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PART I

(Part II begins on page 16545)

HIGHLIGHTS OF THIS ISSUE

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

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FEDERAL REGISTER

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

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1970–71 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 71-11211 appearing at page 14379 in the issue for Thursday, August 5, 1971, the word "any" should be inserted after the word "against" in the 12th line of the introductory text of § 725.112(b).

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

[Lemon Reg. 494]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.794 **Lemon Regulation 494.**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 17, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 22, 1971, through August 28, 1971, is hereby fixed at 200,000 cartons.

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

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

Dated: August 19, 1971.

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

[FR Doc.71-12331 Filed 8-20-71;8:52 am]

[Pear Reg. 10]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades and Sizes

Notice was published in the FEDERAL REGISTER issue of August 7, 1971 (36 F.R. 14655) that the Department was giving consideration to a proposal which would limit the handling of Beurre D'Anjou, Winter Nelis, Beurre Bosc, and Doyenne du Comice varieties of pears grown in Oregon, Washington, and California by establishing regulations, pursuant to the applicable provisions of the marketing order, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The regulation recommended by the Control Committee reflects its appraisal of the winter pear crop and the current and prospective market conditions. Shipments of winter pears are expected to begin on or about August 23, 1971. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 23, 1971, of any of the listed varieties of winter pears (Beurre D'Anjou, Winter Nelis, Beurre Bosc, and Doyenne du Comice) of lower grades and smaller sizes than those herein specified so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) improving returns to the producers pursuant to the declared policy of the act.

The handling of fresh pears of the aforementioned varieties would be regulated by limiting shipments of such pears to those meeting the size and grade requirements hereinafter specified. The specifications applicable to Anjou and Comice varieties would permit the handling of such pears bearing limited damage from skin punctures, however, this limiting factor of market desirability would be beneficially offset by the accompanying requirement that any pears thus affected be of the specified higher grade and larger size. Likewise, the regulation would permit shipment of Bosc variety pears of a size smaller than that which is set forth in the basic specifications if such pears are of a higher grade than that which is set forth in the basic specifications.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Control Committee, and upon other available information, it is hereby found that the limitation of handling of Anjou, Winter Nelis, Bosc, and Comice varieties of pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of Anjou, Winter Nelis, Bosc, and Comice varieties of pears are expected to begin on or about the effective date hereof and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective

date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 14655), and no objection to this amendment or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 927.310 Pear Regulation 10.

(a) Order: During the period August 23, 1971, through June 30, 1972, no handler shall ship any pears which do not meet the following requirements for the variety specified:

(1) Beurre D'Anjou pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided*, That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenth (3/16) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White, Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1971, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

(3) Winter Nelis pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 195 size;

(4) Beurre Bosc pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 180 size: *Provided*, That pears of such variety which are of a size not smaller than 195 size may be shipped if such pears grade at least U.S. No. 1;

(5) Doyenne du Comice pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided*, That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenth (3/16) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60(a), under the following conditions:

(1) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee, on forms furnished by the committee, for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and

(2) On the basis of such individual reports the committee shall require spot check inspection of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties (§§ 51.1300–51.1323 of this title); "135 size," "180 size," and "195 size," shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said U.S. Standards, 135, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: August 18, 1971.

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

[FR Doc.71-12285 Filed 8-20-71;8:51 am]

[Papaya Reg. 1]

PART 928—PAPAYAS GROWN IN HAWAII

Regulation by Grades and Sizes

Notice was published in the FEDERAL REGISTER issue of August 4, 1971 (36 F.R. 14334), that the Department was giving consideration to a proposal which would limit the handling of papayas grown in Hawaii by establishing regulations, pursuant to the applicable provisions of the marketing agreement and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The proposal was recommended by the Papaya Administrative Committee, established pursuant to said marketing agreement and order. Such recommendation by the committee reflects its appraisal of the 1971 Hawaiian papaya crop and the current and prospective market conditions. Shipments of Hawaiian papayas are in progress and seasonally heavy shipments are expected to begin on or about August 25, 1971. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 25, 1971, of Hawaiian papayas of lower grades and smaller sizes than those specified herein so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) improving returns to producers pursuant to the declared policy of the act.

The regulation requires that shipments of Hawaiian papayas to destinations within the State grade at least Hawaii No. 2 and that such papayas exported to destinations outside the State grade at least Hawaii No. 1 except that exported papayas must be of pyriform shape and must each weigh at least 10 ounces. The higher minimum grade requirement for papayas to be exported is included because such papayas better justify the higher transportation costs and are aimed at fostering an expanded export market through superior quality. The minimum grade for intrastate shipments of papayas will provide Hawaiian markets with fruit of satisfactory quality while providing an outlet for papayas that do not qualify for export shipment.

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

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) seasonally heavy shipments of Hawaiian papayas are expected to begin on or about the effective date hereof and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 14334), and no objection to this amendment or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 928.301 Papaya Regulation 1.

(a) Order: During the period August 25 through December 31, 1971, no handler shall ship any container of papayas:

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 2;

(2) To any export destination unless said papayas grade at least Hawaii No. 1: *Provided*, That such papayas shall be of pyriform shape and weigh not less than 10 ounces each.

(b) When used herein "Hawaii No. 1", "Hawaii No. 2" and "pyriform shape" shall have the same meaning as set forth in the State of Hawaii Revised Regulation No. 1 subsection 5.32—Wholesale Standards for Hawaiian Grown Papayas. All other terms shall have the same

meaning as when used in the marketing agreement and order.

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

Dated: August 18, 1971.

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

[FR Doc.71–12286 Filed 8–20–71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71–CE–20–AD; Amdt. 39–1273]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 337 Aircraft

There have been a number of accidents involving Cessna Model 337 airplanes in which rear engine failure or stoppage during the takeoff phase of operations has occurred. Some of these power losses appear to have been undetected by the pilot at a sufficiently early time to permit adequate or proper corrective action. The problem of undetected engine failures, particularly of the rear engine in this model aircraft, is complicated by the fact that because of the center-line powerplant installation the pilot does not receive the positive yaw indication he normally experiences in a conventional twin engine design. There are instrument indications, sound level changes and performance characteristics which flight tests have indicated are adequate to warn an experienced or alert pilot that he has a rear-engine failure. However, based on the history of accidents to date, the less experienced or less alert pilot may be unaware of the partial loss of power.

Since the agency believes that the ability of the pilot to detect partial power failure, particularly in the rear engine, can be greatly enhanced by requiring certain operation techniques and minor adjustments to the aircraft engine, it has been concluded that mandatory compliance with these requirements is necessary to enhance safety. We, therefore, are adopting an Airworthiness Directive effective within 10 hours' time in service after the effective date, which will require the aircraft be taxied primarily with rear engine power, that power at the start of the takeoff be applied initially to the rear engine only and subsequent application of power to the front engine after it has been established the rear engine is operating satisfactorily. It also requires that the idle r.p.m. on the rear engine be adjusted to 625–675 r.p.m. in order to diminish the possibility of inadvertent engine stoppage. This operational information will be set forth in a placard which must be installed in the aircraft.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Model 337 Airplanes.

Compliance: To minimize the possible adverse affects of undetected rear engine stoppage during takeoff, within the next 10 hours' time in service after the effective date of this AD, the following modifications must be accomplished and the following operational procedures will be applicable:

(A) Readjust the rear engine idle r.p.m. from 575–625 to 625–675 and readjust idle mixture accordingly.

(B) Taxi primarily by use of the rear engine.

(C) Initiate all takeoffs by advancing the throttle on the rear engine to a point where the normal functioning of the rear engine has been established before advancing the throttle of the front engine.

(D) Install a permanent placard to the right of the tachometer instrument to read as follows:

TAXI AND TAKEOFF
LEAD WITH REAR ENGINE POWER
CHECK R.P.M. AND FUEL FLOW

NOTE: The operator may make and install a temporary placard using minimum ⅛-inch high letters until the permanent placard is obtained from the manufacturer and properly installed.

Cessna Service Letter ME 71–21 refers to the subject matter of this AD.

This amendment becomes effective August 24, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), of the Department of Transportation Act, 49 U.S.C. 1566(c))

Issued in Kansas City, Mo., on August 13, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71–12236 Filed 8–20–71;8:47 am]

[Airspace Docket No. 71–WA–31]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Revocation of Jet Route Segment and Control Area; Alteration of Control Area

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to revoke the Flaxman Island/Fort Yukon, Alaska, additional control area; revoke Jet Route No. 125 segment between Chandalar Lake, Alaska, and Flaxman Island; realign the Point Barrow/Barter Island, Alaska, additional control area.

The Department of the Air Force has advised that the Flaxman Island, Alaska, radio beacon will be decommissioned. This radio beacon is utilized in the designation of J–125; Flaxman Island/Fort Yukon additional control area and the Point Barrow/Barter Island additional control area.

Since the decommissioning of this navigational aid will obviate the necessity of retaining the designation of airspace based upon the Flaxman Island radio beacon, action is being taken herein to revoke a segment of J–125; revoke the Flaxman Island/Fort Yukon additional control area; and realign the Point Barrow/Barter Island additional control area.

Since these amendments restore airspace to the general public use and relieve an assignment of airspace for IFR operation, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

1. Section 71.163 (36 F.R. 2048) is amended as follows:

a. "Fort Yukon, Alaska" is revoked.

b. In Point Barrow/Barter Island, Alaska, "12 AGL Flaxman Island, Alaska, RBN;" is deleted and "12 AGL Deadhorse, Alaska, RBN;" is substituted therefor.

2. In § 75.100 (36 F.R. 2371) Jet Route No. 125 is amended by deleting in the caption "Flaxman Island Alaska" and substituting "Chandalar Lake, Alaska" therefor and deleting in the text "RBN; to Flaxman Island, Alaska,".

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

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

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

[FR Doc.71–12235 Filed 8–20–71;8:47 am]

[Airspace Docket No. 71–WA–2]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4298) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 32 area high routes in the Eastern and Central United States as part of the overall program to establish an area navigation route structure.

Eight of the proposed routes—J821R, J822R, J825R, J832R, J833R, J835R, J837R, and J884R—have been successfully flight inspected and are being designated in this rule. Interested persons

were afforded an opportunity to participate in the proposed rule making through the submission of comments.

The USAF Strategic Air Command tentatively objected to the 32 routes due to possible derogation of their training program by conflicts between the proposed routes and USAF radar bomb scoring routes or USAF refueling areas. The FAA regions involved have assured USAF that procedural separation shall be provided between military aircraft and civil aircraft at route conflict points.

Reference facilities and geographical coordinates have been changed on several routes to provide more precise route definition and guidance. The minor changes involved, made herein, do not affect the route alignment as proposed in the notice. The remaining routes in Airspace Docket No. 71-WA-2 will be issued in one or more final rules soon after flight inspection has been completed.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

Waypoint name, latitude/longitude, reference facility

(North Latitude/West Longitude in Degrees, Minutes, and Seconds)

J821R CHICAGO, ILL., TO MINNEAPOLIS, MINN.

Milwaukee, Wis., 43°07'01''/88°17'03'', Green Bay, Wis.
Minneapolis, Minn., 45°08'45''/93°22'23'', Minneapolis, Minn.

J822R MINNEAPOLIS, MINN., TO CHICAGO, ILL.

Minneapolis, Minn., 45°08'45''/93°22'23'', Minneapolis, Minn.
Lakewood, Ill., 42°12'21''/88°18'53'', Milwaukee, Wis.

J825R CHICAGO, ILL., TO ST. LOUIS, MO.

Roberts, Ill., 40°34'54''/88°09'51'', Lafayette, Ind.
Sorento, Ill., 39°01'07''/89°35'11'', Capital, Ill.
Prairie, Ill., 38°58'18''/89°51'27'', Capital, Ill.

J832R PHILADELPHIA, PA., TO BOSTON, MASS.

Millville, N.J., 39°32'15''/74°58'03'', J. F. Kennedy, N.Y.
Tugboat, N.J., 39°48'45''/73°22'20'', J. F. Kennedy, N.Y.
Water Mill, N.Y., 40°49'17''/72°17'15'', Putnam, Conn.
Whitman, Mass., 42°03'28''/70°59'13'', Putnam, Conn.

J833R BOSTON, MASS., TO PHILADELPHIA, PA.

Summer, Mass., 42°02'06''/70°36'17'', Putnam, Conn.
Tugboat, N.J., 39°48'45''/73°22'20'', J. F. Kennedy, N.Y.
Coyle, N.J., 39°49'02''/74°25'55'', Coyle, N.J.

J835R CLEVELAND, OHIO, TO CHICAGO, ILL.

Axtel, Ohio, 41°31'27''/82°15'55'', Rosewood, Ohio.
Plant, Ill., 41°37'29''/87°15'57'', Lafayette, Ind.

J837R CINCINNATI, OHIO, TO CHICAGO, ILL.

Sunman, Ind., 39°15'37''/85°08'15'', Fort Wayne, Ind.
Foresman, Ind., 40°51'20''/87°11'36'', Fort Wayne, Ind.
Chicago Heights, Ill., 41°30'36''/87°34'17'', Fort Wayne, Ind.

J884R NEW YORK, N.Y., TO MINNEAPOLIS, MINN.

Huguenot, N.Y., 41°24'35''/74°35'31'', Hancock, N.Y.
Gowanda, N.Y., 42°33'27''/78°48'58'', Buffalo, N.Y.
Carsonville, Mich., 43°25'49''/82°38'59'', Peck, Mich.
Nirvana, Mich., 44°01'23''/85°45'09'', Pullman, Mich.
Denmark, Wis., 44°23'25''/87°53'34'', Milwaukee, Wis.
Minneapolis, Minn., 45°08'45''/93°22'23'', Minneapolis, Minn.

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

Issued in Washington, D.C., on August 17, 1971.

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

[FR Doc.71-12233 Filed 8-20-71;8:46 am]

[Airspace Docket No. 71-WA-3]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4299) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 22 area high routes in the Western and Southwestern United States.

Five of these routes—J901R, J902R, J903R, J904R, and J912R—have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments have been received to these five routes. The remaining routes listed in Airspace Docket No. 71-WA-3 will be issued in a final rule as soon as a successful flight inspection is performed.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

Waypoint name, latitude/longitude, reference facility

J901R SEATTLE, WASH., TO SPOKANE, WASH.

Cedar Grove, Wash., 47°26'08''/122°18'30'', Yakima, Wash.
Spokane, Wash., 47°33'54''/117°37'33'', Spokane, Wash.

J902R PORTLAND, OREG., TO LOS ANGELES, CALIF.

Sherwood, Oreg., 45°21'05''/122°59'00'', Portland, Oreg.
Rustlers Peak, Oreg., 42°32'40''/122°21'46'', Medford, Oreg.
Kirkwood, Calif., 40°08'28''/121°52'29'', Red Bluff, Calif.
Sacramento, Calif., 38°26'38''/121°33'02'', Sacramento, Calif.
Avenal, Calif., 35°38'49''/119°58'40'', Bakersfield, Calif.

J903R LOS ANGELES, CALIF., TO TUCSON, ARIZ.

Seal Beach, Calif., 33°47'05''/118°03'03'', Oceanside, Calif.
Kofa, Ariz., 33°30'58''/113°53'17'', Yuma, Ariz.
Allied, Ariz., 32°07'21''/110°49'12'', Phoenix, Ariz.

J904R LOS ANGELES, CALIF., TO DENVER, COLO.

Kingston, Ariz., 35°40'57''/115°40'43'', Las Vegas, Nev.
Glen, Ariz., 37°00'17''/111°41'11'', Tuba City, Ariz.
Gypsum, Colo., 37°51'16''/108°33'32'', Farmington, N. Mex.
Baldwin, Colo., 38°38'45''/107°11'08'', Gunnison, Colo.
Shawnee, Colo., 39°25'38''/105°27'51'', Denver, Colo.

J912R DALLAS, TEX., TO CHICAGO, ILL.

Greater Southwest, Tex., 32°49'10''/97°02'28'', Ardmore, Okla.
Stigler, Okla., 35°06'27''/95°07'27'', Tulsa, Okla.
Springfield, Mo., 37°21'21''/93°20'02'', Butler, Mo.
Peoria, Ill., 40°40'07''/89°41'28'', Capital, Ill.
Joliet, Ill., 41°32'47''/88°19'06'', Joliet, Ill.
Warren, Ill., 41°48'38''/88°16'07'', Joliet, Ill.

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

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

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

[FR Doc.71-12234 Filed 8-20-71;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-5180]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guidelines for Release of Information by Issuers Whose Securities are in Registration

The Commission today took note of situations when issuers whose securities are "in registration" [1] may have refused to answer legitimate inquiries from stockholders, financial analysts, the press, or other persons concerning the company or some aspect of its business. The Commission hereby emphasizes that there is no basis in the securities acts or in any policy of the Commission which would justify the practice of non-disclosure of factual information by a publicly

[1] "In registration" is used herein to refer to the entire process of registration, at least from the time an issuer reaches an understanding with the broker-dealer which is to act as managing underwriter prior to the filing of a registration statement and the period of 40 to 90 days during which dealers must deliver a prospectus.

held company on the grounds that it has securities in registration under the Securities Act of 1933 (Act). Neither a company in registration nor its representatives should instigate publicity for the purpose of facilitating the sale of securities in a proposed offering. Further, any publication of information by a company in registration other than by means of a statutory prospectus should be limited to factual information and should not include such things as predictions, projections, forecasts or opinions with respect to value.

A basic purpose of the Act and the Securities Exchange Act of 1934 is to require dissemination of adequate and accurate information concerning issuers and their securities in connection with the offer or sale of securities to the public, and the publication periodically of material business and financial facts, knowledge of which is essential to an informed trading market in such securities. It has been asserted that the increasing obligations and incentives of corporations to make timely disclosures concerning their affairs creates a possible conflict with statutory restrictions on publication of information concerning a company which has securities in registration. As the Commission has stated in previously issued releases this conflict may be more apparent than real. Disclosure of factual information in response to inquiries or resulting from a duty to make prompt disclosure under the antifraud provisions of the securities acts or the timely disclosure policies of self-regulatory organizations, at a time when a registered offering of securities is comtemplated or in process, can and should be effected in a manner which will not unduly influence the proposed offering.[2]

Statutory Requirements

In order for issuers and their representatives to avoid problems in responding to inquiries, it is essential that such persons be familiar with the statutory requirements governing this area. Generally speaking, section 5(c) of the Act makes it unlawful for any person directly or indirectly to make use of any means or instruments of interstate commerce or of the mails to offer to sell a security unless a registration statement has been filed with the Commission as to such security. Questions arise from time to time because many persons do not realize that the phrase "offer to sell" is broadly defined by the Act and has been liberally construed by the courts and Commission. For example, the publication of information and statements, and publicity efforts, made in advance of a proposed financing which have the effect of conditioning the public mind or arousing public interest in the issuer or in its securities constitutes an offer in violation of the Act. The same holds true with respect to publication of information which is part of a selling effort between the filing date and the effective date of a registration statement.

Section 5(a) of the Act makes it unlawful to sell a security unless a registration statement with respect to such security has become effective. Section 5(b) makes it unlawful to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to transmit a prospectus with respect to any security as to which a registration statement has been filed unless such prospectus contains the information specified by section 10 of the Act. Pitfalls may be encountered because the term "prospectus" has a broad meaning. The Act defines prospectus to include any notice, circular, advertisement, letter, or communication written or by radio or television, which offers any security for sale except that any communication sent after the effective date of a registration statement shall not be deemed a prospectus if, prior to or at the same time with such a communication, a written prospectus meeting the requirements of section 10[3] of the Act was sent or given.[4]

Guidelines

The Commission strongly suggests that all issuers establish internal procedures designed to avoid problems relating to the release of corporate information when in registration. As stated above, issuers and their representatives should not initiate publicity when in registration, but should nevertheless respond to legitimate inquiries for factual information about the company's financial condition and business operations. Further, care should be exercised so that, for example, predictions, projections, forecasts, estimates and opinions concerning value are not given with respect to such things, among other, as sales and earnings and value of the issuer's securities.

It has been suggested that the Commission promulgate an all inclusive list of permissible and prohibited activities in this area. This is not feasible for the reason that determinations are based upon the particular facts of each case. However, the Commission as a matter of policy encourages the flow of factual information to shareholders and the investing public. Issuers in this regard should:

1. Continue to advertise products and services.

2. Continue to send out customary quarterly, annual and other periodic reports to stockholders.

3. Continue to publish proxy statements and send out dividend notices.

4. Continue to make announcements to the press with respect to factual business and financial development; i.e., receipt of a contract, the settlement of a strike, the opening of a plant, or similar events of interest to the community in which the business operates.

5. Answer unsolicited telephone inquiries from stockholders, financial analysts, the press and others concerning factual information.

6. Observe an "open door" policy in responding to unsolicited inquiries concerning factual matters from securities analysts, financial analysts, security holders, and participants in the communications field who have a legitimate interest in the corporation's affairs.

7. Continue to hold stockholder meetings as scheduled and to answer shareholders' inquiries at stockholder meetings relating to factual matters.

In order to curtail problems in this area, issuers in this regard should avoid:

1. Issuance of forecasts, projections, or predictions relating but not limited to revenues, income or earnings per share.

2. Publishing opinions concerning values.

In the event a company publicly releases material information concerning new corporate developments during the period that a registration statement is pending, the registration statement should be amended at or prior to the time the information is publicly released through inadvertance, the pending registration statement should be promptly amended to reflect such information.

The determination of whether an item of information or publicity could be deemed to constitute an offer—a step in the selling effort—in violation of section 5 must be made by the issuer in the light of all the facts and circumstances surrounding each case. The Commission recognizes that questions may arise from time to time with respect to the release of information by companies in registration and, while the statutory obligation always rests with the company and can never be shifted to the staff, the staff will be available for consultation concerning such questions. It is not the function of the staff to draft corporate press releases. If a company, however, desires to consult with the staff as to the application of the statutory requirements to a particular case, the staff will continue to be available, and in this regard the pertinent facts should be set forth in written form and submitted in sufficient time to allow due consideration.

By the Commission, August 16, 1971.

[SEAL] Ronald F. Hunt,
Acting Associate Secretary.

[FR Doc.71-12245 Filed 8-20-71;8:47 am]

[2] Under Rule 135 (17 CFR 230.135), as recently amended by Securities Act Release No. 5101 (35 F.R. 18456), for example, a notice given by an issuer that it proposes to make a public offering of securities to be registered under the Act is not deemed to constitute an offer of such securities for sale if the notice states that the offering will be made only by means of a prospectus and contains only certain specified information.

[3] Such a prospectus would contain information concerning, among other things, the issuer's financial condition, business, property, management, and certain information about the offering including the manner of the offering and the intended use of the proceeds received.

[4] However, section 2(10) of the Act and Rule 134 (17 CFR 230.134) promulgated pursuant thereto exclude from the term "prospectus" the use of the "Tombstone ad" and the "identifying statement" described thereunder. Furthermore, Rules 433, 434, and 434A (17 CFR 230.433, 230.434, 230.434a) relate to the use of preliminary and summary prospectuses.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-226]

PART 153—ANTIDUMPING

Clear Sheet Glass From Taiwan

AUGUST 16, 1971.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that clear sheet glass from Taiwan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of April 22, 1971 (36 F.R. 7612, F.R. Doc. 71-5704).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on July 21, 1971, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of clear sheet glass from Taiwan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of July 27, 1971 (36 F.R. 13869, F.R. Doc. 71-10623).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to clear sheet glass from Taiwan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Clear sheet glass	Taiwan	71-226.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

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

[FR Doc.71-12339 Filed 8-20-71;8:52 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sulfadimethoxine

The Commissioner of Food and Drugs has evaluated a new animal drug application (46-285V) filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07110, proposing the safe and effective use of sulfadimethoxine as the soluble sodium salt in the drinking water of chickens and turkeys. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.13 by revising paragraph (c) and the entire text of the "Limitations" column in table 1 of paragraph (e) as follows:

§ 135c.13 Sulfadimethoxine.

* * * * *

(c) *Special considerations.* Chickens and turkeys that have survived fowl cholera outbreaks should not be kept for replacements or breeders.

* * * * *

(e) * * *

TABLE 1—IN DRINKING WATER

	Grams per gallon	Limitations	Indications for use
1. * * *	* * *	For broiler and replacement chickens only; administer for 6 consecutive days; do not administer to chickens over 16 weeks of age; as sole source of drinking water and sulfonamide medication; as sulfadimethoxine solution or sulfadimethoxine soluble sodium salt; withdraw 5 days before slaughter.	* * *
2. * * *	* * *	For meat-producing turkeys only; administer for 6 consecutive days; do not administer to turkeys over 24 weeks of age; as sole source of drinking water and sulfonamide medication; as sulfadimethoxine solution or sulfadimethoxine soluble sodium salt; withdraw 5 days before slaughter.	* * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-21-71).

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

Dated: August 12, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.71-12251 Filed 8-20-71;8:48 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 11—ARROWHEAD AND PARKSCAPE SYMBOL

Miscellaneous Amendments

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Part 11 is hereby amended.

The purpose of the amendment is to permit the manufacture, reproduction or use of the Arrowhead Symbol or the Parkscape Symbol for purposes of education and conservation as they relate to the program of the National Park Service, with permission of the Director, National Park Service.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. However, since this amendment relaxes restrictions on the public, it is not deemed necessary, or in the public interest, to request comments on this amendment. Therefore, the amendment will become effective on the date of its publication in the FEDERAL REGISTER (8-21-71).

Part 11 is amended as follows:

Section 11.2 of Part 11 is amended as follows:

§ 11.2 Uses.

The Director may permit the reproduction, manufacture, sale, and use of the "Arrowhead Symbol" or the "Parkscape Symbol", with or without charge, for uses that will contribute to purposes of education and conservation as they relate to the program of the National Park Service. All other uses are prohibited.

§ 11.3 [Deleted]

Section 11.3 *Commercial use* is deleted.

§ 11.3 [Redesignated]

Section 11.4 *Power to revoke* is renumbered as § 11.3.

§ 11.4 [Redesignated]

Section 11.5 *Penalties* is renumbered as § 11.4.

Dated: August 13, 1971.

GEORGE B. HARTZOG, Jr.,
Director,
National Park Service.

[FR Doc.71-12242 Filed 8-20-71;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 101-39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services

STANDARD FORM 46, U.S. GOVERNMENT MOTOR VEHICLE OPERATOR'S IDENTIFICATION CARD

This amendment deletes the requirement for a Federal operator's permit (SF 46) to operate Government-owned vehicles for personnel in travel status

provided the travel orders authorize the temporary use of a vehicle furnished by an interagency motor pool.

Sections 101–39.601(b), 101–39.602–1 (a), and 101–39.603–1 are revised and § 101–39.601(c) is added to read as follows:

§ 101–39.601 General requirements.

* * * * *

(b) To operate a motor vehicle furnished by a motor pool system, civilian employees of the Federal Government and designated employees of authorized contractors and subcontractors shall be required to have a State, District of Columbia, or Commonwealth operator's permit for the type of vehicle to be operated, issued for the area in which the employee is principally employed or in which he lives; and, except as authorized in paragraph (c) of this § 101–39.601, a Federal operator's permit (Standard Form 46, U.S. Government Motor Vehicle Operator's Identification Card) issued in accordance with requirements of the Civil Service Commission.

(c) Government employees requiring temporary use of a vehicle furnished by a motor pool while on travel status need not possess a Standard Form 46 if his travel orders specifically authorize the use of such vehicle.

