stock of Independent Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-11063 Filed 8-2-71;8:50 am]

---

[1] Appleton's petition for reconsideration was accompanied by a motion for leave to file an untimely pleading. We have decided to accept Appleton's late-filed petition for reconsideration.

[2] NATC is organized as an association of air taxi operators and its answer is filed in behalf of six of its constituent members (Air Wisconsin, Amityville Flying Service, Cross Sound Commuter, Henson Aviation, Houston Metro Airlines, and Key Airlines).

[3] Air Wisconsin's filing was nominally a "petition for leave to intervene" but, inasmuch as it advances arguments in support of Appleton's request in the nature of an answer to that pleading, we will so consider it.

[4] North Central Area Airline Service Airport Investigation, 41 CAB 326 (1964).

[5] The hyphenated point Oshkosh-Appleton is served by North Central Airlines through the Winnebago County Airport which is near Oshkosh and approximately 20 miles from Appleton. The New Outagamie County Airport, near Appleton, is served by Air Wisconsin, a commuter air carrier but not by North Central.

FEDERAL POWER COMMISSION

[Docket No. CI72-48]

MOBIL OIL CORP.

Notice of Application

JULY 30, 1971.

Take notice that on July 22, 1971, Mobil Oil Corp. (applicant), Post Office Box 1774, Houston, TX 77001, filed in Docket No. CI72-48 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. (Texas Eastern) in Jackson County, Tex., or at other mutually agreeable points on Texas Eastern's pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it either has or will in the near future commence the subject sale within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) through June 30, 1972, at the rate of 35 cents per Mcf at 14.65 p.s.i.a.

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 August 13, 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11145 Filed 8-2-71;8:51 am]

[Docket No. RP72-11]

NORTH PENN GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 30, 1971.

Take notice that on July 12, 1971, North Penn Gas Co. (North Penn) filed revised tariff sheets to its FPC Gas Tariff (Twentieth Revised Sheets Nos. 4 and 5 to its FPC Gas Tariff First Revised Volume No. 1), to be effective as of August 11, 1971. The proposed changes would increase jurisdictional revenues by approximately $90,000 based on operations for the 12-month period ended May 31, 1971. North Penn states that the purpose of the filing is to track the rate increases of its suppliers—Consolidated Gas Supply Co., Transcontinental Gas Pipeline Co., and Tennessee Gas Pipeline Co.

Any person desiring to be heard or to make protest with respect to said filing should on or before August 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant 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 filing is available at the Commission's office for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11144 Filed 8-2-71;8:51 am]

[Docket No. CP71-252]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

JULY 22, 1971.

Take notice that on July 13, 1971, Transcontinental Gas Pipe Line Corp. (petitioner), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP71-252 a petition to amend the order of the Commission, issued pursuant to section 7(c) of the Natural Gas Act on July 2, 1971 (46 FPC—), in said docket, by authorizing an allocation of additional long-term and 1-year GSS natural gas storage service, 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 July 2, 1971, issued in lead Docket No. CP71-251 et al., authorized, inter alia, the rendition of additional natural gas storage service for petitioner by Consolidated Gas Supply Corp. and the construction and operation of facilities by petitioner to enable it to pass this service on to its customers. The total increase in the volumes of gas available as a result of the storage service is approximately 7,250,000 Mcf, with an increase in petitioner's long-term daily entitlement of approximately 90,000 Mcf and short-term daily entitlement of 45,000 Mcf. No allocation of this service was heretofore proposed in Docket No. CP71-252. Petitioner now submits the following proposed allocation of service:

