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PART I

(Part II begins on page 16625)

HIGHLIGHTS OF THIS ISSUE

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Title 3—The President

PROCLAMATION 4076

Establishment of Tariff-Rate Quota on Certain Stainless Steel Flatware

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1351; hereinafter referred to as "the Tariff Act"), on October 30, 1947 the President entered into, and by Proclamation No. 2761A of December 16, 1947 (61 Stat. 1103) proclaimed, a trade agreement with certain foreign countries designated as the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A11; hereinafter referred to, as supplemented from time to time, as "the General Agreement");

2. WHEREAS the President has supplemented and modified the General Agreement and Proclamation No. 2761A by many subsequent agreements and proclamations, including;

(a) the Torquay Protocol of April 21, 1951 to the General Agreement (3 UST (pt. 1) 615; hereinafter referred to as "the Torquay Protocol") proclaimed by Proclamation No. 2929 of June 2, 1951 (65 Stat. C12);

(b) the Protocol of March 10, 1955 Amending the Preamble and Parts II and III of the General Agreement (8 UST (pt. 2) 1768; hereinafter referred to as "the 1955 Protocol") proclaimed by Proclamation No. 3513 of December 28, 1962 (77 Stat. 970, 979);

(c) the Sixth Protocol of Supplementary Concessions of May 23, 1956 to the General Agreement (7 UST (pt. 2) 1086; hereinafter referred to as "the Sixth Protocol") proclaimed by Proclamation No. 3140 of June 13, 1956 (70 Stat. C33);

(d) the Geneva (1967) Protocol of June 30, 1967 to the General Agreement (19 UST (pt. 1) 18) proclaimed by Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455);

3. WHEREAS the General Agreement as originally concluded and several of the agreements supplementary thereto contain a schedule of United States concessions designated as Schedule XX;

4. WHEREAS item 355 in part I of Schedule XX to the Torquay Protocol provided for, and Proclamation No. 2929 proclaimed, concessions on certain knives and forks with stainless steel handles; and item 339 in part I of Schedule XX to the Sixth Protocol provided for, and Proclamation No. 3140 proclaimed, concessions on certain spoons with stainless steel handles;

5. WHEREAS Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017) gave effect to the Tariff Schedules of the United States (hereinafter referred to as "the TSUS") and proclaimed, with modifications, the concession rates of duty for knives, forks and spoons with stainless steel handles in column numbered 1 of items 650.09, 650.11, 650.39, 650.41 and 650.55 of the TSUS;

6. WHEREAS part I of Schedule XX to the Geneva (1967) Protocol (19 UST (pt. 2) 1227, 1626–1628) recognized the continuation, in items 650.08, 650.10, 650.38, 650.40 and 650.54, of such prior concessions, with the modifications made by Proclamation No. 3548, in the case of knives, forks and spoons with stainless steel handles valued under 25 cents each and not over 10.2 inches in overall length (hereinafter referred to as "stainless steel flatware") and Proclamation No. 3822, without modifying the rates of duty applicable thereto, proclaimed the modification of the classification of stainless steel flatware in the TSUS to correspond with its classification in such Protocol;

7. WHEREAS Article XXVIII of the General Agreement, as amended by the 1955 Protocol and proclaimed by Proclamation No. 3513, provides that a contracting party may, on compliance with specified procedures, modify or withdraw concessions in its schedules to the General Agreement;

8. WHEREAS, pursuant to the procedures of Article XXVIII, the stainless steel flatware concessions under the General Agreement have been modified by the insertion of a note after note 5 in unit E of chapter 3 of section 6 of part I of Schedule XX to the Geneva (1967) Protocol, so as to permit the establishment of the tariff-rate quota hereinafter proclaimed;

9. WHEREAS, in accordance with such note, the average imports from sources of supply during calendar years 1968 and 1969 are to be used for the sole purpose of providing a basis for the allocation of the tariff-rate quota hereinafter proclaimed among such sources and I determine that the allocation of such tariff-rate quota on such basis shall be as hereinafter proclaimed;

10. WHEREAS, subject to certain limitations, section 350 (a)(1)(B) of the Tariff Act and section 201(a)(2) of the Trade Expansion Act of 1962 authorize the President to proclaim such modifications of duties as are required or appropriate to carry out trade agreements entered into under sections 350(a) and 201(a) of such Acts, respectively, and I determine that the modifications of duties hereinafter proclaimed are appropriate to carry out Article XXVIII of the General Agreement;

11. WHEREAS section 350(a)(6) of the Tariff Act and section 255(b) of the Trade Expansion Act of 1962 authorize the President at any time to terminate, in whole or in part, any proclamations made under sections 350(a) and 201(a) of such Acts, respectively, and I determine it is appropriate to terminate in part certain of such proclamations with respect to certain articles for such time as the tariff-rate quota hereinafter proclaimed remains in effect;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 350(a)(1)(B) of the Tariff Act of 1930, as amended, and section 201(a)(2) of the Trade Expansion Act of 1962 and, as separate and additional authority, section 350(a)(6) and section 255(b) of such Acts, respectively, and in accordance with Article XXVIII of the General Agreement, do proclaim as follows:

1. I hereby establish a tariff-rate quota with respect to stainless steel flatware so that the rates of duty provided in column numbered 1 of the TSUS shall be the same as the rates of duty now provided in column numbered 2 thereof with respect to any such flatware entered in excess of such quota. To that end the new subpart D set out in the annex to this proclamation shall be inserted after subpart C of part 2 of the Appendix to the TSUS.

2. I hereby modify the duties proclaimed by the proclamations referred to in recitals 4 and 5 above to the extent necessary to give effect to the tariff-rate quota established hereby, for such time as such quota remains in effect; and I hereby terminate in part such proclamations to such extent and for such time.

3. The tariff-rate quota established hereby shall be effective as to articles entered, or withdrawn from warehouse, for consumption on and after the first day of October 1971.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of August, in the year of our Lord one thousand nine hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth.

Richard Nixon

THE WHITE HOUSE,
Washington, D.C.

ANNEX

SUBPART D.—OTHER TEMPORARY MODIFICATIONS

Subpart D headnotes:

1. This subpart contains temporary modifications of the provisions of the tariff schedules (other than modifications for balance of payments purposes) proclaimed by the President pursuant to his authority to modify duties as required or appropriate to carry out trade agreements (section 350(a)(1)(B) of the Tariff Act of 1930, as amended, and section 201(a)(2) of the Trade Expansion Act of 1962) and/or pursuant to his authority to terminate proclamations in part (section 350(a)(6) and section 255(b) of such acts, respectively). The rates of duty provided for in this subpart apply only with respect to articles entered during the period specified in the last column.

2. *Stainless Steel Flatware Tariff-Rate Quota.*—

(a) The tariff-rate quota with respect to knives, forks and spoons with stainless steel handles, valued under 25 cents each and not over 10.2 inches in over-all length, provided for in items 949.00 through 949.08, was established by the President pursuant to section 350(a)(1)(B) and (a)(6) of the Tariff Act of 1930, as amended, and sections 201(a)(2) and 255(b) of the Trade Expansion Act of 1962.

(b) The tariff rate quota—

(i) shall be allocated among sources of supply and administered on a calendar quarter basis;

(ii) may be increased for each calendar quarter in any calendar year commencing with the calendar year 1972, by an increase in the quarterly allocations over the allocations for the last quarter of the immediately preceding calendar year by the percentage (not in excess of 6 percent) which the President determines is the percentage increase in United States consumption of knives, forks and spoons with stainless steel handles during such preceding calendar year over the next preceding calendar year, unless economic conditions in the United States industry producing such articles indicate that a smaller growth rate or no growth rate is warranted; notice of any such increase shall be given by the President to the Secretary of the Treasury and published in the *Federal Register*; any such increase shall take effect on the first day of the calendar quarter next succeeding the date of such publication and shall remain in effect until further increased under this subparagraph;

(iii) shall be administered so that if any quantity of a product of a particular source of supply which is permitted to be entered within the tariff-rate quota during any calendar quarter is not entered, the difference between the allocation to such source for such quarter and the quantity which was entered and charged against the quota from such source, or 10 percent of such allocation, whichever is the lesser, may be entered during the immediately following calendar quarter; provided that any increased quantity permitted under this subparagraph shall not be considered part of such source's allocation for any quarter;

(iv) shall be administered so that if it becomes effective, or is increased, after the beginning of a calendar quarter, the quantity entitled to enter, or the amount of the increase which may be entered, during the unexpired portion of such quarter as originating from each source of supply shall be the quantity as so effective, or the amount of the increase, for such calendar quarter, less 1/90 thereof for each day that has expired in such quarter;

(v) shall be administered so that each single unit entered in a set shall be counted in determining the number of units entered during any calendar quarter.

(c) As promptly as practicable in each calendar year (beginning with 1972), the Tariff Commission shall determine the apparent United States consumption of knives, forks and spoons with stainless steel handles during the preceding calendar year and shall report such determination to the President. In its first report, the Commission shall also determine the apparent United States consumption of such articles during the calendar year 1970.

		Rates of duty		Effective period
		1	2	
	Knives, forks and spoons; all the foregoing valued under 25 cents each, not over 10.2 inches in overall length, and with stainless steel handles (provided for in items 650.08, 650.10, 650.38, 650.40, 650.54 and, if included in sets, 651.75 of part 3E of schedule 6):			On or before September 30, 1976 unless extended by the President:

		Rates of duty		Effective period
		1	2	
	For the following aggregate quantities of single units, which are the product of the specified sources of supply and are subject to the rates set forth in rates of duty column numbered 1, entered in any calendar quarter in any calendar year (see headnote 2 of this subpart with respect to possible increases in these quantities)—			
	Japan..... 33,000,000			
	Republic of China..... 6,300,000			
	Republic of Korea..... 4,800,000			
	Hong Kong... 1,500,000			
	European Economic Community (an instrumentality of the Governments of the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Republic of Italy, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands..... 1,500,000			
	United Kingdom..... 600,000			
	Other..... 900,000:			
949.00	Knives and forks: With handles not containing nickel and not containing over 10 percent by weight of manganese (items 650.08 and 650.38).	1¢ each + 12.5% ad val.	No change.	
949.02	With handles containing nickel or containing over 10 percent by weight of manganese (items 650.10 and 650.40).	1¢ each + 17.5% ad val.	No change.	
949.04	Spoons (item 650.54).....	17% ad val...	No change.	
	Other:			
949.06	Knives and forks (item 650.08, 650.10, 650.38 and 650.40).	2¢ each + 45% ad val.	No change.	
949.08	Spoons (item 650.54).....	40% ad val....	No change.	

[FR Doc.71-12505 Filed 8-23-71;11:52 am]

Rules and Regulations

Title 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Ripe Olives [1]

MISCELLANEOUS AMENDMENTS

On pages 12746 and 12747 of the FEDERAL REGISTER of July 7, 1971, as corrected on page 13035 of the FEDERAL REGISTER of July 13, 1971, there was published a notice of proposed rule making to issue amendments to the U.S. Standards for Grades of Canned Ripe Olives. Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposed amendments.

No comments have been received and the proposed amendments are hereby adopted without change and are set forth below.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date beyond September 1, 1971 (5 U.S.C. 553) in that:

1. The processing industry affected by the amended grade standards is familiar with the amendments, having requested they be made;

2. Additional time is not needed for the industry to make preparations for compliance with the amended standards;

3. The amendments establish specifications for a quartered style of canned ripe olives which should be made available at the start of the crop year, September 1, 1971, to facilitate operations under marketing Order No. 932 (7 CFR Part 932).

Accordingly, the amendments to the U.S. Standards for Grades of Canned Ripe Olives set forth herein shall become effective on September 1, 1971.

Dated: August 17, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

1. Section 52.3753 would be revised by adding a new paragraph (d) and redesignating the present paragraphs (d), (e), and (f). As amended, the section would read as follows:

§ 52.3753 Styles of canned ripe olives.

(a) *Whole.* "Whole" olives are those which have not been pitted.

(b) *Pitted.* "Pitted" olives are those from which pits have been removed.

(c) *Halved.* "Halved" olives are pitted olives in which each olive is cut lengthwise into two approximately equal parts.

(d) *Quartered.* "Quartered" olives are pitted olives in which each olive is cut lengthwise into four approximately equal parts.

(e) *Sliced.* "Sliced" olives consist of parallel slices of fairly uniform thickness prepared from pitted olives.

(f) *Chopped or Minced.* "Chopped" or "Minced" olives are random-size cut pieces or cut bits prepared from pitted olives.

(g) *Broken pitted.* "Broken pitted" olives consist substantially of large pieces that may have been broken in pitting but have not been sliced or cut.

2. Section 52.3754 would be changed to read:

§ 52.3754 Grades of canned ripe olives.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles that possess a good flavor, that possess a good color, that are practically uniform in size in whole and pitted styles of single sizes, that are practically free from defects, that possess a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 90 points: *Provided*, That such canned ripe olives may possess a reasonably good color and may be reasonably uniform in size, if the total score is not less than 90 points.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles that possess a good flavor, that possess a reasonably good color, that are reasonably uniform in size in whole and pitted styles of single sizes, that are reasonably free from defects, that possess a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of canned ripe olives of whole, pitted, halved, quartered, sliced, chopped or minced, and broken pitted styles that possess a normal flavor, that possess a fairly good color, that are fairly uniform in size in whole and pitted styles of single sizes or whole style in mixed sizes, that are fairly free from defects, that possess a fairly good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points.

(d) "Substandard" is the quality of canned ripe olives of any style that fail to meet the applicable requirements for U.S. Grade C.

3. Section 52.3757 would be revised by changes to Table III and Table IV. In both tables, recommended drained weights for No. 300 metal containers would be added. In Table IV, recommended drained weights for quartered olives would be included. In addition, the recommended drained weights for No. 10 size cans of halved and sliced olives would be changed. As amended, the tables would read as follows:

§ 52.3757 Recommended minimum drained weights.

* * * * *

TABLE III—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RIPE OLIVES (WHOLE AND PITTED STYLES)

Container sizes (metal) (overall measurements: width × height)	Buffet or 8 Z Tall (2 1/16 × 3 1/16 inches)		No. 1 Tall (3 1/16 × 4 1/16 inches) and 211 × 600 Cylinder (2 1/16 × 6 inches)		No. 300 (3 × 4 7/16 inches)		No. 10 (6 3/16 × 7 inches)
	Whole	Pitted	Whole	Pitted	Whole	Pitted	Whole
Size designations	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
Small (or) select (or) standard(s)	4 1/2	3 1/4	9	7	7 3/4	6	66
Medium	4 1/2	3 1/4	9	7	7 3/4	6	66
Large	4 1/2	3 1/2	9	7 1/2	7 3/4	6	66
Extra large	4 1/2	3 1/2	9	7 1/2	7 3/4	6	66
Mammoth	4 1/2	3 1/2	9	7 1/2	7 1/2	6	66
Giant	4	3 1/4	8 1/2	7	7 3/4	5 3/4	64
Jumbo	4	3 1/4	8 1/2	7	7 3/4	5 3/4	64
Colossal	4	3 1/4	8 1/2	7	7 3/4	5 3/4	64
Super colossal or special super colossal	4	3 1/4	8	6 1/2	7 3/4	5 1/2	64
Family	4 1/2	3 1/2	9	7 1/2	7 3/4	6	66
King	4	3 1/4	8 1/2	6 1/2	7 3/4	5 3/4	64
Royal	4	3	8	6 1/2	7 3/4	5 1/2	64
Other blends	4 1/2	3 1/2	9	7 1/2	----------	----------	66
Mixed sizes	4 1/2	3 1/2	9	7 1/2	----------	----------	66

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

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

Container sizes (metal) (overall measurements: width x height)	211 x 200 can (2 5/16 x 2 inches) and 200 x 214 can (2 x 2 5/16 inches)	211 x 304 can (2 1/16 x 3 1/16 inches)	No. 300 can (3 x 4 3/16 inches)	No. 10 (6 1/16 x 7 inches)
Styles	*Ounces*	*Ounces*	*Ounces*	*Ounces*
Halved	2¼	3¾	6½	55
Quartered	2¼	3¾	6½	55
Chopped or minced	4½			100
Sliced	2¼	3¾	6½	55
Broken pitted				55

4. Section 52.3761 would be amended by including quartered style in (a) and headings of (d) (1) (i), (e) (1) (i) and (f) (1) (i). The amended section would read as follows:

§ 52.3761 **Color.**

(a) *General.* The evaluation of color shall be determined approximately 5 minutes after the olives are removed from the container and, as applicable for the type, while olives are moist, is based upon the uniformity of the exterior color or general appearance as to color of the olives within the container. The evaluation of color in "halved" and "quartered" styles is based on the uncut surfaces.