§ 101–39.602 Authorized use.

§ 101–39.602–1 Government vehicles.

(a) Officers and employees of the Government shall use Government owned or leased vehicles for official purposes only. "Official purposes" does not include transportation of an officer or employee between his place of residence and place of employment, unless authorized under the provisions of 31 U.S.C. 638a(c)(2), or other applicable law. A copy of any such written approval shall be furnished the motor pool system. Officers and employees entrusted with motor vehicles are responsible at all times for the proper care, operation, maintenance, and protection of the vehicle. Any officer or employee who willfully uses or authorizes the use of such vehicle for other than official purposes is subject to suspension or removal by the head of his agency (31 U.S.C. 638a(c)(2)).

* * * * *

§ 101–39.603 Violations.

§ 101–39.603–1 Notification of violation.

When a violation of the provisions of § 101–39.602 comes to the attention of the agency operating the motor pool system, such agency shall notify the official in charge of the local office of the agency concerned; and furnish a copy of the notification to the General Services Administration (TM), Washington, D.C. 20405, for transmission to the headquarters office of the agency concerned.

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

Effective date. This admendment is effective upon publication in the FEDERAL REGISTER (8–21–71).

Dated: August 16, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–12266 Filed 8–20–71;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5108]

[Anchorage 060160]

ALASKA

Modification of Public Land Orders Nos. 4108, 4582, 4962, 5081; Withdrawal for Protection of Civil Works Project (Snettisham Power Project)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 847, as amended, 43 U.S.C. 141 (1964), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 4582 of January 17, 1969, as amended and modified by Public Land Order No. 4962 of December 8, 1970, as amended and modified by Public Land Order No. 5081 of June 17, 1971, is hereby modified to provide for the reservation of a right-of-way for the construction, operation, and maintenance of transmission lines and related facilities authorized by the Act of October 23, 1962 (76 Stat. 1173, 1193), on the following described lands:

Three parcels of land, being a portion of U.S. Survey No. 1762 (Juneau Townsite Elimination from the Tongass National Forest) and lot 8 of U.S. Survey No. 3269 located on the northeasterly side of Gastineau Channel, approximately 5 miles southeast of Juneau, Alaska; being within the Harris Mining District of the Juneau Recording District, First Judicial District, State of Alaska; said parcels being described as follows:

PARCEL NO. 1

Commencing at Corner No. 3 of a tract of land known as U.S. Survey No. 3269; thence on the west boundary line thereof, S. 45°47'27" W., a distance of 145.68 feet to the true point of beginning; thence continuing S. 45°47'27" W., a distance of 301.88 feet; thence leaving said line N. 50°38'41" W., a distance of 193 feet; thence N. 76°56'28" W., a distance of 428.92 feet to a point on the north boundary line of a tract of land known as Belvedere Mill Site, Mineral Survey No. 72–B; said point being N. 44°17'33" W., a distance of 93.01 feet (as measured on said boundary line) from Corner No. 4 thereof; thence on said line N. 44°17'33" W., a distance of 367.75 feet; thence leaving said line N. 45°57'27" E., a distance of 293.07 feet; thence S. 44°02'33" E., a distance of 266.56 feet; thence S. 76°56'28" E., a distance of 425.89 feet; thence S. 50°38'41" E., a distance of 296.62 feet, more or less, to said point of beginning.

Containing approximately 4.86 acres.

PARCEL NO. 2

Commencing at Corner No. 3 of a tract of land known as U.S. Survey No. 3269; thence on the north boundary line thereof, S. 40°47'33" E., a distance of 1,723.52 feet to said centerline; said point being N. 40°47'33" W., a distance of 159.46 feet from Corner No. 4 of said survey and being the true point of beginning; thence leaving said boundary line and on said centerline S. 50°38'41" E., a distance of 2,912.77 feet; thence S. 64°06'35" E., a distance of 8,771.36 feet; thence S. 50°28'42" E., a distance of 1,450 feet, more or less, to the east boundary line of said U.S. Survey No. 1762 and the terminus of said centerline.

Containing approximately 108.87 acres.

PARCEL NO. 3

Beginning at Corner No. 4 of a tract of land known as U.S. Survey No. 3269; said corner also being the northwest corner of lot 8 of said survey; thence on the north boundary line thereof, S. 44°12'33" E., a distance of 399.68 feet to the northeast corner of said lot; thence on the east boundary line thereof, S. 45°47'27" W., a distance of 77.96 feet; thence leaving said line, N. 50°38'41" W., a distance of 402.16 feet, more or less, to the west boundary of said lot; thence on said line N. 45°47'27" E., a distance of 123.04 feet, more or less, to said point of beginning.

Containing approximately 1.13 acres.

2. Public Land Order No. 4108 of October 26, 1966, is hereby modified and amended to include the right-of-way reservation made by paragraph 1 of this order.

3. The lands in the right-of-way reservation shall otherwise be administered by the Secretary of the Interior under appropriate laws and regulations.

4. Subject to valid existing rights, the following described lands within U.S. Survey No. 1762, the Juneau Townsite Elimination from the Tongass National Forest, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and from leasing under the mineral leasing laws, for the protection of facilities of the Snettisham Power Project:

JUNEAU

A portion of U.S. Survey No. 1762 (Juneau Townsite Elimination from the Tongass National Forest) located on the northeasterly side of Gastineau Channel, approximately 5 miles southeast of Juneau, Alaska; being within the Harris Mining District of the Juneau Recording District, First Judicial District, State of Alaska; said portion being described as follows:

Commencing at Corner No. 3 of the Mexico Mill Site (Mineral Survey No. 71–B); thence on the northwest boundary line thereof, south 45°42'27" W., a distance of 135.25 feet to Corner No. 4 of the Jumbo Mill Site (Mineral Survey No. 260); thence on the northeasterly boundary line thereof, north 35°32'33" W., a distance of 608.91 feet; thence leaving said boundary line, S. 56°30'58" E., a distance of 503.18 feet; thence N. 45°57'27" E., a distance of 244.20 feet; thence S. 44°02'

33'' E., a distance of 570.00 feet; thence S. 45°57'27'' W., a distance of 305.63 feet to a point on the northeasterly boundary line of said Mexico Mill Site, said point being N. 44°17'33'' W., a distance of 6.99 feet (as measured on said boundary line) from Corner No. 4 of said Mexico Mill Site; thence on said boundary line N. 44°17'33'' W., a distance of 459.67 feet to said point of beginning.

The above bearings are based on the U.T.M. Grid System with Corner No. 3 of said Mexico Mill Site having Grid Coordinates of N. 21,187,391.49 and E. 1,770,617.38.

The parcel of land described above contains 5.24 acres, more or less.

5. The withdrawal made by the order in paragraph 4 does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining and mineral leasing laws. However, leases, licenses, or permits will be issued only if the Department of the Army finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the land.

6. Public Land Order No. 4582 of January 17, 1969, as extended, and modified, does not affect the lands described in paragraph 4 which were already reserved in Powersite Classification No. 203, approved October 18, 1928, as modified by Order No. 420, approved June 26, 1947.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 17, 1971.

[FR Doc.71-12264 Filed 8-20-71;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 73—RADIO BROADCAST SERVICES

Use of Emergency Action Notification Attention Signal

Order. In the matter of editorial amendment of § 73.971 of the Commission's rules to correct errors in subparagraphs (1) and (2) of paragraph (a).

1. By report and order released May 17, 1968 (FCC 68-552, 33 F.R. 7493, May 21, 1968), we adopted self-authorizing rules governing the use of all standard, FM, and television broadcast stations, at their discretion, for the transmission of the Emergency Action Notification Attention Signal in connection with day-to-day emergency situations posing a threat to the safety of life and property.

2. In implementing those rules our attention has been drawn to errors in subparagraphs (1) and (2) of paragraph (a) of § 73.971 wherein the word "and" was changed to "for", which affects the meaning of these two subparagraphs.

3. Authority for the adoption of the amendments herein ordered is contained in sections 1, 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended, and § 0.261 of the Commission's rules and regulations. Because the amendment is editorial in nature, the prior notice and effective date provisions of 5 U.S.C. 553, do not apply.

4. In view of the foregoing: *It is ordered,* That effective August 25, 1971, Part 73 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083, 47 U.S.C. 154, 303, 307)

Adopted: August 16, 1971.

Released: August 17, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 73 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 73.971(a), subparagraphs (1) and (2) are amended by changing the ninth word "for" following the word "facilities" to "and".

[FR Doc.71-12272 Filed 8-20-71;8:50 am]

Title 49—TRANSPORTATION

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

[Docket 70-12; Notice 12]

PART 574—TIRE IDENTIFICATION AND RECORD KEEPING

Size Codes

This notice amends the Tire Identification and Recordkeeping Regulation, Table I—Size Codes for Motor Vehicle Tires, to insert two size codes inadvertently deleted from a previous notice and to list size codes not previously assigned.

On January 26, 1971, the National Highway Traffic Safety Administration published a revision of the Tire Identification and Record Keeping Regulation (Notice 5; 36 F.R. 1196), including a table listing the size codes for tires to which the regulation is applicable. Other tire sizes were added by notice of March 12, 1971 (Notice 7; 36 F.R. 4783), and July 24, 1971 (Notice 11; 36 F.R. 13757, correction published July 30, 1971, 36 F.R. 14136).

The two sizes, omitted from the notice published on July 24, 1971, are:

A6	18.5 x 8.5-8
B3	4.00-12

The code numbers previously unassigned that are now assigned are 9T through 9X.

The preamble of the notice of July 24, 1971, contained a misstatement which, while not reflected in the table, should be noted to avoid confusion. The preamble stated "size 3.25-8 is assigned code AP and the other code (AL) assigned to 3.25-8 is reassigned to H60-14;" and it should have read "size 3.25-8 is assigned code AP and the other code (A1) assigned to 3.25-8 is reassigned to H60-14;."

(Secs. 103, 119, 201, and 206, National Highway Traffic Safety Act of 1966 as amended, 15 U.S.C. 1392, 1407, 1421, and 1426; delegation of authority at 49 CFR 1.51)

Effective date. Because this amendment does not impose any additional burden on any person it is found that notice and public procedure thereon are unnecessary and impracticable and that, for good cause shown, an effective date earlier than 180 days is in the public interest. Accordingly, this amendment is effective on the date of publication in the FEDERAL REGISTER (8-21-71).

CHARLES H. HARTMAN,
Acting Administrator.

AUGUST 12, 1971.

TABLE I

SIZE CODE FOR MOTOR VEHICLE TIRES

Tire size code:	*Tire size designation* [1]
AA	4.00-4
AB	3.50-4
AC	3.00-5
AD	4.00-5
AE	3.50-5
AF	6.90-6
AH	3.00-8
AJ	3.50-6
AK	4.10-6
AL	4.50-6
AM	5.30-6
AN	6.00-6
AP	3.25-8
AT	3.50-8
AU	3.00-7
AV	4.00-7
AW	4.80-7
AX	5.30-7
AY	5.00-8
A1	H60-14
A2	4.00-8
A3	4.80-8
A4	5.70-8
A5	16.5 x 6.5-8
A6	18.5 x 8.5-8
A7	CR70-14
A8	2.75-9
A9	4.80-9
BA	6.00-9
BB	6.90-9
BC	3.50-9
BD	4.00-10
BE	3.00-10
BF	3.50-10
BH	5.20-10
BJ	5.20 R 10
BK	5.9-10
BL	5.90-10
BM	6.50-10
BN	7.00-10
BP	7.50-10
BT	9.00-10
BU	20.5 x 8.0-10
BV	145-10
BW	145 R 10
BX	145-10/5.95-10
BY	4.50-10 LT [2]
B1	5.00-10 LT
B2	3.00-12
B3	4.00-12
B4	4.50-12
B5	4.80-12
B6	5.00-12
B7	5.00 R 12
B8	5.20-12
B9	5.20-12 LT
CA	5.20 R 12

[1] The letters "H," "S," and "V" may be included in the tire size designation adjacent to or in place of a dash without affecting the size code for the designation.

[2] As used in this table the letters at the end of the tire size indicate the following: LT—Light Truck, ML—Mining and Logging, MH—Mobile Home, ST—Special Trailer.

Tire size code:	Tire size designation [1]
CB	5.30–12
CC	5.50–12
CD	5.50–12 LT
CE	5.50 R 12
CF	5.60–12
CH	5.60–12 LT
CJ	5.60 R 12
CK	5.9–12
CL	5.90–12
CM	6.00–12
CN	6.00–12 LT
CP	6.2–12
CT	6.20–12
CU	6.90–12
CV	23.5 x 8.5–12
CW	125–12
CX	125 R 12
CY	125–12/5.35–12
C1	135–12
C2	135 R 12
C3	135–12/5.65–12
C4	145–12
C5	145 R 12
C6	145–12/5.95–12
C7	155–12
C8	155 R 12
C9	155–12/6.15–12
DA	4.80–10
DB	3.25–12
DC	3.50–12
DD	4.50–12 LT
DE	5.00–12 LT
DF	7.00–12
DH	5.00–13
DJ	5.00–13 LT
DK	5.00 R 13
DL	5.20–13
DM	5.20 R 13
DN	5.50–13
DP	5.50–13 LT
DT	5.50 R 13
DU	5.60–13
DV	5.60–13 LT
DW	5.60 R 13
DX	5.90–13
DY	5.90–13 LT
D1	5.90 R 13
D2	6.00–13
D3	6.00–13 LT
D4	6.00 R 13
D5	6.2–13
D6	6.20–13
D7	6.40–13
D8	6.40–13 LT
D9	6.40 R 13
EA	6.50–13
EB	6.50–13 LT
EC	6.50–13 ST
ED	6.50 R 13
EE	6.70–13
EF	6.70–13 LT
EH	6.70 R 13
EJ	6.9–13
EK	6.90–13
EL	7.00–13
EM	7.00–13 LT
EN	7.00 R 13
EP	7.25–13
ET	7.25 R 13
EU	7.50–13
EV	135–13
EW	135 R 13
EX	135–13/5.65–13
EY	145–13
E1	145 R 13
E2	145–13/5.95–13
E3	150 R 13
E4	155–13
E5	155 R 13
E6	155–13/6.15–13
E7	160 R 13
E8	165–13
E9	165 R 13
FA	165–13/6.45–13
FB	165/70 R 13
FC	170 R 13
FD	175–13

Tire size code:	Tire size designation [1]
FE	175 R 13
FF	175–13/6.95–13
FH	175/70 R 13
FJ	185–13
FK	185 R 13
FL	185–13/7.35–13
FM	185/70 R 13
FN	195–13
FP	195 R 13
FT	195/70 R 13
FU	D70–13
FV	B78–13
FW	BR78–13
FX	C78–13
FY	7.50–12
F1	140 R 12
F2	6.5–13
F3	185/60 R 13
F4	A70–13
F5	A78–13
F6	CR78–13
F7	2.25–14
F8	2.75–14
F9	3.00–14
HA	6.70–14 LT
HB	165–14 LT
HC	2.50–14
HD	5.00–14 LT
HE	5.20–14
HF	5.20 R 14
HH	5.50–14 LT
HJ	5.60–14
HK	5.90–14
HL	5.90–14 LT
HM	5.90 R 14
HN	6.00–14
HP	6.00–14 LT
HT	6.40–14
HU	6.40–14 LT
HV	6.45–14
HW	6.50–14
HX	6.50–14 LT
HY	6.70–14
H1	6.95–14
H2	7.00–14
H3	7.00–14 LT
H4	7.00 R 14
H5	7.35–14
H6	7.50–14
H7	7.50–14 LT
H8	7.50 R 14
H9	7.75–14
JA	7.75–14 ST
JB	8.00–14
JC	8.25–14
JD	8.50–14
JE	8.55–14
JF	8.85–14
JH	9.00–14
JJ	9.50–14
JK	135–14
JL	135 R 14
JM	135–14/5.65–14
JN	145–14
JP	145 R 14
JT	145–14/5.95–14
JU	155–14
JV	155 R 14
JW	155–14/6.15–14
JX	155/70 R 14
JY	165–14
J1	165 R 14
J2	175–14
J3	175 R 14
J4	185–14
J5	185 R 14
J6	185/70 R 14
J7	195–14
J8	195 R 14
J9	195/70 R 14
KA	205–14
KB	205 R 14
KC	215–14
KD	215 R 14
KE	225–14
KF	225 R 14
KH	620 R 14

Tire size code:	Tire size designation [1]
KJ	690 R 14
KK	AR78–13
KL	195–14 LT
KM	185–14 LT
KN	A80–22.5
KP	B80–22.5
KT	C80–22.5
KU	D80–22.5
KV	E80–22.5
KW	F60–14
KX	G60–14
KY	J60–14
K1	L60–14
K2	F80–22.5
K3	G80–22.5
K4	H80–22.5
K5	J80–22.5
K6	A80–24.5
K7	B80–24.5
K8	BR78–14
K9	D70–14
LA	DR70–14
LB	E70–14
LC	ER70–14
LD	F70–14
LE	FR70–14
LF	G70–14
LH	GR70–14
LJ	H70–14
LK	HR70–14
LL	J70–14
LM	JR70–14
LN	L70–14
LP	LR70–14
LT	C80–24.5
LU	D80–24.5
LV	E80–24.5
LW	F80–24.5
LX	G77–14
LY	B78–14
L1	C78–14
L2	CR78–14
L3	D78–14
L4	DR78–14
L5	E78–14
L6	ER78–14
L7	F78–14
L8	FR78–14
L9	G78–14
MA	GR78–14
MB	H78–14
MC	HR78–14
MD	J78–14
ME	JR78–14
MF	205–14 LT
MH	G80–24.5
MJ	H80–24.5
MK	7–14.5
ML	8–14.5
MM	9–14.5
MN	6.60 R 15
MP	2.00–15
MT	2.25–15
MU	2.50–15
MV	3.00–15
MW	3.25–15
MX	5.0–15
MY	5.20–15
M1	5.5–15
M2	5.50–15 L
M3	5.50–15 LT
M4	5.60–15
M5	5.60 R 15
M6	5.90–15
M7	5.90–15 LT
M8	6.00–15
M9	6.00–15 L
NA	6.00–15 LT
NB	6.2–15
NC	6.40–15
ND	6.40–15 LT
NE	6.40 R 15
NF	6.50–15
NH	6.50–15 L
NJ	6.50–15 LT
NK	6.70–15
NL	6.70–15 LT

Tire size code:	Tire size designation [1]
NM	6.70 R 15
NN	6.85–15
NP	6.9–15
NT	7.00–15
NU	7.00–15 L
NV	7.00–15 LT
NW	7.10–15
NX	7.10–15 LT
NY	7.35–15
N1	7.50–15
N2	7.60–15
N3	7.60 R 15
N4	7.75–15
N5	7.75–15 ST
N6	8.00–15
N7	8.15–15
N8	8.20–15
N9	8.25–15
PA	8.25–15 LT
PB	8.45–15
PC	8.55–15
PD	8.85–15
PE	8.90–15
PF	9.00–15
PH	9.00–15 LT
PJ	9.15–15
PK	10–15
PL	10.00–15
PM	7.50–15 LT
PN	7.00–15 TR
PP	8.25–15 TR
PT	9.00–15 TR
PU	7.50–15 TR
PV	125–15
PW	125 R 15
PX	125–15/5.35–15
PY	135–15
P1	135 R 15
P2	135–15/5.65–15
P3	145–15
P4	145 R 15
P5	145–15/5.95–15
P6	155–15
P7	155 R 15
P8	155–15/6.35–15
P9	165–15
TA	165–15 LT
TB	165 R 15
TC	175–15
TD	175 R 15
TE	175–15/7.15–15
TF	175/70 R 15
TH	180–15
TJ	185–15
TK	185 R 15
TL	185/70 R 15
TM	195–15
TN	195 R 15
TP	205–15
TT	205 R 15
TU	215–15
TV	215 R 15
TW	225–15
TX	225 R 15
TY	235–15
T1	235 R 15
T2	J80–24.5
T3	ER60–15
T4	D78–13
T5	A78–15
T6	DR70–13
T7	HR60–15
T8	E60–14
T9	205/70R14
UA	215/70R14
UB	H60–15
UC	E60–15
UD	F60–15
UE	FR60–15
UP	G60–15
UH	GR60–15
UJ	J60–15
UK	L60–15
UL	4.60–15
UM	2.75–15
UN	2.50–9
UP	2.50–10
UT	5.00–9
UU	6.7–10
UV	C70–10
UW	D70–15
UX	DR70–15
UY	E70–15
U1	ER70–15
U2	F70–15
U3	FR70–15
U4	G70–15
U5	GR70–15
U6	H70–15
U7	HR70–15
U8	J70–15
U9	JR70–15
VA	K70–15
VB	KR70–15
VC	L70–15
VD	LR70–15
VE	17–400TR
VF	185–300TR
VH	185–300LT
VJ	AR78–15
VK	BR78–15
VL	C78–15
VM	D78–15
VN	E78–15
VP	ER78–15
VT	F78–15
VU	FR78–15
VV	G78–15
VW	GR78–15
VX	H78–15
VY	HR78–15
V1	J78–15
V2	JR78–15
V3	L78–15
V4	LR78–15
V5	N78–15
V6	17–15 (17–380LT)
V7	17–400LT
V8	11–15
V9	11–16
WA	L84–15
WB	11.00–15
WC	2.25–16
WD	2.50–16
WE	3.00–16
WF	3.25–16
WH	3.50–16
WJ	5.00–16
WK	5.10–16
WL	5.50–16 LT
WM	6.00–16
WN	6.00–16 LT
WP	6.50–16
WT	6.50–16 LT
WU	6.70–16
WV	7.00–16
WW	7.00–16 LT
WX	7.50–16
WY	7.50–16 LT
W1	8.25–16
W2	9.00–16
W3	10–16
W4	8.25–16 LT
W5	9.00–16 LT
W6	11.00–16
W7	19–400 C
W8	165–400
W9	235–16
XA	185–16
XB	19–400 LT
XC	G45C–16
XD	E50C–16
XE	F50C–16
XF	7.00–16 TR
XH	7.50–16 TR
XJ	8.00–16.5
XK	8.75–16.5
XL	9.50–16.5
XM	10–16.5
XN	12–16.5
XP	185R16
XT	4.50–17
XU	2.00–17
XV	2.25–17
XW	2.50–17
XX	2.75–17
XY	3.00–17
X1	3.25–17
X2	3.50–17
X3	6.50–17
X4	6.50–17 LT
X5	7.00–17
X6	7.50–17
X7	8.25–17
X8	7.50–17 LT
X9	225/70R14
YA	G50C–17
YB	H50C–17
YC	195/70R15
YD	4.20–18
YE	8–17.5 LT
YF	11–17.5
YH	7–17.5
YJ	8–17.5
YK	8.5–17.5
YL	9.5–17.5
YM	10–17.5
YN	14–17.5
YP	9–17.5
YT	205/70R15
YU	2.25–18
YV	2.50–18
YW	2.75–18
YX	3.00–18
YY	3.25–18
Y1	3.50–18
Y2	4.00–18
Y3	4.50–18
Y4	6.00–18
Y5	7.00–18
Y6	7.50–18
Y7	8.25–18
Y8	9.00–18
Y9	10.00–18
1A	11.00–18
1B	6.00–18 LT
1C	6.00–20 LT
1D	L50C–18
1E	7.00–18 LT
1F	12–19.5
1H	2.00–19
1J	2.25–19
1K	2.50–19
1L	2.75–19
1M	3.00–19
1N	3.25–19
1P	3.50–19
1T	4.00–19
1U	11.00–19
1V	9.5–19.5
1W	10–19.5
1X	11–19.5
1Y	7–19.5
11	7.5–19.5
12	8–19.5
13	9–19.5
14	14–19.5
15	15–19.5
16	16.5–19.5
17	18–19.5
18	19.5–19.5
19	6.00–20
2A	6.50–20
2B	7.00–20
2C	7.50–20
2D	8.25–20
2E	8.5–20
2F	9.00–20
2H	9.4–20
2J	10.00–20
2K	10.3–20
2L	11.00–20
2M	11.1–20
2N	11.50–20
2P	11.9–20
2T	12.00–20
2U	12.5–20
2V	13.00–20
2W	14.00–20
2X	6.50–20 LT
2Y	7.00–20 LT
21	13/80–20
22	14/80–20

Tire size code:	Tire size designation [1]
23	2.75–21
24	3.00–21
25	2.50–21
26	2.75–20
27	10.00–22
28	11.00–22
29	11.1–22
3A	11.9–22
3B	12.00–22
3C	14.00–22
3D	11.50–22
3E	4.10–18
3F	4.10–19
3H	7–22.5
3J	8–22.5
3K	8.5–22.5
3L	9–22.5
3M	9.4–22.5
3N	10–22.5
3P	10.3–22.5
3T	11–22.5
3U	11.1–22.5
3V	11.5–22.5
3W	11.9–22.5
3X	12–22.5
3Y	12.5–22.5
31	15–22.5
32	16.5–22.5
33	18–22.5
34	215/70R15
35	225/70R15
36	L70–18
37	9.00–24
38	10.00–24
39	11.00–24
4A	12.00–24
4B	14.00–24
4C	3.50–7
4D	Not assigned
4E	12.5–24.5
4F	11–24.5
4H	12–24.5
4J	13.5–24.5
4K	7.00–20 ML
4L	7.50–20 ML
4M	8.25–20 ML
4N	9.00–20 ML
4P	10.00–20 ML
4T	10.00–22 ML
4U	10.00–24 ML
4V	11.00–20 ML
4W	11.00–22 ML
4X	11.00–24 ML
4Y	11.00–25 ML
41	12.00–20 ML
42	12.00–21 ML
43	12.00–24 ML
44	12.00–25 ML
45	13.00–20 ML
46	13.00–24 ML
47	13.00–25 ML
48	14.00–20 ML
49	14.00–21 ML
5A	14.00–24 ML
5B	14.00–25 ML
5C	10.3–20 ML
5D	11.1–20 ML
5E	12.5–20 ML
5F	9–22.5 ML
5H	9.4–22.5 ML
5J	10–22.5 ML
5K	10.3–22.5 ML
5L	11–22.5 ML
5M	11–24.5 ML
5N	14–17.5 ML
5P	15–19.5 ML
5T	15–22.5 ML
5U	16.5–19.5 ML
5V	16.5–22.5 ML
5W	18–19.5 ML
5X	18–22.5 ML
5Y	19.5–19.5 ML
51	23–23.5 ML
52	18–21 ML
53	19.5–21 ML
54	23–21 ML
55	6.00–13 ST
56	7.35–14 ST
57	8.25–14 ST
58	7.35–15 ST
59	8.25–15 ST
6A	12.00–22 ML
6B	4.30–18
6C	3.60–19
6D	3.00–20
6E	4.25–18
6F	MP90–18
6H	3.75–19
6J	MM90–19
6K	3.25–7
6L	2.75–16
6M	4.00–16
6N	Not assigned
6P	25 x 7.50–15
6T	27 x 8.50–15
6U	27 x 9.50–15
6V	29 x 12.00–15
6W	31 x 13.50–15
6X	31 x 15.50–15
6Y	38 x 20.00–16.1
61	44 x 41.00–16.1
62	44 x 41.00–20
63	48 x 20.00–20
64	48 x 25.00–20
65	48 x 31.00–20
66	3.40–5
67	4.10–4
68	4.10–5
69	175–14 LT
7A	11–14
7B	E78–14 LT
7C	G78–15 LT
7D	H78–15 LT
7E	180 R 15
7F	185–16 LT
7H	205–16 LT
7J	215–16 LT
7K	F78–16 LT
7L	H78–16 LT
7M	L78–16 LT
7N	135 R 10
7P	6.95–14 LT
7T	7–14.5 MH
7U	8–14.5 MH
7V	9–14.5 MH
7W	4.25/85–18
7X	A78–14
7Y	7.50–18 MPT
71	10.5–18 MPT
72	12.5–18 MPT
73	12.5–20 MPT
74	14.5–20 MPT
75	10.5–20 MPT
76	10.5–20
77	Not assigned
78	150 R 12
79	150 R 14
8A	1¾–19
8B	1¾–19¾
8C	2–12
8D	2–16
8E	2–17
8F	2–17 R
8H	2–18
8J	2–19
8K	2–19 R
8L	2–19¾
8M	2–22
8N	2–22½
8P	2¼–15
8T	2¼–16
8U	2¼–17
8V	2¼–18
8W	2¼–19
8X	2¼–19 R
8Y	2¼–20
81	2½–8
82	2½–9
83	2½–16
84	2½–17
85	2½–18
86	2½–19
87	2½–19 R
88	2¾–9
89	2¾–16
9A	2¾–17
9B	2¾–17 R
9C	3–10
9D	3–12
9E	Not assigned
9F	Not assigned
9H	15.50–20
9J	16.50–20
9K	19.50–20
9L	2¼–14
9M	2½–20
9N	2¾–16 R
9P	2¾–18
9T	10–20
9U	11–24
9V	11.25–24
9W	15 x 4½–8
9X	14.75/80–20
9Y	Not assigned
91	Not assigned
92	Not assigned
93	Not assigned
94	Not assigned
95	Not assigned
96	Not assigned
97	Not assigned
98	Not assigned
99	Not assigned

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Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Certain National Wildlife Refuges in California

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8–21–71). These regulations apply to public hunting on portions of certain national wildlife refuges in California.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, OR 97208.