Customer	Long term		1 year	
	Demand	Capacity	Demand	Capacity
Alexander City, Ala.	70	3,960	35	1,750
Atlanta Gas Light Co.	6,070	337,820	3,065	153,250
Bowman, Ga.	10	550	5	250
Brooklyn Union Gas Co.	9,600	534,180	4,845	242,250
Buford, Ga.	75	4,060	35	1,750
Carolina Pipe Line Co.	605	33,660		
Consolidated Edison Co. of New York	6,445	358,660	3,255	162,750
Danville, Va.	825	45,920	420	21,000
Delmarva Power & Light Co.	2,140	119,140	1,080	54,000
Eastern Shore Natural Gas Co.	690	38,460	350	17,500
Elizabethtown Gas Co.	2,495	138,720	1,255	62,750
Fort Hill Natural Gas Co.	330	16,500	170	8,500
Fountain Inn, S.C.	40	2,350	20	1,000
Greenwood, S.C.	145	7,250	75	3,750
Hartwell, Ga.	55	3,100	30	1,500
Laurens, S.C.	205	11,470	105	5,250
Lexington, N.C.	380	21,030	190	9,500
Long Island Lighting Co.	5,970	332,270	3,010	150,500
Madison, Ga.	20	1,000	10	500
Monroe, Ga.	80	4,500	40	2,000
North Carolina Gas Service	300	16,730	150	7,500
Pennsylvania Gas & Water Co.	4,400	244,730	2,220	111,000
Philadelphia Electric Co.	5,960	331,720	3,005	150,250
Philadelphia Gas Works	5,375	298,960	2,710	135,500
Piedmont Natural Gas Co.	8,015	445,940	4,040	202,000
Public Service Co. of North Carolina	5,715	317,940	2,880	144,000
Public Service Electric & Gas Co.	17,275	961,190	8,715	435,750
Shelby, N.C.	240	13,370	120	6,000
Social Circle, Ga.	25	1,300	10	500
South Jersey Gas Co.	3,845	214,030	1,945	97,250
Southwestern Virginia Gas Co.	215	10,750		
Sugar Hill, Ga.	25	1,300	10	500
Tri-County Natural Gas Co.	40	2,100	20	1,000
UGI Corp. (Hazleton)	285	15,880	150	7,500
Union, S.C.	145	7,960	70	3,500
Union Gas Co.	440	24,540	225	11,250
United Cities Gas Co.—Georgia Division	645	32,250	320	16,000
Wedowee, Ala.	10	500	10	500
Winder, Ga.	120	6,860	60	3,000
Total	89,325	4,962,700	44,655	2,232,750

Petitioner requests that the order of the Commission heretofore issued in Docket No. CP71-252, be amended to provide for this allocation of GSS storage service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10976 Filed 8-2-71;8:45 am]

FEDERAL RESERVE SYSTEM

AFFILIATED BANKSHARES OF COLORADO, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Affiliated Bankshares of Colorado, Inc., which is a bank holding company located in Boulder, Colo., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of University National Bank of Fort Collins, Fort Collins, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Board of Governors, July 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11024 Filed 8-2-71;8:45 am]

FIRST SECURITY NATIONAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that applications have 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 the following:

(1) 56.95 percent of the voting shares of the Sour Lake State Bank, Sour Lake, Tex.;

(2) 51 percent of the voting shares of the Peoples State Bank of Kountze, Kountze, Tex., and

(3) 24 percent of the voting shares of The Village State Bank, Beaumont, Tex.;

Notice of application made by applicant to acquire 37.5 percent of the Gateway National Bank of Beaumont, Beaumont, Tex., was published in the FEDERAL REGISTER on July 23, 1971 (36 F.R. 13709).

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 acquistion 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 acquisitions 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 applications may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

Board of Governors, July 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11021 Filed 8-2-71;8:45 am]

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Virginia Bankshares Corp., Arlington, Va., for approval of acquisition of 80 percent or more of the voting shares of the successor by merger to Bank of Bland County, Bland, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Virginia Bankshares Corp., Arlington, Va. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of the successor by merger to Bank of Bland County, Bland, Va. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Virginia Commissioner of Banking, and requested his views and recommendation. The Commissioner recommended approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 9, 1971 (36 F.R. 11127), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is the sixth largest banking organization and the fifth largest holding company in Virginia, controlling 15 banks with $474.5 million in deposits. (Banking data are as of June 30, 1971, and reflect holding company acquisitions and formations approved by the Board to date.) Acquisition of Bank (deposits $4 million) would not change Applicant's ranking and consummation of the proposal would not increase concentration in any market.