* * * * *

(d) (1) *Ripe type*—(i) *Whole; pitted; halved; quartered.* * * *

* * * * *

(e) (1) *Ripe type*—(i) *Whole; pitted; halved; quartered.* * * *

* * * * *

(f) (1) *Ripe type*—(i) *Whole; pitted; halved; quartered.* * * *

* * * * *

5. Section 52.3762 would be changed to read:

§ 52.3762 **Uniformity of size.**

(a) *General.* * * *

(2) The factor of uniformity of size for whole or pitted olives of blended sizes and halved, quartered, sliced, chopped or minced, or broken pitted styles is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

* * * * *

6. Section 52.3763 would be revised to include allowances for defects specific to quartered style olives. As amended, the revisions would read as follows:

§ 52.3763 **Absence of defects.**

* * * * *

(b) * * *

(7) *Broken piece.* A "broken piece" in quartered style olives is any piece of olive flesh that appears to be less than three-fourths of a full quarter-olive.

(c) (*A*) *Classification.* Canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the canned ripe olives are practically free from any defects not specifically mentioned and that these defects may affect no more than slightly the appearance or edibility of the olives; that the overall appearance of the product is not materially affected by olives or units with insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved; quartered.* (i) There may be present, on an average, per 100 whole or pitted olives; per 200 units in halved style; or per 9 ounces in quartered style:

Not more than one piece of harmless extraneous material;

Not more than one pit or one piece of pit in pitted style;

Not more than three minor and major stems of which not more than one stem may be a major stem; and

* * * * *

(iii) There may be not more than 8 percent, by count, of broken pieces in quartered olives.

* * * * *

(d) (*B*) *Classification.* If canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles are reasonably free from defects, a score of 24 to 26 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned ripe olives are reasonably free from any defects not specifically mentioned and that these defects may affect more than slightly but not materially the appearance or edibility of the olives; that the overall appearance of the product may be materially affected by olives or units with insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved; quartered.* (i) There may be present, on an average, per 100 whole or pitted olives; per 200 units in halved style; or per 9 ounces in quartered style:

Not more than two pieces of harmless extraneous material;

Not more than a total of two pits and pieces of pit in pitted style;

Not more than six minor and major stems of which not more than three stems may be major stems; and

* * * * *

(iii) There may be not more than 15 percent, by count, of broken pieces in quartered olives.

* * * * *

(e) (*C*) *Classification.* If canned ripe olives of whole, pitted, halved, quartered, sliced, chopped and minced, and broken pitted styles are fairly free from defects, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned ripe olives are fairly free from any defects not specifically mentioned and that these defects may materially but not seriously affect the appearance and edibility of the olives; that the overall appearance of the product may be seriously affected by olives or units with insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved; quartered.* (i) There may be present, on an average, per 100 whole or pitted olives; per 200 units in halved style; or per 9 ounces in quartered style:

Not more than two pieces of harmless extraneous material;

Not more than a total of two pits and pieces of pit in pitted style;

Not more than eight minor and major stems of which not more than four stems may be major stems; and

* * * * *

(iii) There may be not more than 25 percent, by count, of broken pieces in quartered olives.

* * * * *

7. Section 52.3764 would be changed to read:

§ 52.3764 **Character.**

* * * * *

(b) (*A*) *Classification.* Canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles that possess a good character may be given a score of 27 to 30 points. "Good character" means that for the type the olives have a fleshy texture characteristic for the variety and size; that not less than 95 percent, by count, of the olives are practically uniform in texture and are tender but not soft.

(c) (*B*) *Classification.* If canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles possess a reasonably good character, a score of 24 to 26 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the variety (this is a limiting rule). "Reasonably good character" means that for the type the olives may vary moderately in texture in that not less than 90 percent, by count, of the olives are practically uniform in texture and of the remainder not more than 5 percent, by count, of the olives may be excessively soft.

(d) (*C*) *Classification.* If canned ripe olives of whole, pitted, halved, quartered, sliced, chopped, and broken pitted styles possess a fairly good character, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification

shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the variety (this is a limiting rule). "Fairly good character means" that the olives may vary considerably in texture, varying from fairly soft to firm but the olives are not excessively soft; and that not less than 80 percent, by count, of the olives are practically uniform in texture and of the remainder not more than 10 percent, by count, of the olives may be excessively soft.

* * * * *

[FR Doc.71-12284 Filed 8-23-71;8:48 am]

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

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 795—PAYMENT LIMITATION

Interpretations

The following interpretations of the regulations governing the Payment Limitation, 35 F.R. 19339, are hereby issued:

1. A question has been raised concerning the application of § 795.7 of the regulations. Section 795.7 provides that a corporation shall be considered as one person. An individual stockholder of the corporation may be considered as a separate person to the extent that he is engaged in the production of the crop as a separate producer and otherwise meets the requirements of the regulations. However, a corporation in which more than 50 percent of the corporation's stock is owned by an individual (including the stock owned by the individual's spouse and minor children), or by a legal entity, shall not be considered as a separate person from such individual or legal entity.

In the question raised, an individual owns less than 50 percent of the capital stock of one corporation. The same individual owns more than 50 percent of the capital stock of a second corporation. The second corporation owns a portion of the capital stock of the first corporation. If all the capital stock of the first corporation which is owned by the second corporation is added to the capital stock of the first corporation which is owned by the individual, the total amount would be in excess of 50 percent. None of the capital stock of either corporation is owned by the spouse or minor children of the individual and none of the capital stock of the second corporation is owned by the shareholders of the first corporation other than the individual in question.

It has been concluded that the individual and the first corporation would be considered as the same person and limited to a single payment limitation. Under the regulations, the individual and the second corporation are a single person. All of the stock owned by the second corporation in the first corporation is, therefore, to be attributed to the individual.

2. (a) A question has been raised concerning the application of § 795.8 of the regulations. Section 795.8 provides that an estate or irrevocable trust shall be considered as one person except that an estate or trust which has a sole heir or beneficiary shall not be considered as a separate person from such heir or beneficiary. A revocable trust shall not be considered as a separate person from the grantor.

In the question raised, a widow owns and operates certain farm property with a cotton allotment. Under the will of her late husband, certain specific bequests of cash and nonfarm property were made to persons other than the widow. The residue of the estate, including certain farmland, is distributable to a testamentary trust. The widow has the sole right to the income of the trust during her lifetime. At the time of her death, the trust is to be terminated and the property distributed to her issue.

It has been concluded that since the widow has the sole right to the income of the trust during her lifetime, she is the sole heir or beneficiary to the property which will be farmed by the estate. Under such circumstances, the estate and the widow are limited to a single payment limitation. Whether or not distribution has been made by the estate to the testamentary trust would not alter this result.

(b) A second question has been raised concerning the application of § 795.8 of the regulations. In the question raised, a testamentary trust with several beneficiaries has been the owner and operator of a large farm. The beneficiaries of such trust are also the beneficiaries of a second trust. The corpus of the second trust consists of stocks, bonds, notes receivable, and urban real estate. It has not previously been engaged in farming. The same person serves as the trustee for both trusts.

It is proposed that the second trust cash lease a certain portion of farmland from the first trust with the objective of having each of the trusts considered as a separate person for purposes of applying the payment limitation.

It has been concluded that where two trusts have the same beneficiaries, the same trustee, and the farming operation to be carried out by the second trust is on land it is leasing from the first trust, the two trusts may not be regarded as separate persons and are limited to a single payment limitation.

(c) A third question has been raised concerning the application of § 795.8 of the regulations. In the question raised, an individual owns and operates a number of farms. The individual's father has created a trust for the individual's two minor children. The trust is irrevocable, the trustee is independent of the individual, and no part of the income or corpus of the trust is to inure to his benefit so long as any of his children or any of their issue are alive. The trust terminates upon the youngest child's attaining 25 years of age, and the corpus of the trust is to be distributed to the children. The trust has leased a farm from a third party and employed the father of the beneficiaries of the trust to custom farm the land at $20 per acre.

It has been concluded that the trust in favor of the two minor children may not be considered as a separate person apart from their father. Section 795.11 of the regulations describes the circumstances under which a minor child may be considered as a separate person from his parents or guardian in the application of the payment limitation. Under § 795.11, a minor who is the beneficiary of an irrevocable trust, with ownership of the property vested in the trust or the minor, may be considered as a person separate from his parents or guardian if the parents or guardian takes no part in the operation of the farm and owns no interest in the farm or in any portion of the production on the farm.

Section 795.5 of the regulations provides that the rules in §§ 795.5 through 795.12 shall be used to determine whether certain multiple individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying the limitation. In cases in which more than one rule would appear to be applicable, the rule which is most restrictive on the number of persons shall apply.

With respect to the farm being leased by the trust, the father of the beneficiaries of the trust is taking part in the operation of the farm as a custom farmer, and ownership of the property is not vested in the trust or the minor children. Accordingly, the trust and the individual are limited to a single payment limitation.

3. A question has been raised concerning the application of § 795.11 of the regulations. Section 795.11 provides that, except under certain circumstances, a minor child and his parents or guardian (or other persons responsible for him) shall be considered as one person for purposes of applying the payment limitation. The question has been raised as to (1) whether a person remains a minor for purposes of applying the regulations when majority is conferred on him by court proceedings and (2) the date to be used in determining whether an individual is to be considered as a minor or an adult for a particular crop year.

It has been concluded that court proceedings conferring majority on a person will not change his status as a minor for purposes of applying the regulations and that such a person will be considered a minor until he reaches adult age under the law of the State where he resides. It has also been concluded that the date the farm is enrolled in the particular set-aside program is to be used in determining whether an individual is to be considered a minor or an adult for the particular crop year. Thus, an individual who has not reached adult age under the law of the State where he resides as of the date the farm is enrolled in the program will be considered a minor for that crop year.

4. (a) A question has been raised concerning the application of § 795.13 of the regulations. Section 795.13 provides that, subject to the provisions of Part 795, a person may exercise his right heretofore existing under law, to divide, sell, transfer, rent, or lease his property if such division, sale, transfer, rental arrangement, or lease is legally binding as between the parties thereto.

In the question raised, a corporation is owned equally by four shareholders. The corporation owns land, buildings, and equipment and in 1970 carried out substantial farming operations. Three of the shareholders propose forming a partnership which they would own equally. The partnership would cash lease land and equipment from the corporation with the objective of having the three partners considered as separate persons for purposes of applying the payment limitation under the provisions of § 795.6 of the regulations.

It has been concluded that the formation of such a partnership and the leasing of land from a corporation in which they hold a major interest does not constitute a substantive and bona fide change in operations. Therefore, the corporation and the partners are limited to a single payment limitation.

(b) In a second question which has been raised concerning the application of § 795.13 of the regulations, three individuals each have individual farming operations which, if continued unchanged, would permit them to have a total of three payment limitations.

The three individuals propose forming a corporation which they would own equally. The corporation would then cash lease a portion of the farmland owned and previously operated by the individuals with the objective of having the corporation considered as a separate person for purposes of applying the payment limitation under the provisions of § 795.7 of the regulations. It has been concluded that the formation of such a corporation and the leasing of land from the stockholders would not constitute a substantive and bona fide change in operations and that the corporation and the three individuals are limited to three payment limitations.

5. A question has been raised concerning the application of § 795.15(b) of the regulations. According to the question raised, there exist a corporation and a partnership of long standing. All the capital stock of the corporation is owned by adult members of a family. Three of the members each own 25 percent of the capital stock and two of them each own 12½ percent of such stock. None of the shareholders is married to any other shareholder.

The partnership is composed of the same persons who are shareholders of the corporation. The interests in the partnership capital and profits differ only slightly from the proportionate shareholdings in the corporation. Some of the partners of the partnership are also officers of the corporation. The principal asset of the partnership is land on which there is a cotton allotment. The corporation holds certain land and operating assets, such as farm machinery and equipment.

It is proposed that the partnership contract with the corporation for "custom farming services" with respect to the partnership land. The "custom farming" would be done on a unit of work basis and the compensation for such custom farming would also be on a basis customary to the area. The partnership and the individual partners would make the necessary set aside of cropland and maintain the conserving base. The corporation would also farm the property which it owns and would grow cotton on a portion of such land. The corporation would not, however, participate in the upland cotton program.

Section 795.15(b) of the regulations provides that a person having more than a 20 percent interest in any legal entity performing custom farming shall be considered as being separate from the persons for whom the custom farming is performed only if the person having such interest in the legal entity performing the custom farming has no interest directly or indirectly (1) in the crop on the farm or (2) in the farm as landowner. Three of the partners each have more than a 20 percent interest in the corporation custom farmer and each such person has a direct interest in the crop and the farm of the partnership. Thus, it has been concluded that the partners of the partnership in question may not be considered as separate persons.

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

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

[FR Doc.71-12329 Filed 8-23-71;8:49 am]

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

PART 911—LIMES GROWN IN FLORIDA

Subpart—Budget of Expenses and Rate of Assessment

RESERVE FUND

On July 27, 1971, notice was published in the FEDERAL REGISTER (36 F.R. 13838) that consideration was being given to the proposed amendment of the provisions of § 911.204 *Reserve Fund.* (Subpart—Budget of Expenses and Rate of Assessment), pursuant to the applicable provisions of the marketing agreement, as amended and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This notice allowed interested persons 10 days for the submission of written data, views, or arguments pertaining to this proposal. None were submitted.

The amendment would authorize establishment by the Florida Lime Administrative Committee of a reserve fund in an amount not to exceed approximately 3 years' operational expenses consistent with the amendment to the order effective November 26, 1970. The reserve fund currently is limited to $10,000 under said § 911.204, and such increase in the level of the committee's reserve is necessary to implement the promotional activities and other order operations authorized by said amended marketing agreement and order.

After consideration of all relevant matter presented, including that in the aforesaid notice which was submitted by the Florida Lime Administrative Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of said provisions dealing with the reserve fund, is in accordance with the said amended marketing agreement and order and will tend to effectuate the declared policy of the act. Therefore, § 911.204 *Reserve Fund.*, of Subpart—Budget of Expenses and Rate of Assessment, is amended to read as follows:

§ 911.204 Reserve fund.

(a) The establishment of a reserve fund at an amount not to exceed approximately 3 fiscal years' operational expenses is appropriate and necessary to the maintenance and functioning of the Florida Lime Administrative Committee. Such reserve, including funds carried forward from prior fiscal years, shall be used to provide for the maintenance and functioning of the committee in accordance with the provisions of the marketing agreement, as amended, and this part.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated: August 19, 1971, to become effective September 27, 1971.

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

[FR Doc.71-12357 Filed 8-23-71;8:51 am]

[Tokay Grape Reg. 7]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Regulation by Grades and Sizes

Notice was published in the FEDERAL REGISTER issue of August 10, 1971 (36 F.R. 14700) that the Department was giving consideration to a proposal which would limit the handling of Tokay grapes grown in San Joaquin County, Calif., pursuant to the applicable provisions of the marketing agreement, as amended,

and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif. 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 recommendations by the Industry Committee reflect its appraisal of the crop and the current and prospective market conditions. Shipments of Tokay grapes from the production area are expected to begin on or about August 25, 1971. The grade requirements provided herein are designed to prevent the handling on and after August 25, 1971, of any Tokay grapes of a lower grade than that 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 container marking requirement, is included to verify inspection of the fruit and assure compliance with the quality requirements specified herein.

The handling of fresh Tokay grapes would be regulated by limiting shipments of such grapes to those meeting the size and grade requirements hereinafter specified. The requirement that 65 percent of the grapes in each bunch and 30 percent of the grapes in the lower quarter of each bunch possess the color characteristics of "fairly well colored" reflects a desire, by the industry, to enhance the desirability of Tokay grapes by shipping a quality of fruit somewhat higher than U.S. No. 1 Table Grapes. It is believed, by the industry, that such quality requirements will be met by a quantity of grapes that is sufficient to fulfill the market demand.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Industry Committee, and upon other available information, it is hereby found that the limitation of handling of Tokay grapes grown in San Joaquin County, Calif., 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 said Tokay grapes 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. 14700), 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.

§ 926.308 **Tokay Grape Regulation 7.**

(a) *Order.* During the period August 25, 1971, through December 31, 1971, no handler shall ship any Tokay grapes, grown in the production area, which do not meet the following requirements:

(1) Such grapes shall meet the size and grade specifications of U.S. No. 1 Table Grapes including a requirement that each bunch shall have not less than 65 percent, by count, of berries showing characteristic color;

(2) Of the 25 percent, by count, of the berries of each bunch of such grapes which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; and

(3) Any container of such grapes shall bear, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that the grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definitions.* As used herein, the terms "handler," "ship," and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the U.S. Standards for Table Grapes (§§ 51.880–51.912 of this title; 36 F.R. 9125).