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

Ducks, geese, coots, and gallinules may be hunted on the following refuge areas:

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special conditions. (1) Boats with or without motors are permitted. Sculling and airthrust boats are prohibited.

(2) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after

3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Kern National Wildlife Refuge, Post Office Box 219, Delano, CA 93215.

Kesterson National Wildlife Refuge, Post Office Box 2176, Los Banos, CA 98635.

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special conditions. (1) A 200-yard wide retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unload firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(2) Boats, with the exception of airthrust boats, are permitted with or without motors. Sculling is prohibited.

(3) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

Merced National Wildlife Refuge, Post Office Box 854, Merced, CA 95340.

Modoc National Wildlife Refuge, Post Office Box 1439, Alturas, CA 96101.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Salton Sea National Wildlife Refuge, Post Office Box 247, Calipatria, CA 92233.

San Luis National Wildlife Refuge, Post Office Box 2176, Los Banos, CA 93635.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134.

Special conditions. (1) A 200-yard retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(2) Boats, with the exception of airthrust boats, are permitted with or without motors. Sculling is prohibited.

(3) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Kern National Wildlife Refuge, Post Office Box 219, Delano, CA 93215.

Merced National Wildlife Refuge, Post Office Box 854, Merced, CA 95340.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Ring-necked pheasant may be hunted on the following refuge areas:

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special condition. Additional refuge area designated by special posting will be open to a special 2-day pheasant hunt.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134.

Special condition. Additional refuge area designated by special posting will be open to a special 2-day pheasant hunt.

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

Big game animals may be hunted on the following refuge area:

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special conditions. (1) Species permitted to be taken: One adult male antelope bearing horns longer than its ears.

(2) Only five permittees shall be allowed on the Peninsula "U" section of the refuge at any one time. This area will be open on the following days during the hunt: August 28–29, September 4, 5, and 6, 1971. Entrance to this area will be granted at the gate entrance located on the Clear Lake Road, on a first-come, first-served basis. This station will be opened from 6 a.m. to 1 hour after sundown. The antelope take from the Peninsula will be limited to a specific number based on the number of animals on the area. This area of the refuge will be closed when this quota is reached even though the season may still be open.

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

CLAY E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oregon.

[FR Doc.71-12240 Filed 8-20-71;8:47 am]

PART 32—HUNTING

Havasu National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-21-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jackrabbits on the Havasu National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,150 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Arizona—Quail, October 1, 1971, through January 31, 1972 inclusive; cottontail and jackrabbits, September 1, 1971, through January 31, 1972, inclusive. California—Quail, October 30, 1971, through January 30, 1972, inclusive; cottontail and jackrabbits, September 1, 1971, through January 30, 1972, inclusive. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, cottontail, and jackrabbits subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) Weapons—Shotguns only, not larger than 10 gauge and incapable of holding more than three shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1972.

STANLEY S. CORNELIUS,
Acting Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

AUGUST 10, 1971.

[FR Doc.71-12239 Filed 8-20-71;8:47 am]

PART 32—HUNTING

Laguna Atascosa National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-21-71).

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

TEXAS

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Laguna Atascosa National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 19,240 acres, is delineated on maps available at refuge headquarters, San Benito, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations covering the

archery hunt of deer subject to the following special conditions:

(1) Hunting with, or possession of, weapons other than long bow is not permitted.

(2) The open season for hunting deer on the refuge is from 12 noon October 1 through October 14, 1971, inclusive.

(3) Target and field arrows are not permitted.

(4) Hunters must check in and out each day of the hunt at the Laguna Atascosa Field Office, which will be open 1½ hours before sunrise to 1½ hours after sunset. Permits will be issued and collected at this point. Every deer must be checked out at this point.

(5) Vehicles will not be permitted off refuge roads or beyond blocked off gates.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 14, 1971.

CARRELL L. RYAN,
Refuge Manager, Laguna Atascosa National Wildlife Refuge, San Benito, Tex.

AUGUST 13, 1971.

[FR Doc.71-12247 Filed 8-20-71;8:46 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[Economic Stabilization Reg. No. 1]

ES REG. 1—STABILIZATION REGULATIONS FOR PRICES, RENTS, WAGES, AND SALARIES

Sec.
1 Purpose.
2 Prohibition.
3 Guidance.
4 Exemptions.
5 Imports.
6 Definitions.
7 Administration.
8 Record keeping.
9 Applicability.
10 Violations and penalties.
11 Information.

AUTHORITY: Sections 1 to 11 issued under the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13, Public Law 92-15, 85 Stat. 38; Executive Order No. 11615, 36 F.R. 15127, Aug. 17, 1971, Cost of Living Council Order No. 1.

Section 1 Purpose.

The purpose of this regulation is to promulgate initial guidance and procedures for implementing the stabilization of prices, rents, wages, and salaries in accordance with the provisions of Executive Order No. 11615 of August 15, 1971. It is expected that all persons will voluntarily comply with the provisions of the Executive order and all regulations, circulars, and orders issued thereunder.

Sec. 2 Prohibition.

(a) No person may charge, assess or receive more for commodities and services than the highest prices, including customary price differentials, pertaining to a substantial volume of actual transactions in any class of trade by such person which were in effect during the base period.

(b) No employer shall pay and no employee shall receive a wage, salary, or other form of compensation at a rate higher than that paid or received or in effect during the base period, nor shall any person use any means to obtain payment of wages, salaries or other form of compensation higher than those permitted under the Executive order or this regulation. Such remuneration shall be based upon a substantial number of actual transactions for services of like or similar nature.

(c) No person shall offer, demand, or receive any rent higher than the maximum rent prevailing for the same or comparable property for a substantial number of actual transactions during the base period.

(d) No owner of any interest in real property shall demand or receive more than the sales price ceilings which shall be:

(1) The sale price specified in a sales contract signed by both parties on or before August 14, 1971.

(2) Where there is no such sales contract, the fair market value of the property as of the base period based on sales of like or similar property.

Sec. 3 Guidance.

(a) *Prices.* (1) The ceiling price for the sale of a commodity or service is the highest price at which a seller delivered or furnished such commodity or service to purchasers in a substantial number of transactions during the base period.

(2) If a seller delivers or offers a commodity or service which he did not previously deliver or furnish, he can determine his ceiling price either by (i) applying to his current direct unit cost or to his net invoice cost the percentage markup he is currently receiving on the most nearly similar commodity or service he sells, or (ii) using the ceiling price prevailing for comparable commodities or services in the same locality.

(3) A seller's ceiling price when determined, shall reflect his customary price differentials.

(4) Even though the price charged is no higher than the ceiling permitted hereunder, the transaction may be in violation if the commodity or service sold has been reduced in quality or otherwise is not comparable to that sold in the base period.

(b) *Rents.* The ceiling rent for commercial property, housing accommodations, hotels, motels, rooming houses, farms and other establishments, together with all privileges, services, furnishings, furniture, equipment, facilities, improvements, and any other privileges connected with the use thereof shall be no greater than the highest rent charged for the same property during the base period. If the property was not rented during the base period, the ceiling price shall be no higher than the highest rent charged during the nearest preceding 30-day period prior to the base period. If the property was never previously rented, the ceiling rent shall be no higher than the ceiling rent charged for similar or comparable property in the locality or area.

(c) *Wages and salaries.* Deferred wage or salary increases which were negotiated to take effect in the future, cost-of-living increases built into wage contracts or provided by management, and routine in-grade increases not in effect on or before August 14, 1971, are not permitted. Regardless of any right or contract heretofore or hereafter existing, no change or adjustment shall be made in rates of wages, salaries, or other forms of compensation whether by retroactive increase or otherwise.

Sec. 4 Exemptions.

(a) The Director of OEP at his discretion may make exceptions to or grant exemptions from the prohibitions listed in section 2 of this regulation for the purpose of preventing or correcting gross inequities.

(b) Prices of the following categories of goods and services are not subject to the provisions of Executive Order No. 11615 and this regulation:

(1) Raw agricultural products.
(2) School tuitions.
(3) Stocks and Bonds.
(4) Exports.

Sec. 5 Imports.

Sales of commodities imported from other countries are subject to the provisions of this regulation. Price ceilings at all levels, however, may be increased by an amount equivalent to increases in the landed cost of the commodity imported after August 15, 1971, due to changes in United States customs duties.

Sec. 6 Definitions.

(a) For purposes of this regulation, the term—

(1) "Base period"—for any commodity, service, rent, salary or wage includes the period from July 16, 1971, through August 14, 1971, and, in the event that no transaction occurred in the latter period, the nearest preceding 30-day period in which a transaction did occur: *Provided, however,* That prices, rents, wages, and salaries need not be established at levels less than those prevailing on May 25, 1970.

(2) "Person"—shall include any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States, the States or any other government or their political subdivisions or agencies subject to this regulation, or any other entity of any kind.

(3) "Price"—shall include rentals, commissions, margins, rates, fees, charges or other forms of prices paid

or received for the sale or use of commodities or services or for the sale of real property.

(4) "Commodity"—means all commodities, articles, products, and materials, including those provided by public utilities services, such as electricity, gas, and water.

(5) "Services"—means all services rendered, other than as an employee, in connection with the processing, distribution, storage, installation, repair, or negotiation or purchases or sales of a commodity, or in connection with the operation of any service establishment for the servicing of a commodity, or professional services.

(6) "Sale"—includes sales, dispositions, exchanges, and other transfers and contracts.

(7) "Class of trade"—means categories of sellers and/or purchasers such as manufacturers, wholesalers, jobbers, distributors, retailers, government agencies, public institutions, individual consumers, and bulk purchasers.

(8) "Class of purchasers or purchasers of same class"—This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers to kinds of purchasers (for example, manufacturer, wholesaler, shopper, retailer, Government agency, public institutions or individual consumer) or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery.

(9) "Rent"—Includes charges for any building, structure or part thereof, or land appurtenant thereto, or services, furnishings, furniture, equipment, facilities, and improvements connected with the use or occupancy of such property.

(10) "Net invoice cost"—This term refers to a seller's invoice cost less any discount or allowance he took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

(11) "Unit direct cost"—This term means labor and material costs which enter directly into the product. It does not include factory overhead, or indirect manufacturing expenses, administrative, general, or selling expenses.

(12) "Customary price differentials"—Means differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location or purchasers, or in terms and conditions of sale or delivery.

(13) "Substantial volume of transactions"—is determined as follows: The ceiling price is the price at or above which 10 percent of the actual transactions during the base period were made, except that in the case of increases in posted and effective prices during the base period, the base period itself will be considered to have begun at the time of the increase in posted and effective prices.

(b) For purposes of this regulation, wage, salary, or other form of compensation includes all forms of remuneration to an employee by an employer for personal services, including, but not limited to premium overtime rate payments, night shift, year-end, and other bonus payments, incentive payments, commissions, vacation and holiday payments, employer contributions to or payments of insurance or welfare benefits or pension funds or annuities, and payments in kind.

Sec. 7 Administration.

Pursuant to Cost of Living Council Order No. 1, the Director of OEP has been delegated authority to implement, administer, monitor and enforce the stabilization of prices, rents, wages, and salaries established by Executive Order 11615. Significant policy decisions shall be made only after consultation with the Cost of Living Council established under Executive Order 11615.

Sec. 8 Record keeping.

(a) All records in existence reflecting prices which were charged for the commodities or services during the base period, together with all other pertinent records of any kind or description shall be preserved and there shall be maintained available for public inspection a record of the highest prices charged during the base period. All records hereafter required to be kept pursuant to regulations or directives issued hereunder shall be maintained and preserved.

(b) All persons subject to this regulation shall maintain and preserve all records which are necessary to show the manner by which the ceiling rentals were determined and the record of payments made by persons in occupancy of real property or any part thereof and shall maintain available for public inspection a record of the highest rents charged during the base period.

(c) All employers shall maintain and preserve all records which reflect the rates of wages, salaries, or other forms of compensation paid during the base period.

(d) All persons covered by this regulation, upon demand of the Council, the OEP, or their authorized representatives, shall make available for inspection and copying such books and records as may be deemed necessary by the Council or the OEP to carry out the purpose and provisions of the Executive order and the rules and regulations promulgated thereunder.

Sec. 9 Applicability.

The provisions of this regulation shall be applicable to the United States, the District of Columbia and the Commonwealth of Puerto Rico. This regulation shall not apply to territories and possessions of the United States.

Sec. 10 Violations and penalties.

(a) Any practice which constitutes a means to obtain a higher price, wage, salary or rent, than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of inducements, commissions, kickbacks, retroactive increases, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, trade understandings, falsification of records, substitution of inferior commodities or failure to provide the same services and equipment previously sold.

(b) Whenever it appears that any person is engaged, or is about to engage, in any acts or practices constituting a violation of any regulation or order under this program, the United States Government may, in its discretion, bring an action in the proper district court of the United States or other place subject to the jurisdiction of the United States to enjoin such acts or practices. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted. In addition, upon proper application, such court may issue mandatory injunctions commanding any person to comply with any regulation or order under this program.

(c) Any person who wilfully violates the provisions of Executive Order 11615 or this regulation shall be subject to a fine of not more than $5,000 for each violation.

Sec. 11 Information.

All persons seeking information with respect to the provisions of this regulation or the administration of this program should contact the local office of the Internal Revenue Service, or the Regional Service and Compliance Center of the Office of Emergency Preparedness in their geographical area, or such other local Federal offices as may be hereafter designated. Persons requesting exemptions, exceptions, or adjustments should direct their request, in writing, to the Director of the appropriate Regional Service and Compliance Center. OEP Regional Service and Compliance Centers are located in the following cities:

Atlanta.	Kansas City.
Boston.	New York.
Chicago.	Philadelphia.
Dallas.	San Francisco.
Denver.	Seattle.

Effective date. This regulation, unless modified, superseded or revoked, is effective on the date of publication for a period terminating on November 12, 1971.

Dated: August 20, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-12383 Filed 8-20-71;11:18 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Proclamation Regarding 1972 National Marketing Quotas, National Acreage Allotment, Date of Referendum

The Secretary of Agriculture is required by section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the 5 years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the 5 years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the act (7 U.S.C. 1358(c)(1)) provides that the national acreage allotment for any year shall be apportioned among the States on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1972 crop of peanuts will be apportioned to States on the basis of their shares of the 1971 national acreage allotment.

As required by section 358(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358(b)), a referendum of farmers who were engaged in the production of the 1971 crop of peanuts will be held not later than December 15, 1971, to determine whether such farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts produced in the calendar years 1972, 1973, and 1974.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota.

2. The amount of the national acreage allotment.

3. The date or period of the referendum (§ 717.2, 33 F.R. 18345).

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27 (b)). All submission must, in order to be sure of consideration, be postmarked not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 17, 1971.

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

[FR Doc.71-12287 Filed 8-20-71;8:51 am]

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-373]

LETTUCE GROWN IN CALIFORNIA AND CERTAIN OTHER STATES

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order; Correction

In the notice of recommended decision published in the August 4, 1971, issue of the FEDERAL REGISTER on page 14327 § ___.4 is hereby corrected by substituting therefor the following:

§ ___.4 Production area.

"Production area" means the States of California, Arizona, Colorado, and New Mexico and those counties in the State of Texas, north of and in which no part of U.S. Highway 90 between the cities of Orange and Del Rio is located.

Dated: August 17, 1971.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[FR Doc.71-12288 Filed 8-20-71;8:51 am]

[7 CFR Part 1004]

[Docket No. AO-160-A46]

MILK IN MIDDLE ATLANTIC MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held, 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 (7 CFR Part 900), at Bala Cynwyd, Pa., July 26, 1971, pursuant to notice thereof issued on July 15, 1971 (36 F.R. 13272).

The material issues on the record relate to:

1. Diversion of producer milk.

2. The need for emergency action.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diversion of producer milk.* The producer definition of the Middle Atlantic milk order should be amended to increase the prescribed percentage limitation on diversions to nonpool plants (other than the plant of a producer-handler) of cooperative and nonmember milk from 15 to 25 percent for any month of September through February. No change should be made in the 10-day diversion limitation applicable to the milk of individual dairy farmers.

The order now permits diversions without limit to pool reserve processing plants throughout the year. Unlimited diversions are permitted to nonpool plants only during the months of March through August. During the months of September through February, diversions to nonpool plants are limited to not more than 10 days' production of individual dairy farmers. An alternative procedure is provided whereby a cooperative may divert to nonpool plants up to 15 percent of its total member-producer milk without restriction on the days of diversion of an individual dairy farmer's milk, and a proprietary handler may similarly

divert up to 15 percent of his nonmember milk supply. If the prescribed percentage limitation is exceeded, all diversions by the handler are governed by the 10-day limitation. In the event any producer's milk is diverted in excess of the allowed 10 days, only the milk of such producer physically received at pool plants is pooled.

The Inter-State Milk Producers' Cooperative, Inc., one of three cooperative associations making up the Pennmarva Dairymen's Cooperative Federation, Inc. (the others being the Maryland Cooperative Milk Producers, Inc., and the Maryland and Virginia Milk Producers Association), proposed that the prescribed percentage limitations on diversions to nonpool plants be increased from 15 to 25 percent.

The Milk Distributors' Association of the Philadelphia Area, Inc., whose members have the preponderance of route disposition in the Philadelphia (formerly Delaware Valley) segment of the marketing area, proposed an increase in the allowable diversions for milk of individual farmers during the months of September through February from the present 10 days to 15 days. This proposed change in the diversion allowance also was supported by a nonassociation member proprietary handler operating both a pool distributing plant and a manufacturing plant in Philadelphia.

In support of the cooperative's proposal, its spokesman documented a number of significant changes which have taken place in the market structure since the Middle Atlantic order was effected (August 1, 1970) and which have made difficult the cooperative's ability to efficiently handle its reserve milk supply within the current diversion rules.

When the Middle Atlantic order was promulgated, the pooling provisions were formulated to accommodate the pooling of four manufacturing plants which historically had held pool plant status under one or another of the previous three separate orders. These particular plants were the primary outlets for the reserve milk supply then associated with the individual markets. With these plants holding pool plant status, it was anticipated that there would be a minimal need for diversions to nonpool plants. The present provisions were formulated to accommodate the then existing market structure, insure an orderly and efficient disposition of the market's necessary reserve, and at the same time to deter handlers from associating with the market unneeded milk supplies solely for manufacturing uses.

The three members of the Pennmarva group were at the time the orders were merged the primary suppliers of milk in the three segments of the market. Only the Maryland and Virginia Milk Producers Association (Washington, D.C.) actually operated reserve processing facilities. The other two cooperatives relied substantially on proprietary manufacturing facilities for the processing of their balancing supplies. With the order merger (concurrent with the formation of the Pennmarva organization), it was anticipated that the reserve processing facilities of the Maryland and Virginia association at Laurel, Md., would complement the three other pool reserve processing plants operated by proprietary handlers in processing the combined markets' balancing supplies. However, the substantial changes which have taken place in the market structure have significantly limited accessibility to the facilities at Laurel for Inter-State Milk Producers' Association and at the same time have increased such cooperative's need for access to nonpool manufacturing facilities. Thus, the cooperative cannot operate within the present diversion limitations during the months of September through February.

Earlier this year the principal manufacturing plant handling the reserve supply for the Upper Chesapeake Bay segment of the market and located at Westminster, Md., was closed, requiring the Maryland Cooperative Milk Producers' Association to move significant additional volumes of milk to the Laurel manufacturing plant.

In April 1971, a large chain store account in the Delaware Valley segment of the market shifted from one of Inter-State's buyers to another handler not served primarily by that association. While the operating cooperative now holding the account requires substantial additional milk which Inter-State is furnishing, such operating cooperative has had no need for the volume of reserve milk (from 4 to 5 million pounds a month) which previously had been associated with the account. Most of this reserve had been handled and pooled by the previous contract holder who no longer can use the milk.

During April and May 1971, Inter-State was able to move this milk directly from farms to the Laurel, Md., plant. Since that time, however, because of lack of weekend capacity at such plant, the association has had to divert such milk to nonpool manufacturing facilities. This situation is not likely to improve in light of other developments hereinafter set forth.

A substantial pool distributing plant which had served the Washington, D.C., metropolitan area ceased operations in June 1971. Most of this plant's milk supply is necessarily being moved through the Laurel plant. This has further limited the volume of reserve milk which the proponent cooperative can expect to move through this manufacturing facility.

The closing of a nonpool manufacturing plant at Greensboro, Md., in May 1971, which plant had been processing a significant volume of proponent's reserve milk supply, has substantially reduced the cooperative's flexibility in handling reserve milk. This plant by location accommodated efficient movement of milk by proponent by either transfer or diversion. The locations of most remaining accessible nonpool manufacturing plants are not such as to accommodate efficient transfer, and hence greater dependence must be placed on diversions.

An Army base contract formerly held by one of the proponent cooperative's buyers was recently awarded to an Ohio dealer who is now serving the contract with milk pooled under the Eastern Ohio-Western Pennsylvania order (Order 36). The volume of milk represented in this shift of sales (about 1 percent of proponent's total member-producer supply) is now necessarily a part of the market reserve and is being diverted to nonpool manufacturing outlets.

Handler representatives testifying at the hearing supported the requested increase in the diversion percentage. At the same time, however, they held that it was equally necessary and appropriate that the number of days of permissive diversion be increased from 10 to 15 to better accommodate the operations of proprietary handlers.

The principal handler witness testifying on his own behalf, as well as on behalf of the distributors' association, indicated without specificity that a number of the reasons advanced by Inter-State in support of a higher percentage diversion allowance apply also with respect to the need of certain handlers for a 15-day diversion allowance during the September–February period.

He acknowledged that a number of handlers operating in the Philadelphia segment of the market have full supply contracts with Inter-State and thus are having their supplies balanced through such cooperative. He knew of only three milk dealers in the Philadelphia area other than himself who do not have full supply contracts with some cooperative.

It was the position of the milk dealers that the relationship of allowable diversions on a percentage basis compared to the diversion potential associated with days of diversion (i.e., 15 percent versus 33 percent) should be retained. Hence, they held that with an increase in the percentage diversion from 15 to 25 the number of days of allowable diversion should be increased from the present 10 to 15.

Because cooperatives in this market supply a number of handlers variously located and such handlers' needs are varied, it is difficult for such cooperatives to operate under diversion limitations applicable to the milk of individual producers. The alternative diversion percentage was adopted so that cooperatives could operate more efficiently in handling the market's necessary reserve. Such alternative diversion percentage is also available to proprietary handlers in handling non-member milk. A much greater percentage of the market's total milk supply can be diverted through the use of the 10-day provision, however, than by either the existing 15 percent, or the proposed 25 percentage diversion limitation.

The fundamental consideration with which we are here faced is whether there is need for a larger than 33 percent diversion potential which would result from handlers' full use of the 10-day provision. Proprietary handler diversion problems, to the extent that they exist under the current provisions, are limited to four handlers, three of whom testified in support of the more liberal 15-day diversion limitation. Contrary to the suggestions

of these handlers, it is not apparent that the problems confronting handlers are the same as those confronting cooperatives.

The principal witness for the distributors' association suggested that his operation was unique in that a part of such operation involved the distribution of "breed milk" for which he paid a premium. He further indicated that he preferred to maintain and supervise his own quality control program and for this reason needed a greater overall supply to insure a continuing adequate supply to meet his changing needs. In this regard he indicated that he actively sought contract business and thus had a fluctuating demand. Notwithstanding his desire to maintain his own balancing supply, he conceded that a substantial part of his supply is received from interstate member-producers and that the cooperative could perform the balancing operation for him efficiently.

A pool distributing plant now must dispose of a minimum of 50 percent of its direct producer receipts for class I use. The handler testified to using approximately 15 percent of his receipts in his own plant for class II use. He further testified that the farms of all his producers are so located that their milk can be efficiently diverted. While he indicated that his utilization in the months of September through February could run somewhat below the market average (about 65 percent), it is not apparent that he actually has a diversion problem since a minimum of 65 percent of his receipts is used in his own plant, leaving a maximum 35 percent for diversion. In view of this, and the part played by the cooperative in diverting milk for him, the 33-percent diversion potential through the use of the 10-day provision is fully adequate.

The handler in his testimony emphasized further that the inappropriateness of the present provision was evidenced by the fact that in all but two of the months of limited diversion last year the diversion limitation was under suspension. The special circumstances surrounding the suspension actions, however, were set forth in the suspension orders and may not be construed to be representative of the existing market. Even if this were not the case, it is clear that the percentage adjustment requested by the proponent cooperative would have been more than adequate to accommodate the situation last year and will fully accommodate the current situation.

The proponent cooperative's diversions during September 1970, when diversion limitations were under suspension amounted to 16 percent of its member-producer milk and during the months of December 1970 and January and February 1971 (also under suspension), amounted to 15, 16, and 17 percent, respectively. While the cooperative indicated that it likely could now operate under a maximum 20 percent diversion limitation, it recognized that such a limitation would provide no buffer against marketing contingencies of an unusual nature, such as those which necessitated the suspension of diversion limitations last fall and winter. The 25-percent diversion limitation was proposed in an abundance of caution to accommodate further changes in the market structure.

The second spokesman for the distributors' association in support of a 15-day diversion limitation is employed by a handler operating three pool distributing plants and a pool reserve processing plant at Chambersburg, Pa., as well as nonpool manufacturing plants through subsidiary corporations. One of these latter plants is in Hagerstown, Md., and another in Philadelphia, Pa.