Bank, located in Bland and having a branch at Rocky Gap, is the only bank located in Bland County, and there is no competition between it and Applicant's closest subsidiary located in Narrows, 21 miles northeast of Rocky Gap. For geographic reasons such competition appears unlikely to develop, and the declining population of the Bland area makes de novo entry by Applicant unlikely. Consummation of the proposed transaction would neither eliminate existing competition, foreclose potential competition, nor have adverse effects on the viability or competitive effectiveness of any competing banks. The proposal, by allowing Bank to provide full banking services, might strengthen Bank's ability to compete for Bland County deposits with Banks in Wytheville, Va., and Bluefield, W. Va., and thus stimulate competition. Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area, and might have a procompetitive effect in Bland County.

Applicant, through Bank, proposes to introduce to the area additional types of deposit services, such as certificates of deposit, additional loan services, such as overdraft checking accounts, and trust services, and considerations relating to the convenience and needs of the communities to be served lend strong weight in favor of approval due to the proposed local availability of full banking services. Considerations relating to the banking factors lend some weight toward approval of the application, in that Bank's financial condition and prospects, although generally satisfactory, would be enhanced through affiliation with Applicant. It is the Board's judgment that the proposed transaction would be in the public interest and should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond, pursuant to delegated authority.

By order of the Board of Governors,[1] July 26, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11029 Filed 8-2-71;8:46 am]

GALBANK, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Galbank, Inc., which is a bank holding company located in Galveston, Tex., for prior approval by the Board of Governors of the indirect acquisition (through its wholly owned subsidiary United States National Bancshares, Inc., Galveston, Tex.) of approximately 61 percent of the voting shares of Sugar Land State Bank, Sugar Land, 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 26, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11028 Filed 8-2-71; 8:45 am]

MID AMERICA BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Mid America Bancorporation, Inc., which is a bank holding company located in St. Paul, Minn., for prior approval by the Board of Governors of the acquisition by applicant of 90 percent or more of the voting shares of Mid America State Bank of Mendota Heights, Mendota Heights, Minn., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would

[1] Voting for this action: Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governors Robertson, and Sherrill.

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 Minneapolis.

Board of Governors, July 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11026 Filed 8-2-71;8:45 am]

NORTHWEST BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Northwest Bancorporation, which is a bank holding company located in Minneapolis, Minn., for prior approval by the Board of Governors of the acquisition by applicant of 90 percent or more of the voting shares of Farmers and Merchants State Bank, Stillwater, Minn.

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 Minneapolis.

Board of Governors, July 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11022 Filed 8-2-71;8:45 am]

SECURITY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Security Corp., Duncan, Okla., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 89.75 percent of the voting shares of The Security National Bank & Trust Co. of Duncan, Duncan, Okla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Board of Governors, July 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11025 Filed 8-2-71;8:45 am]

UNITED CAROLINA BANCSHARES 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 United Carolina Bancshares Corp., which is a bank holding company located in Whiteville, N.C., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Cape Fear Bank and Trust Co., Fayetteville, N.C.

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 Richmond.

Board of Governors, July 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11023 Filed 8-2-71;8:45 am]

UNITED STATES NATIONAL BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by United States National Bancshares, Inc., which is a bank holding company located in Galveston, Tex., for prior approval by the Board of Governors of the acquisition by applicant of approximately 61 percent of the voting shares of Sugar Land State Bank, Sugar Land, 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 26, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11027 Filed 8-2-71;8:45 am]

FEDERAL TRADE COMMISSION

FIELD STATIONS

Statement of Organization

Notice is hereby given that section 18 of the Statement of Organization, published June 30, 1970 (35 F.R. 10627), as amended July 23, 1970 (35 F.R. 11827), and May 18, 1971 (36 F.R. 9044), is amended by adding the following field stations, which became operational under the Los Angeles Regional Office as of July 1, 1971, to subparagraph (6) of paragraph (b):

Field Stations: Federal Trade Commission, Room 828, Amerco Towers Building, 2721 North Central Avenue, Phoenix, AZ 85004; Federal Trade Commission, Room 1132, Bank of America Building, 625 Broadway, San Diego, CA 92101.