(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 Divison, Consumer and Marketing Service.

[FR Doc.71-12356 Filed 8-23-71;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 3]

PART 1446—PEANUTS

Subpart—General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases

MISCELLANEOUS AMENDMENTS

It is impracticable to give notice of the proposed rule making with respect to this amendment because 1971-crop peanuts are being moved to market and it is essential that necessary changes in the regulations governing price support through warehouse storage loans and sheller purchases be put into effect with respect to such peanuts at the earliest possible time. Therefore, this amendment is being issued without following such proposed rule making procedure and shall be effective upon publication in the FEDERAL REGISTER.

The General Regulations issued by Commodity Credit Corporation, published in 32 F.R. 9950, as amended, 33 F.R. 10503, 34 F.R. 1564, which contain the terms and conditions governing 1967 and subsequent crop peanut warehouse storage loans and sheller purchases, are hereby further amended for 1971 and subsequent crops as follows:

1. In § 1446.3 paragraph (g) is amended by defining "final acreage" as the term used for picked and threshed peanut acreage determined in accordance with the marketing quota regulations; paragraph (j) is amended by adding a sentence which will limit the quantity of farmers stock peanuts covered by one inspection certificate to not more than the contents of two vehicles; and a definition of compliance regulations is added as paragraph (v). Paragraphs (g), (j) and (v) of § 1446.3 read as follows:

§ 1446.3 **Definitions.**

* * * * *

(g) *Final acreage.* The final acreage of peanuts on a farm for the applicable crop, determined in accordance with the marketing quota regulations which, in general, define such acreage as the total acreage of peanuts on the farm which is picked or threshed.

* * * * *

(j) *Lot.* That quantity of farmers stock or shelled peanuts for which one Form MQ–94 or other inspection certificate is issued. In the case of farmers, stock peanuts delivered to the association for a price support advance, a lot shall consist of not more than the contents of two vehicles.

* * * * *

(v) *Compliance regulations.* The Regulations Governing Acreage and Compliance Determinations for Farm Marketing Quotas, Acreage Allotments, and Related ASCS Programs, as amended, issued by the Administrator, ASCS, and effective for the applicable crop, part 718 of this title.

2. Section 1446.6 is amended by deleting references to Form MQ–92, which is no longer in use, and incorporating by reference compliance determinations and eligibility requirements covered in Regulations Governing Acreage and Compliance Determinations for Farm Marketing Quotas, Acreage Allotments, and Related ASCS Programs and, as amended, reads as follows:

§ 1446.6 **Eligible producer.**

(a) *Requirements.* An eligible producer is an individual, partnership, association, corporation, estate, trust, or other legal entity, and whenever applicable, a State, political subdivision of a State or any agency thereof, producing peanuts as a landowner, landlord, tenant, or sharecropper on a farm on which it is determined (1) that the final acreage does not exceed the effective farm allotment, or (2) if the final acreage exceeds the effective farm allotment, that the producer did not knowingly exceed such allotment. Determinations under

subparagraphs (1) and (2) of this paragraph shall be made pursuant to the marketing quota regulations and the compliance regulations.

(b) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate or of a ward or incompetent person, and trustees of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian or trustees shall be considered to be the production of the person he represents. Loan documents executed by any such person shall be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; or (3) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

3. Section 1446.12 is amended by adding a provision that will permit an eligible sheller to sell to CCC peanuts which have been unsuccessfully remilled to remove aflatoxin, as certified by the PAC Committee and, as amended, reads as follows:

§ 1446.12 Peanuts excluded from purchases.

CCC will not purchase from a sheller (a) any loose shelled kernels, sheller oilstock or pickouts which the sheller is obligated under the marketing agreement to identify separately and to dispose of in accordance with limitations imposed in the marketing agreement, (b) any peanuts which are eligible for indemnification, or which would be eligible for indemnification if sold commercially, under any peanut marketing agreement approved by the Secretary of Agriculture, unless such peanuts have been remilled, as directed by the Peanut Administrative Committee, and such remilling was unsuccessful in reducing the aflatoxin content to acceptable levels specified under the marketing agreement, as determined by such committee, (c) any shelled peanuts which have been blanched (for the purpose of this section, blanched peanuts are whole peanut kernels with 50 percent or more of their skins removed), or (d) a quantity of peanuts (farmers stock equivalent as determined by CCC) of any crop which exceeds 90 percent of the quantity of Segregation 1 farmers stock peanuts of that crop purchased by the sheller for which producers received not less than their price support value, exclusive of any farmers stock peanuts purchased from CCC or an association for the restricted uses of crushing or export.

(Secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended 7 U.S.C. 1441, 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER (8-21-71).

Signed at Washington, D.C., on August 18, 1971.

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

[FR Doc.71-12354 Filed 8-23-71;8:51 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[Administration Letter 69(440)]

PART 1890r—NATIONAL HISTORIC PRESERVATION ACT OF 1966

New Part 1890r, Administration directive supplementing certain preceding parts of this chapter is added to Chapter XVIII, Title 7, Code of Federal Regulations, to read as follows:

Sec.
1890r. 1 Purpose.
1890r. 2 Scope.
1890r. 3 Responsibilities of the State Director.

AUTHORITY: The provisions of this Part 1890r issued under 80 Stat. 379, 5 U.S.C. 301; Orders of the Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

§ 1890r.1 Purpose.

This part supplements Parts 1831; 1823; Subparts A, B, D, E, H, I, J, K, and L; 1822, subparts A, B, C, D, E, F, and G; 1832, subparts A and B; 1833, subparts A and B; and 1821, subparts A, B, and C, of this chapter, and establishes the policies and procedures to be followed by the Farmers Home Administration (FHA) to comply with the provisions of the National Historic Preservation Act of 1966 (Public Law 89-665).

§ 1890r.2 Scope.

This part is applicable to any undertaking or project (hereafter called project) financed in whole or in part by FHA loans or grants, and is intended to protect all objects or areas of historical importance. These objects or areas are listed in the National Register.

§ 1890r.3 Responsibilities of the State Director.

The State Director will be responsible for:

(a) Contacting the State Liaison Officer of the Advisory Council on Historical Preservation designated under the provisions of the Act to obtain a list of all facilities included in the National Register in his area of jurisdiction. Such list will be maintained in State and county offices. A list of the State liaison officers is available in all FHA offices, including the National Office, 14th and Independence Avenue SW., Washington, DC 20250. The State Director will maintain the necessary contacts to insure that the list of facilities is maintained in a current status.

(b) Issuing guidelines to insure that each project will be considered from the standpoint of any effect that it may have on any district, site, building, structure, or object that is included in the National Register. If a Watershed Protection, Flood Prevention, or Resource Conservation and Development project is involved, clearance should have been obtained by the Soil Conservation Service. The State Director will contact the State Soil Conservationist and determine if the project was cleared. If it was not cleared, the State Director will clear it with the State Liaison Officer, and include any comments in the docket.

(c) Developing procedures to provide for review and comments by the State Liaison Officer for each project that will affect an object or area listed in the National Register prior to the approval of the loan or grant.

(d) Considering comments of the State Liaison Officer as the project is developed. In the event that comments and recommendations of the State Liaison Officer cannot be incorporated into the project plans and compliance cannot be resolved on the State level, a complete report will be forwarded to the National Office for review and coordination with the National representatives of the Department of the Interior.

Dated: August 17, 1971.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.71-12355 Filed 8-23-71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 6448; Amdt. 39-1263]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Beech Airplanes

Beech AT-11, C18S, D18S, E18S, and C-45 Series Airplanes modified per Airline Training, Inc.; STCs SA4-113, SA4-119, SA4-128, SA2-280, SA2-383, SA2-523, SA2-820, SA2-1016, and SA2-1246.

Amendment 39-26, AD 65-3-1 requires the application of a mixture of MIL-G-25760 or MIL-G-7118 grease with methyl ethyl ketone or aliphatic naphtha (Varsol) to the stabilizer-to-elevator gap seal strip piano-type hinges. The Military specification greases specified in the AD have been superseded and are not available. MIL-G-81322 replaces MIL-G-25760 and MIL-G-23827 replaces

MIL–G–7118. Preferable to the use of the grease mixture would be the direct application of an oil complying with Federal Specification VV–L–880 "Lubricating Oil, General Purpose; Preservative, Water Displacing, Low Temperature," which would not require mixing. Use of either the replacement greases, properly mixed, or the direct application of the oil is acceptable.

Since this amendment provides alternate and additional materials for performing the required lubrication and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–26 AD 65–3–1 is amended as follows:

Strike paragraph (a) and replace with the following:

(a) Apply a good coverage of Federal Specification VV–L–800 oil to the top and bottom sides of both upper and lower stabilizer-to-elevator gap seal strip piano-type hinges. An acceptable alternate lubricant is a mixture of MIL–G–81322 (MIL–G–25760) or MIL–G–23827 (MIL–G–7118) grease and methyl ethyl ketone or aliphatic naphtha (Varsol), to a consistency suitable for application with a squirt-type oil can or an equivalent material approved by Engineering and Manufacturing Branch, FAA Southern Region.

This amendment becomes effective upon publication in the FEDERAL REGISTER (8–24–71).

(Sec. 601(a), Federal Aviation Act of 1958, 49 U.S.C. 1421(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 11, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71–12307 Filed 8–23–71;8:46 am]

[Docket No. 70–EA–122; Amdt. 39–1274]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Aircraft Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to McCauley type aircraft propellers.

There have been reports that the subject propellers have experienced separation of the counterweight assembly due to fatigue type fractures of the clamps and attach bolts which in certain cases have resulted in considerable damage to the propeller blade, spinner and aircraft coupled with severe vibration and some loss of propeller control. Since this deficiency can exist or develop in propellers of similar type design, an airworthiness directive is being issued which will require alteration of the counterweight assembly.

Expeditious adoption of this amendment is required because of the effect on air safety and therefore notice and public procedure are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

McCAULEY. Applies to Model 2AF34C55, 2AF34C55–A, B, C, D, E, F, G, HM, J, JM, K, KM, L, LM, M, and N propellers.

Compliance required as indicated, unless already accomplished.

To prevent propeller counterweight assembly failures accomplish the following:

(a) Propellers with 750 hours or more time in service as of the effective date of this airworthiness directive must be modified in accordance with paragraph (C) within the next 100 hours' time in service.

(b) Propellers with less than 750 hours in service as of the effective date of this airworthiness directive must be modified in accordance with paragraph (c) prior to the accumulation of 850 hours in service.

(c) Modify propeller counterweight assembly in accordance with McCauley Service Bulletins Nos. 93 dated April 21, 1971, and 93–1 dated June 30, 1971, or later FAA–approved revision or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

NOTE: McCauley Service Bulletin 93–2 lists serial numbers of 2AF34C55N propeller hub assemblies which were in compliance with this airworthiness directive when shipped from the manufacturer.

This amendment is effective August 31, 1971.

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

Issued in Jamaica, N.Y., on August 17, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71–12312 Filed 8–23–71;8:46 am]

[Airspace Docket No. 71–EA–60]

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

Alteration of Transition Area

On page 11942 of the FEDERAL REGISTER for June 23, 1971, the Federal Aviation Administration published a proposed rule so as to alter the Boston, Mass., transition area (36 F.R. 2157).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 6, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Boston, Mass., 700-foot-floor transition area by inserting after the phrase, "from 700 feet above the surface bounded by a line beginning at: Latitude 42°53'00" N., longitude 71°05'–00" W.", the following: "to latitude 42°–52'00" N., longitude 71°02'45" W. to latitude 42°54'00" N., longitude 71°00'–15" W. to latitude 42°49'45" N., longitude 70°54'00" W. to latitude 42°48'15" N., longitude 70°55'30" W."

[FR Doc.71–12311 Filed 8–23–71;8:46 am]

[Airspace Docket No. 71–EA–36]

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

Alteration of Control Zone and Transition Area

On page 9665 of the FEDERAL REGISTER for May 27, 1971, the Federal Aviation Administration published a proposed rule so as to alter the Windsor Locks, Conn., control zone (36 F.R. 2138) and Hartford, Conn., transition area (36 F.R. 2200).

Interested parties were given 30 days after publication in which to submit written data or views. One objection was received from a Mr. Stamford Robertson representing Robertson Field, which is located under the required additional transition air space. Mr. Robertson suggested that the transition area should be at 1,200 feet because of nearby obstructions. However, the criteria for instrument approaches requires that a 700-foot transition area be established so as to contain all instrument approaches under 1,500 feet above the ground.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 5, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Windsor Locks, Conn., control zone as follows:

Delete all before: "southwest of the OM", and insert the following in lieu thereof: "Within a 5-mile radius of the center 41°56'19" N., 72°41'00" W., of Bradley International Airport, Windsor Locks, Conn.; within 3.5 miles each side of the Bradley International Airport ILS localizer southwest course, extending from the 5-mile-radius zone to 11.5 miles."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Hartford, Conn., 700-foot floor transition area as follows:

Delete all before: "southwest of the OM", and insert the following in lieu thereof: "That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center 41°56'19" N., 72°41'00" W. of Bradley International Airport, Windsor Locks, Conn.; within 4.5 miles northwest and 9.5 miles southeast of the Bradley International Airport ILS localizer southwest course, extending from the 11.5-mile-radius area to 18.5 miles."

[FR Doc.71-12308 Filed 8-23-71;8:46 am]

[Airspace Docket No. 71-EA-48]

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

Designation of Transition Area

On page 11669 of the FEDERAL REGISTER for June 17, 1971, the Federal Aviation Administration published a proposed rule so as to designate an Oxford, Conn., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. There will be need to correct a technical error in the description, which however was not reflected in the chart of the proposal.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971 except as follows: Insert after the words "radius area to" the words "10 miles north of".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 5, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

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

OXFORD, CONN.

That airspace extending upward from 700 feet above the surface within a 7-mile-radius area of the center of 41°28'45" N., 73°08'10" W. of Waterbury-Oxford Airport, Oxford, Conn., and within 4 miles each side of the Oxford, Conn., RBN (41°31'45" N., 73°08'36" W.) 354° bearing extending from the 7-mile-radius area to 10 miles north of the RBN.

[FR Doc.71-12310 Filed 8-23-71;8:46 am]

[Airspace Docket No. 71-SW-44]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the designated altitude of the Camp Claiborne, La., Restricted Area R-3801.

The Department of the Air Force has requested that the maximum altitude of R-3801 be reduced from "18,000 feet MSL" to "14,000 feet MSL." Such action is taken herein.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-day notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (8-24-71), as hereinafter set forth.

Section 73.38 (36 F.R. 2343) is amended as follows:

In the "Designated altitudes" of R-3801 Camp Claiborne, La., "to 18,000 feet MSL." is deleted and "to 14,000 feet MSL." is substituted therefor.

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

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

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

[FR Doc. 71-12309 Filed 8-23-71;8:46 am]

[Docket No. 9974; Amdt. 93-22]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports

The purpose of this amendment of Part 93 of the Federal Aviation Regulations is to extend for one year the special air traffic rule for High Density Traffic Airports which would otherwise expire on October 25, 1971, and to partially suspend the allocation and reservation requirements for operation into and out of Kennedy International Airport, New York, N.Y., and O'Hare International Airport, Chicago, Ill. The amendment is based on Notice No. 71-15 published in the FEDERAL REGISTER on May 18, 1971 (36 F.R. 9029).

Many comments were received in response to the proposal contained in Notice No. 71-15, and the proposal has been changed in the light of the comments received.

The general aviation sector including the business aircraft segment is basically opposed to any extension of the rule. The comments from this sector were to the effect that the conditions which led to the issuance of the rule no longer exist; that the rule denies equal access to the use of the airports system; that the rule discriminates against general aviation; that the reservation requirement militates against necessary flexibility in corporate aircraft operations. These same objections have been considered before and were answered at the time the rule was issued and when it was later amended. The FAA reiterates the position taken at the time the rule was originally issued. The rule does grant a greater priority to certificated air carriers who provide common carriage service. This accords with the policy of recognizing the national interest in maintaining a public mass air transportation system. It is even more true today than it was 2 years ago that for the traveler there is frequently no feasible alternative mode of travel to air travel. So long as capacity is adequate to meet the demands of all airspace users without unreasonable delay or inconvenience, "first come-first served" remains the fundamental policy, however, when capacity limitations compel a choice, the public service offered by the common carrier must be preferred. These capacity limitations, carefully examined and reviewed, indicate the necessity for extension of the rule in the interest of the efficient use of the airspace, albeit with some relaxation of the reservation and allocation requirements. It should be noted that the Administrator retains the authority to suspend the quotas at a particular high density traffic airport or to restore those provisions in order to alleviate an inefficient airspace utilization.