The handler's Chambersburg manufacturing plant was accorded pooling status to accommodate the disposition of the necessary market reserve. The facility is pooled in conjunction with one of the three pool distributing plants of such handler. With pool status such plant is eligible to receive milk as diverted milk from either of the remaining two pool distributing plants of such handler as well as from other handlers. There are no limitations on the total volume of milk it can handle under the order other than plant capacity. It is difficult therefore to accept that this handler could have difficulty with the current diversion provisions or the provisions as herein revised.

The third handler who testified in support of an increase in the number of days of allowable diversions operates both a pool distributing plant and an adjacent nonpool manufacturing plant in the city of Philadelphia. The handler indicated that his business has somewhat more seasonality than other handlers, and accordingly his route disposition is greatest at the peak of the vacation season (July-August). In addition, he pointed out that the transition of the market from a normal 6-day to a 5-day bottling week has increased the need for diversions.

Notwithstanding this handler's position, it reasonably can be concluded that he must physically receive at his pool plant at least 65 percent of the producer milk associated with such plant in order to cover his minimum bottling needs and associated Class II use. He indicated that thus far in 1971, except for the month of April, his utilization has been above the market average.

The location of this handler's manufacturing plant in near proximity to his pool plant readily accommodates his use of the 10-day diversion provision. Thus, even under the present provisions, he can divert up to 33 percent of his milk supply.

Because of the nature of this handler's manufacturing business he does not handle reserve milk for other proprietary handlers in any substantial degree. Milk which he takes from other handlers is in limited quantity and usually through special arrangements. The handler does, however, receive significant quantities of milk from Inter-State Milk Producers Cooperative and also from at least one other cooperative. Since the cooperatives can apparently accommodate to the movement of such milk under the proposed modified diversion percentage, there is no apparent need for the requested increase in the number of days of diversion to accommodate the operations of this handler.

In light of the foregoing, there is no basis established on this record for an increase in the number of days of diversion of a producer's milk. An increase in the allowable percentage diversion limit from 15 percent to 25 percent, however, will implement efficient movement of the market's necessary reserve to manufacturing outlets and thus promote more orderly marketing.

Official notice was taken at the hearing of Table 7 of the publication "Summary of Major Provisions in Federal Milk Marketing Orders," January 1971, for the purpose of demonstrating that the diversion provisions of the Middle Atlantic order were more stringent than those of most Federal orders. As previously noted, the pooling provisions of the Middle Atlantic order were drafted to implement the pooling of four reserve processing plants for the express purpose of insuring the efficient handling of the market's reserve supply. Milk diverted to these plants is not subject to the diversion limitations. Under the circumstances, there is no need in this market for diversion privileges more liberal than those herein adopted to insure the orderly and efficient handling of the market's balancing supplies.

2. *Emergency action.* The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and an opportunity for exceptions thereto. Orderly marketing of certain reserve supplies in September 1971, the first month of a 6-month period for which the order prescribes limitations on milk diversions to nonpool plants (which limitation is revised herewith), requires that the attached order be effective beginning with that month.

Any delay in informing interested parties of the action taken will tend to make ineffective the relief sought. Handlers should know promptly and with certainty the conditions of diversion to be applicable in the coming September 1971-February 1972 period.

The timely execution of the order changes as herein proposed will permit milk of producers which has been associated with the market to remain pooled without requiring the unnecessary and uneconomic delivery to distributing plants for subsequent transfer to other plants for manufacturing.

The notice of hearing stated that consideration would be given to the emergency marketing conditions relating to the proposed amendment. Action under the procedure prescribed above was requested by the cooperative association and generally supported at the hearing and in posthearing briefs. There was no opposition to expedited action.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of

certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Middle Atlantic marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of producer approval and representative period. June 1971, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Middle Atlantic marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 17, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, Regulating the Handling of Milk in the Middle Atlantic Marketing Area

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held 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 (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

In § 1004.15 *Producer,* the specified diversion limits "15," where they appear in paragraph (c)(2) (i) and (ii), respectively, are revised to read "25". As revised, the applicable text of paragraph (c)(2) (i) and (ii) read in part "* * * milk so diverted does not exceed 25 percent * * *"

[FR Doc.71-12253 Filed 8-20-71;8:48 am]

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

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Notice of Proposed Rule Making

Notice is hereby given that the Maritime Subsidy Board is considering the promulgation of certain "General Provisions" to be incorporated in operating-differential subsidy (ODS) agreements.

The ODS agreements which were in effect when the Merchant Marine Act of 1970 was enacted on October 21, 1970, were framed in two parts: Part I, styled "Special Provisions", contained provisions designed for the particular operator involved; part II, styled "General Provisions", contained provisions of general applicability to all subsidized operators.

The Merchant Marine Act of 1970 amended the Merchant Marine Act, 1936, in several important respects. Among other things, the 1970 Act authorizes operating-differential subsidy for bulk operators as well as for liner operators. In addition, it prescribes a new method of calculating the wage subsidy for all operators who enter into an ODS agreement subsequent to its enactment. Under the provisions of section 40 thereof, this statute also affords operators who were holders of ODS agreements on the date of its enactment, certain options with respect to the amendment of these contracts.

Accordingly, the "General Provisions" to be embodied in the various ODS agreements will be drawn with due regard to both the particular operator's type of subsidized service (i.e., whether a liner or a bulk cargo operation) and such option or options, if any, the operator may have elected under section 40 of the Merchant Marine Act of 1970. The "General Provisions" of the ODS agreements which were in effect on the date the Merchant Marine Act of 1970 was enacted will be amended only to the extent necessary to reflect the option or options elected by the particular operator involved pursuant to section 40 of the 1970 Act.

It is proposed that the respective "General Provisions" be identified as follows:

Part II: General Provisions included in ODS agreements which were in effect on the date of enactment of the Merchant Marine Act of 1970 and which will be continued in such of those agreements as are not amended to reflect any of the amendments authorized by section 40 of that statute.

Part II-A(1): General Provisions proposed for inclusion in ODS agreements entered into by liner operators subsequent to the date of enactment of the Merchant Marine Act of 1970.

Part II-A(2): General Provisions proposed for inclusion in those ODS agreements which were in effect on the date of enactment of the Merchant Marine Act of 1970 and which are amended pursuant to section 40 of that statute to reflect all of the amendments authorized thereby.

Part II-A(3): General Provisions proposed for inclusion in those ODS agreements which were in effect on the date of enactment of the Merchant Marine Act of 1970 and which are amended pursuant to section 40 of that statute to reflect all of the amendments authorized thereby, except that the operaor elects to continue with its "old fund" as provided in section 607 of the Merchant Marine Act, 1936, as amended by section 21 of the Merchant Marine Act of 1970.

Part II-A(4): General Provisions proposed for inclusion in those ODS agreements which were in effect on the date of enactment of the Merchant Marine Act of 1970 and which are amended pursuant to section 40 of that statute to reflect all of the amendments authorized thereby, except that the operator elects to continue its 10-year recapture period and recapture obligations as provided in the Merchant Marine Act, 1936, as it existed immediately before the enactment of the Merchant Marine Act of 1970, until the end of such recapture period.

Part II-A(5): General Provisions proposed for inclusion in those ODS agreements which were in effect on the date of enactment of the Merchant Marine Act of 1970 and which are amended pursuant to section 40 of that statute to reflect all of the amendments authorized thereby, except that the operator elects to continue with its "old fund" as provided in section 607 of the Merchant Marine Act, 1936, as amended by section 21 of the Merchant Marine Act of 1970, and also to continue its 10-year recapture period and recapture obligations as provided in the Merchant Marine Act, 1936, as it existed immediately before the enactment of the Merchant Marine Act of 1970, until the end of such recapture period.

Part II-B: General Provisions proposed for inclusion in ODS agreements entered into by operators of bulk cargo carrying vessels.

Parts II-A(1), II-A(3), and II-B referred to above have been drafted. Copies thereof may be obtained from the Secretary, Maritime Subsidy Board, Department of Commerce, Washington, D.C. 20235. (Prior to execution, these documents will be amended to the extent necessary to conform with any applicable requirements of the Clean Air Act as amended (42 U.S.C. 1857 et seq.), Executive Order 11602 and such rules and regulations as may be issued thereunder.)

While the operating-differential subsidy program is exempt from the requirements of 5 U.S.C. 553, the Maritime Subsidy Board invites all interested parties to submit written comments, in triplicate, on proposed Parts II-A(1), II-A(3), and II-B to the Secretary, Maritime Subsidy Board, by close of business on September 20, 1971. Parts II-A(2), II-A(4), and II-A(5) referred to above will be made available for comment in the future.

Dated: August 17, 1971.

By order of the Maritime Subsidy Board.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.71-12289 Filed 8-20-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71-81]

TENSAW RIVER, ALA.

Drawbridge Operation

The Coast Guard is considering revising the regulations for the Louisville and Nashville railroad bridge across the Tensaw River, Mile 15.0, near Hurricane, Ala., to permit the draw to remain closed and unattended for the passage of vessels from 12 midnight to 8 a.m. The draw is presently closed during this period but is required to be attended and to open for fireboats and patrol boats operated by the Maritime Administration for the security of the Mobile Reserve Fleet Anchorage. The Mobile Reserve Fleet has been removed from this area and therefore there is no need for a tender during this period.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, La. 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before September 24, 1971, with his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.245(i)(17) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(17) *Tensaw River, Ala.; Louisville and Nashville railroad bridge, mile 15.*

(i) The draw shall open on signal from 8 a.m. to 12 midnight. The draw need not open from 12 midnight to 8 a.m.

(ii) During periods of severe storms or hurricanes from the time the U.S. Weather Bureau sounds an "alert" for the area until the "all clear" is sounded, drawtenders will be constantly on duty and the draw shall open on signal for the passage of vessels.

* * * * *

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

Dated: August 12, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-12249 Filed 8-20-71;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 72]

[Docket No. R-71-134]

FAIR HOUSING POSTER

Notice of Proposed Rule Making; Correction

On August 4, 1971, at 36 F.R. 14336, the Department published a notice of proposed rule making in the above-styled proceeding. The preamble to that notice provided for the filing of all communications with the Assistant Secretary for Equal Opportunity and indicated that copies of comments received would be available at that address.

The provision is being changed and all communications will be filed with, and all comments received will be available for public inspection at, the office of the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of HUD, 451 Seventh Street SW., Washington, DC 20410, as otherwise provided in the preamble.

SAMUEL J. SIMMONS,
Assistant Secretary
for Equal Opportunity.

[FR Doc.71-12290 Filed 8-20-71;8:51 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

DIAMOND TIPS FOR PHONOGRAPH NEEDLES FROM THE UNITED KINGDOM

Withholding of Appraisement Notice

Information was received on November 30, 1970, that diamond tips for phonograph needles from the United Kingdom were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of March 12, 1971, on page 4793. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of diamond tips for phonograph needles from the United Kingdom is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison will be between purchase price and home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting the cash discount and any included freight charges from the price for exportation to the United States.

It appears that home market price will probably be based on the weighted average of home market prices, less the cash discount.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than home market price.

Customs officers are being directed to withhold appraisement of diamond tips for phonograph needles from the United Kingdom in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

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

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

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

Approved: August 16, 1971.

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

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-12338 Filed 8-20-71;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ROUND VALLEY RESERVATION, CALIF.

Ordinance Legalizing Introduction, Sale, or Possession of Intoxicants

AUGUST 13, 1971.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Round Valley Reservation, Calif., was adopted on December 28, 1970, by the Covelo Indian Community of the Round Valley Reservation, which has jurisdiction over the area of Indian country included in the ordinance, which amends the ordinance adopted July 21, 1970, and published on page 13750 in the August 28, 1970 issue of the FEDERAL REGISTER (35 F.R. 13750), the new ordinance reading as follows:

Whereas: Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian Country, provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian Country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Now therefore, be it resolved, That the introduction, sale, or possession of intoxicating beverages shall be lawful within the boundaries of the Round Valley Reservation under the jurisdiction of the Covelo Indian Community Council: *Provided*, That such introduction, sale, or possession is in conformity with the laws of the State of California.

Be it further resolved, that any tribal laws, resolutions, or ordinances heretofore enacted which prohibits the sale, introduction, or possession of intoxicating beverages are hereby repealed.

HAROLD D. COX,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.71-12238 Filed 8-20-71;8:47 am]

[Muskogee Area Office Redelegation Order 2, Amdt. 2]

SUPERINTENDENTS ET AL., MUSKOGEE AREA OFFICE

Delegation of Authority

AUGUST 5, 1971.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

This delegation is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in section 25 of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

Muskogee Area Office Redelegation Order 2 was published beginning at page 15812 in the October 14, 1969, issue of the FEDERAL REGISTER (34 F.R. 15812). It was amended on page 2599 in the February 5, 1970, issue of the FEDERAL REGISTER (35 F.R. 2599). As amended, Muskogee Area Office Redelegation Order 2 is being further amended to extend the authorities delegated to the Superintendents under the jurisdiction of this area.

The table of sections for Part 2 of the Muskogee Area Office Redelegation Order 2 is hereby amended to read as follows:

PART 2.—AUTHORITY OF SUPERINTENDENTS

* * * * *

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

2.10 Individual Indian moneys.
2.11 Loan agreements and modifications.
2.12 Penalties or default.
2.13 Acceptance of donations.
2.14 Partial release and satisfaction.

FUNCTIONS RELATING TO LAND AND MINERALS

2.20 Allotment applications.
2.21 Tax exemption certificates.
2.22 Surface leasing and permitting.
2.23 Rights-of-way.
2.24 Mineral leases and permits.
2.25 Sale of improvements.
2.26 Certificate on deed of acquisition.
2.27 Sales, fee patents, and other matters in 25 CFR Part 121.
2.28 Release of mortgages.
2.29 Soil and moisture conservation.
2.30 Purchase of lands for individuals and Indian tribes.

FUNCTIONS RELATING TO REDELEGATION

2.31 Redelegation authority.

Part 2 is hereby amended to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS

* * * * *

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.10 *Individual Indian moneys.* The approval of expenditures of individual Indian moneys held in custody of the Department. This authority extends to and includes investments, loans, and donations by individual Indians.

SEC. 2.11 *Loan agreements and modifications.* The approval of loans and modification of loans made to corporations, tribes, bands, credit associations, and individuals pursuant to 25 CFR Part 91 where the indebtedness to the lender does not exceed $20,000, subject to the availability of funds and the restrictions imposed by 10 BIAM 3.3F.

SEC. 2.12 *Penalties or default.* Take all steps to enforce loan agreements authorized in 25 CFR 91.10.

SEC. 2.13 *Acceptance of donations.* The acceptance of donations of funds or other property for the advancement of the Indian race, and use of the donated property in accordance with the terms of the donation in furtherance of any program authorized by other provisions of law for the benefit of Indians pursuant to the act of February 14, 1931, 46 Stat. 1106, 25 U.S.C. section 451 (1964), as amended by the act of June 8, 1968, 82 Stat. 171, Public Law 90–333.

SEC. 2.14 *Partial release and satisfaction.* The approval of partial releases and satisfactions of mortgages given as security for loans from the United States made pursuant to 25 CFR Part 91.

FUNCTIONS RELATING TO LAND AND MINERALS

* * * * *

SEC. 2.22 *Surface leasing and permitting.* All those matters set forth in 25 CFR Part 131, provided that approvals of leases and permits on land of the Five Civilized Tribes and members thereof shall be limited to a term of 5 years or less.

* * * * *

SEC. 2.28 *Release of mortgages.* The approval of releases of mortgages given as security for loans made from the restricted funds of individual Indians upon proof of payment of the loan.

SEC. 2.29 *Soil and moisture conservation.* The approval of soil and moisture conservation operations on Indian lands, pursuant to the President's Reorganization Plan No. IV, of 1940 (54 Stat. 1235), and the Soil Conservation Act of April 27, 1935 (16 U.S.C. sec. 590a), and subject to the coordination and general supervision of the Office of the Secretary.

SEC. 2.30 *Purchase of lands for individuals and Indian tribes.* The approval of the purchase of lands for individual Indians and Indian tribes. This authority extends to and includes the acceptance of options for the acquisition of lands, excepting Five Civilized Tribes Agencies.

FUNCTIONS RELATING TO REDELEGATION

SEC. 2.31 *Redelegation authority.* Except as may otherwise be provided in this order, the superintendent may, upon approval of the area director, redelgate in writing to any Officer or employee within his organization, any authority delegated to him by this order or by the regulations in 25 CFR.

VIRGIL N. HARRINGTON,
Area Director.

Approved: August 16, 1971.

HAROLD D. COX,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.71-12246 Filed 8-20-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

WALKER LIVESTOCK AUCTION ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, and location of stockyard, date of posting

ARKANSAS

Walker Livestock Auction, Van Buren, July 19, 1971.

GEORGIA

Stephens County Livestock Auction, Eastanollee, Aug. 2, 1971.

MAINE

Line Road Auction House, Buxton, Aug. 4, 1971.

MICHIGAN

Michigan Agricultural Cooperative Marketing Assn., Feeder Pig Division, Lake City June 15, 1971.

MISSOURI

Sho Me Feeder Pigs, Inc., Ava, July 28, 1971.
MFA Livestock Association, Inc., Rolla Concentration Point, Rolla, June 28, 1971.

Done at Washington, D.C., this 17th day of August 1971.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-12283 Filed 8-20-71;8:51 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 413]

J. A. GOLDSCHMIDT S.A.

Order Suspending Effectiveness of Denial Order

In the matter of J. A. Goldschmidt S.A., 149 rue Saint Honore, Paris 1, France, respondent, Case No. 413.

On July 28, 1971, the undersigned issued an order against the above respondent denying all U.S. export privileges for a period of 9 months and thereafter placing respondent on probation for the remainder of 3 years. Said order, effective as of August 5, 1971, was published in the FEDERAL REGISTER on August 6, 1971 (36 F.R. 14489). The order extends not only to the respondent, but also to its successors, representatives, agents, and employees and also to any person, firm, corporation, or other business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

The respondent on its own behalf and on behalf of a company to which it is related by affiliation and ownership has applied for a stay of effectiveness of the order and has assigned reasons therefor. The respondent has represented that it proposes promptly to file a request for reopening of the proceedings, principally for reconsideration of the matter of the sanctions that were imposed.

In the light of the information presented and in order to give the respondent an opportunity to present evidence for the purpose of showing that the sanctions should be modified because (1) of their severe effect on respondent and parties related to it; (2) they will adversely affect parties in the United States involved in exportations to respondent and parties related to it: *It is hereby ordered:*

I. The effectiveness of the sanctions in the order of July 28, 1971, are hereby suspended forthwith.

II. If the respondent on or before August 25, 1971, files a request for reopening of the proceedings with supporting evidence, this suspension order will continue in effect until a further order is issued in the proceedings. If such request is not filed within such time, this suspension order will be terminated and due notice will be published in the FEDERAL REGISTER.

III. Upon further hearing conducted in accordance with § 388.12 of the Export Control Regulations, the Compliance Commissioner shall submit his report and recommendation to the undersigned and action will be taken as provided in said section.

Dated: August 18, 1971.

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

[FR Doc.71-12267 Filed 8-20-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-259; Various NDA's]

NEW DRUG APPLICATIONS

Notice of Withdrawal of Approval; Correction

In F.R. Doc. 71-4590 appearing at page 6529 in the issue of the FEDERAL REGISTER dated April 6, 1971, the following correction is made in the table:

The line "11-777 Sodium Phosphate P-32 Therapy Solution." is deleted from NDA numbers and drug names listed under Nuclear Consultants, Division Mallinckrodt Chemical Works, Maryland Heights, Mo. 63042, applicant.

Dated: August 16, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-12250 Filed 8-20-71;8:48 am]

ATOMIC ENERGY COMMISSION

PROPOSED RADIOACTIVE WASTE REPOSITORY, LYONS, KANS.

Notice of Availability of Supplement to General Manager's Final Environmental Statement

Notice is hereby given that a document, "Supplement to the Environmental Statement—Radioactive Waste Repository, Lyons, Kans.", is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; the San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; the Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; and the New York Operations Office, 376 Hudson Street, New York, NY 10014. This supplement contains the correspondence between Representative Joe Skubitz, Republican, of Kansas, and the Atomic Energy Commission in regard to the radioactive waste repository project. At Representative Skubitz' request the correspondence is being published as a supplement to the final statement of which notice of availability was published in the FEDERAL REGISTER, Volume 36, No. 110, dated June 8, 1971.

The supplement will be furnished upon request addressed to the Assistant General Manager for Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 17th day of August 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-12241 Filed 8-20-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Order 71-7-78]

ALL U.S. AIR CARRIERS AND FOREIGN AIR CARRIERS

Order Stabilizing Fares, Rates and Charges for Passengers and Property

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of August 1971.

By this order and consistent with the provisions of the Executive order of the President issued August 15, 1971, providing for the stabilization of prices, rents, wages, and salaries for a 90-day period therefrom, the Board is making provision for the stabilization of fares, rates, and charges for passengers and property during this period. In order to assure the implementation of the Executive order with respect to all aspects of fares, rates, and charges applicable to air transportation and in coordination with the national economic stabilization program, the Board finds that it is essential to the stabilization of our economy that prices of goods and services for air transportation be maintained at levels no higher than those in effect during the 30-day period ending August 14, 1971. The Board further finds it essential that the tariffs of all air carriers and foreign air carriers on file with the Board be consistent with the provisions of this stabilization program. Accordingly, the Board concludes that the economic stabilization measures provided for in this order are required in the national interest, and should be implemented by the Board in accordance with its responsibilities.

The Board deems it necessary, therefore, to provide that no air carrier or foreign air carrier shall make any increase in its rates, fares, or charges, to become effective prior to November 13, 1971, in excess of the highest of those in effect during the 30-day period ending August 14, 1971. This action is applicable to all changes in air carrier prices including changes in classifications, rules, regulations, or practices, and the application of expiry provisions in tariffs, which have the effect of increasing the prices charged to the public, irrespective as to whether the changes are embodied in tariff filings. In addition, the Board will direct the carriers to cancel or withdraw those tariff filings (including provisions for expiry dates) for effectiveness during the period ending November 12, 1971, that would result in higher fares, rates, or charges than those in effect during the 30-day period ending August 14, 1971. Tariffs not timely canceled or withdrawn will be rejected by the Board.[1]

Accordingly, it is ordered, That:

1. Each air carrier and foreign air carrier shall:

a. Make no increases directly or indirectly, in fares, rates, and charges in air transportation services for effectiveness during the period ending November 12, 1971, above the highest in effect during the 30-day period ending August 14, 1971.

b. Withdraw all proposed tariffs, or effective tariffs, including expiry provisions, which would directly or indirectly effect an increase in fares, rates, and charges during the period ending November 12, 1971, above the highest in effect during the 30-day period ending August 14, 1971.

2. Special tariff permission is hereby granted to effect such withdrawals on 1 day's notice.

3. The Chief, Tariffs Section, is hereby authorized and directed to issue such rejection notices and to take such other action as is necessary to implement this order.

4. This order shall be served upon all air carriers and foreign air carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12277 Filed 8-20-71;8:50 am]

[1] Each carrier, of course, has the ultimate responsibility of assuring its individual compliance with the Executive order, and to take any action, in addition to that specified herein, which may be required by the terms of that order.

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of the Census, Office of the Director.

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

[FR Doc.71-12256 Filed 8-20-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Public Health Service, Health Services and Mental Health Administration.

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

[FR Doc.71-12257 Filed 8-20-71;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Resources Development, Office of the Assistant Secretary for Metropolitan Planning and Development.

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

[FR Doc.71-12261 Filed 8-20-71;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Resources Development.

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

[FR Doc.71-12262 Filed 8-20-71;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Planning and Management Grants.

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

[FR Doc.71-12263 Filed 8-20-71;8:49 am]

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator, Office of the Administration.

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

[FR Doc.71-12258 Filed 8-20-71;8:48 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Director, Bureau of Labor Standards.

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

[FR Doc.71-12260 Filed 8-20-71;8:48 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Program Development.

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

[FR Doc.71-12259 Filed 8-20-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

FMC CORP.

Notice of Filing of Petition for Food Additive

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 2H2662) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing that § 121.1074 *Piperonyl Butoxide* (21 CFR 121.1074) and § 121.1075 *Pyrethrins* (21 CFR 121.1075) be amended (1) to provide for the safe use of combinations of piperonyl butoxide and pyrethrins for insect control in food-processing and food storage areas, provided that the food is removed or covered prior to such use, and (2) to establish appropriate tolerances for residues of piperonyl butoxide and pyrethrins when present in foods from such use.

Dated: August 17, 1971.

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

[FR Doc.71-12268 Filed 8-20-71;8:49 am]

RHODIA, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1182) has been filed by Rhodia, Inc., 120 Jersey Avenue, New Brunswick, NJ 08903, proposing establishment of tolerances (21 CFR Part 420) for negligible residues of the defoliant, desiccant, and herbicide *p*-(dimethylamino) thiocyanobenzene in or on the raw agricultural commodities potatoes, onions, and cottonseed at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the pesticide is a gas chromatographic procedure utilizing an electron-capture detector.

Dated: August 17, 1971.

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

[FR Doc.71-12269 Filed 8-20-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-834]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

AUGUST 9, 1971.

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM, and TV station licenses which have termination dates in 1972.

Sunday, September 20, 1970.
Monday, June 21, 1971.
Tuesday, March 9, 1971.
Wednesday, May 19, 1971.
Thursday, January 7, 1971.
Friday, April 23, 1971.
Saturday, October 17, 1970.

Action by the Commission August 9, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12273 Filed 8-20-71;8:50 am]

[1] Commissioners Robert E. Lee, Johnson, Wells, and Houser.

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on September 22, 1971, the following standard broadcast application will be considered as ready and available for processing:

BP-19063 New, Seward, Alaska.
Radio Seward, Inc.
Req: 950 kc., 1 kw., S.H. (facilities formerly assigned to KIBH).

Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application or with any other application on file by the close of business September 21, 1971, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business September 21, 1971.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: August 9, 1971.

Released: August 13, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12271 Filed 8-20-71;8:50 am]

FEDERAL MARITIME COMMISSION

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Burton H. White, Esq., Burlingham Underwood Wright White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 8210-13 modifies the basic agreement by adding language providing that any member line which is also a member of the Atlantic Container Line Consortium may charter space to Wallenius Line for the carriage of cars, trucks, and house trailers and may represent Wallenius Line in matters pertaining to the movement of such vehicles.

Dated: Aug. 18, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12276 Filed 8-20-71;8:50 am]

HAWAIIAN EMPLOYERS ALLOCATION AGREEMENT

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

Thomas E. Kimball, Esq., Lillick, McHose, Wheat, Adams & Charles, Attorneys at Law, 311 California Street, San Francisco, CA 94104.

Agreement No. T-2548, between Castle & Cooke Terminals, Ltd.; C. Brewer Corporation doing business as Hilo Transportation & Terminal Co.; Honolulu Terminals Co., Ltd.; Kawaihae Terminals Inc.; Matson Terminals, Inc.; McCabe, Hamilton & Renny Co., Ltd.; Seatrain Terminals of California; Theo. H. Davies & Company, Limited (employers), provides for a formula and procedures for the allocation among the employers of the costs of certain fringe benefits payable to their employees. Except for its termination date, the agreement is identical to Agreement No. T-2369 which expired by its own terms on June 30, 1971. The purpose of Agreement No. T-2548 is to provide for a continuation of payments under the same terms until September 30, 1971.