Effective upon publication in the FEDERAL REGISTER (8-3-71).

By direction of the Commission dated July 27, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-11031 Filed 8-2-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-27055 (22-4634)]

KIMBERLY-CLARK CORP.

Notice of Application and Opportunity for Hearing

JULY 28, 1971.

Notice is hereby given that Kimberly-Clark Corp. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of First National City Bank (FNCB) under an indenture heretofore qualified under the Act, and a new indenture not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify FNCB from acting as Trustee under either of the indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of said indentures.

The Company alleges that:

(1) It has issued and outstanding $50 million principal amount of 5⅞ percent debentures due August 15, 1992, under an indenture, dated as of August 15, 1967 (the "1967 Indenture"), between the Company and FNCB and qualified under the Act.

(2) FNCB has entered into an indenture dated as of April 15, 1971 (the "1971 Indenture"), with Kimberly-Clark International Finance Corp. N. V. (K-C International) and the Company pursuant to which there have been issued $20 million principal amount of K-C International's 8½ percent guaranteed debentures due 1986. The Company is a party to the 1971 Indenture solely as a guarantor of the debentures issued thereunder. Inasmuch as the debentures issued under the 1971 Indenture have been offered and sold outside the United States, its territories and possessions to persons who are not nationals or residents thereof, the 1971 Indenture has not been qualified under the Act and the debentures issued thereunder have not been registered under the Securities Act of 1933.

(3) The 1967 Indenture and the 1971 Indenture are wholly unsecured and the Company is not in default under either indenture. All debentures issued under the 1967 Indenture rank equally with the guarantee of the Company of the debentures issued under the 1971 Indenture. Except for variations as to amounts, dates, and interest rates and certain other figures, with certain exceptions set forth in the application, the provisions of the 1967 Indenture and the 1971 Indenture are substantially identical.

(4) Such differences as exist between the 1967 Indenture and the 1971 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify FNCB from acting as trustee under both indentures.

The Company has waived notice of hearing, and hearing, in connection with the matter referred to in this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than August 25, 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 such application 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. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the

interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11050 Filed 8-2-71;8:47 am]

[812-2970]

MASSACHUSETTS INVESTORS GROWTH STOCK FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Securities at Other Than Public Offering Price

JULY 28, 1971.

Notice is hereby given that Massachusetts Investors Growth Stock Fund, Inc. (Applicant), 200 Berkeley Street, Boston, MA 02116, a Massachusetts corporation registered under the Investment Company Act of 1940 (Act) 15 U.S.C. sec. 80a-1 et seq., as an open-end diversified management investment company, has filed an application pursuant to 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act of transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of National Worsted Mills, Inc. (National). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representation which are summarized below.

National, a New York corporation, is a personal holding company, all of whose outstanding stock is owned by not more than 42 individuals, and is thus exempted from the definition of an investment company and the necessity to register under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and National, assets owned by National with a value of approximately $4,220,804 on May 21, 1971, will be transferred to Applicant in exchange for shares of Applicant's stock.

The number of shares of Applicant to be issued to National is to be determined by dividing the aggregate market value of the assets of National (subject to certain adjustments as set forth in the application) to be transferred to the Applicant by the net asset value per share of Applicant (as defined in the agreement), both to be determined as of the valuation time. If the valuation in the agreement had taken place on May 4, 1971, when the net asset value per share of Applicant's shares was $13.36, National would have received approximately 343,526 shares of Applicant's stock.

When received by National, the shares of Applicant are to be distributed to the National shareholders upon the liquidation of National. Applicant has been advised by the management of National that the shareholders of National do not have any present intention of selling the shares of Applicant to be received upon such liquidation following the sale of assets of National to Applicant, or of redeeming any substantial number thereof. Applicant does presently intend to sell a portion of the securities acquired from National subsequent to their acquisition as set out in the application.