Two governmental bodies involved with the operation of Kennedy International Airport and La Guardia Airport support the proposal to extend the rule but oppose the suspension of the quota system at Kennedy International Airport. Two organizations which represent the air carriers also support the proposal to extend the rule but oppose complete suspension of the quota system at Kennedy and O'Hare International Airports. They argue that quotas at these airports are currently close to full during prime hours and that if restraints are discontinued, peak period traffic would quickly increase. They discount the voluntary maintenance of scheduling committees as an effective device to control the level of traffic, pointing out that the self-discipline envisioned by the proposal is highly doubtful when many carriers would be free to ignore collective scheduling and rearrange flight schedules unilaterally. They believe that should the scheduling machinery become ineffective, the FAA could not react quickly enough to a congestion crisis. The air carrier organizations suggested, however, that quotas need only be kept in force at Kennedy International Airport and O'Hare International Airport during peak traffic periods, and could be suspended at other times.

Two air carriers, commenting individually, supported the proposal, as stated in the notice, provided there were no qualifying conditions.

The FAA has carefully considered these comments and has again reviewed the traffic figures for all high density traffic airports. The FAA concludes that the high utilization of quotas at La Guardia and National Airports during all hours indicates a continuing need for maintaining the status quo at these airports. It further concludes that the high utilization of quotas during the afternoon-evening peak period at the Kennedy and O'Hare International Airports require continuation of the quota system during the hours 3 p.m. to 8 p.m.

to preclude further buildup of traffic during the heavy peak period, but that the system may be suspended during the remaining hours of the day with no adverse impact upon the efficient utilization of the airspace. Since traffic volume is expected to continue at or near its present level for the near future, the high density traffic airports rule should be extended for another year as proposed.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all matter presented. In other respects, for the reasons stated in the preamble to the notice, the amendment is adopted as prescribed herein.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is amended effective October 25, 1971, as follows:

1. Section 93.131 is amended to read as follows:

§ 93.131 **Termination date.**

The provisions of §§ 93.121–93.131 and 93.133 terminate October 25, 1972.

2. Section 93.133 is amended to read as follows:

§ 93.133 **Exceptions.**

Except as provided in § 93.130, the provisions of §§ 93.123 and 93.125 (a) and (b) do not apply to—

(a) The Newark Airport, Newark, N.J.; and

(b) The Kennedy International Airport, New York, N.Y., and the O'Hare International Airport, Chicago, Ill., except during the hours from 3 p.m. to 7:59 p.m., local time.

(Secs. 103, 307, 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1303, 1348, 1354(a), 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.4(b), Part 1, Regulations of the Office of the Secretary, 49 CFR 1.4(b))

Issued in Washington, D.C., on August 18, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-12306 Filed 8-23-71;8:46 am]

[Docket No. 11327; Amdt. No. 770]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAP's, effective September 16, 1971:

Burbank, Calif.—Hollywood-Burbank Airport; NDB (ADF)-1, Amdt. 4; Conceled.
Los Angeles, Calif.—Van Nuys Airport; ADF-1, Original; Canceled.
Burbank, Calif.—Hollywood-Burbank Airport; VOR-1, Amdt. 2; Conceled.
Massena, N.Y.—Richards Field; VOR-1, Amdt. 7; Canceled.

2. Section 97.13 is amended by establishing, revising or conceling the following Ter VOR SIAP's effective September 16, 1971:

Los Angeles, Calif.—Van Nuys Airport; Ter VOR-R-255, Original; Canceled.

3. Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport/Kirtland AFB; VOR/DME No. 1, Amdt. 3; Canceled.
Massena, N.Y.—Richards Field; VOR/DME No. 1, Original; Canceled.
Massena, N.Y.—Richards Field; VOR/DME No. 2, Amdt. 1; Canceled.
Santa Fe, N. Mex.—Santa Fe County Municipal Airport; VOR/DME No. 1, Original; Canceled.

4. Section 97.17 is amended by establishing, revising, or canceling the following ILS SIAP's, effective September 16, 1971:

Los Angeles, Calif—Van Nuys Airport; ILS-8, Amdt. 3; Canceled.

5. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective August 19, 1971:

Iron Mountain, Mich.—Ford Airport; VOR Runway 1, Amdt. 4; Revised.
Iron Mountain, Mich.—Ford Airport; VOR Runway 19, Original; Established.
Iron Mountain, Mich.—Ford Airport; VOR Runway 31, Amdt. 6; Revised.

6. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport Airport; VOR Runway 8, Amdt. 13; Revised.
Barnesville, Ohio—Barnesville-Bradfield Airport; VOR Runway 27, Amdt. 3; Revised.
Burbank, Calif.—Hollywood-Burbank Airport; VOR Runway 7, Original; Established.
Champaign-Urbana, Ill.—University of Illinois-Willard Airport; VOR Runway 4, Amdt. 5; Revised.
Champaign-Urbana, Ill.—University of Illinois-Willard Airport; VOR Runway 13, Amdt. 2; Revised.
Champaign-Urbana, Ill.—University of Illinois-Willard Airport; VOR Runway 31, Amdt. 6; Revised.
Columbus, Ga.—Columbus Metropolitan Airport; VOR-A, Amdt. 13; Revised.
Columbus, Nebr.—Columbus Municipal Airport; VOR Runway 14, Amdt. 5; Revised.
Corpus Christi, Tex.—International Airport; VOR Runway 17, Amdt. 16; Revised.
DeLand, Fla.—DeLand Municipal/Sidney H. Taylor Field; VOR-A, Original; Established.
Dothan, Ala.—Wheelless Airport; VOR-A, Original; Established.
Great Falls, Mont.—Great Falls International Airport; VOR Runway 3, Amdt. 10; Revised.
Hagerstown, Md.—Hagerstown Municipal Airport; VOR Runway 9, Amdt. 3; Revised.
Jackson, Tenn.—McKellar Field; VOR Runway 2, Amdt. 5; Revised.
Jamestown, N. Dak.—Jamestown Municipal Airport; VOR Runway 12, Amdt. 1; Revised.
Jamestown, N. Dak.—Jamestown Municipal Airport; VOR Runway 30, Amdt. 1; Revised.
Lewiston, Idaho—Lewiston-Nez Perce County Airport; VOR Runway 8, Original; Established.
Lewiston, Idaho—Lewiston-Nez Perce County Airport; VOR Runway 26, Amdt. 6; Revised.
Lincoln, Nebr.—Lincoln Municipal Airport; VOR Runway 17L, Original; Established.
Lincoln, Nebr.—Lincoln Municipal Airport; VOR Runway 17R, Amdt. 4; Revised.
Los Angeles, Calif.—Van Nuys Airport; VOR-A, Original; Established.
Massena, N.Y.—Richards Field; VOR Runway 27, Original; Established.
McCook, Nebr.—McCook Municipal Airport; VOR Runway 12, Amdt. 4; Revised.
Milwaukee, Wis.—Lawrence J. Timmerman Airport; VOR Runway 4L, Amdt. 1; Revised.
Milwaukee, Wis.—Lawrence J. Timmerman Airport; VOR Runway 15L, Amdt. 6; Revised.
Moses Lake, Wash.—Grant County Airport; VOR Runway 32R, Amdt. 9; Revised.
Norwood, Mass.—Norwood Memorial Airport; VOR Runway 35, Amdt. 3; Revised.
Owensboro, Ky.—Owensboro-Daviess County Airport; VOR Runway 35, Amdt. 6; Revised.
Rhinelander, Wis.—Rhinelander-Oneida County Airport; VOR Runway 5, Amdt. 3; Revised.
Rhinelander, Wis.—Rhinelander-Oneida County Airport; VOR Runway 15, Amdt. 6; Revised.
Rockford, Ill.—Greater Rockford Airport; VOR Runway 12, Amdt. 9; Revised.
St. Clairsville, Ohio—Alderman Field; VOR-A, Amdt. 7; Revised.

Santa Fe, N. Mex.—Santa Fe County Municipal Airport; VOR Runway 33, Amdt. 4; Revised.
Scottsbluff, Nebr.—Scotts Bluff County Airport; VOR Runway 23, Amdt. 4; Revised.
Sebring, Ohio—Tri-City Airport; VOR Runway 17, Original; Established.
Sherman, Tex.—Sherman Municipal Airport; VOR Runway 16, Amdt. 1; Canceled.
Tucumcari, N. Mex.—Tucumcari Municipal Airport; VOR Runway 21, Amdt. 3; Revised.
Tucumcari, N. Mex.—Tucumcari Municipal Airport; VOR Runway 26, Amdt. 3; Revised.
West Bend, Wis.—West Bend Municipal Airport.; VOR Runway 31, Original; Established.
Winnsboro, Tex.—Winnsboro Municipal Airport; VOR-A, Original; Established.
Austin, Tex.—Tims Airpark; VOR/DME-A, Original; Established.
Champaign-Urbana, Ill.—University of Illinois-Willard Airport; VOR/DME Runway 22, Amdt. 1; Revised.
Great Falls, Mont.—Great Falls International Airport; VOR/DME Runway 21, Amt. 2; Revised.
Houston, Tex.—William P. Hobby Airport; VOR/DME Runway 3, Amdt. 9; Revised.
Houston, Tex.—William P. Hobby Airport; VOR/DME Runway 12, Amdt. 7; Revised.
Houston, Tex.—William P. Hobby Airport; VOR/DME Runway 21, Amdt. 14; Revised.
Houston, Tex.—William P. Hobby Airport; VOR/DME Runway 30, Amdt. 4; Revised.
Norwood, Mass.—Norwood Memorial Airport; VOR/DME Runway 35, Original; Canceled.
Rhinelander, Wis. — Rhinelander-Oneida County Airport; VOR/DME Runway 23, Amdt 1; Revised.
Sherman, Tex.—Sherman Municipal Airport; VOR/DME Runway 34, Original; Established.
Sioux City, Iowa—Sioux City Municipal Airport; VORTAC Runway 13, Amdt. 7; Revised.
Sioux City, Iowa—Sioux City Municipal Airport; VORTAC Runway 31, Amdt. 16; Revised.
Woodsfield, Ohio—Monroe County Airport; VOR/DME Runway 25, Amdt. 1; Revised.

7. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport Airport; LOC (BC) Runway 17, Amdt. 10; Revised.
Columbus, Ga.—Columbus Metropolitan Airport; LOC (BC) Runway 23, Amdt. 1; Revised.
Houston, Tex.—William P. Hobby Airport; LOC (BC) Runway 21, Amdt. 14; Revised.
Lincoln, Nebr.—Lincoln Municipal Airport; LOC (BC) Runway 17R, Amdt. 2; Revised.
Los Angeles, Calif.—Van Nuys Airport; LDA-A, Original; Established.
Rockford, Ill.—Greater Rockford Airport; LOC (BC) Runway 18, Amdt. 4; Revised.
Sioux City, Iowa—Sioux City Municipal Airport; LOC (BC) Runway 13, Amdt. 11; Revised.

8. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport Airport; NDB Runway 35, Amdt. 3; Revised.
Burbank, Calif.—Hollywood-Burbank Airport; NDB Runway 7, Original; Established.
Champaign-Urbana, Ill. — University of Illinois-Willard Airport; NDB Runway 31, Amdt. 3; Revised.
Columbus, Ga.—Columbus Metropolitan Airport; NDB Runway 5, Amdt. 18; Revised.
Denton, Tex.—Denton Municipal Airport; NDB Runway 17, Amdt. 1; Revised.
Great Falls, Mont.—Great Falls International Airport; NDB Runway 34, Amdt. 10; Revised.
Houston, Tex.—William P. Hobby Airport; NDB Runway 3, Amdt. 27; Revised.
Houston, Tex.—William P. Hobby Airport; NDB Runway 21, Amdt. 7; Revised.
Huntingburg, Ind.—Huntingburg Airport; NDB (ADF)-1, Amdt. 1; Canceled.
Huntingburg, Ind.—Huntingburg Airport; NDB Runway 27, Original; Established.
Lincoln, Nebr.—Lincoln Municipal Airport; NDB Runway 35L, Amdt. 3; Revised.
Norwood, Mass.—Norwood Memorial Airport; NDB Runway 35, Amdt. 2; Revised.
Owensboro, Ky.—Owensboro-Daviess County Airport; NDB Runway 35, Amdt. 4; Revised.
Rockford, Ill.—Greater Rockford Airport; NDB Runway 36, Amdt. 10; Revised.
Scottsbluff, Nebr.—Scotts Bluff County Airport; NDB Runway 30, Amdt. 2; Revised.
West Bend, Wis.—West Bend Municipal Airport; NDB Runway 31, Amdt. 2; Revised.

9. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport Airport; ILS Runway 35, Amdt. 28; Revised.
Burbank, Calif.—Hollywood-Burbank Airport; ILS Runway 7, Amdt. 24; Revised.
Champaign-Urbana, Ill. — University of Illinois-Willard Airport; ILS Runway 31, Amdt. 3; Revised.
Columbus, Ga.—Columbus Metropolitan Airport; ILS Runway 5, Amdt. 13; Revised.
Great Falls, Mont.—Great Falls International Airport; ILS Runway 34, Amdt. 14; Revised.
Houston, Tex.—William P. Hobby Airport; ILS Runway 3, Amdt. 28; Revised.
Lincoln, Nebr.—Lincoln Municipal Airport; ILS Runway 35L, Amdt. 3; Revised.
Rockford, Ill.—Greater Rockford Airport; ILS Runway 36, Amdt. 13; Revised.

10. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport Airport; Radar-1, Amdt. 16; Revised.
Burbank, Calif.—Hollywood-Burbank Airport; Radar-1, Amdt. 8; Revised.
Great Falls, Mont.—Great Falls International Airport; Radar-1, Amdt. 2; Revised.
Houston, Tex.—William P. Hobby Airport; Radar-1, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on August 12, 1971.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-12237 Filed 8-23-71;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-70]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Implementation of TIR Convention and Simplified In-Bond Procedure; Correction

The regulatory reference contained in the first sentence of § 18.8(e)(2), Customs Regulations, as promulgated in T.D. 71-70, which was published in the FEDERAL REGISTER on March 6, 1971 (36 F.R. 4484), is corrected to read "§ 18.6(d)." The sentence as corrected will read as follows:

(2) Within 3 months from the date demand for payment is made by the district director as provided by § 18.6(d), the guaranteeing association shall pay the amount claimed, except that if the amount claimed exceeds the liability of the guaranteeing association under the carnet (see § 114.22(c)(3) of this chapter), the carrier shall pay the excess. * * *

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

[FR Doc.71-12359 Filed 8-23-71;8:51 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 257—PAYMENT ON ACCOUNT OF DEPOSITS IN THE POSTAL SAVINGS SYSTEM

Applications by States; Revocation

Public Law 92-117, enacted August 13, 1971, provides for the pro rata distribution by the Secretary of the Treasury among the States and four other jurisdictions of deposit, in five annual payments, of available amounts of unclaimed Postal Savings System accounts remaining from deposits in the post offices of the States and other jurisdictions. The distribution authorized by this statute is inconsistent with payment of unclaimed Postal Savings System accounts to the States on the basis of State court judgments of escheat obtained on records of those accounts provided by the Treasury Department. Consequently, the Treasury Department finds it necessary and proper to revoke its regulations set forth in § 257.3 of Title 31 of the Code of Federal Regulations which provided for the recognition and payment of the claims of States on the basis of such State court judgments. Furthermore, since this revocation is legally necessary, notice and

public procedure respecting this action are not appropriate or needed.

Accordingly, § 257.3 is hereby revoked.

Dated: August 18, 1971.

[SEAL] S. S. SOKOL,
Deputy Fiscal Assistant Secretary.

[FR Doc.71-12361 Filed 8-23-71;8:51 am]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACTFINDING BODIES

Subpart B—Convening Courts-Martial

DESIGNATION OF ADDITIONAL CONVENING AUTHORITIES

In F.R. Doc. 71-11577 appearing at page 14739 in the issue for Wednesday, August 11, 1971, in § 719.103(b), the introductory text for subparagraph (8) should be redesignated as subparagraph (9), and the following subparagraph (8) inserted:

(8) All Inspector-Instructors, Marine Corps Reserve Organizations.

JOSEPH B. MCDEVITT,
Rear Admiral, JAGC, U.S. Navy, Judge Advocate General of the Navy.

AUGUST 17, 1971.

[FR Doc.71-12344 Filed 8-23-71;8:50 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGFR 71-85]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Ninth Coast Guard District

This amendment revises the boundaries of the Ninth Coast Guard District and reorganizes the Marine Inspection Zones and Captain of the Port areas within the Ninth Coast Guard District.