Dated: August 18, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12252 Filed 8-20-71;8:48 am]

WSUP ALLOCATION AGREEMENT

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

Mr. Thomas E. Kimball, Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Agreement No. T-2188-5, between certain Hawaiian stevedore companies (employers) formalizes the extension of the termination date of the basic agreement from June 30, 1971, to and including September 30, 1971. Under date of June 30, 1971, the Commission approved the extension of the agreement in order for the employers to meet their obligations under their labor agreement which had been extended by the employers and the International Longshoremen's and Warehousemen's Union to September 30, 1971. The purpose of Agreement No. T-2188-5 is to confirm that the extension shall be on the same basis and pursuant to the same terms and conditions as set forth in Agreement No. T-2188, as amended, and to provide for the pro rata application, on a 3 months' basis, of these same terms and conditions.

Dated: August 18, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12275 Filed 8-20-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CI72-99]

GEORGE T. ABELL

Notice of Application

AUGUST 18, 1971.

Take notice that on August 13, 1971, George T. Abell (Applicant), First National Bank Building, Midland, Tex. 79701, filed in Docket No. CI72-99 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 Northern Natural Gas Co. (Northern) from the Gomez Field, Pecos County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas to Northern within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that he proposes to continue said sale for 24 months commencing October 2, 1971, at the rate of 28.0 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). The contract between Applicant and Northern provides that deliveries may be taken by Northern for up to 6 additional months if necessary to allow Northern to take gas for which payment has been made.

Applicant, small producer certificate holder in Docket No. CS66-109, states that he has limited his proposed sale to Northern to 24 months in view of the challenges to the Commission's Order No. 428, issued March 18, 1971 (36 F.R. 5598), which amended the Commission's certificate procedure for small producers. Applicant states further that, if at the end of the term of the proposed sale it appears to Applicant that Order No. 428, as amended, has been affirmed and is no longer subject to review or modification and that Applicant's status and rights as a small producer have not been adversely affected as of then, Applicant has agreed with Northern that he will enter into a long-term contract for a 20-year small producer sale of the same production.

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 30, 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.71-12298 Filed 8-20-71;8:52 am]

[Docket No. CI72-97]

HUMBLE OIL & REFINING CO.

Notice of Application

AUGUST 18, 1971.

Take notice that on August 12, 1971, Humble Oil & Refining Co. (applicant), Post Office Box 2180, Houston, TX 77001, filed in Docket No. CI72-97 an application pursuant to section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Pecan Island Field, Vermilion Parish, La., for 1 year commencing October 1, 1971, at the rate of 35 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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 30, 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.71-12297 Filed 8-20-71;8:52 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE—DISTRIBUTION

Order Designating Additional Member

AUGUST 13, 1971.

The Federal Power Commission by order issued April 6, 1971, established the Technical Advisory Committees of the National Gas Survey.

1. *Membership.* An additional member to the Technical Advisory Committee—Distribution, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Honorable Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, The White House.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-12206 Filed 8-20-71;8:46 am]

[Docket No. RI72-47, etc.]

ATLANTIC RICHFIELD CO. ET AL.

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

AUGUST 13, 1971.

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

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-47...	Atlantic Richfield Co.	522	15	United Gas Pipe Line Co. (Cotton Valley Field, Webster Parish, Northern Louisiana).	.....	7-21-71	7-21-71	[2] Accepted	.....	.....	
		.....	16		$467	7-21-71	.....	7-22-71	[3] 14.07636	[3] 18.75	
		.....	17		.....	7-21-71	8-21-71	[2] Accepted	.....	.....	
RI72-48...	Murphy Oil Corp.	14	9	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, Northern Louisiana).	399	7-21-71	.....	9-21-71	[4] 16.0058	[4] 18.2622	G-19761.
	do	19	7	Arkansas Louisiana Gas Co. (Calhoun Field, Ouachita Parish, Northern Louisiana).	415	7-21-71	.....	9-21-71	[5] 18.75	[5] 20.25	
RI72-49...	Atlantic Richfield Co.	444	9	Lone Star Gas Co. (East Durant Field, Bryan County, Oklahoma Other Area).	807	7-15-71	.....	9-15-71	[5] 15.225	[5] 19.300	RI71-1136.
RI72-50...	Southwest Gas Producing Co., Inc.	2	11	Mississippi River Transmission Corp. (Northern Ruston Field, Lincoln Parish, Northern Louisiana).	45,265	7-26-71	.....	1-26-72	[6] [7] 14.603	[6] [7] 22.833	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Includes 1-cent tax reimbursement.
[2] Applicable to gas produced from above the base of the Gray Sand.
[3] Contract dated Apr. 23, 1971, amending basic contract to provide for rate of 25-cent and 2-cent periodic increases every 4 years from date of initial deliveries applicable to gas produced from below the base of the Gray Sand.
[4] Includes 1.75-cent tax reimbursement.
[5] Applicable to casinghead gas production added by Supplement No. 7.
[6] Includes 1.333-cent tax reimbursement.
[7] Subject to downward B.t.u. adjustment.
[8] Pressure base is 14.65 p.s.i.a.
[9] Accepted, to be effective as of the dates shown in the "Effective date" column.

The purchaser, United, has tracked the rate increase involved here of Atlantic Richfield Co., in its rate increase filing of November 13, 1970, which was suspended in Docket No. RP71-41. In these circumstances, good cause exists for waiving the 60-day notice period. The proposed increase is therefore suspended for 1 day from the date of filing.

The proposed increase filed by Southwest Gas Producing Co., Inc. relates to a sale in an area outside southern Louisiana and exceeds the corresponding rate filing limitations imposed in southern Louisiana. It is therefore suspended for 5 months.

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

[FR Doc.71-12208 Filed 8-20-71;8:46 am]

[Docket No. CP72-31]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 16, 1971.

Take notice that on August 6, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP72-31 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities heretofore used for the direct sale and delivery of natural gas to Union Carbide Nuclear Co., a division of Union Carbide Corp. (Union Carbide), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to abandon approximately 3.74 miles of 3½-inch pipeline and appurtenances and a meter and regulating station at the terminus of the pipeline located in San Miguel County, Colo. These facilities were constructed and operated for the direct sale of natural gas to Union Carbide pursuant to Commission authorization in Docket No. G-12269. Applicant states that Union Carbide has ceased active operations at its Slick Rock plant and that natural gas service thereto is no longer required. Therefore, applicant proposes to abandon, at an approximate cost of $1,400, the facilities heretofore employed for the sale and delivery of natural gas to Union Carbide for its Slick Rock plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are 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.71-12200 Filed 8-20-71;8:45 am]

[Docket No. CS72-74, etc.]

GEORGE W. GRAHAM ET AL.

Notice of Applications for "Small Producer" Certificates [1]

AUGUST 11, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-74	7-27-71	George W. Graham, 400 First Wichita National Bank Bldg., Wichita Falls, Tex. 76301.
CS72-75	7-28-71	Cayman Corp., Ltd., Post Office Box 2699, Palos Verdes Peninsula, CA 90274.
CS72-76	7-28-71	Barbara Oil Co., Suite 4650, One First National Plaza, Chicago, Ill. 60670.
CS72-77	7-28-71	E. B. McMurtry, Post Office Box 1936, Wichita, KS 67202.
CS72-78	7-28-71	Estate of George Parker, 2300 Alamo National Bldg., San Antonio, Tex. 78205.
CS72-79	7-29-71	Charles B. and Melanie M. Carpenter, 730 Lane Bldg., Shreveport, La. 71101.
CS72-80	7-29-71	Emory M. Spencer, Post Office Box 1207, Rockport, TX 78382.
CS72-81	7-29-71	Windsor Gas Corp. (William Perlman et al.), 2302 Niels Esperson Bldg., Houston, Tex. 77002.
CS72-82	7-29-71	N. L. McCain, 730 Lane Bldg., Shreveport, La. 71101.
CS72-83	7-29-71	Patrick Oil & Royalty Co., Inc., Box 172, Denver, CO 80201.
CS72-84	7-29-71	Trend Exploration Limited, 600 Capitol Life Center, Denver, Colo. 80203.
CS72-85	7-30-71	Kansas Natural Gas, Inc., Post Office Box 818, Hays, KS 67601.
CS72-86	7-30-71	R. H. Hedge, Post Office Box 359, Tyler, TX 75701.
CS72-87	7-30-71	Bob L. Herd, Post Office Box 359, Tyler, TX 75701.
CS72-88	7-30-71	Lake Ronel Oil Co. (successor to P. G. Lake, Inc.), Post Office Box 179, Tyler, TX 75701.
CS72-89	7-30-71	Hall M. Lyons, Post Office Box 1522, Shreveport, LA 71102.
CS72-90	8-2-71	Ted R. Stalder, Post Office Box 7533, Houston, TX 77007.
CS72-91	8-2-71	Pearle G. Liddle, 511 River Crest Drive, Fort Worth, TX 76107.
CS72-92	8-2-71	John W. Olvey, Jr., 201 L.B.T. Milam Bldg., Shreveport, La. 71101.
CS72-93	8-2-71	Denton A. Cooley, 1234 Americana Bldg., Houston, Tex. 77002.
CS72-94	8-2-71	Claiborne Gasoline Co., 1365 First National Bank Bldg., Dallas, Tex. 75202.
CS72-95	8-2-71	Owen Oil Co., Inc., Bank of the South West Bldg., Houston, Tex. 61702.
CS72-96	8-2-71	Utah Transmission, Inc., 1359 Bunting Ave., Grand Junction, CO 81501.

[FR Doc.71-12076 Filed 8-20-71;8:45 am]

[Docket No. E-7652]

IOWA PUBLIC SERVICE CO.

Notice of Application

AUGUST 16, 1971.

Take notice that on July 29, 1971, Iowa Public Service Co. (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $15 million principal amount of first mortgage bonds and 350,000 shares of common stock (par value $5 per share).

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in northwestern, north central and east central Iowa and a few small communities in South Dakota.

Applicant proposes to sell the new bonds and the new stock at competitive bidding, with the interest rate and price to be paid for the new bonds and the price to be paid for the new stock to be determined by the successful bidders. The new bonds and the new stock will be issued on or about September 22, 1971. The new bonds are to mature September 1, 2001 and are to be issued pursuant to the mortgage and deed of trust, dated as of June 1, 1946, under which Chemical Bank is trustee, as supplemented and as proposed to be supplemented by an 11th Supplemental Indenture thereto. Applicant proposes to use the proceeds from the issuance of the securities to pay off a portion of short-term loans incurred and to be incurred prior to the sale of the new bonds and the new stock to secure funds for construction purposes. The construction program for 1971 is estimated to total $39,823,500.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12199 Filed 8-20-71;8:45 am]

[Docket No. RI72-43, etc.]

KING RESOURCES CO. ET AL.

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

AUGUST 13, 1971.

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

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

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

APPENDIX A

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf * Rate in effect	Cents per Mcf * Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-43...	King Resources Co	[3] 33	1	Northern Natural Gas Co. (Dewitt-Parke Unit, Gomez Field, Pecos County, Tex.) (Permian Basin Area).	$84,000	7-16-71		9-16-71	[4] 16.50	[5] 20.50	
	do	[3] 34	1	Northern Natural Gas Co. (Price "L" Unit, Gomez Field, Pecos County, Tex.) (Permian Basin Area).	172,000	7-16-71		9-16-71	[4] 16.50	[5] 20.50	
	do	[3] 37	3	Northern Natural Gas Co. (Fort Stockton Airport Unit, Gomez Field, Pecos County, Tex.) (Permian Basin).	144,000	7-16-71		9-16-71	[4] 16.50	[5] 20.50	
	do	[3] 38	1	Northern Natural Gas Co. (Ligon Unit, Gomez Field, Pecos County, Tex.) (Permian Basin).	68,000	7-16-71		9-16-71	[6] 22.0	[5] 23.0	
RI72-44...	Texaco Inc	232	6	Transwestern Pipeline Co. (South Kermit Plant, Winkler County, Tex.) (Permian Basin).	70,915	7-19-71		1-19-72	21.0	27.2595	RI71-1063.
RI72-45...	Murphy Oil Corp	11	14	El Paso Natural Gas Co. (Spraberry Field, Glasscock and Reagan Counties, Tex.) (Permian Basin).	401	7-21-71		9-21-71	14.5544	19.328	R170-438.
	do	6	[3] 17	Mississippi River Transmission Corp. (Sligo Field, Bossier Parish, Northern Louisiana).		7-19-71	8-19-71	[11] Accepted			RI71-338.
		6	18		93,610	7-19-71		1-19-72	[7] [10] 17.0	[7] [10] 20.7	RI71-338.
RI72-46...	Suburban Propane Gas Corp.	2	[3] 13	Tennessee Gas Pipe Line Co. (Chatham Field, Jackson Parish, Northern Louisiana).		7-19-71	8-19-71	[11] Accepted			RI65-475.
		2	14		46,588	7-19-71		1-19-72	[8] [10] 16.29407	[8] [10] 20.0	RI65-475.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Initial rate under Mitchell type certificate.
[4] Sale of Ellenburger gas only.
[5] Exclusive of quality adjustments per Permian Basin Opinion.
[6] Letter agreement dated July 8, 1971, which provides for proposed increased rate for period from Aug. 1, 1971, through July 31, 1972.
[7] Subject to downward B.t.u. adjustment.
[8] Includes 1.5-cent gathering dehydration and compression charge paid by buyer.
[9] Renegotiated contract dated June 11, 1971, which provides for increased rate. Basic contract dated Dec. 9, 1946, expired on Nov. 1, 1969.
[10] Includes 1.5-cent tax reimbursement.
[11] Pressure base is 15.025 p.s.i.a.
[12] Accepted to be effective on the date shown in the "Effective date" column.

The proposed increases filed by Texaco, Inc., and Suburban Propane Gas Corp., for sales in areas outside southern Louisiana exceed the corresponding rate filing limitations imposed in southern Louisiana and therefore are suspended for 5 months from the expiration of the statutory notice period. The proposed increased rates in areas outside southern Louisiana which do not exceed the corresponding rate limitation for increased rates in southern Louisiana are suspended for a period ending 61 days from the date of filing or for 1 day from the contractually due date, whichever is later.

Texaco, Inc. and Murphy Oil Corp., request effective dates for which adequate notice has not been given. Murphy Oil Corp. also requests that its proposed rate be allowed to become effective without suspension or in the alternative that the suspension period be limited to 1 day. Good cause has not been shown for granting such requests and they are denied.

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

[FR Doc.71-12207 Filed 8-20-71;8:46 am]

[Docket No. E-7657]

NORTHERN STATES POWER CO.

Notice of Application

AUGUST 16, 1971.

Take notice that on August 3, 1971, Northern States Power Co. (Minnesota) (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 350,000 shares of its new series cumulative preferred stock, par value $100 per share (new preferred stock).

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Minneapolis, Minn., and is engaged in the electric utility business in central and southern Minot area of North Dakota.

The new preferred stock is to be issued on or about October 7, 1971, and the dividend rate thereof will be determined by competitive bidding preferred stock will be redeemable prior to October 1, 1976, from the proceeds of issuance of any debt having an effective interest cost or any preferred stock having a dividend cost less than the effective cost of the new preferred stock.

The proceeds from the sale of the new preferred stock will be added to the general funds of applicant and will be used to prepay some of the outstanding short-term borrowings of the Applicant, which are estimated at $56 million as of the date of issuance and delivery of the new preferred stock. The short-term borrowings have been or will be incurred in connection with the construction program of applicant.

Expenditures during 1971 for the construction program of applicant are estimated at $203 million, of which $193 million is for electric facilities, $6 million for gas facilities, and $4 million for heating, telephone, and general facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12205 Filed 8-20-71;8:46 am]

[Project 1913]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Issuance of Annual License

AUGUST 16, 1971.

On June 27, 1969, Public Service Company of New Hampshire, licensee for Hookset Project No. 1913 located in Merrimack County, N.H., on the Merrimack River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 17, 1970.

The license for Project No. 1913 was issued effective January 1, 1938 for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Public Service Company of New Hampshire for continued operation and maintenance of Project No. 1913.

Take notice that an annual license is issued to Public Service Company of New Hampshire (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Hookset Project No. 1913, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12203 Filed 8-20-71;8:46 am]

[Docket No. CS71-57, etc.]

RUTH C. RICE ET AL.

Findings and Order

AUGUST 12, 1971.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, cancelling FPC gas rate schedules, terminating rate proceedings, and dismissing applications.

Each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce, all as more fully set forth in the applications and the Appendix hereto.

Certain applicants are presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The temporary and permanent certificates authorizing said sales will be terminated and the related rate schedules will be canceled. Some sales by these applicants have been made at rates in effect subject to refund. The proceedings in which increased rates collected subject to refund by any of these applicants were equal to or below area ceiling rates will be terminated.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications has been filed.

At a hearing held on July 23, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant is or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" or will be when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10 million Mcf at 14.65 psia during the preceding calendar year.

(5) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereunder ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the temporary and permanent certificates of public convenience and necessity heretofore issued to applicants should be terminated and that the related FPC gas rate schedule should be canceled.

(7) The applications pending in Dockets Nos. G–18985, CI62–1305, CI69–551, CI71–9, CI71–116, CI71–146, CI71–505, CI71–568, CI71–591, and CI71–713 are moot.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to sales already included thereunder.

(D) The grant of the certificates in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon the termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The temporary and permanent certificates heretofore issued to applicants for sales proposed to be continued under small producer certificates are terminated and the related FPC gas rate schedules are cancelled as indicated in the Appendix hereto.

(F) The proceedings in which applicants' increased rates have not been made effective or have been made effective subject to refund and do not exceed the applicable area rate base are terminated as indicated in the Appendix hereto.

(G) The applications pending in Dockets Nos. G–18985, CI62–1305, CI69–551, CI71–9, CI71–116, CI71–146, CI71–505, CI71–568, CI71–591, and CI71–17 are dismissed.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71–87 10–30–70	Ruth C. Rice et al.	[1] 1	G–3127 [1]	
		[1] 2	G–3129 [1]	RI64–675.
		[1] 3	G–2853 [1]	
CS71–77 11–2–70	Hamilton Bros. Petroleum Corp. (Operator) et al.	1	G–14750	RI63–422.
		2	G–16206	RI60–464, RI63–207, RI68–224.
		4	G–18581	RI62–444, RI67–388, RI68–305.
		6	CI60–585	RI67–334, RI71–151.
		8	CI61–31	RI67–20.
		9	CI61–262	RI64–443, RI68–506, RI70–1736.
		10	CI61–625	RI66–200.
		13	CI61–1458	RI62–323, RI63–165, RI64–284, RI65–301, RI66–133, RI67–107, RI68–145, RI70–1736.
		14	CI61–1775	RI67–136, RI68–506.
		15	CI62–45	RI67–35, RI68–506.
		16	CI62–267	RI67–136, RI68–506.
		17	CI62–488	RI67–120, RI67–389, RI68–506.
		18	CI62–737	RI64–443, RI68–506, RI70–1736.
		19	CI62–1411	RI67–443.
		20	CI63–620	
		22	CI66–990	RI68–506.
		23	G–20505	
		24	G–20565	RI68–204, RI69–157.
CS71–78 11–2–70	Hughes Seewald (Operator) et al.	1	G–14953	G–17320, RI64–423.
		2	CI61–14	
		3	CI64–714	RI60–229.[2]
		4	CI69–389	
		5	CI69–687	
		6	CI70–305	
		7	CI70–618	
CS71–81 11–2–70	Bowers Drilling Co., Inc. (Operator) et al.	1	CI63–308	RI65–381, RI70–907.
		2	CI64–351	G–19934,[3] RI65–378.
		3	CI64–468	RI65–352, RI70–907.
		4	CI66–133	RI70–999.
		5	CI66–267	RI70–999.
		6	CI66–1034	
		7	CI66–1051	RI67–71, RI70–999.
		8	CI66–1238	RI70–999.
		9	CI67–118	RI70–999.
		10	CI69–45	RI70–908.
		11	CI69–732	RI70–999.
CS71–82 11–2–70	Global Oils, Inc. (Operator) et al.	1	CI61–26	
		2	CI61–26	
		4	CI63–218	
		5	CI63–96	
		6	CI64–109	
		7	CI66–184	
		8	CI66–184	RI70–97.
CS71–84 11–2–70	Lone Star Exploration, Inc. (Operator) et al.	1	G–18985 [4]	
		2	G–19013	
		3	CI68–1347	
		4	CI68–1347	
CS71–86 11–2–70	Burnett Corp. (Operator) et al.	2	CI60–358	RI70–1370.
		3	CI60–429	
		4	CI70–1024	
CS71–87 11–2–70	H. N. Burnett (Operator) et al.	4	G–18832	RI64–334.
		11	CI61–1307	
		12	G–6901	
		13	CI64–979	
		14	CI69–73	
		15	CI69–72	
CS71–88 11–2–70	R. Stenzel	1	CI65–1248	
		2	CI65–1247	
CS71–89 11–2–70	Vernon Taylor, Jr. (Operator) et al.	1	G–5228	G–17319, RI64–571.
CS71–90 11–2–70	Peerless Inc.	1	CI69–190	
CS71–91 11–2–70	Westhoma Oil Co. (Operator) et al.	1	G–8333	G–17322, RI64–570.
		2	G–11457	G–16711, G–20279,[3] RI62–249, RI63–306, RI64–639, RI65–434.
		3	G–14457	RI64–570.
		4	CI62–991	
		5	CI65–254	
		6	CI69–189	
		7	CI68–985	
		8	CI68–1367	
		9	CI69–230	
CS71–92 11–2–70	Amarex, Inc. (Operator) et al.	1	CI66–366	RI63–1,[5] RI66–254,[5] RI71–656.
		2	CI71–23	
		3	CI71–13	
		[1] 1	CI65–1285 [1]	
		[1] 1	CI68–987 [1]	
		[1] 2	CI62–1337 [1]	RI67–55,[1] RI70–1650.
		[1] 3	CI66–116 [1]	
		[1] 4	CI66–1129 [1]	
		[1] 5	CI66–1156 [1]	
		[1] 6	CI69–75 [1]	RI64–310.[1]
		[1] 7	CI64–1496 [1]	RI70–1686.
CS71–101 11–2–70	G. R. Whittington, et al.	1	G–8480	
		2	G–12011	
CS71–104 11–2–70	Howard F. Saunders, Trustee.	1	G–10121	
CS71–105 11–3–70	Roland S. Bond	1	G–17090	
		3	CI64–121	

See footnotes at end of table.

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-107 11-4-70	Alkman Bros. Corp. (Operator) et al.	2	C168-1049	RI69-12.[18]
		3	C168-1050	
		4	C169-8	
		5	C169-34	RI68-100.[18]
		6	C169-528	
		7	C170-728	RI70-1562.
		8	C170-979	RI69-350,[18] RI70-1060.[18]
		9	C170-973	
		10	G-13064	RI61-854.[18]
		11	C171-8	RI71-215.
CS71-109 11-4-70	Alkman Bros. et al.	[11] 1	C163-442 [11]	
		[12] 2	C163-443 [12]	
		3	C164-62	RI70-866.
		[11] 5	C165-724 [11]	
		[11] 20	C168-1167 [11]	RI70-1107.
CS71-110 11-4-70	Frank Parkes	1	G-8347	G-13775.
		2	G-8669	
		3	C163-1290	
CS71-112 11-5-70	R. James Gear (Operator) et al.	2	C164-1159	
CS71-113 11-5-70	Reliance Development Corp.	2	G-8005	
CS71-114 11-6-70	W. V. Harlow et al.	1	C164-96	RI68-655.
CS71-115 11-6-70	Nabob Production Co. (Operator) et al.	4	G-8279	
		8	C165-535	
		9	C168-1156	
		10	C170-325	
		11	C171-505 [13]	
CS71-116 11-6-70	O'Brien Co.	1	G-8274	
CS71-117 11-6-70	W. S. Cline et al.	1	G-16358	RI64-776.
CS71-118 11-6-70	Kenneth B. Moore	1	C160-321	
CS71-119 11-9-70	Etchieson & Gross Associates (Operator) et al.	1	C165-75	RI68-184, RI70-202.
		2	C165-503	
		3	G-15113	RI66-104.[18]
CS71-120 11-6-70	A-L Ltd.	1	C169-1051	RI68-172.[18]
CS71-121 11-13-70	Anderson Petroleum (Operator) et al.	1	G-16282	
		2	C160-456	
CS71-122 11-13-70	Maguire Oil Co. (Operator) et al.	1	G-9489	
		2	G-11264	
		3	G-11276	
		4	G-19027	
		5	G-19837	RI62-454.[18]
		6	C161-159	
		7	C161-350	
		8	C162-870	RI66-271.
		[15] 9	C162-1305 [15] [18]	
		10	C163-277	RI69-136.
		11	C164-933	
		12	C171-713 [13]	
CS71-124 11-16-70	Sidwell Oil & Gas, Inc. (Operator), et al.	1	C164-940	RI68-236.
		2	C164-1220	
		3	C167-729	
		4	C167-1581	RI68-229.
		5	C167-1688	
		6	C168-881	
		7	C168-1216	RI70-863.
		8	C169-196	RI70-864.
		9	C169-322	RI70-564.
		10	C169-402	RI68-100.[17]
		11	C169-608	
		12	C171-9 [13]	RI71-292.
		13	C171-35	

See footnotes at end of table.