Applicant represents that no affiliation exists between National or any director or stockholder thereof and Applicant, and that the agreement was negotiated at arm's-length by the principals of both corporations.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d), and submits that the granting of the application would be in accordance with established practice of the Commission, and is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 19, 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 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 Commssion'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.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11047 Filed 8-2-71;8:47 am]

[811-2115]

NORTHERN GROWTH FUND OF NORTHERN TRUST CO.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 28, 1971.

Notice is hereby given that Northern Growth Fund of The Northern Trust Company (Applicant), 50 South La Salle Street, Chicago, IL 60670, an Illinois corporation registered as a diversified open-end 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 as set forth therein, which are summarized below.

Applicant registered under the Act on September 10, 1970, 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.

Applicant abandoned its intended public offering of its units of participation because of the decision of the U.S. Supreme Court in Investment Company Institute v. Camp, 401 U.S. 617 (1971).

Applicant represents that it has no assets or shareholders, and that no public offering or sale of its units of participation has been made or is intended to be made. Applicant has also filed an amendment to its registration statement under the Securities Act of 1933 reducing the number of units of participation registered thereby, and has requested withdrawal of its registration statement pursuant to Rule 477 under the Securities Act of 1933.

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 ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commision should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such 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.71–11049 Filed 8–2–71;8:47 am]

[811–2114]

NORTHERN INVESTMENT FUND OF NORTHERN TRUST CO.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 28, 1971.

Notice is hereby given that Northern Investment Fund of The Northern Trust Co. (Applicant), 50 South La Salle Street, Chicago, IL 60670, an Illinois corporation registered as a diversified open-end 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 as set forth therein, which are summarized below.

Applicant registered under the Act on September 10, 1970, 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.

Applicant abandoned its intended public offering of its units of participation because of the decision of the U.S. Supreme Court in Investment Company Institute v. Camp, 401 U.S. 617 (1971).

Applicant represents that it has no assets or shareholders, and that no public offering or sale of its units of participation has been made or is intended to be made. Applicant has also filed an amendment to its registration statement under the Securities Act of 1933 reducing the number of units of participation registered thereby, and has requested withdrawal of its registration statement pursuant to Rule 477 under the Securities Act of 1933.

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 ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such 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.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11048 Filed 8–2–71;8:47 am]

[811–2116]

NORTHERN MUNICIPAL BOND FUND OF NORTHERN TRUST CO.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 28, 1971.

Notice is hereby given that Northern Municipal Bond Fund of the Northern Trust Company (Applicant), 50 South La Salle Street, Chicago, IL 60670, an Illinois corporation registered as a diversified open-end 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 as set forth therein, which are summarized below.

Applicant registered under the Act on September 10, 1970, 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.

Applicant abandoned its intended public offering of its units of participation because of the decision of the U.S. Supreme Court in Investment Company Institute v. Camp, 401 U.S. 617 (1971).

Applicant represents that it has no assets or shareholders, and that no public offering or sale of its units of participation has been made or is intended to be made. Applicant has also filed an amendment to its registration statement under the Securities Act of 1933 reducing the number of units of participation registered thereby, and has requested withdrawal of its registration statement pursuant to Rule 477 under the Securities Act of 1933.

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 ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary,

Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such 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.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11046 Filed 8–2–71;8:47 am]

SMALL BUSINESS ADMINISTRATION

GENERAL CAPITAL INVESTMENT CORP.

Notice of License Surrender

Notice is hereby given that General Capital Investment Corp., 624 Board of Trade Building, Norfolk, Va. 23510, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR § 107.105 (1968)).

General Capital Investment Corp. was licensed as a small business investment company on November 26, 1962, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and the franchises derived therefrom are canceled.