The reorganization of the Ninth Coast Guard District's Marine Inspection Zones and Captain of the Port Areas includes adding the Oswego Marine Inspection Zone to the Buffalo Marine Inspection Zone and adding the Ludington and Milwaukee Marine Inspection Zones to the Chicago Marine Inspection Zone. The present Ludington, Milwaukee, and Oswego Marine Inspection Offices are designated Marine Inspection Detachments. The changes affecting the Marine Inspection Offices will be effective on the date of publication of this document in the FEDERAL REGISTER. It is expected that the inspected cargo vessels going into summer operation will have been certificated before that date. The Coast Guard has established internal procedures to minimize any inconvenience to the public during the period that the changes are being made.

The Ludington Captain of the Port Office is moved to Muskegon, Mich., and the Captain of the Port Area is redesignated the Muskegon Captain of the Port Area. The area formerly called the Oswego Captain of the Port Area is added to the Buffalo Captain of the Port Area and the Oswego Captain of the Port Office is closed. Changes affecting the Captain of the Port areas will be effective on the date of publication of this document in the FEDERAL REGISTER.

There is a minor change in the boundary of the Third Coast Guard District and the Ninth Coast Guard District which places the entire Alleghany River Reservoir in Pennsylvania, in the Ninth Coast Guard District. In addition, there are minor boundary changes in the marine inspection zones and captain of the port areas in the Great Lakes area.

Since this is a matter relating to agency management, it is exempted from notice of proposed rule making and public notice and procedure thereon by 5 U.S.C. 553 and the amendments may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, Part 3 is amended as follows:

1. Section 3.15-1(b) is revised to read as follows:

§ 3.15-1 Third District.

* * * * *

(b) The Third Coast Guard District is comprised of the counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland in Vermont; Connecticut, but not including the waters of Beach Pond in New London County; Watch Hill Station in Rhode Island; that portion of Massachusetts containing the waters of Congamond Lakes in Hampden County; New York, except that part north of latitude 42° N. and west of longitude 74°39′ W.; New Jersey; that part of Pennsylvania north of latitude 41° N. and east of longitude 78°55′ W. and south of latitude 41° N. and east of longitude 79° W.; Delaware, including Fenwick Island Light, but not including that part of Delaware that contains the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area encompassed by a line bearing 112° T. from Montauk Point Light to the southernmost point of the First Coast Guard District (39°00′ N.; 65°05′ W.); thence along a line bearing 219° T. to the intersection with the ocean boundary between the Third and Fifth Coast Guard Districts, which is defined as a line extending 122° T. from the coastal end of the Third and Fifth Coast Guard District land boundary; thence along this line to the coast.

2. Section 3.15-15(b) is revised to read as follows:

§ 3.15-15 Albany Marine Inspection Zone.

* * * * *

(b) The Albany Marine Inspection Zone boundary starts at the junction of the Massachusetts, Connecticut, and New York State lines; thence in a southerly direction along the New York-Connecticut State line to 41°34′ N. latitude; thence due west to the east bank of the Delaware River (Tusten, N.Y.); thence in a northwesterly direction along the east bank of the Delaware River to 42° N. latitude; thence due east to 74°39′ W. longitude; thence due north to the Canadian border; thence east along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland County lines to the Vermont-New York State line; thence south along the Vermont-New York State line to the junction of the Massachusetts, Connecticut, and New York State lines.

3. Sections 3.45-30, 3.45-35, 3.45-40, 3.45-45, and 3.45-90 are revoked and §§ 3.45-1(b), 3.45-5(b), 3.45-10, 3.45-15, 3.45-20, 3.45-25(b), 3.45-45(b), 345-50 (b), 3.45-55(b), 3.45-60(b), 3.45-65(b), 3.45-70(b), 3.45-75(b), 3.45-80, 3.45-85, 345-95(b), 3.45-97(b) are revised to read as follows:

§ 3.45-1 Ninth District.

* * * * *

(b) The Ninth Coast Guard District comprise Michigan, New York north of latitude 42° N. and west of longitude 74°-39′ W.; Pennsylvania north of latitude 41° and west of longitude 78°55′ W.; that part of Ohio and Indiana north of latitude 41° N.; that part of Illinois north of latitude 41° N. and east of longitude 90° W.; Wisconsin, except that part south of latitude 46°20′ N. and west of longitude 90° W.; and that part of Minnesota north of latitude 46°20′ N.

§ 3.45-5 Cleveland Marine Inspection Zone.

* * * * *

(b) The Cleveland Marine Inspection Zone is that part of Ohio north of latitude 41° N., east of longitude 82°25′ W. and west of longitude 81° W.

(c) Notwithstanding paragraph (b) of this section and § 3.10-50(b), factory inspections at the towns of Alliance and Sebring, Ohio, are conducted by marine inspectors from the office of the Officer-in-Charge, Marine Inspection, at Cleveland, Ohio, rather than from the office of the Officer-in-Charge, Marine Inspection, Pittsburgh, Pa.

§ 3.45-10 Buffalo Marine Inspection Zone.

(a) The Buffalo Marine Inspection Office is in Buffalo, New York, with Marine Inspection Detachments in Alexandria Bay, New York; Oswego, New York; and Erie, Pennsylvania.

(b) The Buffalo marine inspection zone includes that part of New York north of latitude 42° N. and west of

longitude 74°39′ W.; that part of Pennsylvania north of latitude 41° N. and west of longitude 78°55′ W.; and that part of Ohio north of latitude 41° N. and east of longitude 81° W.

§ 3.45–15 Chicago Marine Inspection Zone.

(a) The Chicago Marine Inspection Office is in Chicago, Illinois with Marine Inspection Detachments in Ludington, Mich.; South Chicago, Illinois; Milwaukee, Wisconsin; and Sturgeon Bay, Wisconsin.

(b) The Chicago marine inspection zone includes those parts of Wisconsin, Michigan, Ohio, Indiana, and Illinois within the following boundaries: Starting at latitude 46°20′ N., longitude 90° W.; thence due east to longitude 88°30′ W.; thence due south to latitude 45°27′ N.; thence due east to longitude 86°40′ W.; thence due south to latitude 44°43′ N.; thence due east to longitude 84°30′ W.; thence due south to latitude 41° N.; thence due west to longitude 90° W.; thence due north to latitude 46°20′ N.

§ 3.45–20 Detroit Marine Inspection Zone.

(a) The Detroit Marine Inspection Office is in Detroit, Mich., with a Marine Inspection Detachment in Bay City, Mich.

(b) The Detroit marine inspection zone is that part of Michigan north of latitude 42° N., south of latitude 44°43′ N. and east of longitude 84°30′ W.

§ 3.45–25 Duluth Marine Inspection Zone.

* * * * *

(b) The Duluth marine inspection zone includes those parts of Michigan, Minnesota, and Wisconsin north and west of the following boundaries: From the international boundary at longitude 86°40′ W.; thence southwesterly to latitude 46°20′ N., longitude 88° 30′ W.; thence due west to the North Dakota State line.

§ 3.45–30 Ludington Marine Inspection Zone. [Revoked]

§ 3.45–35 Milwaukee Marine Inspection Zone. [Revoked]

§ 3.45–40 Oswego Marine Inspection Zone. [Revoked]

§ 3.45–45 St. Ignace Marine Inspection Zone.

* * * * *

(b) The St. Ignace marine inspection zone includes those parts of Michigan and Wisconsin within the following boundaries: Starting on the international boundary in Lake Huron at latitude 44°43′ N.; thence due west to longitude 86°40′ W.; thence due north to latitude 45°27′ N.; thence due west to longitude 88°30′ W.; thence due north to latitude 46°20′ N.; thence northeasterly to the international boundary at longitude 86°40′ W.

§ 3.45–50 Toledo Marine Inspection Zone.

* * * * *

(b) The Toledo marine inspection zone includes that part of Ohio north of latitude 41° N., west of longitude 82°25′ W. and east of longitude 84°30′ W.; and that part of Michigan east of longitude 84°30′ W. and south of latitude 42° N.

§ 3.45–55 Buffalo Captain of the Port.

* * * * *

(b) The Buffalo Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the international boundary in Lake Erie at longitude 81° W.; thence due south to latitude 41° N.; thence due east to longitude 78°55′ W.; thence due north to latitude 42° N.; thence due east to longitude 74°39′ W.; thence due north to the international boundary; thence southwesterly along the international boundary to the starting point.

§ 3.45–60 Chicago Captain of the Port.

* * * * *

(b) The Chicago Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the Illinois-Wisconsin State line at longitude 90° W.; thence due east to longitude 87° W.; thence due south to latitude 41° N.; thence due west to longitude 90° W.; thence due north to the starting point.

§ 3.45–65 Cleveland Captain of the Port.

* * * * *

(b) The Cleveland Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the international boundary in Lake Erie at longitude 82°25′ W.; thence due south to latitude 41° N.; thence due east to longitude 81° W.; thence due north to the international boundary; thence southwesterly along the international boundary to the starting point.

§ 3.45–70 Detroit Captain of the Port.

* * * * *

(b) The Detroit Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From latitude 42° N., longitude 84°30′ W.; thence due east to the international boundary; thence northerly along the international boundary to latitude 44°43′ N.; thence due west to longitude 84°30′ W.; thence due south to the starting point.

§ 3.45–75 Duluth Captain of the Port.

* * * * *

(b) The Duluth Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From a point where the Minnesota-North Dakota State line meets the international boundary; thence southerly along the Minnesota-North Dakota State line to latitude 46°20′ N.; thence due east to longitude 88°30′ W.; thence northeasterly to the international boundary at latitude 86°40′ W.; thence westerly along the international boundary to the starting point.

§ 3.45–80 Muskegon Captain of the Port.

(a) The Muskegon Captain of the Port Office is in Muskegon, Mich.

(b) The Muskegon Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From latitude 41° N., longitude 37° W.; thence due east to longitude 84°30′ W.; thence due north to latitude 44°43′ N.; thence due west to longitude 86°40′ W.; thence southwesterly to latitude 44°15′ N., longitude 87° W.; thence due south to the starting point.

§ 3.45–85 Milwaukee Captain of the Port.

* * * * *

(b) The Milwaukee Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the Illinois-Wisconsin State line at longitude 90° W.; thence due east to longitude 87° W.; thence due north to latitude 44°15′ N.; thence northeasterly to latitude 44°43′ N., longitude 86°40′ W.; thence due north to latitude 45°27′ N.; thence due west to longitude 88°30′ W.; thence due north to latitude 46°20′ N.; thence due west to longitude 90° W.; thence due south to the starting point.

§ 3.45–90 Oswego Captain of the Port. [Revoked]

§ 3.45–95 Sault Ste. Marie Captain of the Port.

* * * * *

(b) The Sault Ste. Marie Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the International Boundary in Lake Huron at latitude 44°-43′ N.; thence northwesterly along the International Boundary to longitude 86°40′ W.; thence southwesterly to latitude 46°20′ N., longitude 88°30′ W.; thence due south to latitude 45°27′ N.; thence due east to longitude 86°40′ W.; thence due south to latitude 44°43′ N.; thence due east to the starting point.

§ 3.45–97 Toledo Captain of the Port.

* * * * *

(b) The Toledo Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From latitude 42° N., longitude 84° 30′ W.; thence due south to latitude 41° N.; thence due east to longitude 82° 25′ W.; thence due north to the international boundary in Lake Erie; thence northwesterly along the international

boundary to latitude 42° N.; thence due west to the starting point.

(80 Stat. 383, as amended, 63 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b); and 49 CFR 1.45 and 1.46)

Effective date. This amendment is effective on the date of publication in the FEDERAL REGISTER (8-24-71)

Dated: August 16, 1971.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.71-12342 Filed 8-23-71;8:51 am]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Wrangell Narrows, Alaska

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.800 governing the use, administration and navigation of Wrangell Narrows, Alaska, is hereby amended with respect to subparagraph (2) of paragraph (f) increasing the width of single barge tows to 80 feet, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.800 Wrangell Narrows, Alaska; use, administration, and navigation.

* * * * *

(f) *Arrangement of tows.* * * *

(2) Raft and barge tows of more than one unit shall not exceed 65 feet in width overall. Single barge tows shall not exceed 80 feet in width overall.

* * * * *

[Regs., July 29, 1971, 1522-01 (Wrangell Narrows, Alaska) ENGCW-ON] (Sec. 7, 40 Stat. 266, 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-12345 Filed 8-23-71;8:51 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-69; Amdt. Nos. 171-11, 173-53, 178-20]

CYLINDER SPECIFICATIONS

The purpose of these amendments to the Department's Hazardous Materials Regulations is to provide a new specification for a nonrefillable cylinder to be used for certain compressed gases, to remove existing authorization for fabrication of Department of Transportation specifications 9, 40, and 41 cylinders, and to require that certain cylinders be shipped in outside protective packagings.

On December 11, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-69; Notice No. 70-25 (35 F.R. 18879) which proposed these changes.

Several commenters objected to Note 1 of § 173.34(d)(1). Some objections were addressed to the requirement for use of a safety relief valve on specifications 39 cylinders containing liquefied flammable gases, thereby prohibiting the use of other type safety relief devices. It was stated that CGA pamphlet S-1.1 is a standard accepted and used by the industry and that such a standard should be referenced. This standard allows other safety relief devices to be used. The Board notes that although a standard exists, this does not mean its provisions are followed by industry in all respects. It cannot be concluded that this standard is the decisive factor in the safe history of transportation of gases. Although the industry claims a safe history, the actual practices followed are the standards to consider, rather than a permissive standard which may not be fully utilized. Safety relief valves are the devices routinely used by industry on cylinders containing flammable liquefied gases. Other objections related to specifying metal as the construction material for the valve. Since the Board has determined that a valve is desirable in place of a fusible device for liquefied flammable gases, then the valve should be capable of functioning as a valve, i.e., opening and closing. Use of a valve made of materials that would lose their shape, or act as a fusible device after short exposure to elevated temperatures would defeat the purpose of the original requirement for a valve. Objections also were made to the prohibition against use of fusible safety relief devices. The Board has re-examined its position in this matter, including consideration of experience under special permits, and has concluded that fusible safety relief devices are not desirable for use with liquefied compressed gases. However, the Board believes that fusible safety relief devices are adequate for use with non-liquefied gases and the rule has been amended accordingly.

Comments made on § 173.301(k) indicated a definite need for clarification of the objective for the outside packaging. The basic design for specification 39 was predicated on this cylinder's transportation in an outside container. Section 173.301(k)(1) as it was proposed, did not clearly express this fact and therefore has been modified. Specification 3E is included in this paragraph because of its specified size limitation.

Objection was raised concerning the 75-cubic-inch container limitation for flammable gases. This limitation is based on extensive experience under special permits and the consideration that, in transportation, nonreusable cylinders of larger sizes would be used in place of the higher-integrity reusable cylinders now used in flammable gas service. The Board believes that this usage would degrade the level of transportation safety now established for the shipment of flammable gases.

Requests were made to add products to the table in § 173.304(a)(2), but since these items would be new commodities to be covered by name in the Hazardous Materials Regulations, a separate rule-making action would be required.

Several of the comments concerned the specification itself. One commenter suggested an upper design pressure limit of 3,000 p.s.i., stating that the Board should not exceed that limit unless a need and justification were demonstrated. Need and justification for pressures higher than 3,000 p.s.i. have been demonstrated and several permits are now in effect for pressures above 3,000 p.s.i. The Board considers the design parameters of the specification to be adequate and finds no justification for setting a specified upper design pressure limit.

Some commenters observed that, as written, § 178.65-2 (c) and (d) would require remarking of cylinders for different service and test pressures. However, § 173.34(a)(2) provides for using higher service pressure marked units than are required by the regulations and applies in this circumstance. To avoid ambiguity because of the requirements of § 178.65-14 relating to markings, § 178.65-2(d) has been changed by the addition of the word "maximum".

Comments on § 178.65-3 concerned foreign chemical analyses and test provisions and the requirements for disinterested inspectors for cylinders having a marked service pressure over 900 p.s.i.g. The question of the need for chemical analyses and testing to be performed in the United States is the subject of Docket No. HM-74 (36 F.R. 11224). The manner in which the question is resolved in that docket will have a bearing on the final wording of this section. Meanwhile, the rule is being published consistent with existing requirements. Based on visits to plant sites by Department personnel, the Board believes there is need for disinterested inspectors. There appears to be a higher degree of compliance with Department of Transportation specification requirements where disinterested inspection is required or used even though not required. Therefore, on the basis of available information, the Board is not authorizing the use of interested inspectors for cylinders having a marked service pressure over 900 p.s.i.g.

Two commenters objected to § 178.65-4(c)(1), stating that complete internal and external inspection, particularly if by a disinterested inspector, would present extreme difficulty if high capacity production lines were used. The Board agrees with this observation, and for this inspection only, is authorizing use of an interested inspector. This permits use of qualified production personnel under the overall supervision of assigned inspectors.