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-125 11-16-70	E. C. Sidwell (Operator), et al.	1	C161-965	RI64-650, RI68-237.
		2	C164-1366	
		3	C164-1347	
		4	C166-1247	
		5	C166-1248	RI65-632,[19] RI70-370.
CS71-126 11-16-70	W. B. Osborn, Jr. (Operator), et al.	1	G-5671	
		4	G-5671	
		5	G-5671	
		6	G-5671	
		7	G-5671	
		8	G-5671	
		9	G-5671	
		10	G-5671	
		11	C164-808	
		12	C164-808	
		13	C164-808	
		14	C164-808	
		15	C164-808	
		16	C164-808	
		17	C164-808	
		18	C164-808	
		19	C167-390	
		20	C167-390	
		21	C167-390	
		22	C167-390	
		23	C167-390	
		24	G-5671	
		25	C167-1617	RI69-141.
		26	C168-84	RI69-410.
		27	C171-116 [20]	
		[21] 1	G-5675 [21]	
		[21] 2	G-5675 [21]	
		[21] 3	G-5675 [21]	
		[21] 6	G-5675 [21]	
		[21] 7	G-5675 [21]	
		[21] 8	G-5675 [21]	
		[21] 9	G-5675 [21]	
		[21] 10	G-5675 [21]	
		[21] 11	G-5675 [21]	
		[21] 12	C164-805 [21]	RI64-153.
		[21] 13	C164-805 [21]	
		[21] 14	C164-805 [21]	
		[21] 17	C164-805 [21]	
		[22] 1	C164-807 [22]	RI64-153.
		[22] 2	C164-807 [22]	
		[22] 3	C164-807 [22]	
		[22] 6	C164-807 [22]	
		[23] 1	G-5673 [23]	
		[23] 4	G-5673 [23]	
		[23] 5	G-5673 [23]	
		[23] 6	G-5673 [23]	
		[23] 7	G-5673 [23]	
		[23] 8	G-5673 [23]	
		[23] 9	G-5673 [23]	
		[24] 1	C165-12 [24]	
		[24] 2	C165-12 [24]	
		[25] 1	G-5672 [25]	
		[25] 4	G-5672 [25]	
		[25] 5	G-5672 [25]	
		[25] 6	G-5672 [25]	
		[25] 7	G-5672 [25]	
		[25] 8	G-5672 [25]	
		[25] 9	G-5672 [25]	
		[25] 10	C164-806 [25]	RI64-153.
		[25] 11	C164-806 [25]	
		[25] 12	C164-806 [25]	
		[25] 15	C164-806 [25]	
		[26] 1	G-5674 [26]	
		[26] 2	G-5674 [26]	

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Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
		[26] 3	G-5674 [26]	
		[26] 6	G-5674 [26]	
		[26] 7	G-5674 [26]	
		[26] 8	G-5674 [26]	
		[26] 9	G-5674 [26]	
		[26] 10	G-5674 [26]	
		[26] 11	G-5674 [26]	
CS71-128 11-19-70	Glover Hefner Kennedy Oil Co. (Operator) et al.	1	C166-538	RI69-639.
		2	C170-698	RI70-1728.
CS71-129 11-19-70	Bobby G. Dawson	[27] 2	C164-1393 [27]	RI65-353.
CS71-130 11-20-70	F. M. Buxton (Operator) et al.	[28] 1	C168-1292 [28]	
CS71-132 11-23-70	Kenneth M. Axelrod et al.	1	C161-494	
CS71-134 11-23-70	Mamie Axelrod Estate	[29] 1	G-6711 [29]	
		[29] 2	G-6699 [29]	
		[29] 3	G-6707 [29]	
		[29] 4	G-6384 [29]	
CS71-139 11-23-70	M. L. Sloan, a.k.a. Marion L. Sloan and Merle R. Sloan	[30] 1	C161-1068 [30]	RI66-347. [31]
		[32] 1	C163-750 [32]	RI64-657. [32]
CS71-142 11-25-70	Cloris Dale (Operator) et al.	1	G-12440	
		2	G-12440	RI65-350.
		3	G-12440	RI65-350.
		4	G-12440	RI65-350.
CS71-143 11-27-70	Sigma Exploration Corp. (Operator) et al.	1	C163-629	RI64-750.
CS71-144 11-27-70	Service Drilling Co. (Operator) et al.	2	C161-685	
		3	C163-1381	
		4	C163-1382	
		5	C161-326	
CS71-145 11-27-70	David Jackman, Jr., and Robert C. Armstrong.	1	C163-499	RI69-688.
CS71-146 11-27-70	Robert C. Armstrong (Operator) et al.	1	C169-1014	
CS71-149 12-2-70	Remlig Oil Co.	1	G-18978	
		2	G-19688	RI67-406.
CS71-150 12-2-70	William Bartlett Marshall	1	C162-228	
CS71-156 12-10-70	Euramerica Partnership 69	[34] 1	G-18390 [34]	RI66-45, RI69-579.
CS71-157 12-10-70	Jones & Pellow Oil Co. (Operator) et al.	1	C166-186	
		3	C167-983	
		4	C167-995	
		5	C167-1073	
		6	C167-1500	
		7	C168-229	
		8	C169-551 [35]	
		9	C169-894	
		10	C170-150	
		11	C170-205	
		12	C170-720	
		13	C170-1007	
		14	C170-1030	
		15	C171-146 [36]	
		16	C171-208	
		17	C171-374	
		18	C171-568 [36]	
		19	C171-591 [36]	

See footnotes at end of table.

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Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-158 12-10-70	Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, Deceased, et al.	1	G-5669	
		2	G-5669	
		3	G-5669	
		4	G-5669	
		5	G-5669	
		6	G-5669	
		7	G-5669	
		8	G-5669	
		9	G-5669	
		10	G-5669	
		11	G-5669	
		12	G-5669	
		13	G-5669	
		14	G-5669	
		15	G-8761	
		16	G-11027	
		17	G-8335	G-20205, RI65-590, RI71-15.
		18	G-5669	RI65-310, RI71-14.
		19	G-5669	RI65-463, RI71-14.
		20	G-5669	RI67-78.
		21	G-5669	RI69-82, RI69-283.
		22	C160-658	RI67-304.
		23	G-5669	RI71-72.
		24	G-5669	RI71-72.
		25	G-8429	RI71-72.
		26	G-5669	RI71-38.
		27	G-5669	RI68-69.
		28	C163-630	
		29	C163-589	RI71-58.
		30	C164-1118	RI66-220.
CS71-159 12-10-70	Yale Oil Association, Inc., et al.	1	C167-641	
		2	C167-993	
CS71-168 12-18-70	John Douglas Pitman (Operator) et al.	1	C162-1126	RI67-445.
		2	C163-597	RI67-444.
CS71-170 12-18-70	P. C. Frazee	1	C166-915	
CS71-177 12-28-70	Donald W. Jackson	1	C168-825	RI68-26. [37]
CS71-180 1-4-71	O. C. Holt	1	G-18711	RI64-415, RI69-668.
CS71-203 2-1-71	A. S. Ritchie et al.	1	C165-344	
CS71-218 11-30-70	Pearl G. Campbell	1	C164-1157	RI64-716.
		2	C164-1157	RI67-716.
		3	C164-1157	RI64-716.
		4	C164-1157	
CS71-271 4-9-71	C. W. Inc.			

[1] Certificate and rate schedule on file as E. W. Campbell.
[2] Terminated only insofar as it pertains to Correspondent Hughes Seewald (Operator et al.).
[3] Terminated only insofar as it pertains to Correspondent Bowers Drilling Co., Inc. (Operator), et al.
[4] Temporary certificate.
[5] Terminated only insofar as it pertains to Correspondent Westhoma Oil Co. (Operator) et al.
[6] Terminated only insofar as it pertains to Correspondent Amarex, Inc. (Operator), et al.
[7] Certificate and rate schedule on file as A. J. Curtis.
[8] Certificate and rate schedule on file as Amarillo Natural Gas Co.
[9] Terminated only insofar as it pertains to Correspondent Amarillo Natural Gas Co.
[10] Terminated only insofar as it pertains to Correspondent Aikman Bros. Corp. (Operator) et al.
[11] Certificate and rate schedule on file as Robert E. Aikman et al., d.b.a. Aikman Bros.
[12] Certificate and rate schedule on file as Robert E. Aikman, et al., d.b.a. Aikman 61 Ltd.
[13] Temporary certificate.
[14] Terminated only insofar as it pertains to Correspondent Etchieson & Gross Associates (Operator) et al.

[12] Terminated only insofar as it pertains to Correspondent Maguire Oil Co. (Operator) et al.
[13] Certificate and rate schedule on file as Maguire Oil Co., agent.
[14] Terminated only insofar as it pertains to Correspondent Sidwell Oil & Gas, Inc. (Operator), et al.
[15] Temporary certificate.
[16] Terminated only insofar as it pertains to Correspondent R. C. Sidwell (Operator) et al.
[17] Temporary certificate.
[18] Certificate and rate schedule on file as Jewel Osborn.
[19] Certificate and rate schedule on file as Osborn-Barrett Petroleum, Inc.
[20] Certificate and rate schedule on file as Charlotte Osborn Barrett.
[21] Certificate and rare schedule on file as William B. Osborn III.
[22] Certificate and rate schedule on file as Betty Osborn Biedenharn.
[23] Certificate and rate schedule on file as W. B. Osborn, Jr., Executor for the Estate of W. B. Osborn, Sr.
[24] Certificate and rate schedule on file as Rohde, Henderson, and Dawson.
[25] Certificate and rate schedule on file as Fred M. Buxton.
[26] Certificate and rate schedule on file as Mamie Axelrod.
[27] Certificate and rate schedule on file as M. L. Sloan.
[28] Terminated only insofar as it pertains to Correspondent M. L. Sloan.
[29] Certificate and rate schedule on file as Marion L. Sloan and Merle R. Sloan.
[30] Terminated only insofar as it pertains to Correspondent Marion L. Sloan and Merle R. Sloan.
[31] Certificate and rate schedule on file in the name of applicant's predecessor in interest, T. L. Roach et al., d.b.a. T. L. Roach & Son.
[32] Temporary certificate only for sales from additional acreage.
[33] Temporary certificate.
[34] Terminated only insofar as it pertains to Correspondent Donald W. Jackson.

[FR Doc.71-12077 Filed 8-20-71;8:45 am]

[Project 1895]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Issuance of Annual License

AUGUST 16, 1971.

On June 19, 1969, South Carolina Electric & Gas Co., licensee for Columbia Project No. 1895 located in Richland County, S.C., on the Broad River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 23, 1970.

The license for Project No. 1895 was issued effective January 1, 1938 for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to South Carolina Electric & Gas Co. for continued operation and maintenance of Project No. 1895.

Take notice that an annual license is issued to South Carolina Electric & Gas Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Columbia Project No. 1895, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12204 Filed 8-20-71;8:46 am]

[Docket No. CP72-30]

SOUTHERN NATURAL GAS CO.

Notice of Application

AUGUST 16, 1971.

Take notice that on August 6, 1971, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP72-30 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation of natural gas for Florida Gas Transmission Co. (Florida), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate measuring facilities for the receipt of natural gas from Florida at the Unknown Pass Field, Orleans Parish, La., and at the Kirklin Field, Walthall County, Miss. Applicant states that it will receive up to 2,500 Mcf per day from the Kirklin Field and up to 6,000 Mcf per day from the Unknown Pass Field. Applicant proposes to transport said volumes of natural gas for Florida and to redeliver equivalent volumes at an existing connection between their facilities located in Washington Parish, La.

The estimated cost of the measuring facilities proposed herein is $14,980, which cost applicant states will be reimbursed by Florida. Florida will pay applicant a monthly charge for the cost of operating the Kirklin facilities and the Unknown Pass facilities, in addition to a transportation charge per Mcf of natural gas delivered by applicant to Florida.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12201 Filed 8-20-71;8:45 am]

[Docket No. CP72-32]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

AUGUST 16, 1971.

Take notice that on August 9, 1971, Transcontinental Gas Pipe Line Corp. (applicant), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP72-32 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of a meter station and appurtenant facilities and the operation thereof for the delivery of natural gas to South Jersey Gas Co. (South Jersey), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate a natural gas sales metering station and appurtenant facilities to be located near milepost 15.35 on applicant's Marcus Hook-Woodbury-Camden line in Gloucester County, N.J. Applicant states that South Jersey has requested the construction and operation of this station for the delivery of natural gas to South Jersey for resale and delivery in the Mid-Atlantic Industrial Park. The estimated volume of natural gas to be delivered through the subject facilities is 360 Mcf par day, which volume, applicant states, will be from the allocation heretofor authorized for delivery to South Jersey.

The facilities proposed herein are estimated to cost $42,300, which cost will be reimbursed in full to applicant by South Jersey.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18

CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12202 Filed 8-20-71;8:45 am]

FEDERAL RESERVE SYSTEM

ASSOCIATED BANK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Associated Bank Corp., Des Moines, Iowa, for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 55 percent or more of the outstanding voting shares of Iowa Trust & Savings Bank, Estherville, Iowa.

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 Chicago.

Board of Governors of the Federal Reserve System, August 16, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-12162 Filed 8-20-71;8:45 am]

NORTHERN VIRGINIA BANKSHARES

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 Northern Virginia Bankshares, which is a bank holding company located in Bailey's Crossroads, Va., for prior approval by the Board of Governors of the acquisition by applicant of 41.96 percent or more of the voting shares of The Bank of Arlington, Arlington, Va.

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 of the Federal Reserve Bank of Richmond.

Board of Governors of the Federal Reserve System, August 13, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-12163 Filed 8-20-71;8:45 a.m.]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

Correction

In F.R. Doc. 71-11608 appearing at page 15074 in the issue for Thursday, August 12, 1971, the following changes should be made:

1. The nicotine content for "Domino—King size, filter, menthol", now reading "1.6", should read "1.3".

2. The nicotine content for "Doral—King size, filter", now reading "0.3", should read "0.9".

3. The entry reading "Herbert Taryton" should read "Herbert Tareyton", and the nicotine content for that variety, now reading "1.3", should read "1.8".

4. The nicotine content for "Home Run", now reading "1.8", should read "1.3".

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-116]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Hawaii Public Utilities Commission in a proceeding (Docket No. 1971) involving electric service rates of the Hawaiian Electric Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the

responsible officers, officials, and employees thereof.

Dated: August 16, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-12265 Filed 8-20-71;8:49 am]

POSTAL SERVICE

POSTAL RATES AND FEES
Recision of Certain Temporary Changes

In view of Executive Order 11615, dated August 15, 1971, entitled "Providing for Stabilization of Prices, Rents, Wages, and Salaries" (36 F.R. 15727), the temporary changes in certain third-class postal rates to be effective September 15, 1971, which were announced in the daily issue of August 10, 1971 (36 F.R. 14711; as corrected 36 F.R. 15474) are hereby rescinded.

(39 U.S.C. 3641)

DAVID A. NELSON,
Senior Assistant Postmaster General and General Counsel.

[FR Doc.71-12304 Filed 8-20-71;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-26909 (22-460)]

GENERAL AMERICAN TRANSPORTATION CORP.
Notice of Application and Opportunity for Hearing

AUGUST 16, 1971.

Notice is hereby given that General American Transportation Corp. (Company) has filed an applicant pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of First National City Bank (FNCB) under General American Transportation Corp. Equipment Trust Agreements, covering Series 52, 55, 61, and 67 (two of which related to private placements) and the proposed successor trusteeship of FNCB under an existing General American Transportation Corp. Equipment Trust Agreement, Series 64, 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 the five Equipment Trust Agreements.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall within 90 days after ascertaining that it has such a conflicting interest, either eliminate such conflicting interests, or resign. Subsection (1) of this section provides, with certain exceptions stated therein, 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. On July 13, 1967, the Company filed with the Commission a registration statement (No. 2-26909, made effective July 26, 1967) covering an equipment trust designated as General American Transportation Corp. Equipment Trust, Series 64, under which $25 million principal amount of certificates were issued pursuant to an Equipment Trust Agreement (Series 64 indenture) qualified under the Act. There is presently outstanding (excluding certificates held in the Company's treasury) $19,908,000 principal amount of such certificates.

2. The trustee under the Series 64 Indenture, The First National Bank of Chicago, has resigned such trusteeship, effective upon the acceptance of appointment by the successor trustee. The Company desires to appoint FNCB, a corporation organized as a national banking association under the laws of the United States of America, as successor trustee.

3. FNCB is presently acting as trustee under General American Transportation Corp. Equipment Trusts, Series 52, 55, 61, and 67, which are four of the Company's 19 presently existing equipment trusts. Of the amount issued under the present FNCB trusteeships, $88,330,000 are outstanding.

4. Each of the series of equipment trust certificates issued under the present FNCB trusteeships (i.e. Series 52, 55, 61, and 67) is, and the Series 64, are secured by a separate lot of identified railroad cars, so that should FNCB have occasion to proceed against the security under one of their trusts, such action would not affect the security, or the use of any security, under the other trusts. Thus, the existence of the other trusteeships should in no way inhibit or discourage FNCB's actions.

5. By order dated November 18, 1970, in File No. 2-38708 (22-6352), the Commission recently found that the trusteeship of FNCB under the Series 48, 52, 55, and 61 indentures (Series 48 has since been retired) and the then proposed trusteeship of FNCB under the Series 67 indenture were not so likely to involve a material conflict of interest as to disqualify FNCB from acting as trustee under all five indentures at the same time.

6. The Company is not in default under any of its equipment trust obligations.

The Company waives notice of hearing, hearing on the issues raised by this application and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice.

For a more detailed statement of 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 September 7, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said 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 & 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] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12244 Filed 8-20-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-5073]

GREATER SPRINGFIELD INVESTMENT CORP.
Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On July 1, 1971, a notice was published in the FEDERAL REGISTER (36 F.R., 12566) stating that Greater Springfield Investment Corp., 958 State Street, Springfield, Mass., had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA Rules and Regulations Governing Small Business Companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business July 11, 1971, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 01/01-5073 to Greater Springfield Investment Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: August 10, 1971.

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

[FR Doc.71-12168 Filed 8-20-71;8:45 am]

TARIFF COMMISSION

[TEA-W-102]

H. K. PORTER CO., INC.

Workers' Petition for Determination of Eligibility to Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the H. K. Porter Co., Inc., Electrical Division, Ambridge, Pa., the U.S. Tariff Commission on August 17, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with pipes and tubes and fittings therefor and electrical apparatus (of the types described in items 688.30, 688.35, 685.90, and 685.91, respectively, of the Tariff Schedules of the United States) all produced by said Electrical Division are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such division of the firm.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: August 18, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-12282 Filed 8-20-71;8:51 am]

DEPARTMENT OF LABOR

Office of the Secretary

NEW HAMPSHIRE

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation which provides for payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Benjamin C. Adams, Commissioner of the New Hampshire Department of Employment Security, has determined that there was a State "off" indicator in New Hampshire for the week ending June 12, 1971, and that an extended benefit period terminated in the State with the week ending July 3, 1971.

Signed at Washington, D.C., this 13th day of August 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-12164 Filed 8-20-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

Assignment of Hearings

AUGUST 18, 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 110264 Sub 41, Albuquerque Phoenix Express, Inc., assigned September 27, 1971, in Room 1010, Federal Building, 230 North First Avenue, Phoenix, AZ.

MC 108398 Sub 38, Ringsby-Pacific Ltd., application dismissed.

MC 14552 Sub 39, J. V. McNicholas Transfer Co., assigned September 15, 1971, in Room No. 4, State Office Building, 65 South Front Street, Columbus, OH.

MC 107295 Sub 414, Pre-Fab Transit Co., hearing canceled and application dismissed.

MC-119049 Sub 4, T.E.K. Van Lines, Inc., now being assigned for hearing on September 27, 1971, in Room 13025, 450 Golden Gate Avenue, San Francisco, CA.

No. 35401, Greyhound Lines, Inc., Continental Trailways, Inc., Chrysler Corp., and David E. Willis—Investigation of Operations and Practices, assigned September 9, 1971, at Dallas, Tex., postponed indefinitely.

MC-134884 Sub 1, Farwest Furniture Transport, Inc., now assigned September 27, 1971, at San Francisco, Calif., postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12281 Filed 8-20-71;8:51 am]

[Drought Order No. 66 (Sub No. 10)]

CERTAIN DROUGHT AREAS IN TEXAS

Transportation of Hay at Reduced Rates

In the Matter of Relief under Section 22 of the Interstate Commerce Act.

Present: George M. Stafford, Chairman, to whom the above entitled matter has been assigned for action thereon.

It appearing, that by reasons of drought conditions existing in certain portions of the State of Texas, hereinafter referred to as the disaster area, the Assistant Secretary of the U.S. Department of Agriculture, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the counties of:

Austin.	Leon.
Brewster.	Midland
Grayson.	Presidio.
Jeff Davis.	Tarrant.
Johnson.	

all located in the State of Texas, referred to herein as the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until March 31, 1972, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be effective 1 day after publication and filing instead of 30.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such State agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the drought.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That, subject to the conditions in the succeeding paragraphs hereof, the use of reduced rates established by authority of this order may be conditioned upon the release by the shipper of the value of the commodity, which released value, in its relation to the invoice value of the property at time of shipment, shall be in the same percentage relation which the reduced rates bear to the rates which otherwise would apply.

And it is further ordered, That tariffs containing released rates filed under authority of this order shall show in connection with such rates the following notation:

The released value must be entered on shipping order and bill of lading in the following form:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described.

If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the rates subject hereto. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates herein published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 66 (Sub. No. 10) of August 17, 1971.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y.; the Chairman of the Southern Freight Association, Atlanta, Ga.; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Ill.; the Vice President and Director, Bureau of Railway Economics, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 17th day of August 1971.

By the Commission, Chairman Stafford.

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

[FR Doc.71-12280 Filed 8-20-71;8:50 am]

[Notice 351]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 18, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No.-MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 66121 (Sub-No. 22 TA), filed August 11, 1971. Applicant: INDIAN BOW TRUCK LINES, LTD., 225 Marcus Boulevard, Deer Park, NY 11729. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass reinforced articles*, from Wyandanch, N.Y., to points in New Jersey, Pennsylvania, Alabama, New York, Ohio, Indiana, Michigan, Minnesota, Illinois, Connecticut, Massachusetts, California, Maryland, District of Columbia, Virginia, Wisconsin, South Carolina, Florida, and Mississippi, *returned shipment* in the opposite direction, for 180 days. Supporting shipper: Lunn Laminates Inc., Straight Path, Wyandanch, Long Island, N.Y., 11798. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 111729 (Sub-No. 323 TA), filed August 12, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds;* (a) between Hammond, Ind., and Peoria, Ill.; (b) between Milwaukee, Wis., on the one hand, and, on the other, points in Boone, Cook, Du Page, Lake, McHenry, and Winnebago Counties, Ill.; (2) *small truck parts and accessories*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Roanoke, Va., on the one hand, and, on the other, points in North Carolina; (3) *ophthalmic goods, business papers and records;* (a) between Richmond, Va., on the one hand, and, on the other, points in North Carolina and points in Cabell, Kanawha, Mercer, and Raleigh Counties, W. Va., and Johnson City, Tenn.; (b) between Dallas, Tex., on the one hand, and, on the other, Fort Smith and Little Rock, Ark., and points in Louisiana; (c) between Minneapolis, Minn., on the one hand, and, on the other, Des Moines, Fort Dodge, Mason City, Ottumwa, and Sioux City, Iowa, St. Paul, Minn., Mitchell, S. Dak., and Wausau, Wis.;

(4) *Proofs, cuts, copy, artwork, advertising posters, and other related printed matter*, between Bethlehem, Pa., on the one hand, and, on the other, New York, and Ticonderoga, N.Y.; Baltimore, Md.; Washington, D.C.; and Trenton, N.J.; (5) *biological laboratory samples; blood specimens; serum specimens; urine specimens and business papers and records*, between Morristown, N.J., on the one hand, and, on the other, Hartford, New Haven, and New London, Conn.; (6) *small parts, components, and supplies for copying machines*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Blauvelt, N.Y., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont, for 180 days. Supporting shippers: Sealtest Foods, 736 Southwest Washington Street, Peoria, IL 61602; A. O. Smith Corp., Post Office Box 584, Milwaukee, WI 53201; Dickerson GMC, Inc., 341 24th Street NW., Roanoke, VA 24009; American Optical Corp., Southbridge, Mass. 01550; Laros Printing Co., Inc., Ninth and Linden Street, Miller Heights, Bethlehem, PA 18017; Diagnostic Sciences, Inc., 36 Elm Street, Morristown, NJ 07960; Xerox Corp., Blauvelt, N.Y. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114840 (Sub-No. 9 TA), filed August 8, 1971. Applicant: EUGENE EBY, GLENN EBY, AND WAYNE EBY, a partnership, doing business as EBY BROTHERS, 2622 Regan Street, Boise, ID 83702 (Ada County). Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber mill products, plywood and plywood mill products, and particle board*, from points in Crook, Deschutes, Gilliam, Jefferson, Lake, Morrow, Sherman, Wasco, and Wheeler Counties, Oreg., to points in Idaho south of the northern boundary of Idaho County; and (2) *stone and clay products consisting of brick, flue tile, blocks, slabs, and tile*, from Box Elder, Salt Lake, and Weber Counties, Utah, to points in Ada, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties, Idaho, and points in Baker, Malheur, and Union Counties, Oreg., for 180 days. NOTE: Applicant does not intend to tack or interline authority herein applied for. Supporting shippers: Pullman Brick Co., Inc., 7901 Warm Springs Avenue, Boise, ID 83706; Boise Cascade Corp., Transportation & Distribution Department, Post Office Box 7747, Boise, ID 83707; Chandler Supply Co., Post Office Box 2840, Boise, ID 83701. Send protests to: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 455 Federal Building and U.S. Courthouse, Boise, Idaho 83702.

No. MC 116544 (Sub-No. 127 TA) (Correction), filed July 26, 1971, published FEDERAL REGISTER August 6, 1971, corrected and republished in part as corrected this issue. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, MO 64836. Applicant's representative: Robert Wilson (same address as above). NOTE: The purpose of this partial republication is to show the correct Sub-No. 127 in lieu of Sub-No. 126, shown

erroneously in previous publication. The rest of the notice remains the same.

No. MC 117167 (Sub-No. 3 TA) (Correction), filed June 9, 1971, published FEDERAL REGISTER June 22, 1971, corrected and republished in part as corrected this issue. Applicant: WHEELER'S TOWING & SERVICE, INC., 5050 L Street, Omaha, NE 68117. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. NOTE: The purpose of this partial republication is to include the words "and replacement" in the commodity description, in (1) and (2) above, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 117699 (Sub-No. 2 TA), filed August 12, 1971. Applicant: MILLER BROS. CO., INC., Box 1, Hyrum, UT 84319. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from San Ysidro, Calif., to Salt Lake City, Utah, for 180 days. Supporting shipper: Standard Fruit and Steamship Co., 131 Terminal Court, South San Francisco, CA. (William W. Heintz, Vice President, Standard Fruit Sales, Co.) Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 128940 (Sub-No. 15 TA) (correction) filed July 8, 1971, published FEDERAL REGISTER July 22, 1971, corrected and republished in part as corrected this issue. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, Post Office Box 722, 9327 Riggs Road, Adelphi, MD 20783. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. NOTE: The purpose of this partial republication is to include *Washington County, Md.*, under (2) above as the destination point, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 134779 (Sub-No. 2 TA), filed August 11, 1971. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, 1263 South Cherry Street, Janesville, WI 53545. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from plantsites of General Motors Corp., in Jackson County, Mo., to Janesville, Wis., the initial authority here sought may be used in combination with applicant's existing secondary authority for the transportation of vehicles moving from Jackson County, Mo., to Janesville, Wis., and subsequently reshipped by General Motors Corp. to destinations beyond Janesville (Applicant presently holds secondary authority between points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, for 180 days. Supporting shipper: General Motors Corp., Victon A. Long, Director Vehicle Distribution Transportation, Logistics Operation, General Motor Building, 3044 West Grant Boulevard, Detroit, MI 48202. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 129720 (Sub-No. 2 TA), filed August 12, 1971. Applicant: JACOBSEN TRANSFER, INC., Post Office Box 443, 508 West Nobes Street, York, NE 68467. Applicant's representative: Patrick E. Quinn, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain handling equipment and the equipment and materials used in the erection thereof*, from Taylorville, Ill., to points in Nebraska, for 180 days. Supporting shipper: Circle of Nebraska Ltd., 634 East Ninth Street, York, NE 68467. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, NE 68508.