Dated: July 22, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71–11020 Filed 8–2–71;8:45 am]

TENNESSEE VALLEY AUTHORITY

PROPOSED DUCK RIVER PROJECT

Notice of Public Hearing

Notice is hereby given that the Tennessee Valley Authority will hold a public hearing on the proposed Duck River Project beginning at 9 a.m., c.d.t., on August 24, 1971, at the Columbia State Community College Auditorium in Columbia, Tenn. A session will also be held beginning at 7 p.m., c.d.t., for the purpose of receiving statements from persons unable to attend the daytime session. The purpose of the hearing is to provide relevant information concerning the proposed Duck River Project and to obtain views of interested parties. The proposed project includes construction of two dams and reservoirs on the Duck River, one a 3,200-acre impoundment in Bedford and Coffee Counties, Tenn., to be created by a dam near Normandy, the other a 12,600-acre impoundment in Maury and Marshall Counties, Tenn., to be created by a dam near Columbia.

The draft environmental statement prepared in connection with the proposed project, dated June 30, 1971, has previously been filed with the Council on Environmental Quality and been made available to the public. Single copies are available upon request to the Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Copies of the statement and of the TVA project planning report are available for inspection at the following places:

PUBLIC LIBRARIES

Coffee County Library, 312 North Collins, Tullahoma, TN 37388.
Argie Cooper Library, 100 South Main Street, Shelbyville, TN 37160.
Maury County Library, 211 West Eighth Street, Columbia, TN 38401.
Coffee County Library, 112 East Fort, Manchester, TN 37355.
Marshall County Library, 438 Eighth Avenue North, Lewisburg, TN 37091.

TVA OFFICES

Director of Information, Tennessee Valley Authority, 333 New Sprankle Building, 500 Union Avenue, Knoxville, TN 37902.
Tennessee Valley Authority, 437 Woodward Building, 15th and H Streets, Washington, DC 20444.

Copies of the report and the statement will also be available for inspection at the place of hearing.

The hearing will begin with a presentation by TVA of information concerning the proposed project. The balance of the hearing will be devoted to the presentation of statements by or on behalf of representatives of State and local government, citizens' groups, and other interested persons. The submission of written statements for inclusion in the hearing record is encouraged. It is requested that such statements be submitted to TVA in advance of the hearing; however, all written statements received by September 3, 1971, will be so included.

Persons desiring to present brief oral statements at the meeting, in addition to or in lieu of written statements, are requested to give TVA written notice of their intention to do so not later than August 13, 1971, specifying the session of the hearing (morning or evening) at which they desire to be heard. In order that all persons desiring to present statements may do so, it is requested that oral statements not exceed 10 minutes.

Written statements and notifications of intent to make statements should be sent to the Presiding Officer, Duck River Project Hearing, Division of Law, Tennessee Valley Authority, New Sprankle Building, Knoxville, TN 37902.

The hearing will be conducted by a presiding officer who will be a representative of the TVA Division of Law. The presiding officer will insure that the hearing is conducted in an orderly manner and in accordance with these procedures. In so doing, the presiding officer shall make such parliamentary rulings and establish such supplemental procedures, including allocation of time available, as may be appropriate in his discretion to afford all interested parties a reasonable opportunity to be heard.

A hearing record will be prepared by TVA. The record will include a verbatim transcription of the oral proceedings and a copy of each written statement supplied to TVA by September 3, 1971. A copy of the record will be available for public inspection at a public place in the area of the project, such place to be announced at the hearing. Another copy will be available for inspection during regular business hours in the office of the Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.

(16 U.S.C. secs. 831–831dd; 42 U.S.C. secs. 4321–4335; E.O. 11514)

Dated: July 28, 1971.

H. N. STROUD, Jr.,
Assistant General Manager.

[FR Doc.71–11074 Filed 8–2–71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application 65, Amdt. 4]

NATIONAL EQUIPMENT INTERCHANGE AGREEMENT

Applications for Approval of Amendments

JUNE 30, 1971.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed June 9, 1971 by: Kenneth R. Hauck, 1616 P Street NW., Washington, DC 20036, attorney-in-fact for petitioners. Roland Rice, Elliott Bunce, 618 Perpetual Building, Washington, DC 20004, counsel for petitioners.