Some commenters noted that the steel material specifications would be improved in the interest of safety by a modification of § 178.65-5(a) to guard against age hardening and loss of ductility in a completed cylinder. The Board

acknowledges the correctness of this observation and has amended the rule accordingly.

Objection was raised to the pressure limitation proposed to be placed on cylinders fabricated from aluminum. The Department's knowledge of experience with high pressure aluminum cylinders is very limited. At the present time these cylinders have to be considered experimental. The Board does not consider it appropriate to authorize aluminum cylinders of higher service pressure.

It was pointed out by several commenters that the carbon content of steel should be increased to provide for the use of seamless steel tubing. The Board agrees with this comment and has so provided.

One commenter objected to § 178.65–6(b)(7), which states that welded joints must have a strength equal to or greater than the minimum strength of the shell material in the completed cylinder. This requirement is consistent with § 178.65–11(b)(2), which requires that the entire lot must be rejected if a failure during testing initiates in a weld or its heat affected zone. The objective of the rule is to assure that the weld area is not the weakest point of a completed cylinder. The Board concludes that the rule, as it was proposed, is valid but has modified it to clearly express this objective.

Two commenters objected to the requirement that openings be permitted in heads only. The Board is of the opinion that side openings create greater stress raisers than end openings. The stresses present in a side would be higher than in an ellipsoidal, spherical or flat head. Another commenter objected to the limitation that the diameter of a head opening not exceed 80 percent of the outside diameter of the cylinder. Requests were also made to authorize welded steel tubing in cylinder fabrication and to authorize additional aluminum alloys. The Board has not had the opportunity to fully evaluate these suggested designs and materials and does not have sufficient knowledge of experience in their use. Therefore, it considers these designs and fabrication to be experimental, and will deal with them on an individual rule-making basis. However, in this amendment, the Board is authorizing use of longitudinal or helical welded cylinders up to a 500 p.s.i.g. service pressure on the basis of existing cylinder specifications.

An objection was received on the lot size to be used for testing, suggesting a larger lot size. In a performance oriented specification adequate test requirements are paramount. The Board is concerned that testing be meaningful. To positively relate various tests to the end product, tests must be conducted at a frequency to assure that the unit tested is representative. No data have been presented to the Board to support the contention that a larger lot size could be used with assurance that there would be adequate monitoring of production for this type of packaging.

Objection was raised regarding the severity of the flattening test when compared to stationary vessel standards. The Board recognizes that the flattening test may be more restrictive, but these vessels will be exposed under pressure to a varied transportation environment and greater abuse. The test proposed is similar to testing requirements for other Department of Transportation cylinder specifications.

A commenter objected to the proposed wording of § 178.65–12(a)(2) regarding the inclusion of the weld in the crush test. He observed that the metal adjacent to the weld could be annealed by the welding process and thus would not be representative of the base metal. Since the intent of the crush test is to assure that the base metal remains ductile in the finished condition, the Board agrees with this observation and the rule has been modified accordingly.

A question was raised concerning the need for marking both service and test pressure on the cylinder. Under the concept of this specification, the test pressure is specifically related to the maximum pressure of the contents at 130° F., and the filler needs this information. Therefore, the marking requirement is being retained as proposed.

One commenter considered the statement required by § 178.65–14(b)(8) to be too lengthy. The Board agrees that the statement is longer than any similar statement previously required, but believes that by the emphasis placed on the penalties prescribed by law, the statement will serve as a better deterrent to refilling. The proposed statement is a prime requisite to the safe applicability of this specification in transportation and therefore is being retained.

The Board received several comments on various aspects of the use and disposition of this specification cylinder, and while many of these appeared to have merit, they did not sufficiently relate to transportation safety to be an appropriate matter for the Board's consideration.

In consideration of the foregoing, 49 CFR Parts 171, 173, and 178 is amended as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.7, paragraph (c)(12) is added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(12) Aluminum Association: The Aluminum Association, 420 Lexington Avenue, New York, N.Y. 10017.

* * * * *

PART 173—SHIPPERS

(A) In § 173.34 paragraph (d)(1) Note 1 and (d)(2) are amended to read as follows:

§ 173.34 Qualification, maintenance, and use of cylinders.

* * * * *

(d) * * *

(1) * * *

NOTE 1: Safety relief devices are required on specifications 9, 40, 41, and 39 (§ 178.65 of this chapter) cylinders. Metal safety relief valves are required on specification 39 cylinders used for liquefied flammable gases. Fusible safety relief devices are not authorized on specification 39 cylinders containing liquefied compressed gases.

(2) Except for specification 39 cylinders and cylinders for acetylene in solution, safety relief devices are not required on cylinders charged with non-liquefied gas under pressure of 300 p.s.i. or less at 70° F.

* * * * *

(B) In § 173.301, paragraph (h) Table is amended by adding "DOT–39" in the last column following "DOT–38"; paragraph (k) is added to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.

* * * * *

(k) *Outside packagings.* Specifications 2P, 2Q, 3E, 3HT, 4D, 4DA, 4DS, 9, 39, 40, and 41 must be shipped in strong outside packagings.

(1) Outside packagings must provide protection for the complete cylinder and against accidental functioning of and damage to valves under conditions normally incident to transportation.

(C) In § 173.302 paragraph (a)(4) is added to read as follows:

§ 173.302 Charging of cylinders with non-liquefied compressed gases.

(a) * * *

(4) Specification 39 (§ 178.65 of this chapter). For flammable gases, internal volume must not exceed 75 cubic inches.

* * * * *

(D) In § 173.304 paragraph (a)(1) is amended; paragraph (a)(2) table miscellaneous entries and Note 8 are amended, Note 9 is added; paragraph (d)(3)(i) is amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(1) Specifications 3,[1] 3A, 3AA, 3B, 3N, 3D, 3E, 4, 4A, 4B, 4BA, 4B–ET, 4BW, 9,[1] 25,[1] 26,[1] 38,[1] 39, 40,[1] or 41[1] (§§ 178.36, 178.37, 178.38, 178.39, 178.41, 178.42, 178.48, 178.49, 178.50, 178.51, 178.55, 178.61, 178.63, 178.65, 178.66, 178.67 of this chapter), except that Specifications 9, 39, 40, and 41 containers must not be charged and shipped with mixtures containing pyrophoric liquids, carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, or poisonous materials (class A, B, or C), unless specifically prescribed in this part.

(i) For flammable gases, the internal volume of a specification 39 cylinder must not exceed 75 cubic inches.

[1] Use of existing cylinders authorized, but new construction not authorized.

Kind of gas	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.304 (j) (see notes following table).
* * *	*Percent* * * *	* * *
Carbon dioxide, liquefied (see Notes 3, 4, 7, and 8).	68	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-3HT2000; DOT-39.
Carbon dioxide-nitrous oxide mixture (see Notes 7 and 8).	68	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-3HT2000; DOT-39.
Cyclopropane (see Notes 8 and 9)	55	DOT-3A225, DOT-3A480X, DOT-3AA225, DOT-3B225; DOT-4A225; DOT-4AA480, DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-7-300; DOT-3; DOT-3E1800; DOT-39.
Dichlorodifluoromethane (see Note 8)	119	DOT-3A225; DOT-3AA225; DOT-3B225, DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-4E225; DOT-9; DOT-39; DOT-41; DOT-3E1800.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 8).	Not liquid full at 130° F.	DOT-3A240; DOT-3AA240, DOT-3B240; DOT-3E1800; DOT-4A240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-9, DOT-39.
Difluoromonochloroethane (see Note 8)	100	DOT-3A150; DOT-3AA150; DOT-3B150, DOT-4B150; DOT-4BA225; DOT-4BW225, DOT-3E1800; DOT-39.
Ethane (see Notes 8 and 9)	35.8	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-39.
Do	36.8	DOT-3A2000; DOT-3AA2000; DOT-39.
Ethylene (see Notes 8 and 9)	31.0	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-39.
Do	32.5	DOT-3A2000; DOT-3AA2000; DOT-39.
Do	35.5	DOT-3A2400; DOT-3AA2400; DOT-39.
Liquefied nonflammable gases, liquid other than those classified as flammable, corrosive, or poisonous, and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air (see Notes 7 and 8).	Not liquid full at 130° F.	DOT-3A300; DOT-3AA300; DOT-3HT900; DOT-4B300; DOT-4BA300; DOT-4BW300; DOT-4D300; DOT-4DA500; DOT-4DS500; DOT-3E1800; DOT-39.
Monochlorodifluoromethane (see Note 8)	105	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4B240ET; DOT-4E240; DOT-39; DOT-41; DOT-3E1800.
Monochloropentafluoroethane (see Note 8).	110	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-3E1800; DOT-39.
Monochlorotrifluoromethane (see Note 8)	100	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-39.
Nitrous oxide (see Notes 7 and 8)	68	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-3HT2000; DOT-39.
Sulfur dioxide (see Note 8)	125	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-3; DOT-4; DOT-25; DOT-26-150; DOT-38; DOT-39; DOT-3E1800.
* * *	* * *	* * *

* * * * *

NOTE 8: See § 173.301(k).

NOTE 9: When used for shipment of flammable gases, the internal volume of a specification 39 cylinder must not exceed 75 cubic inches.

* * * * *

(d) * * *

(3) * * *

(i) Specifications 3,[1] 3A, 3AA, 3B, 3E, 4A, 4B, 4BA, 4B240ET, 4BW240, 4B240X,[1] 4B240FLW, 4E, 4, 9,[1] 25,[1] 26,[1] 38,[1] 39, or 41[1] (§§ 178.36, 178.37, 178.38, 178.42, 178.49 , 178.50, 178.51, 178.55, 178.61, 178.54, 178.68. 178.48, 178.63, 178.65, 178.67 of this chapter). The internal volume of a specification 39 cylinder must not exceed 75 cubic inches. Note 1 remains the same.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

(A) In Part 178 Table of Contents §§178.63, 178.66, and 178.67 are canceled; § 178.65 is added as follows:

Sec.

178.65 Specification 39; non-reusable (non-refillable) cylinder.

§ 178.63 [Canceled]

(B) Section 178.63 is canceled.

[1] Use of existing cylinders authorized, but new construction not authorized.

(C) Section 178.65 is added to read as follows:

§ 178.65 Specification 39; non-reusable (non-refillable) cylinder.

§ 178.65–1 Compliance.

Each cylinder must meet the applicable requirements of § 173.24 of this chapter.

§ 178.65–2 Type, size, service pressure, and test pressure.

(a) Type: Each cylinder must be of seamless, welded, or brazed construction. Spherical pressure vessels are authorized and covered by references to cylinders in this specification.

(b) Size limitation: Maximum water capacity may not exceed:

(1) 55 pounds (1,526 cubic inches) for a service pressure of 500 p.s.i.g. or less, and

(2) 10 pounds (277 cubic inches) for a service pressure in excess of 500 p.s.i.g.

(c) Service pressure: The marked service pressure may not exced 80 percent of the test pressure.

(d) Test pressure: The minimum test pressure is the maximum pressure of contents at 130° F. or 180 p.s.i.g. whichever is greater.

(e) The term "pressure of contents" as used in this specification means the total pressure of al. the materials to be shipped in the cylinder.

§ 178.65–3 Inspection by whom and where.

Inspection of each cylinder must be performed by a competent inspector with chemical analyses and tests performed within limits of the United States. Disinterested inspectors, acceptable to the Bureau of Explosives, are required for cylinders having marked service pressure higher than 900 p.s.i.g., except as otherwise provided in this section.

§ 178.65–4 Duties of inspector.

(a) The inspector must determine that all material used complies with the requirements of this specification.

(b) The inspector must verify compliance with the requirements of § 178.65–5 by making a chemical analysis or obtaining a certified chemical analysis from the material manufacturer for each heat of material (ladle analysis acceptable). If an analysis is not provided by the material manufacturer, a sample from each coil, sheet, or tube must be analyzed.

(c) The inspector must determine that each cylinder is made and marked in compliance with this specification by:

(1) Complete internal and external inspection (interested inspectors authorized);

(2) Verification of proper heat treatment (if any);

(3) Selection of samples to be tested;

(4) Witnessing all tests; and

(5) By preparation of required report.

§ 178.65–5 Material; steel or aluminum.

(a) Steel:

(1) The steel analysis must conform to the following:

	Ladle analysis	Check analysis
Carbon, maximum percent	0.12	0.15
Phosphorus, maximum percent	0.04	0.05
Sulfur, maximum percent	0.05	0.06

(2) For a cylinder made of seamless steel tubing with integrally formed ends, hot drawn, and finished, content percent for the following must not exceed: carbon, 0.55; phosphorus, 0.045; sulfur, 0.050.

(3) For non-heat treated welded steel cylinders, adequately killed deep drawing quality steel is required.

(4) Longitudinal or helical welded cylinders are not authorized for service pressures in excess of 500 p.s.i.g.

(b) Aluminum: Aluminum not authorized for service pressures in excess of 500 p.s.i.g. Analysis of aluminum must conform to Aluminum Association standard designated for alloys 1100, 1170, 3003, 5052, 5086, 5154, 6061, and 6063 specified in its publication entitled "Aluminum Standards and Data" (1970–71 edition dated December 1969).

(c) Material with seams, cracks, laminations, or other injurious defects not permitted.

(d) Material used must be identified by any suitable method.

§ 178.65–6 Manufacture.

(a) General manufacturing requirements are as follows:

(1) Dirt and scale must be removed prior to inspection and processing.

(2) The surface finish must be uniform and reasonably smooth.

(3) Inside surfaces must be clean, dry, and free of loose particles.

(4) No defect of any kind is permitted if it is likely to weaken a finished cylinder.

(b) Requirements for seams:

(1) Brazing is not authorized on aluminum cylinders.

(2) Brazing material must have a melting point of not lower than 1,000° F.

(3) Brazed seams must be assembled with proper fit to insure complete penetration of the brazing material throughout the brazed joint.

(4) Minimum width of brazed joints must be at least four times the thickness of the shell wall.

(5) Brazed seams must have design strength equal to or greater than 1.5 times the minimum strength of the shell wall.

(6) Welded seams must be properly aligned and welded by a method that provides clean, uniform joints with adequate penetration.

(7) Welded joints must have strength equal to or greater than the minimum strength of the shell material in the finished cylinder.

(c) Attachments to the cylinder are permitted by any means which will not be detrimental to the integrity of the cylinder. Welding or brazing of attachments to the cylinder must be completed prior to all pressure tests.

§ 178.65–7 Wall thickness.

(a) The minimum wall thickness must be such that the wall stress at test pressure does not exceed the yield strength of the material of the finished cylinder wall.

(b) Calculation of the stress for cylinders must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:

S = Wall stress, in p.s.i.;
P = Test pressure;
D = Outside diameter, in inches;
d = Inside diameter, in inches.

(c) Calculation of the stress for spheres must be made by the formula:

$$S=\frac{PD}{4t}$$

where:

S = Wall stress, in p.s.i.;
P = Test pressure;
D = Outside diameter, in inches;
t = Minimum wall thickness, in inches.

§ 178.65–9 Openings and attachments.

(a) Openings and attachments are permitted on heads only.

(b) All openings and their reinforcements must be within an imaginary circle, concentric to the axis of the cylinder. The diameter of the circle may not exceed 80 percent of the outside diameter of the cylinder. The plane of the circle must be parallel to the plane of a circumferential weld and normal to the long axis of the cylinder.

(c) Unless a head has adequate thickness, each opening must be reinforced by a securely attached fitting, boss, pad, collar, or other suitable means.

(d) Material used for welded openings and attachments must be of weldable quality and compatible with the material of the cylinder.

§ 178.65–10 Safety devices.

Safety devices must meet the requirements of § 173.34(d) of this chapter.

§ 178.65–11 Pressure tests.

(a) Each cylinder must be tested at an internal pressure of at least the test pressure and must be held at that pressure for at least 30 seconds.

(1) The leakage test must be conducted by submersion under water or by some other method that will be equally sensitive.

(2) If the cylinder leaks, evidences visible distortion, or any other defect, while under test, it must be rejected (see § 178.65–13).

(b) One cylinder taken from the beginning of each lot, and one from each 1,000 or less successively produced within the lot thereafter, must be hydrostatically tested to destruction. The entire lot must be rejected if (see § 178.65–13):

(1) A failure occurs at a gage pressure less than 200 times the test pressure.

(2) A failure initiates in a braze or a weld or the heat affected zone thereof;

(3) A failure is other than in the sidewall of a cylinder longitudinal with its long axis, or

(4) In a sphere, a failure occurs in any opening, reinforcement, or at a point of attachment.

(c) A "lot" is defined as the quantity of cylinders successively produced per production shift (not exceeding 10 hours) having identical size, design, construction, material, heat treatment, finish, and quality.

§ 178.65–12 Flattening test.