No. MC 135780 (Sub-No. 1 TA), filed August 11, 1971. Applicant: HERZOG CONTRACTING CORP., 2020 South Fourth Street, St. Joseph, MO 64505. Applicant's representative: William E. Herzog (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone, rip-rap, slagg, flyash, cement, mineral filler, soil, rubble, asphalt mix, asphalt products*, from that certain area bounded by a line beginning at the intersection of U.S. Highway 75, and U.S. Highway 54 in the State of Kansas, thence in a northerly direction along U.S. Highway 75, through the States of Kansas and Nebraska, to the intersection thereof with the States of Nebraska and Iowa, to the intersection thereof with U.S. Highway 65, thence in a southerly direction along U.S. Highway 65, through the States of Iowa and Missouri, to the intersection thereof with U.S. Highway 54, thence in a westerly direction along U.S. Highway 54, through the States of Missouri and Kansas, to the point of beginning at the intersection thereof with U.S. Highway 75, for 150 days. Supporting shipper: Mo-Kan Paving, Inc., St. Joseph, Mo. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 135871 TA, filed August 9, 1971. Applicant: H. G. M. TRANSPORT COMPANY, 1079 West Side Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's and children's ready-to-wear apparel stores and *supplies and equipment* used in the conduct of such business, for the account of Gaylords National Corporation, between New York, N.Y., and Secaucus, N.J. (including the commercial zones of these points as prescribed by the Interstate Commerce Commission), on the one hand, and, on the other, points in Alabama, Mississippi, Louisiana, Georgia, Florida, North Carolina, Ohio, and Illinois, for 150 days. Supporting shipper: Gaylords National Corp., 10 Enterprise Avenue, Secaucus, NJ 07094. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135873 TA, filed August 11, 1971. Applicant: KSS TRANSPORTATION CORPORATION, 4 Wester Avenue, Metuchen, NJ 08840. Applicant's representative: Jay D. Arbeiter, 344 Main Street, Metuchen, NJ 08840. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes, advertising materials, circulars, paper bags, rolled paper stock for printing and newsprint periodical inserts and business forms*, from Metuchen, N.J., to points in the United States excluding Alaska and Hawaii, under continuing contract with aforementioned shipper or shippers, Webcraft and Filmcraft located at 4 Wester Avenue, Metuchen, N.J.; Publication Insert Corp., located at 225 Forest Street, Metuchen, N.J.; and Webcraft and Filmcraft located at 4 Carpenter Place, Metuchen, NJ for 180 days. Supporting shipper: Webcraft and Filmcraft & Publication Insert Corp., 4 Carpenter Place, Metuchen, NJ 08840. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 135876 TA, filed August 12, 1971. Applicant: JESSE GOMEZ, Route 1, Box 114, Wellton, AZ. 85356. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, AZ 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feeds*, from J. Y. Otondo Farm & Mill, near Wellton, Ariz., to those points south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif., for the account of The Ralston Purina Co., Chow Division, Phoenix, Ariz., for 180 days. Supporting shipper: Ralston Purina Co., Chow Division, Post Office Box 20763, Phoenix, AZ 85036. Send protests to: A. V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, U.S. Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MOTOR CARRIER OF PASSENGERS

No. MC 135870 TA, filed August 9, 1971. Applicant: HI-WAY AMERICAN,

INC., 2951 West Chicago, Detroit, MI 48206. Applicant's representative: James F. Schouman, 21925 Garrison, Dearborn, MI 48124. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending in Detroit, Mich., and points within the commercial zone of Detroit, Mich., and extending to points in the Continental United States, for 180 days. Supporting shippers: D. P. W. Local 26, American Federation of State, County and Municipal Employees, 103 West Alexandrine, Detroit, MI 48201; West Side Cubs, Inc., 10055 Holmur Street, Detroit, MI 48204; Trinity Community Church, 1967 West Euclid Street, Detroit, MI 48206; Highway Missionary Baptist Church, 4149 Hazelwood Street, Detroit, MI 48204; The 32–3300 Calvert, Avenue Block Club, 33500 Calvert Avenue, Detroit, MI 48206; Area Training & Technical Assistance Center, 903 West Grand Boulevard, Detroit, MI 48208; Thompson Court Area Block Club, 4728 Thompson Court, Detroit, MI 48207; Mayor's Committee For Human Resources Development, 1231 Selden Avenue, No. 1391, Detroit, MI 48201; Royale Tours, Inc., 10828 West Seven Mile Road, Detroit, MI 48221; Mount Zion Israel of God's Church, 3555 East Forest Avenue, Detroit, MI 48207. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

By the Commission.

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

[FR Doc.71-12278 Filed 8-20-71;8:50 am]

[Notice 736]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73010. By order of August 12, 1971, the Motor Carrier Board approved the transfer to Texas-Commercial Express, Inc., Euless, Tex., of portions of the operating rights in Certificates Nos. MC–119789 (Sub-No. 20), and MC–119789 (Sub-No. 29) issued May 6, 1968, and September 10, 1970, respectively, to Caravan Refrigerated Cargo, Inc., Dallas, Tex., authorizing the transportation of foodstuffs (except bananas and commodities in bulk), from the plantsite and warehouse site of Mississippi Federated Cooperatives (AAL) at or near Jackson, Miss., to points in Louisiana and Texas, subject to restriction; and meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* (except hides and commodities in bulk), from Liberal, Kans., to points in Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine restricted to the transportation of traffic originating at the plantsites and storage facilities utilized by National Beef Packing Co., Inc., at Liberal, Kans. Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301, attorney for applicants.

No. MC–FC–73039. By order of August 16, 1971, the Motor Carrier Board approved the transfer to John L. Brown, 2236 Brookfield Drive SW., Roanoke, VA 24018, of that portion of the operating rights in Certificate No. MC–106274 (Sub-No. 6) issued March 29, 1965, to Raeford Trucking Co., a corporation, Post Office Box 45, Sanford, NC 27330, authorizing the transportation of machinery from points in Virginia to points in Caswell County, N.C.

No. MC–FC–73044. By order of August 16, 1971, the Motor Carrier Board approved the transfer to Southeastern Motor Freight, Inc., Metairie, La., of the Certificate of Registration in No. MC–58828 (Sub-No. 2) and the Certificates in Nos. MC–58828 (Sub-No. 4), MC–58828 (Sub-No. 5), and MC–58828 (Sub-No. 7) issued July 23, 1964, November 25, 1964, November 25, 1964, and November 12, 1965, respectively, to Aswell Pitre and Ronald F. Story, a partnership, doing business as Southeastern Motor Freight, Metairie, La., authorizing operations as a motor common carrier of general commodities, with usual exceptions, between specified points in Louisiana. Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130, attorney for applicants.

No. MC–FC–73055. By order of August 16, 1971, the Motor Carrier Board approved the transfer to Kale Equipment Rentals, Inc., Philadelphia, Pa., of the operating rights in Permit (Corrected) No. MC–60387 issued June 19, 1946, to Bonner Hauling Co., Inc., Philadelphia, Pa., authorizing the transportation of general commodities, except dangerous explosives, household goods, and commodities in bulk, between Philadelphia, Pa., on the one hand, and, on the other, points and places in Delaware, Maryland, New Jersey, and New York within 125 miles of Philadelphia. Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817, registered practitioner for applicants.

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

[FR Doc.71-12279 Filed 8-20-71;8:50 am]

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SATURDAY, AUGUST 21, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 163

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

EMERGENCY SCHOOL ASSISTANCE PROGRAM

Title 45—PUBLIC WELFARE

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

PART 181—EMERGENCY SCHOOL ASSISTANCE PROGRAM

Notice of proposed rule making was published in the FEDERAL REGISTER on July 10, 1971 (36 F.R. 12984), setting forth proposed amendments to Part 181 of Title 45 of the Code of Federal Regulations relating to the Emergency School Assistance Program. Following review of comments and upon further consideration of the proposed amendments with respect to the matters upon which comment was received, the following changes were made, and the regulation (in its amended form) is published in full below as the current regulation applicable to the Emergency School Assistance Program.

Summary of changes—1. *Changes relating to transactions with certain private schools.* Editorial changes have been made in § 181.3(a)(4) by combining the first and second sentences and by eliminating the adverb "knowingly," which was considered to be neither necessary nor appropriate under the provisions of the underlying statute.

The disclosure requirement in § 181.6(a)(4)(iv) has been modified to cover transactions with private schools without regard to whether such schools practice discrimination on the basis of race, color, or national origin. Of course, only transactions with discriminatory schools are disqualifying under the regulations; the disclosure serves merely to facilitate administration of § 181.3(a)(4).

The parenthetical sentence at the end of § 181.6(a)(4)(iv), which would have established a presumption of nondiscrimination by a nonpublic school or school system which has been determined by the Internal Revenue Service after June 30, 1971, to qualify for tax-exempt status, has been deleted. The date of June 30, 1971, referred to in that presumption was the date of the decision of the U.S. District Court for the District of Columbia in the case of "Green" v. "Connally," imposing certain requirements on the Internal Revenue Service in determining that nonpublic schools or school systems applying for tax-exempt status did not discriminate upon the basis of race. Because there has yet been no final disposition of the "Green" case, the use of the June 30, 1971 cutoff date is inappropriate, and accordingly the presumption set forth in the parenthetical sentence should not be included in the regulation as of this time.

2. The term "annulled" is removed from the parenthetical in § 181.3(a)(3) to avoid further penalizing school districts whose ESAP grants were required to be annulled during 1970–71 as a result of a mistake by the Government, or a mutual mistake, as to their legal status.

3. The new priority criterion set forth in § 181.10(f) (relating to the relative effectiveness of projects carried out under the program prior to July 1, 1971) is revised to apply to all applicants under § 181.3, rather than those covered by § 181.3(a)(3) alone.

4. Certain changes are made in the General Terms and Conditions as follows:

Paragraph 11 (formerly paragraph 12) no longer permits grantees to extend their project or budget periods for 3 months without a formal request for approval by the Grants Officer.

A new paragraph 26 requires prior approval by the Grants Officer for use of consultants paid at a rate of more than $100 a day, and requires grantees to maintain written records as to the use of all consultants.

The above changes being minor and technical in nature, the effective date of this document shall be August 21, 1971, 30 days or more after the publication of the proposed amendments in the FEDERAL REGISTER.

The regulations set forth in this part are applicable to the Emergency School Assistance Program (hereinafter "the program"), which will be administered by the Commissioner of Education. Authority to carry out the program is based upon the following statutory provisions:

1. The Education Professions Development Act, Part D (20 U.S.C. 1119–1119a).

2. The Cooperative Research Act (20 U.S.C. 331–332b).

3. The Civil Rights Act of 1964, Title IV (42 U.S.C. 2000c—2000c–9).

4. The Elementary and Secondary Education Act of 1965, section 807 (20 U.S.C. 887).

5. The Elementary and Secondary Education Amendments of 1967, section 402 (20 U.S.C. 1222).

6. The Economic Opportunity Act of 1964, Title II (42 U.S.C. 2781–2837) (under authority delegated to the Secretary of Health, Education, and Welfare).

Regulations previously published pursuant to the foregoing statutory authorities will not be applicable to the program.

Sec.

AUTHORITY: The provisions of this Part 181 issued under 20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837.

§ 181.1 Definitions.

As used in this part:

(a) The term "Commissioner" means the U.S. Commissioner of Education.

(b) The term "desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" does not mean the assignment of students to public schools in order to overcome racial imbalance.

(42 U.S.C. 2000c)

(c) The term "local educational agency" means a public board of education or other public authority legally constituted within a State either for administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 881)

(d) The term "minority group" with reference to any person or persons, means a person or persons of Negro, American-Indian, Spanish-surnamed American, or Oriental ancestry.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, or organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 881)

(f) The term "person" includes an individual, group, organization, corporation, association, or other entity.

(g) The term "property" includes real or personal property.

(Public Law 91–380)

(h) The term "secondary school" means a school which provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

(20 U.S.C. 881)

(i) The term "transfer" in relation to property (or services) includes the gift, lease, or sale of such property or services.

(Public Law 91–380)

§ 181.2 Purpose.

The purpose of the emergency assistance to be made available under the program described in this part is to meet special needs during the 1971–72 academic year incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools by contributing to the costs of new or expanded activities to be carried out by local educational agencies or other agencies organizations, or institutions and designed to achieve successful desegregation and the elimination of all forms of discrimi-

nation in the schools on the basis of race, color, religion, or national origin.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.3 Eligibility.

(a) (1) Assistance under the program may be made available to a local educational agency which is implementing a plan for the desegregation of its schools, which plan (i) has been undertaken pursuant to a final order of a court of the United States or of any State, or of a State administrative agency of competent jurisdiction, issued or modified on or after April 20, 1971, pursuant to constitutional requirements as set forth by the U.S. Supreme Court in "Swann v. Charlotte-Mecklenburg Board of Education," and its companion cases, or (ii) has been approved by the Secretary, on or after such date as adequate under title VI of the Civil Rights Act of 1964, and (iii) imposes new or additional desegregation requirements for the 1971–72 school year over and above those implemented by the school district in any prior year.

(2) Commencing 30 days after the effective date of this part, as amended, assistance may also be made available to a local educational agency which is implementing a plan for the desegregation of its schools, which plan would have made the local educational agency eligible for assistance under subparagraph (1) of this paragraph but for the fact that the applicable court order or title VI approval was issued prior to April 20, 1971: *Provided however*, That in any State a local educational agency which is eligible for assistance under subparagraph (1) of this paragraph shall be accorded priority over such an agency in that State which is eligible therefor under this subparagraph (2).

(3) Commencing 30 days after the effective date of this part, as amended, such assistance may also be made available to a local educational agency which is implementing a plan for the desegregation of its schools with respect to which plan assistance was furnished (and not terminated) under this program prior to July 1, 1971: *Provided however*, That in any State a local educational agency which is eligible for assistance under subparagraph (1) or (2) of this paragraph shall be accorded priority over such an agency in that State which is eligible under this subparagraph (3).

(4) A local educational agency shall be ineligible for such assistance if it has engaged directly or indirectly in a transfer of property or services to or for the benefit of a nonpublic school or school system which practices discrimination on the basis of race, color, or national origin (or a person intending to establish or operate such a school or school system) (i) where such transfer (*a*) was for less than full value and (*b*) was effected after May 27, 1968 ("Green v. County School Board of New Kent County, Virginia," 391 U.S. 430), or (ii) where such transfer was by local educational agency which had applied for and received assistance under the program prior to July 1, 1971.

(Public Law 91–380)

(b) In any case where the Commissioner finds that it would more effectively carry out the purposes of the program, he may make a grant to any public or nonprofit private agency, organization, or institution (other than a local educational agency), and contract with any public or private agency, institution, or organization to assist in the implementation of one or more desegregation plans described in paragraph (a) of this section.

(c) The Commissioner initially will reserve for use pursuant to paragraph (b) of this section 10 percent of the funds made available for the program. Any of such reserved funds not used pursuant to paragraph (b) of this section within such time as the Commissioner may determine will be made available for use by local educational agencies pursuant to paragraph (a) of this section.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, 42 U.S.C. 2781–2837, Public Law 91–380, and Public Law 92–38)

§ 181.4 Authorized activities.

Projects assisted under the program shall be designed to contribute to achieving and maintaining desegregated school systems and should emphasize such activities as the following:

(a) Carrying out special community programs designed to assist school systems to implement desegregation plans such as (1) promoting understanding among students, school staffs, parents and community groups; (2) conducting community information programs to provide information concerning desegregation; (3) establishing and supporting committees consisting of minority and nonminority group members; (4) conducting school-home visitation programs; and (5) conducting special parent programs designed to facilitate the implementation of the desegregation plans;

(b) Carrying out special pupil personnel services designed to assist in maintaining quality education during the desegregation process such as (1) providing special guidance and counseling personnel with expertise in working with a desegregated student body; (2) providing remedial and other services to meet special needs of children affected by desegregation; and (3) employing special consultants;

(c) Carrying out special curriculum revision programs and special teacher preparation programs required to meet the needs of a desegregated student body such as (1) developing new and varied instructional techniques and materials designed to meet the special needs of children affected by desegregation; (2) designing and introducing new curricula that serve children from various ethnic backgrounds; (3) developing new material and techniques for improved evaluation and assessment of student progress; (4) carrying out special demonstration projects for the introduction of innovative instructional methodologies which will improve the quality of education in desegregated schools; (5) providing for individualized instruction, team teaching, nongraded programs, and the employment of master teachers; (6) establishing inservice programs to assist teachers in dealing with children who have inadequate English language skills; (7) promoting greater understanding of the attitudes and interpersonal relationships of students and teachers involved in the desegregation process; (8) upgrading basic skills and instructional methodologies; (9) mobilizing university and consultant expertise in developmental programs and seminars on problems incident to desegregation; (10) providing temporary teachers whose employment will permit permanent teachers to participate in training related to desegregation; and (11) providing teacher aides whose employment will help improve instruction in schools affected by desegregation;

(d) Carrying out special student-to-student programs designed to assist students in opening up channels of communication concerning problems incident to desegregation such as (1) promoting mutual acceptance; (2) promoting greater understanding of racial peer pressures of students; (3) assisting student groups to develop interracial understanding; (4) involving groups consisting of minority and nonminority group students in curriculum revision; and (5) assisting groups consisting of minority and nonminority group students to plan and conduct desegregated extracurricular activities;

(e) Carrying out special comprehensive planning and logistic support designated to assist in implementing a desegregation plan such as (1) employing additional administrative and clerical personnel necessary for implementation of a plan; (2) assisting in the rescheduling and reassignment of students and teachers and the redrawing of transportation routes; (3) supervising necessary physical changes; and (4) minor repairing and minor remodeling of existing facilities and leasing or purchasing of mobile or demountable classroom units.

Assistance may also be provided for any other specially designed project which the Commissioner determines will meet the purposes of the program.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.5 Allotment.

(a) The Commissioner will allot the funds appropriated, allocated, or otherwise made available for the purposes of the program as follows:

(1) As soon as practicable after the effective date of this part, as amended, he shall allot to each State an amount which bears the same ratio to such funds (or portion thereof as determined in accordance with subparagraph (3) of this paragraph) as the number of minority group children aged 5 to 17 inclusive in the State who are in local educational agencies eligible for assistance under § 181.3

(a)(1) bears to the number of such minority group children in all of the States.

(2) In addition, within such time as the Commissioner may specify he shall allot such additional funds which have not been allotted pursuant to subparagraph (1) of this paragraph (or a portion thereof) by alloting to each State an amount which bears the same ratio to the funds to be alloted as the number of minority group children aged 5 to 17 inclusive in the State who are in local educational agencies eligible for assistance under § 181.3(a) (1), (2), and (3) bears to the total number of such minority group children in all the States. Any additional allotments shall be made on the basis of this subparagraph.

(3) The allotments specified in this paragraph (and the reallotments specified in paragraph (b) of this section) may be made on the basis of estimates with respect to the local educational agencies which will be eligible for assistance. For the purpose of making any of the allotments specified in this paragraph, the Commissioner may treat the funds available under the program in installments and allot each installment separately. The allotment of each such installment may be made on the basis of the most recent satisfactory data (including estimates in accordance with the second preceding sentence) available on the date of such allotment.

(b) That part of any State's allotment which the Commissioner determines will not be needed may be reallotted, on such dates as the Commissioner may fix, in proportion to the original allotments, but with appropriate adjustments to assure that any amount so made available to any State in excess of its needs is similarly reallotted among the other States.

(c) In no event will more than 12½ percent of the funds allotted be used in any one State.

(42 U.S.C. 2812)

§ 181.6 Application.

(a) An application of a local educational agency for assistance under the program shall—

(1) Set forth a comprehensive statement of the problems faced by that agency in achieving and maintaining a desegregated school system, including a comprehensive assessment of the needs of the children in such agency;

(2) Describe in detail the new requirements to which such agency is subject with respect to the 1971–72 academic year, and

(3) Describe the activities that are designed to comprehensively and effectively meet the problems created by such new requirements, including the specific activities to be carried out with assistance requested under the program and the manner in which these activities will address such problems;

(4) Contain assurances satisfactory to the Commissioner, accompanied by such supportive information as he may require:

(i) That Federal funds made available under the program for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be available to the applicant from non-Federal sources for purposes which meet the requirements of the program, and in no case to supplant such funds;

(ii) That Federal funds made available under the program will not be used to supplant funds which (*a*) were available to the applicant from non-Federal sources prior to the implementation by the applicant of an order or plan for the desegregation of its schools and (*b*) have been withdrawn or reduced as a result of desegregation. For the purposes of this paragraph, a reduction as a result of desegregation shall not be deemed to have taken place where non-Federal funds available to a local educational agency pursuant to State statute are reduced by operation of such statute, solely on account of a decline in such agency's enrollment or its transportation needs;

(iii) That a reasonable effort is being made to utilize other Federal funds available for meeting the needs of children;

(iv) (*a*) That in order to facilitate the administration of § 181.3(a)(4) such agency has fully disclosed in such application any transfer after May 27, 1968, of property or services to or for the benefit of a nonpublic school or school system (or a person intending to establish or operate a nonpublic school or school system), in which transfer it has engaged directly or indirectly; and (*b*) that such agency will not, after the date of such application, engage directly or indirectly in any transfer of property or services to or for the benefit of a nonpublic school or school system which practices discrimination on the basis of race, color, or national origin (or a person intending to establish or operate such a school or school system), and will take all steps within its authority to insure that its property or services do not benefit such a school, school system, or person;

(Public Law 91-380)

(v) That staff members of the local educational agency who work directly with children, and professional staff of such agency who are employed on the administrative level, will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to being members of minority groups.

(vi) That the local educational agency has assigned its full-time classroom teachers for the 1971–72 academic year so that the ratio of minority to nonminority group classroom teachers in each school is substantially the same as the ratio that exists in the faculty of the system as a whole;

("Swann v. Charlotte-Mecklenburg Board of Education," Sup. Ct. Oct. Term 1970, Nos. 281 and 349 (Apr. 20, 1971))

(vii) That no practices or procedures, including testing, will be employed by the local educational agency in the assignment of children to classes, or otherwise in carrying out curricular or extracurricular activities, within the schools of such agency in such a manner as to result in the isolation of minority and nonminority group children for a substantial part of the day; and that no other practices or procedures, including disciplinary sanctions, will be employed in such a manner as to discriminate against children on the basis of race, color, or national origin;

(viii) That the applicant will have published in the local newspaper of general circulation the terms and provisions of each project approved by the Commissioner within 30 days of such approval, or will have published in a local newspaper of general circulation, within 30 days of such approval, pertinent information as to the manner in which, and the place at which, the terms and provisions of such approved project are made reasonably available to the public;

(ix) That the applicant will complete and submit to the Office for Civil Rights of the Department of Health, Education, and Welfare, by October 15, 1971, or such other time as may be determined by that office, an evaluation form to be furnished by that office;

(x) That the applicant will furnish to the Commissioner such additional information as he may deem necessary for the administration of the program;

(xi) That in order to achieve the purposes of the program, the local educational agency will carry out, and comply with, any voluntary plan or court or administrative order described in § 181.3 (a), upon which the determination of its eligibility for assistance under the program is based; and

(xii) That such agency is familiar with, and that such agency will comply with the provisions of, all regulations, grant or contract terms, conditions, and requirements applicable to the program.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

(b) An application of a public or nonprofit private agency, organization or institution (other than a local educational agency) for a grant under the program shall

(1) Set forth a statement of the problems as seen from the point of view of such agency, organization, or institution, of achieving one or more desegregated school systems in the relevant community or communities;

(2) Describe any previous involvement and concern of such agency, organization, or institution with education or school desegregation;

(3) Describe the activities which such agency, organization, or institution proposes to undertake for the purpose of assisting in the implementation of one or more desegregation plans described in § 181.3(a), including a description of the manner in which such activities would contribute to achieving and maintaining one or more desegregated school systems;

(4) Contain an assurance satisfactory to the Commissioner that such agency, organization, or institution will furnish

him such additional information as he may deem necessary for the administration of the program;

(5) Be accompanied by the comments (if any) of the local educational agency (or agencies) in the school district (or districts) of which the project to be assisted will take place.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.7 Advisory Committee.

(a) A local educational agency shall, prior to applying for assistance under the program, afford its biracial advisory committee formed in accordance with paragraph (b) or (c) of this section a reasonable opportunity (not less than 5 days) in which to review and comment to such agency upon such application. In connection with such review, such agency shall furnish to each member of such committee a copy of the regulations applicable to the program. No such application may be approved unless it is accompanied by the written comments of a committee properly constituted in accordance with this section or a certification by such agency that such committee has been formed and was afforded the opportunity to review and comment upon the application (as required by this paragraph) but failed to submit any comments with respect thereto within the period afforded for such review.

(b) For the purposes of this section a biracial committee may be a committee which has been formed pursuant to an order of a Federal or State court for the desegregation of the school system of such agency.

(c) (1) A local educational agency which does not have a committee as described in paragraph (b) of this section (or which desires to establish a new committee for the purposes of this part) shall establish a committee under this paragraph. Such agency shall designate at least five civic or community organizations each of which shall select a member of the committee. The civic or community organizations which participate in the selection process shall, when taken together rather than considered individually, be broadly representative of the minority and nonminority communities to be served. (The following organizations, if they exist in the district served by the local educational agency, should be among those invited to select a member of the biracial advisory committee: Title I Advisory Committee; Community Action Agency or Head Start Program; Model Cities Agency; Parent-Teacher Association; and the National Association for the Advancement of Colored People, Urban League, or other civil rights or human relations organization active in the community.)

(2) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and members from each significant minority group represented in the community. (For example, in a school district containing both Negro and Spanish-surnamed communities, the committee should be composed of equal numbers of Negro, Spanish-surnamed American and nonminority group members.) At least 50 percent of the members of the committee shall be parents of children directly affected by the requirements described in § 181.3(a). In addition to members appointed to the committee by civic or community organizations, a local educational agency shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph.

(d) Each application by a local educational agency for assistance under the program shall contain an assurance that such agency will consult at least once a month with its biracial committee established under this section (in formal meetings of such committee) with respect to policy matters arising in the administration and operation of any project for which funds are made available under the program, and that it will provide such committee with a reasonable opportunity to periodically observe (upon prior and adequate notice to such agency at such time or times as such committee and agency may agree) and comment upon all project-related activities.

(e) The names of the members of said biracial advisory committee shall be published in a newspaper of general circulation or otherwise made public prior to the submission of an application under this part.

(f) No amendment to the project of a local educational agency shall be approved, and no additional funds made available under the program, unless the biracial advisory committee has been given an opportunity to comment upon such amendment of or addition to the project. Amendments or additions suggested by the biracial advisory committee shall be forwarded by the local educational agency, with or without comment by such agency, to the Commissioner for his consideration.

(20 U.S.C. 1231d)

§ 181.8 Student advisory committees.

The application of a local educational agency shall contain an assurance that, no later than 30 days after the opening of the 1971–72 acadamic year or after the approval of such application, whichever occurs later, a student advisory committee will be formed from secondary grade students in each school affected by the project which offers secondary instruction. Each such committee shall be composed of equal numbers of each significant minority and nonminority group in the affected school. The members of each such committee shall be selected by the student body or the student government of such school. Representatives of the local educational agency shall periodically consult with the student advisory committee concerning matters relevant to the program.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.9 Evaluation.

Each application for assistance under the program shall contain an assurance that the applicant will undergo and cooperate with an evaluation conducted by the Commissioner or by an organization, agency, or institution selected and approved by him, of any project assisted under the program. Such evaluation may include a reasonable number of interviews with administrators, principals, teachers, and students at reasonable times and places.

(20 U.S.C. 1222, and 20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, and 42 U.S.C. 2781–2837)

§ 181.10 Priorities.

In determining whether to provide assistance under the program, or in fixing the amount thereof, the Commissioner will consider such criteria as he deems pertinent, including—

(a) The applicant's relative need for assistance;

(b) The relative promise of the project or projects to be assisted in carrying out the purpose of the program;

(c) The extent to which the proposed project deals comprehensively and effectively with problems faced by the local educational agency in achieving and maintaining a desegregated school system;

(d) The extent and impact of the desegregation achieved or to be achieved;

(e) The number of minority students in the school district;

(f) In the case of applicants which have previously received assistance under the program, the relative effectiveness of the projects conducted under the program prior to July 1, 1971, and other factors relating to the performance of such applicant under such program.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.11 Review by State educational agency.