The amendments involve changes in the bylaws of the association comprising the present agreement so as to: (1) (a) Include carriers subject to the jurisdiction of the Federal Maritime Commission and section 15 of the Shipping Act of 1916 (section 3.1), and (b) establish a new associate membership class embracing any interested corporation engaged in manufacturing or services related to transportation believed by the

Finance and Membership Committee to offer mutual advantage, subject to terms prescribed by the Board of Directors, but precluding execution of the agreement or participation in any subject covered thereby (section 3.4); (2) expand the joint activities of the members to embrace matters relating to interline of freight, in addition to equipment interchange (Article II), and provide separate practices and procedures therefor in revised Articles IX, X, XI, transferring those present article provisions to Articles XIII, XIV and XV, respectively; (3) revise the agreement form for execution by member carriers and the association to reflect the changes proposed in carrier membership and joint activity described in (1)(a) and (2) above (Article IV); (4) eliminate mandatory election on the Board of Directors of a specified number of members of the Regular Common Carrier Conference of the American Trucking Associations, Inc. (Article V); (5) create a new elective office of Third Vice President (Article VI); (6) change the composition of the executive committee to include elected officials, any carrier member, and the three most recent past presidents, in lieu of only the immediate past president, and exclude the managing director (Article VII); (7) modify the independent action provisions to reflect the expanded joint activity by deleting section 8.9, and provide new procedures in a separate Article XII, and transfer present provisions of Article XII—Vacancies, to new Article XVI; and (8) make other incidental changes made necessary to clarify or effectuate the foregoing changes.

Any interested persons desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the Commission's general rules of practice, persons other than applicant should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11079 Filed 8-2-71;8:50 am]

[Section 5a Application 103]

TRANS-SERVICE RATE CONFERENCE

Application for Approval of Agreement

JULY 21, 1971.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed June 28, 1971, by: Harold Hunt, Jr., 426 Barclay Building, Bala-Cynwyd, Pa. 19004, attorney-in-fact. Alan Kahn, Winokur & Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, Pa. 19102.

Agreement involves: Organization, practices, and procedures between and among common carriers by motor vehicle, members of Trans-Service Rate Conference, for the joint consideration, initiation, or establishment of rates, rules, and provisions, applicable to the transportation of commodities in interstate, intrastate, and foreign commerce, between points in the States of Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11080 Filed 8-2-71;8:50 am]

ASSIGNMENT OF HEARINGS

JULY 29, 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 114457 Sub 97, Dart Transit Co., assigned September 22, 1971, in Room 1006, Federal Building, 106 South 15th Street, Omaha, NE.

MC 124211 Sub 162, Hilt Truck Line, Inc., assigned September 20, 1971, in Room 1006, Federal Building, 106 South 15th Street, Omaha, NE.

MC 134724 Sub 4, doing business as Big Rig, assigned September 24, 1971, in Room 1006, Federal Building, 106 South 15th Street, Omaha, NE.

MC-F-11030, Central Transport, Inc.—Control—Michigan Express, Inc. Continued to August 24, 1971, at Offices of Interstate Commerce Commission, Washington, D.C.

MC 2900 Sub 177, Ryder Truck Lines, Inc., assigned October 4, 1971, in the Industry West Room, Atlanta-Cabana Motel, 870 Peachtree Street NE., Atlanta, GA.

MC 114552 Sub 51, Senn Trucking Co., assigned September 29, 1971, in Room 556, Federal Office Building, 275 Peachtree Street NE., Atlanta, GA.

MC 119917 Sub 33, Dudley Trucking Co., Inc., assigned October 1, 1971, in Room 556, Federal Office Building, 275 Peachtree Street NE., Atlanta, GA.

MC-C-6868, Braswell Motor Freight Lines, Inc.—Investigation of Practices, assigned September 27, 1971, in Room 556, Federal Office Building, 275 Peachtree Street NE., Atlanta, GA.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11081 Filed 8-2-71;8:50 am]

[Rev. S.O. 994; ICC Order 59, Amdt. 1]

CERTAIN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 59 (various railroads), and good cause appearing therefor:

It is ordered, That:

ICC Order No. 59 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 15, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1971; and that it 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 29, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.71-11082 Filed 8-2-71;8:50 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	*Date*
14245-14290	Aug. 3