(a) One cylinder must be taken from the beginning of production of each lot (as defined above) and subjected to a flattening test.

(1) The flattening test must be made on a cylinder that has been tested at test pressure.

(2) A ring taken from a cylinder may be flattened as an alternative to a test on a complete cylinder. The test ring must not include the heat affected zone or any weld. However, for a sphere, the test ring may include the circumferential weld if it is located at a 45 degree angle to the ring, ±5 degrees.

(3) The flattening must be between 60 degrees included-angle, wedge shaped knife edges, rounded to a 0.5 inch radius.

(4) Cylinders and test rings must not crack when flattened so that their outer surfaces are not more than six times wall thickness apart when made of steel or not more than ten times wall thickness apart when made of aluminum.

(b) If any cylinder or ring cracks when subjected to the specified flattening test, the lot of cylinders represented by the test must be rejected (see § 178.65–13).

§ 178.65–13 Rejected cylinders.

(a) If the cause for rejection of a lot is determinable, and if by test or inspection defective cylinders are eliminated from the lot, the remaining cylinders must be qualified as a new lot under §§ 178.65–11 and 178.65–12.

(b) Repairs to welds are permitted. Following repair, a cylinder must pass the pressure test specified in § 178.65–11(a).

(c) If a cylinder made from seamless steel tubing fails the flattening test described in § 178.65–12, suitable uniform heat treatment must be used on each cylinder in the lot. All prescribed tests must be performed subsequent to this heat treatment.

§ 178.65–14 Markings.

(a) The markings required by this section must be durable and waterproof. The requirements of § 713.24(c)(1) (ii) and (iv) of this chapter do not apply to this section.

(b) Required markings are as follows:

(1) DOT–39.
(2) NRC.
(3) The service pressure.
(4) The test pressure.
(5) The registration number (M****) of the manufacturer.
(6) The lot number.
(7) The date of manufacture if the lot number does not establish the date of manufacture.
(8) The following statement:

Federal law forbids transportation if refilled—penalty up to $10,000 fine and 10 years imprisonment (18 U.S.C. 831–835).

(c) The markings required by paragraph (b)(1) through (5) of this section must be in numbers and letters at least ⅛ inch high and displayed sequentially. For example:

DOT–39 NRC 250/500 M1001.

(d) No person may mark any cylinder with the specification identification "DOT–39" unless (1) it was manufactured in compliance with the requirements of this section and (2) its manufacturer has a registration number (M****) from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

§ 178.65–15 Inspector's report.

(a) The inspector's report must be retained by the manufacturer for a period of 3 years and must be available for examination by representatives of the Department.

(b) The report must be legible, and contain at least the following information:

INSPECTION REPORT COVERING THE MANUFACTURE OF SPECIFICATION DOT-39 CYLINDERS OR SPHERES

The cylinders (spheres) covered by this report were manufactured for _____ located at _____. They were manufactured by _____ located at _____ whose Department of Transportation registration number is M_____. The cylinders are _____ inches in diameter (OD) and _____ inches in length. They have a design test pressure of _____ p.s.i.g. and a market service pressure of _____ p.s.i.g. Each has an internal volume of _____ cubic inches (nominal).

These containers were made by process of _____.

The metal used was identified by heat or analysis numbers as shown on the "Record of Chemical Analysis of Metal" attached hereto.

All material and each cylinder was inspected. All accepted material was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment (if any) were observed and found satisfactory.

My record of tests and inspection for each lot covered by this report is as follows:

Lot No.	Lot quantity	Lot tests		All cylinders	
		Burst-pressure [1]	Flattening test [2]	Pressure tests [2]	Visual inspection [2]

[1] Enter the lowest actual failure pressure of all cylinders tested within the lot.
[2] Enter "Pass" or "Fail".

_____ _____
Inspector's name (print) Inspector's signature

_____ _____
Date Inspector's employer (company name)

§ 178.67 [Canceled]

(D) Section 178.66 is canceled.

§ 178.67 [Canceled]

(E) Section 178.67 is canceled.

This amendment is effective December 31, 1971. However, compliance with the regulations as amended herein is authorized immediately.

(Sec. 831-835, Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; Title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h))

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

W. F. REA III,
Rear Admiral, Board Member,
For the United States Coast Guard.

MAC E. ROGERS,
Board Member,
For the Federal Railroad Administration.

KENNETH L. PIERSON,
Alternate Board Member,
For the Federal Highway Administration.

R. S. SLIFF,
Alternate Board Member,
Federal Aviation Administration.

[FR Doc.71-12211 Filed 8-23-71;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1063]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of May 1971.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of agricultural, mineral, forest, and manufactured products, and other commodities; and that the existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1063 Service Order No. 1063.

(a) Railroad operating regulations for freight car movement. Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all loaded cars.

(iii) This order shall apply to all empty cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 379, issued by E. J. McFarland, or reissues thereof, as having mechanical designations XL, XM, XP, RB, RBL, RP, RPL, RS, RSB, GA, GB, GD, GE, GH, GRA, GS, GT, HD, HE, HF, HFA, HFB, HK, HM, HMA, HT, HTA, FM, LC, LO, or LP, including all such cars to which the suffix H, I, R, or S has been added to the mechanical designation to denote the addition of heaters, insulation, roofs, or other special modifications. Exception: Cars described in subdivisions (iv), (v), (vi), and (vii) of this subparagraph.

(iv) Any empty car with inside length 69 feet, 0 inch and over, and empty flat cars having mechanical designation FM, with a carrying capacity of 200,000 lbs. or more, are exempt from the provisions of this order.

(v) Empty cars owned by the Alaska Railroad, while held in the State of Washington, pursuant to instructions of the car owner, are exempt from the provisions of this order.

(vi) Empty cars of private ownership held pursuant to instructions of the car owner or lessee, or held awaiting instructions from the car owner or lessee, are exempt from the provisions of this order.

(vii) Empty cars, described in subdivision (iii) of this subparagraph, which are in general service and are not assigned to the exclusive use of a specified shipper, owned by and bearing the registered reporting marks assigned to the line holding the car, are exempt from the provisions of this order.

(viii) This order shall apply to all empty cars described in subdivision (iii) of this subparagraph, which are assigned to the exclusive use of a specified shipper, except as otherwise provided in this section.

(ix) Freight cars assigned to the exclusive use of a specified shipper may be removed from the provisions of subparagraph (2)(iii) of this paragraph; provided, that assignee furnishes written notice to originating railroad and to the car owner, if different from originating railroad at least 1 day in advance of his desire to release such cars from assignment in a permanent or temporary basis of not less than 15 days' duration. (See exception.) The carrier must remove cars from assignment in accordance with assignee's request.

(a) *Exception.* Assigned cars which have arrived empty at the point of assignment or at a point of loading designated by assignee, shall not be diverted empty to another point for loading unless released from assignment in the manner described herein. When so released, cars may not be ordered empty to any point or shipper on instructions of the assignee who ordered the release of the cars.

(x) Cars assigned to the exclusive use of a specified shipper must be listed on assignment lists posted in the office of the chief transportation officer of the car owner, and in the office designated to issue waybills and other shipping documents for loaded movements from the points of assignment. Assignment lists must specify initial and number of each assigned car, the shipper to whom assigned, and the date car assignment became effective.

Requests for assignments of cars must be secured in writing, or confirmed in writing, by the carrier on whose lines the cars are assigned, not less than 10 days before the effective date of the car assignment. Freight cars in assigned service on February 28, 1971, shall be considered as having been in such assignments for 10 days or longer, provided that the assignment lists are prepared and posted, as required herein, not later than March 21, 1971.

(xi) The mechanical designations of existing freight cars in subdivision (iii) of this subparagraph may not be changed to any mechanical designation other than those listed in subdivision (iii) of this subparagraph during the period this order is in effect.

(xii) Actual placement means placing a car in an accessible position for loading or unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other-than-public-delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.

(xiii) Holidays shall be those listed in item 25 of Agent B. B. Maurer's Tariff ICC H-36, naming Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof.

(2) *Placing of cars.* (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays, and holidays, following arrival at destination.

(ii) Empty cars which are in general service and are not assigned to the exclusive use of a specified shipper, which after placement will be subject to demurrage or detention rules applicable to cars for loading, shall be actually or constructively placed within 48 hours, exclusive of Saturdays, and Sundays, and holidays, after arrival at the point where held.

(iii) (a) Empty cars described in subparagraph (1)(viii) of this paragraph which are assigned to the exclusive use of a specified shipper shall be subject to a storage charge of $5 per car per day or fraction thereof until ordered placed for loading or appropriated for loading, without free time allowance and without allowance for Saturdays, Sundays, and holidays. (See exception, subdivision (iv) of this subparagraph.)

(b) In computing storage charges on cars subject to this subdivision, such charges shall begin at the second 7 a.m., exclusive of Saturdays, Sundays, and holidays, following the sending or giving of notice that the cars are being held awaiting orders for actual placement or appropriation for loading.

(c) When empty assigned cars are held at any point awaiting orders from assignee for placement for loading or awaiting appropriation by assignee for loading, a written notice of arrival (see note) shall be sent or given assignee within 24 hours of arrival of the empty car at the point where held, exclusive of Saturdays, Sundays, and holidays. Such notice shall contain the initials and numbers of each car held and shall state that each car is being held subject to a storage charge of $5 per car per day or fraction of a day, until ordered placed for loading or ordered released, in writing, from assignment.

NOTE: When the assignee notifies the railroad, in writing, that it will accept verbal or telephone notice of the arrival of empty assigned cars, verbal or telephone notice may be substituted for written notice of arrival. The carriers will maintain a written record of all such verbal or telephone notices, such records to show car initials and numbers, date, and hour of notice, name of assignee, name of railroad employee giving the notice, and name of employee of assignee receiving the notice.

(d) Empty cars released from storage status by order or appropriation for loading shall be subject to all demurrage or detention rules and charges published in tariffs applicable to cars held for loading, from time released from storage charges.

(iv) *Exception to subdivision (iii) of this subparagraph.* When it is impossible to load or to receive for loading empty cars assigned to the exclusive use of a shipper because of cessation of operations for a period of five days or more resulting from a strike, work stoppage, flood, high water, or other interference at the plant of the assignee for which empty assigned cars are held, the charges provided in subdivision (iii) of this subparagraph shall be suspended for the period of such interference with operations; provided, that the assignee furnishes a written notice to the carrier at the point of assignment, with a copy to the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., for his approval. Such notice shall be given within 5 days, exclusive of Saturdays, Sundays, and holidays, after the date on which the interference ceased; and shall state the date and time the interference began and ceased and the cause of the interference.

(v) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track, cannot be made because of any condition attributable to the consignor or consignee, such car shall be held at destination or, if it cannot reasonably be accommodated there, at an available hold point; and constructive placement notice, in writing or as otherwise agreed to in writing, shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(vi) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(vii) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, at the hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty cars not ordered for loading at point where made empty must be forwarded or set aside for cleaning or repairs within 24 hours following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded or set aside for repairs within 24 hours, following release and removal.

(iii) Cars subject to subdivisions (i) and (ii) of this subparagraph, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(4) *Forwarding of cars.* (i) Loaded cars and empty cars shall be forwarded within 24 hours, except cars described in subdivision (ii), (iii), or (iv) of this subparagraph or cars described in subparagraph (2)(ii) of this paragraph.

(ii) Loaded cars held subject to instructions of consignee, consignor or other qualified owner of the freight contained therein, while subject to applicable tariffs.

(iii) Cars held for repairs or cleaning. (See subparagraph (5) of this paragraph.)

(iv) Cars held because no train or switch engine service is available between hold point and destination.

(5) *Cars held for repairs or cleaning.* (i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7:00 a.m., exclusive of Sundays and holidays, after time carded for repairs or cleaning, or after arrival at point where repairs or cleaning are performed. Light repairs or cleaning shall be accomplished within 24 hours, exclusive of Sundays and holidays, after placement on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars, repairs to foreign or private cars held awaiting such material shall be completed within 24 hours, exclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(6) *Movement of freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergency.

(iii) Back-hauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad, for the movement of cars over its line, of any route other than its shortest available route or its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 12:01 a.m., June 7, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12343 Filed 8-23-71;8:49 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-14-71).

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

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 70,085 acres, is delineated on maps available at refuge headquarters, Valentine, Nebr., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special regulations:

(1) The open season for hunting deer with firearms on the refuge will extend from November 13, 1971, through November 21, 1971.

(2) The hunting season for deer on the refuge with bow and arrow will extend from September 18, 1971, through December 31, 1971, except that the bow and arrow season will be closed during the season open to hunting deer with firearms.

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 December 31, 1971.

AUGUST 5, 1971.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

[FR Doc.71-12291 Filed 8-23-71;8:45 am]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing" by the addition, under the subheading "Mississippi", of (1) an additional place for filing in Humphreys County (Isola), and (2) an additional county (Tallahatchie), as set out below:

MISSISSIPPI

County;	Place for filing;	Beginning date.
*	*	*
Humphreys;	(1) Belzoni—Post Office Building;	October 1, 1965;
	(2) Louise—Post Office Building;	June 21, 1966;
	(3) Isola—trailer at Post Office,	August 23, 1971.
*	*	*
Tallahatchie;	(1) Charleston—103 Market Street;	August 23, 1971;
	(2) Sumner—trailer at Court Square,	August 23, 1971.

(Secs. 7, 9, Voting Rights Act of 1965; Public Law 89-110)

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

[FR Doc.71-12469 Filed 8-23-71;10:13 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

Exemptions and Provision for Appendices

SECTION 1. The purpose of the amendment contained in Section 2 is to delete the subject of school tuitions as an exemption under the regulations. Guidance on the subject of school tuitions will be furnished in OEP guidance circulars. The purpose of the amendment contained in section 3 is to provide a basis for issuing OEP guidance circulars in the form of appendices to the regulations.

SEC. 2. Subparagraph (b) of section 4 of Economic Stabilization Regulation No. 1 is hereby amended to read as follows:

Sec. 4 Exemptions.

* * * * *

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) Stocks and bonds.

(3) Exports.

SEC. 3. Section 11 of OEP Economic Stabilization Regulation No. 1 is hereby amended by adding a second paragraph as follows: OEP shall from time to time issue circulars containing implementing instructional material which shall be set forth in Appendix I to this regulation.

This amendment shall become effective on publication in the FEDERAL REGISTER (8-24-71).

Dated: August 23, 1971.

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

[FR Doc.71-12486 Filed 8-23-71;11:33 am]

[OEP Economic Stabilization Reg. 1]

GENERAL GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 1

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This first circular covers the most significant determinations issued from August 15, 1971, through August 20, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 1

100. *Purpose.* (a) On August 15, 1971, President Nixon issued Executive Order No. 11615 providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended.

(b) By its Order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by Section 1 of Executive Order No. 11615.

(c) The purpose of this circular, the first in a series to be issued, is to furnish guidance to Federal officials and the public in order to promote maximum understanding and cooperation in the application of the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution.
Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1.
OEP Economic Stabilization Regulation No. 1.

300. *General guidelines.*

301. *Base period.* (a). As used in OEP Economic Stabilization Regulation No. 1, the term "base period" for any commodity, service, rent, salary, or wage includes the period from July 16, 1971, through August 14, 1971. In the event that no transaction occurred in that period, the nearest preceding 30-day period in which a transaction did occur is considered the base period. In addition, 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) In accordance with section 202 of the Economic Stabilization Act of 1970, as amended, prices, rents, wages, or salaries need not be established at levels less than those prevailing on May 25, 1970.

400. *Price guidelines.*

401. *General.* Based on OEP Economic Stabilization Regulation No. 1 and determinations of the Cost of Living Council, the following guidance is provided:

(a) No person may charge, assess, or receive more for commodities and services than the ceiling prices of such commodities and services in effect during the base period. It is not unlawful to charge less than ceiling prices. In fact, such sales are encouraged.

(b) "Price" includes 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. Both wholesale and retail prices are included in the freeze.

(c) Prices shall include customary price differentials, such as discounts, allowances, premiums, and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

(d) The ceiling price for the sale of a commodity or service is the highest price at which a seller delivered or furnished during the base period such commodity or service to purchasers in a substantial number of transactions, i.e., 10 percent of his actual transactions. Thus, price increases announced prior to August 15 to take place during the period of the freeze are not permitted since no transactions had taken place upon which to base the price.

(e) In the event a commodity or service had both (1) a published price, and (2) a discounted price at which actual transactions were made during the base period, the effective price ceiling would be the highest price at or above which 10 percent of the actual transactions were made which may be a discounted price when less than 10 percent of such sales were made at posted prices without discounts.