The Commissioner will not approve an application for assistance pursuant to § 181.6 without first affording the appropriate State educational agency a reasonable opportunity to review and make recommendations with respect to such application.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.12 Non-Federal contributions.

In view of the emergency nature of the program and the fact that most local educational agencies have already determined their budgets for the 1971–72 academic year, the Commissioner will not require an applicant to contribute to the costs of the project if the application is accompanied by an assurance satisfactory to him that the applicant does not have available adequate resources for that purpose.

(42 U.S.C. 2812)

§ 181.13 Submission and disposition of application.

The Commissioner will notify each applicant of the approval, disapproval, or other disposition of the application.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.14 General terms and conditions.

Grants provided pursuant to this part will be subject to the General Terms and Conditions for the Emergency School Assistance Program, published as Appendix A to this part. Activities carried out under the authority of title II of the Economic Opportunity Act of 1964 will be carried out in conformance with the Memorandum of Understanding between the Office of Economic Opportunity and the Department of Health, Education, and Welfare, published as Appendix B to this part.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.15 Termination.

(a) (1) Assistance under the program may be terminated in whole or in part if the Commissioner determines after affording the recipient reasonable notice and an opportunity for a full and fair hearing, that the recipient has failed to carry out its approved project proposal in accordance with the applicable law and the terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term or condition applicable to the program. Assistance under this program may be suspended during the pendency of a termination proceeding initiated pursuant to this paragraph: *Provided*, That the recipient is afforded reasonable notice and opportunity to show cause why such action should not be taken.

(2) Proceedings with respect to the termination of a grant shall be initiated by the mailing to the recipient of a notice by certified mail, return receipt requested, informing the recipient of the Government's request for termination and the specific grounds therefor, together with information regarding the time, place, and nature of the hearing and the legal authority and jurisdiction under which the hearing is to be held and such other information with respect to the conduct of such proceedings as the Commissioner may determine. If the Commissioner determines for good cause that suspension of assistance during the pendency of such proceedings is necessary, said notice shall, in addition to the matters described above, inform the recipient of such determination and shall offer the recipient an opportunity to show cause why such action should not be taken.

(3) A notice of suspension of assistance shall advise the recipient, in addition to the matters described in subparagraph (2) of this paragraph, that any new expenditures or obligations made or incurred in connection with the program during the period of the suspension will not be recognized by the Government in the event the assistance is ultimately terminated. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program or project, and not in anticipation of suspension or termination, shall not be considered new expenditures.

(4) Termination of assistance shall be effected by the delivery to the recipient of a final order of termination, signed by the Commissioner or his designee, or upon an initial decision of a hearing examiner becoming final without appeal to or review by the Commissioner.

(5) In the event assistance is terminated under this section, financial obligations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended pursuant to subparagraph (1) of this paragraph and no obligations incurred in anticipation of suspension or termination will be allowed. Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any accounts found due.

(b) (1) If the recipient requests an opportunity to show cause why a suspension of assistance pursuant to paragraph (a) (1) of this section should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for such purpose.

(2) Hearings respecting the termination of assistance pursuant to this section shall be conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 554–557). Proposed findings of fact, conclusions of law, and briefs will be submitted to the presiding officer within 20 days of the conclusion of the hearing.

(3) The initial decision of a hearing examiner regarding the termination of a grant under the program shall become the decision of the Commissioner without further proceedings unless there is an appeal to, or review on motion of, the Commissioner made in writing no later than 15 days after receipt by the party requesting such appeal or review of the decision of the hearing examiner. A request for appeal or review under this section shall be accompanied by exceptions to the hearing examiner's decision, proposed findings, supporting reasons and briefs. The adverse party shall submit its reply no later than 15 days after the submission of such request for appeal or review. The Commissioner shall issue a final decision in the case of such appeal or review no later than 30 days after the final submission of the above materials by the parties. The Commissioner may delegate his functions under this subparagraph to an appellate review council established and appointed by him.

(c) The procedures established by this section shall not preclude the Commissioner from pursuing any other remedies authorized by law. Proceedings pursuant to Part 80 of this title with respect to the eligibility of an applicant for assistance under title VI of the Civil Rights Act (42 U.S.C. 2000d) shall be governed by the regulations in that part and Part 81.

(42 U.S.C. 2944)

§ 181.16 Effect of Federal action.

No official, agent, or employee of the Office of Education or the Department of Health, Education, and Welfare shall have the authority to waive or alter any provision of these regulations or other relevant Act or regulation, and no action or failure to act on the part of such official, agent, or employee shall operate in derogation of the Commissioner's right to enforcement of said provisions in accordance with their terms.

(43 Dec. Comp. Gen. 31 (1963))

Dated: August 10, 1971.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved: August 18, 1971.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

APPENDIX A

GENERAL TERMS AND CONDITIONS—EMERGENCY SCHOOL ASSISTANCE PROGRAM

1. *Definitions.* As used in the grant documents relating to this award, the following terms shall have the meaning set forth below:

a. "Commissioner" means the U.S. Commissioner of Education.

b. "Grantee" means the agency, institution, or organization named in the grant as the recipient of the grant award.

c. "Grants Officer" means the employee of the U.S. Office of Education who has been delegated authority to execute or amend the grant document on behalf of the Government.

d. "Project Officer" means the employee of the U.S. Office of Education who is responsible for monitoring the project of the Grantee to assure compliance with the terms and conditions of the grant.

e. "Project Director" is the person responsible for directing the project of the Grantee.

f. "Project" is the identified activity or program approved by the Commissioner for support.

g. "Project Period" means the length of time specified in the Notification of Grant Award for which a project is approved.

h. "Budget Period" means the period of time (within or coterminous with the project period specified in the Notification of Grant Award), during which project costs may be charged against the grant. A budget period is generally twelve (12) months but may be for a different period of time, if appropriate.

i. "Budget" means the amount of funds approved by the Office of Education for designated services, materials, and other items.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

2. *Scope of the project.* The project to be carried out hereunder shall be consistent with the proposal as approved for support by the Commissioner and referred to in the Notification of Grant Award and shall be performed in accordance with this approved project proposal. No substantive changes in the program of a project shall be made unless the Grantee submits (at least 30 days prior to the effective date of the proposed change) an appropriate amendment thereto, along with a justification for the change, and this amendment is approved in writing by the Grants Officer.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

3. *Limitations on costs.* a. The total costs to the Government for the performance of the grant shall not exceed the amount set forth in the Notification of Grant Award or any appropriate modification thereof. The Government shall not be obligated to reimburse the Grantee for costs incurred in excess of such amount unless and until the Grants Officer shall have notified the Grantee in writing that such amount has been increased and shall have specified in a revised Grant Award a revised amount which shall thereupon constitute the revised total cost of performance of the grant.

b. When and to the extent that the amount set forth in the grant has been increased, costs incurred by the Grantee prior to notification of such increase, in excess of the previous amount, shall be allowable to the same extent as if such costs had been incurred after notification of such increase in the amount.

c. The Grantee may transfer funds among the various cost categories in the negotiated budget to the extent necessary to assure the effectiveness of the project, except that, no transfers may be made which alter the approved project.

d. Funds for the production of motion picture films for viewing by the general public are not authorized until prior written approval is received from the Grants Officer.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

4. *Allowable costs.* a. Expenditures of the Grantee may be charged to this grant only if they: (1) Are incurred subsequent to the effective date of the project indicated in the Notification of Grant Award, which shall be no earlier than the date upon which the award document is signed by the Grants Officer, and (2) conform to the approved project proposal.

b. Funds obtained under this grant shall not be used for the construction of new facilities or for major structural changes in or additions to existing facilities.

c. Subject to paragraphs (a) and (b), allowability of costs incurred under this grant shall be determined in accordance with the principles and procedures set forth in the documents identified below, as amended prior to the date of the award.

(1) Exhibit X–2–65–1 of the Department of Health, Education, and Welfare Grants Administration Manual, if the Grantee is an institution of higher education; or

(2) Chapter 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual, if the Grantee is a State or local government agency; or

(3) Exhibit X–2–68–1 of the Department of Health, Education, and Welfare Grants Administration Manual, if the Grantee is a nonprofit institution, as defined therein.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

d. In accordance with the policy of the Department of Health, Education, and Welfare, if the Grantee has an audited indirect cost rate that has been approved by the Division of Grants Administration Policy, this approved rate may be applied to both the Federal and non-Federal share of allowable direct costs of the project. When an indirect cost rate is applied to either the Federal or non-Federal share of project costs, no item normally included in the Grantee's indirect cost pool (such as supervision, accounting, budgeting, or maintenance) shall be listed as a direct cost of the project. Procedures for establishing Indirect Cost Rates are covered in Department of Health, Education, and Welfare brochures: OASC–1, A Guide for Educational Institutions; OASC–5, A Guide for Non-Profit Institutions; and OASC–6, A Guide for State Government Agencies.

5. *Accounts and Records*—a. *Accounts.* The Grantee shall maintain accounts, records and other evidence pertaining to all costs incurred, and revenues or other applicable credits acquired under this grant. The system of accounting employed by the Grantee shall be in accordance with generally accepted accounting principles generally used by State or local agencies or institutions of higher education, or nonprofit organizations, as appropriate, and will be applied in a consistent manner so that the project expenditures can be clearly identified.

b. *Cost sharing records.* The Grantee's records shall demonstrate that any contribution made to the project by the Grantee is not less, in proportion to the charges against the grant, than the percentage specified in the grant or any subsequent revision thereof.

c. *Examination of records.* All records directly relating to transactions under this grant are subject to inspection and audit by the Department of Health, Education, and Welfare and by the General Accounting Office at all reasonable times during the period of retention provided for in paragraph (d) below.

d. *Disposition of records.* Except as provided in paragraph (e), all pertinent records and books of accounts related to this grant in the possession of the Grantee shall be preserved by the Grantee for a period of three (3) years after the end of the budget period, if audit by or on behalf of the Department has occurred by that time; or if audit by or on behalf of the Department has not occurred by that time, the records must be retained until audit or until five (5) years following the end of the budget period, whichever is earlier.

e. *Questioned expenditures.* Records relating to any litigation or claim arising out of the performance of this grant, or costs and expenses of this grant to which exception has been taken as a result of inspection or audit shall be retained by the Grantee until such litigation, claim, or exception has been disposed of.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

6. *Fund control.* No funds shall be released to any public or private nonprofit agency, or combination thereof, unless the Grantee has submitted to the Grants Officer either—

a. a statement from an appropriate public financial officer certifying that the Grantee has established an accounting system with internal controls adequate to safeguard its assets, check the accuracy and reliability of accounting data, promote operating efficiency and encourage compliance with prescribed management policies, and that such officer shall be responsible for maintaining this accounting system; or

b. an opinion from a Certified Public Accountant or a duly licensed public accountant stating that the Grantee has established such an accounting system.

(42 U.S.C. 2835)

7. *Preliminary audit.* Within three (3) months after the effective date of the grant, the Grantee will secure a preliminary audit survey of its accounting system and will submit a report thereon to the Grants Officer.

(42 U.S.C. 2835)

8. *Payment procedures.* a. To obtain Federal funds, the Grantee must submit Forms 5141, Quarterly Estimated Requirements for Federal Cash, and OE–5140, with attachment 5232–A, Monthly/Quarterly Report of Disbursement of Federal Cash. Instructions for completing the forms are printed on the reverse side. The report of cash disbursements is to be submitted as a quarterly report and is due by the 10th day of the month following the end of a calendar quarter.

Inquiries regarding payment shall be addressed to the Director, Finance Division, U.S. Office of Education, 400 Maryland Avenue SW., Washington, DC 20202.

b. Any funds remaining unobligated at the expiration of the Budget period shall within ninety (90) days of the date of expiration of the said period be refunded by check made payable to the U.S. Office of Education. All refunds must reference the Grant Number shown on the Notification of Grant Award. (20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

9. *Reports.* The Grantee shall submit the following reports to the Office of Education.

a. *Evaluation.* 1. Completed form furnished by HEW (see § 181.6(a)(4)(ix) of regulations—October 15.

2. Interim report—May 1.

3. Final report—ninety (90) days after expiration of the budget period.

b. *Statistical Informations (forms and instructions to be submitted to grantee by DHEW).* 1. The initial report will be due ninety (90) days after date of award, and should represent information applicable to the current school year.

2. The final report will be due ninety (90) days after the expiration of the budget period, and is to represent information applicable to the subsequent school year.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

10. *Printing and duplicating.* All printing and duplicating authorized under this grant are subject to the limitations and restrictions contained in the current issue of the

U.S. Government Printing and Binding Regulations if done for the use of the Office of Education within the meaning of those Regulations.

(U.S. Government Printing and Binding Regulations)

11. *Extension of project period or budget period.* When progress under the grant is delayed and circumstances make it necessary to request an extension of either the project period or the budget period, or both, without additional funds, it is the policy of the Office of Education to consider such extensions upon written request.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781, 2837)

12. *Applicability of State and local laws and institutional procedures regarding expenditure of funds.* Except to the extent otherwise provided for in this document or any document incorporated herein by reference, nothing herein or therein shall be construed so as to alter the applicability to the Grantee of any State or local law, rule, regulation, or any institutional procedure which would otherwise pertain to the expenditure of funds.

(20 U.S.C. 119–119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

13. *Copyright and publication.* a. The term "materials" as used herein means writings, sound recordings, films, pictorial reproductions, drawings, or other graphic representations, computer programs, and works of any similar nature produced under this grant. The term does not include financial reports, cost analysis, and similar information incidental to grant administration.

b. It is the policy of the Office of Education that the results of activities supported by it should be utilized in the manner which would best serve the public interest. To that end, except as provided in paragraph (c), the Grantee shall not assert any rights at common law or in equity or establish any claim to statutory copyright in such materials; and all such materials shall be made freely available to the Government, the education community, and the general public.

c. Notwithstanding the provisions of paragraph (b) above, upon request of the Grantee or his authorized designee, arrangements for copyright of the materials for a limited period of time may be authorized by the Commissioner, through the Grants Officer, upon a showing satisfactory to the Office of Education that such protection will result in more effective development or dissemination of the materials and would be in the public interest.

d. With respect to any materials for which the securing of a copyright protection is authorized under paragraph (c), the Grantee hereby grants a royalty-free, nonexclusive and irrevocable license to the Government to publish, translate, reproduce, deliver, perform, use, and dispose of all such materials.

e. To the extent the Grantee has the right and permission to do so, the Grantee hereby grants to the Government a royalty-free, nonexclusive and irrevocable license to use in any manner, copyrighted material not first produced in the performance of this grant but which is incorporated in the materials. The Grantee shall advise the Grants Officer of any such copyrighted material known to it not to be covered by such license.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

14. *Acknowledgment and disclaimer in publication.* Any publication or presentation resulting from or primarily related to the project being performed hereunder shall contain the following acknowledgment:

The project presented or reported herein was performed pursuant to a Grant from the U.S. Office of Education, Department of Health, Education, and Welfare. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Office of Education, and no official endorsement by the U.S. Office of Education should be inferred.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

15. *Patent rights*—a. *Policy.* In accordance with Department of Health, Education, and Welfare Regulations (45 CFR Subtitle A, Parts 6 and 8), all inventions made in the course of or under any Office of Education grant shall be promptly and fully reported to the Assistant Secretary (Health and Scientific Affairs), Department of Health, Education, and Welfare.

The grantee institution and the principal investigator shall neither have nor make any commitments or obligations which conflict with the requirements of this policy.

b. *Determination.* Determination as to ownership and disposition of invention rights, including whether a patent application shall be filed, and if so, the manner of obtaining, administering, and disposing of rights under any patent application or patent which may be issued shall be made either:

(1) By the Assistant Secretary (Health and Scientific Affairs) whose decision shall be considered as final, or

(2) Where the institution has a separate formal institutional agreement with the Office of Education or the Department, by the grantee institution in accordance with such agreement.

Patent applications shall not be filed on inventions under (1) above without prior written consent of the Assistant Secretary (Health and Scientific Affairs) or his representative. Any patent application filed by the Grantee on an invention made in the course of or under an Office of Education grant shall include the following statement in the first paragraph of the specification:

"The invention described herein was made in the course of, or under, a grant from the U.S. Office of Education, Department of Health, Education, and Welfare."

c. *Reports and other requirements.* A complete written disclosure of each invention in the form specified by the Assistant Secretary (Health and Scientific Affairs) shall be made by the Grantee promptly after conception or first actual reduction to practice, whichever occurs first under the grant. Upon request, the Grantee shall furnish such duly executed instruments (prepared by the Government) and such other papers as are deemed necessary to vest in the Government the rights reserved to it under this policy statement to enable the Government to apply for and prosecute any patent application, in any country, covering each invention where the Government has the right to file such application.

The Grantee shall furnish interim reports (Annual Invention Statements) prior to the continuation of any grant listing all inventions made during the budget period whether or not previously reported, or certifying that no inventions were made during the applicable period. Upon completion of the project period, the Grantee shall furnish a final invention report listing all inventions made during performance of work on the supported project or certifying that no inventions were made during that work.

d. *Supplementary patent agreements.* The Grantee shall obtain appropriate patent agreements to fulfill the requirements of this provision from all persons who perform any part of the work under the grant, except such clerical and manual labor personnel as will have no access to technical data, and except as otherwise authorized in writing by the Department.

The Grantee shall insert in each subcontract or agreement having experimental developmental, or research work as one of its purposes, a clause making this provision applicable to the subcontractor and its employees.

e. *Definitions.* As used in this provision, the stated terms are defined as follows for the purposes hereof:

(1) "Invention" or "invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States.

(2) "Made" when used in relation to any invention or discovery means the conception or first actual reduction to practice of such invention in the course of the grant.

f. *Inventions resulting from grants made in support of research by Federal employees.* Inventions resulting from grants made in support of research by Federal employees shall be reported simultaneously to the Assistant Secretary (Health and Scientific Affairs) pursuant to terms of the grant and to the employing agency under the terms of Executive Order 10096, as amended.

(45 CFR Parts 6 and 8)

16. *Travel.* Travel allowances shall be paid in accordance with applicable State and local laws and regulations and grantee policies. If none of these are applicable, travel shall be done in accordance with Federal Government regulations. No foreign travel is authorized under the grant unless prior approval is received from the Grant Officer. Travel between the United States and Guam, American Samoa, Puerto Rico, the U.S. Virgin Islands, the Canal Zone, and Canada is not considered foreign travel.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

17. *Equipment.* Title to, and accountability for, equipment shall be determined in accordance with Chapter I–410, Management of Equipment and Supplies Acquired Under Project Grants, of the Department of Health, Education, and Welfare Grants Administration Manual.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

18. *Service contracts.* The Grantee may enter into contracts or agreements (to the extent permitted by State and local law) for the provision of part of the services under this grant by other appropriate public or private agencies or institutions. Such contract or agreement shall incorporate these grant terms and all other rules and regulations applicable to the program, shall describe the services to be provided by the agency or institution, and shall contain provisions assuring that the Grantee will retain supervision and administrative control over the provision of services under the contract. Services to be provided by contract pursuant to this section shall be specified in the project proposal or in an amendment thereto, and the proposed contract shall be submitted to the Grants Officer and be approved by him in writing.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

19. *Health and safety standards.* Whenever the Grantee, acting under the terms of the

grant, shall rent, lease, purchase, or otherwise obtain classroom facilities (or any other facilities) which will be used by students and faculty, the Grantee shall comply with all health and safety regulations and laws applicable to similar facilities being used in that locality for such purpose.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

20. *Salary limitations and reporting requirements.* a. Compensation paid from Federal or matching non-Federal funds to persons employed in carrying out the project shall be subject to the following limitations:

(1) In no case shall the rate of compensation be less than the Federal minimum wage rate, which is $1.60 per hour except as otherwise provided in section 6(a)(1) of the Fair Labor Standards Act of 1938.

(2) Except as provided in paragraph (1) the rate of compensation shall not exceed the average rate paid in the community where the project is carried out to persons providing substantially comparable services, or the average rate paid to such persons in the area of the employee's immediately preceding employment, whichever is higher.

(3) In no case shall the rate of compensation exceed $15,000 per year, unless the Grantee obtains a specific exception from this requirement from the Grants Officer. A Grantee applying for such an exception shall submit a written justification together with information as to salary levels for persons with comparable skills or holding comparable positions in the same community (or in the nearest community where such persons are employed), and, if relevant, similar information for the last community in which a specific job applicant or incumbent was employed.

(4) Unless approved by the Grants Officer, the rate of compensation of any person being paid at a rate in excess of $6,000 per year shall not exceed by more than twenty percent (20%) that person's rate of compensation in his immediate preceding employment.

b. The Grantee shall maintain records adequate to demonstrate compliance with the limitations in (a). The Grantee shall also report to the Office of Education on or before July 15 of each year the names of all employees who, as of June 30 of that year, were receiving a salary of $10,000 or more per year, together with the amount of compensation paid to each such person from grant funds or matching funds since July 1 of the preceding year.

(42 U.S.C. 2836(2) and 42 U.S.C. 2951)

21. *Compensation.* If a staff member is involved simultaneously in two or more projects supported by funds from the Federal Government, he may not be compensated for more than a total of one-hundred percent (100%) time from such Government funds for all projects during any given period of time.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

22. *Prohibition of political activities.* No project shall be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of the project with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election from public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity.

(42 U.S.C. 2943(L))

23. *Restrictions on certain unlawful activities.* No individual employed or assigned by the Grantee shall, pursuant to or during the performance of services rendered in connection with any activity conducted or assisted under this Grant, plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance.

(42 U.S.C. 2963)

24. *Labor standards.* To the extent that grant funds will be used for alteration and repair (including painting and decorating) of facilities, the Grantee shall furnish the Grants Officer with the following:

A description of the alteration or repair work and the estimated cost of the work to be performed at the site;

The proposed advertising and bid opening dates for the work;

The city, county, and State at which the work will be performed; and

The name and address of the person to whom the necessary wage determination and labor standards provisions are to be sent for inclusion in contracts; not later than six (6) weeks prior to the advertisement for bids for the alteration or repair work to be performed. The Grantee shall also include or have included in all such alterations or repairs the wage determination and labor standards provisions that are provided and required by the Secretary of Labor under 29 CFR Parts 3 and 5.

(42 U.S.C. 2947)

25. *Equal employment opportunity.* With respect of repair and minor remodeling, the Grantee shall comply with and provide for Contractor and Subcontractor compliance with the requirements of Executive Order 11246 as implemented by 41 CFR Part 60. The terms required by Executive Order 11246 will be included in any contract for construction work, or modification thereof, as defined in said Executive order.

(Executive Order 11246)

26. *Use of consultants.* a. The hiring and payments to consultants shall be in accordance with applicable State and local laws and regulations and grantee policies. However, for the use of and payment to consultants whose rate will exceed $100.00 per day, prior written approval for the use of such consultants must be obtained from the Grants Officer.

b. The Grantee must maintain a written report for the files on the results of all consultations charged to this grant. This report must include, as a minimum: (1) the consultant's name, dates, hours, and amount charged to the grant; (2) the names of the grantee staff to whom the services are provided; and (3) the results of the subject matter of the consultation.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

APPENDIX B

MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE OF ECONOMIC OPPORTUNITY AND THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

In anticipation of the delegation of authority to the Department of Health, Education, and Welfare (HEW) by the Office of Economic Opportunity (OEO) for the purpose of developing and carrying out the Emergency School Assistance Program under section 222(a) of the Economic Opportunity Act of 1964, OEO and HEW agree to the following:

A. *Policy.* 1. Subject to the provisions of the delegation instrument, HEW shall develop and carry out programs and projects designed to assist schools or school districts with substantial enrollments of children from low-income families in meeting the emergency transitional needs of such districts incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools.

"Low-income families," as referred to in this agreement, are those families whose incomes fall below OEO's poverty line, as set forth in OEO Instruction 6004–1a.

2. Programs and projects assisted by HEW pursuant to the delegation of authority referred to above shall not provide general aid to elementary or secondary education in any school or school system; however, as authorized in section 244(5) of the Act, special, remedial, and other noncurricular educational assistance may be provided, including the following:

(a) The provision of additional professional or other staff members to meet emergency transitional needs and for the training and retraining of school staff members to meet such needs;

(b) Remedial and other services to meet the special needs of children in schools which are affected by desegregation plan or plans, including special services for gifted and talented children in such schools;

(c) Comprehensive guidance, counseling, and other personal services for pupils;

(d) Development of new instructional techniques and materials designed to meet the special needs of children in schools which are affected by desegregation plans;

(e) Such repair or minor remodeling or alteration of existing school facilities as may be necessary to meet emergency transitional needs and the lease or purchase of mobile or demountable classroom units or other mobile educational facilities for use in meeting such needs;

(f) Community activities, including public education efforts which are designed to meet emergency transition needs and are in support of a plan, program, project, or other activity having the objectives described in paragraph A1 of this agreement;

(g) Special administrative activities to meet emergency transitional needs such as the rescheduling of students or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a desegregation plan;

(h) Planning and evaluation activities; and

(i) Other specially designed programs or projects which are consistent with the terms of this Agreement and the delegation of authority it implements.

3. In carrying out activities under the delegation of authority referred to above, measures shall be taken to assure compliance with the provisions of section 225 (c) and (d) of the Act relating to non-Federal share and maintenance of effort. In view of the fact that this is an emergency program designed to aid school districts which have for the most part already firmed up their budgets for the coming school year, it is understood that HEW may desire to waive the formal non-Federal share requirements otherwise imposed by section 225(c) and to rely instead on the school districts' general commitment to the purposes of the program. It is understood that these activities will be conducted in compliance with section 614 of the Act which prohibits Federal direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system and with other applicable provisions of such Act.

4. No program developed and carried out under such delegation of authority shall be operated as a replacement for any existing program under other Federal law.

B. *Administration and coordination.* 1. Grants and contracts to carry out programs and projects referred to in this agreement may be made directly to or with public or nonprofit private agencies, organizations or institutions, and contracts to carry out such programs and projects may be made to or with public or private agencies, organizations or institutions. Where feasible, community action agencies will be involved in planning and advisory functions and in the community activities contemplated by paragraph A2(f) of this agreement.

2. Primary authority to initiate policies, regulations, and issuances for such programs and projects shall rest with HEW. OEO and HEW will maintain liaison on proposed policies.

3. HEW shall be responsible for the administration of training and technical assistance grants and contracts, and all other contracts relating exclusively to such programs and projects.

4. HEW shall have the primary responsibility for inspection and audit of grants and contracts made or entered into by HEW in exercising the powers delegated to it by OEO.

5. HEW shall, in consultation with OEO, develop a plan for making a separate allotment of funds under section 225(b) of the Act which will assure an equitable distribution of assistance among the States for developing and carrying out the programs and projects referred to in this agreement.

6. All operating information evaluation reports, and other data concerning the programs administered under the powers delegated to HEW by OEO shall be freely exchanged between the agencies pursuant to section 602(d) of the Act.

Dated: June 12, 1970.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Dated: June 17, 1970.

DON RUMSFELD,
Director,
Office of Economic Opportunity.

[FR Doc.71-12300 Filed 8-20-71;8:51 am]