(f) Price ceilings are to be set on the basis of the normal procedures used in establishing market prices. Market price ceilings are to be established for each of a firm's normal pricing areas at a level no greater than the highest price at or above which 10 percent of actual transactions were carried out during the base period in these pricing areas, regardless of whether such pricing areas are national, regional, or individual stores.

(g) If a seller delivers or offers a commodity or service which is new, i.e., which he did not previously deliver or offer, he can determine his ceiling price by (1) applying to his current unit direct 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 if (1) is not applicable, (2) using the ceiling price prevailing for comparable commodities and services in the same locality.

(h) "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.

(i) "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.

(j) If a seller wishes to sell something but does not know its price during the base period, he should use the ceiling price prevailing for comparable items in his locality.

(k) The freeze on prices does not prevent the lowering of prices.

(l) Even though the price charged is no higher than the permitted ceiling, the transaction may be in violation if the commodity or service sold has been reduced in quality or is not otherwise comparable to the commodity or service sold in the base period. For example, a business cannot reduce services or the quality of a product and maintain the same price, as this would amount to an increase in price for the services or product.

402. *Prices in relation to taxes.* (a) State and local tax rates are not frozen by the program. If a State or local government should increase local or State taxes, i.e., property or business taxes, merchants and other commercial businesses may not pass on to consumers the amount of the tax increase.

(b) Auto dealers must continue to charge the 7-percent excise tax on 1971 model year-end automobile sales. The excise tax remains in effect and must be collected until Congress rescinds it. The President has requested authority to rescind the tax, retrocative to August 15. If this authority is approved by Congress, rebates will be made by dealers to automobile purchasers.

403. *Prices on imports.* (a) Sales of commodities imported from other countries are subject to the freeze. 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 the United States customs duties and tariffs. These increased customs duties, penny for penny, may be passed on to the purchaser but shall not be considered in calculating markups for the transaction price of the import. Sellers must be prepared with records to show that such duties were so treated.

(b) An importer and each reseller may pass on a price increase for an imported product, but only as long as the product is not physically transformed by the seller or does not become a component of the goods being sold. When the imported product loses its identity or is incorporated into another goods, at that point, the price increase may no longer be passed on.

(c) The 10% import surcharge imposed as a part of the stabilization program is not applicable to goods in stock as of August 15.

404. *Sale of real estate.* (a) The ceiling price on real estate shall be the sale price specified in a sales contract signed by both parties on or before August 15, 1971.

(b) Where there is no such sales contract, the price shall be the fair market value of the property during the base period based upon substantial numbers of sales of like or similar property.

405. *Government-regulated industries.* Governmental agencies which regulate industries may permit price decreases and change other aspects of the industry, but no price increases are allowed.

406. *Commodities and services.* (a) "Commodity" includes all commodities, articles, products, and materials, including those provided by public utilities services, such as electricity, gas, and water, as well as rates charged by common carriers. It also includes "used" commodities such as used cars and antiques.

(b) "Services" mean (1) 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, (2) or in connection with the operation of any service establishment for the servicing of a commodity, or (3) professional services.

(c) Fees, therefore, for professional services of doctors or lawyers are included in the freeze order.

(d) Motel and hotel rates are also included.

(e) Insurance and other similar fees and rates are included in the freeze.

(f) Interest rates are not included.

407. *School tuitions.* Increased school tuition rates for the 1971–72 school year, announced on or before August 14, are permitted because such rates are considered to be in effect at the time of the announcement.

408. *Exemptions.* (a) Several commodities and services have been specifically exempted from Executive Order No. 11615 and in OEP Economic Stabilization Regulation No. 1. These are: (1) raw, unprocessed agricultural products, (2) stocks and bonds, and (3) exports. Thus, there is no price control over these items.

(b) Raw agricultural products include those products that retain the same physical form that they possessed when they left the farm gate. All other agricultural and food products would be considered processed and subject to the freeze. This would include all products canned, frozen, slaughtered, milled or processed in some other way that changes the physical form; packaging would not be considered a processing activity.

Examples:

Exempt

Live animals and poultry.
Shell eggs.
Raw milk.
Sugar cane and sugar beets.
All fresh fruit.
All fresh vegetables.
Honey.
Fresh fish.
Fresh seafood.

Nonexempt

Slaughtered animals.
Dressed poultry.
Pasteurized milk.
"Raw" and refined sugar.
Canned and frozen fruits.
Frozen vegetables.

500. *Wage and salary guidelines.*

501. *General.* (a) 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 the regulation. Such remuneration shall be based upon a substantial number of actual transactions for services of like or similar nature.

(b) For purposes of the 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.

(c) 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.

502. *Specific.* Based on the general guidance provided above and determinations of the Cost of Living Council the following specific guidance is provided:

(a) Deferred wage or salary increases which have been negotiated to take effect during the period of the wage freeze are not permitted.

(b) There will be no cost-of-living increases during the 90-day freeze.

(c) The freeze does not require termination of bargaining for wage changes during the 90-day freeze period. However, no wage increase negotiated during the 90-day period can apply to the period of the freeze nor can it go into effect during the period of the freeze.

(d) If a strike is now in progress, contract negotiations can proceed during the course of the freeze. However, no increases in wages negotiated can be paid for services rendered during the period the freeze is in effect.

(e) State and local governments are subject to Executive Order No. 11615 freezing wages and prices. Accordingly, cost-of-living wage or salary increases ordered by a municipal government to become effective subsequent to the date of the Executive order are not permitted during the 90-day freeze period. This includes the wages of State and local governmental employees such as firemen, policemen, and the like.

(f) Increases in the salaries of teachers may be granted if the contract period started before August 15. If the contract period started after August 15, the increase is not allowed. For example, if teachers have reached a new agreement on pay scales for the coming school year but the contract does not go into effect until September 1, teachers cannot receive the pay increase.

(g) The wages and salaries of Federal Government employees are frozen during the 90-day freeze period.

(h) The wage freeze applies to all employers regardless of the number of employees they employ.

(i) Scales for wages and salaries for new jobs will be determined on the basis of comparable jobs within the affected business or firm. If no comparability exists within such entities, such scales will be determined on the basis of comparable jobs in nearby comparable firms.

(j) Policy on promotions provides that:

(1) Bona fide promotions that constitute an advancement to an established job with greater responsibility are allowed.

(2) Increases in certified rates for apprentices and learners under programs established prior to August 15 are allowed.

(3) Merit and longevity increases are not allowed.

(k) Where the employer is willing to certify that an agreement was in existence that provided for increases in pay dependent on employees completing educational requirements for specific job levels, the pay increase can be granted during the freeze. For example, a teacher who has been awarded a master's degree can receive the increment which is normally given. If the effective date of the teacher's contract is after August 14, the increment must be the amount that was granted last year.

(l) Employees being severed for various reasons and due severance pay in excess of their normal pay rate in effect as of August 14 can receive their severance pay if severance pay procedures are a part of the understood corporate procedure and the firm is willing to certify that this was the procedure they had in effect as of August 14.

(m) If a salary increase was granted and the employee actually performed under the new rate prior to August 15,

he can be paid at the higher rate if the pay day is after August 15 provided there are adequate records to demonstrate that the increase was put into effect prior to the freeze date.

(n) The President's program does not call for reducing compensation levels below those in effect on August 15. Consequently, such matters are left entirely to negotiation between labor and management.

(o) Unions and management cannot negotiate for pay increases to be effective after the freeze which will be retroactive to cover the period of the freeze.

(p) Commission rates or piece rates cannot be increased over those existing in the base period.

(q) Employees who are United States citizens employed by U.S. firms abroad are subject to the freeze.

600. *Rent guidelines.*

601. *General.* (a) 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.

(b) "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 of occupancy of such property.

602. *Specific.* Based on the general guidance provided above, the following specific guidance is provided:

(a) Apartment house and other rent fees are included in the 90-day freeze.

(b) The standard to be used in determining the rent ceiling for new or unrented units will be that generally prevailing for comparable units in the immediate area.

(c) If a rent agreement is signed August 1 but the effective date of the agreement is after August 15, any increase in rent is not permitted.

(d) If substantial improvements are made in rental property, an increase to the level of rents charged for comparable properties in the area is permitted.

700. *Recordkeeping.*

701. *General.* (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 under this program shall be maintained and preserved.

(b) All persons subject to regulations and directives under this program 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 OEP Economic Stabilization Regulation No. 1, 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 Executive Order No. 11615 and the rules and regulations promulgated thereunder.

702. *Specific.* Based on the general guidance provided above and determinations of the Cost of Living Council, the following specific guidance is provided:

(a) The Executive order is interpreted to require that records shall be maintained for other than the specified base period if another base period is used to establish prices.

800. *Applicability.* The provisions of OEP Economic Stabilization Regulation No. 1 are applicable only to the U.S. Customs Zone: The United States and the Commonwealth of Puerto Rico. The regulation does not apply to territories and possessions of the United States, nor to Okinawa, the Trust Territories, or the Panama Canal Zone.

900. *Violations and penalties.* (a) Any practice which constitutes a means to obtain a higher price, wage, salary, or rent than is permitted by OEP Economic Stabilization Regulation No. 1 is a violation of the 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 or 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 U.S. 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 willfully violates the provisions of Executive Order 11615 or regulations and directives under this program shall be subject to a fine of not more than $5,000 for each violation.

1000. *Information.* All persons seeking information with respect to the provisions of this circular 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 as follows:

REGIONAL SERVICE CENTERS

Region	Address, phone, TWX	States served
Boston (I)	JFK Federal Bldg., Room 2003L, Boston, Mass. 02203. Telephone: (617) 223-2490 or 4953.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
New York City (II)	26 Federal Plaza, Room 1355, New York, N.Y. 10007. Telephone: (212) 466-8450.	New Jersey, New York, Puerto Rico, Virgin Islands.
Philadelphia (III)	1700 Market Street, 16th Floor, Philadelphia, PA. 19103. Telephone: (215) 524-2435.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.
Atlanta (IV)	American Fore Bldg., Suites 514, 518, 530, 161 Peachtree St., Atlanta, GA 30303. Telephone: (404) 526-4401 or 4545.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Chicago (V)	219 South Dearborn, Room 204A, Chicago, IL 60604. Telephone: (312) 591-5111 or 5112 or 5113.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

REGIONAL SERVICE CENTERS—Continued

Region	Address, phone, TWX	States served
Dallas (VI)	Federal Bldg., Room 4C-38, 1100 Commerce St., Dallas, TX 75202. Telephone: (214) 749-1511.	Arkansas, Louisiana, Oklahoma, New Mexico, Texas.
Kansas City (VII)	New Federal Office Bldg., Room 142, 601 East 12th St., Kansas City, MO 64106. Telephone: (816) 374-2766.	Iowa, Kansas, Missouri, Nebraska.
Denver (VIII)	Federal Regional Office, Building 710, Denver, Colo. 80225. Telephone: (303) 837-4981. Rent—837-3981. Price—837-4856. Wage—837-3876. Administration—837-3827.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
San Francisco (IX)	450 Golden Gate Avenue, Room 2029, San Francisco, CA 94102. Telephone: (415) 556-7746.	Arizona, California, Hawaii, Nevada, American Samoa, Guam.
Seattle (X)	Federal Office Bldg., Room 1095, 909 1st Ave., Seattle, WA 98104. Telephone: (206) 442-4552.	Alaska, Idaho, Oregon, Washington.

1001. *Effective date.* This circular, unless modified, superseded or revoked, is effective on the date of publication for a period terminating on November 12, 1971.

Dated: August 23, 1971.

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

[FR Doc.71-12487 Filed 8-23-71;11:34 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 10]

INTERNATIONAL TRAFFIC

Use of Foreign-Built Containers

Pursuant to a notice of proposed rule making dated June 13, 1969 (34 F.R. 9754), Treasury Decision 69-216, dated September 19, 1969 (34 F.R. 14886), amended paragraph (f) of § 10.41a, Customs Regulations, to permit the use of containers arriving in the United States with cargo to be used in point-to-point local traffic in the United States on a reasonably direct route to, or near to, the place where export cargo is to be loaded or where the container is to be reexported empty. Such local traffic must be incidental to the efficient and economical utilization of the containers in the course of their use in international traffic.

Notice is hereby given that it is proposed to amend paragraph (f) of § 10.41a, Customs Regulations, to provide that containers arriving empty to pick up export cargo may be used in incidental point-to-point local traffic under authority of section 251 of the Revised Statutes (19 U.S.C. 66), section 322, Tariff Act of 1930 (19 U.S.C. 1322), and section 301, title 5, United States Code, by amending paragraph (f) to read as follows:

§ 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic; repair components.

* * * * *

(f) Except as provided in paragraph (i) of this section, no part of this section precludes (1) the use of an instrument in picking up and delivering loads at intervening points in the United States while en route between the port of arrival and the point of destination of its imported cargo, (2) such use of the instrument while en route from such point of destination of imported cargo to a point where export cargo is to be loaded or to an exterior port of departure by a reasonably direct route to, or nearer to, the place of such loading or departure, or (3) such use of a "container", as defined in Article 1 of the Customs Convention on Containers (see paragraph (a) (3) of this section), which arrived empty while en route between the port of arrival and a point where export cargo is to be loaded or from that point to an exterior port of departure by a reasonably direct route to, or nearer to, the place of such loading or departure, provided such point-to-point traffic is incidental to the efficient and economical utilization of the instrument in the course of its use in international traffic. Such use does not constitute a diversion to unpermitted point-to-point local traffic within the United States or a withdrawal of an instrument in the United States from its use as an instrument of international traffic under this section.

* * * * *

Before action is taken on this proposed amendment, consideration will be given to all relevant data, views, or arguments which may be submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, not later than 30 days from the date of the publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: August 16, 1971.

Eugene T. Rossides,
Assistant Secretary of the Treasury.

[FR Doc.71-12360 Filed 8-23-71;8:51 am]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Additions to Reserves for Losses on Loans of Mutual Savings Banks, Domestic Building and Loan Associations, and Cooperative Banks

Correction

In F.R. Doc. 71-11549 appearing at page 15050 in the issue of Thursday, August 12, 1971, the penultimate line of example 1 under § 1.593-6A(b)(3)(ii) reading "real property loans is $92,500 ($10,000 less" should read "real property loans is $92,500 ($100,000 less".

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

SIGNATURE ON INSPECTION CERTIFICATES

Notice of Proposed Rule Making

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture is proposing amendments to the Part 68 regulations (7 CFR Part 68) under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

Statement of considerations. The Agricultural Marketing Act of 1946 provides for the permissive inspection and certification as to class, quality, quantity, and condition of agricultural products under such rules and regulations as the Secretary of Agriculture may prescribe.

The Part 68 regulations under the Act provide that inspection certificates shall be signed and issued by "the inspector." No provision is made for (1) authorizing others to affix the inspector's signature; (2) typing instead of signing the inspector's name; or (3) the signing of certificates by supervisory inspectors or qualified inspection personnel other than inspectors. Further, no guidelines are provided for who should sign certificates for composite inspections in which two or more inspectors participate.

In practice, it has been found beneficial and acceptable to have authorized clerical employees type or affix an inspector's name, to show only one name on certificates for composite inspections, and, on occasion, to show a supervisory inspector's name.

The proposed amendments, if adopted, would provide a needed definition; authorize current practices; and provide needed guidelines in signing and issuing inspection certificates.

It is proposed that:

1. Section 68.2, *Terms defined*, be amended by the addition of "(aa)" to read as follows:

§ 68.2 Terms defined.

* * * * *

(aa) *Official technician.* Any person licensed under the Act and regulations, or any employee of the Department who is authorized under the Act and regulations to perform specified official laboratory functions, including, but not limited to, chemical analyses, mechanical tests, or physical separations, or to perform sampling duties and related services, as specified in the license or authorization.

2. Section 68.14 be amended by changing the introductory paragraph and adding new paragraphs (c), (d), (e), and (f) to read respectively as follows:

§ 68.14 Inspection certificate, issuance.

Immediately after an inspection has been completed, an inspection certificate shall be issued showing the results of the inspection in accordance with paragraph (a) or (b) of this section.

* * * * *

(c) *General authorization to issue Certificates.* Certificates for inspection conducted by a Federal-cooperator inspection service agency may be issued in accordance with paragraph (d) of this section by any official sampler, official technician, or inspector who is employed by the cooperating agency and is licensed to perform and to certify the inspection covered by the certificate: *Provided*, That only a licensed inspector may issue a certificate which shows an official

grade determination, with or without additional factor information. Certificates for inspections conducted by the Division may be issued in accordance with paragraph (d) of this section by any official sampler, official technician, inspector, or supervising inspector who is employed by the Department and authorized by the Administrator to perform the inspection covered by the certificate. In no case may a person issue a certificate unless he is licensed or otherwise authorized to issue the certificate.

(d) *Specific requirements for issuing certificates.* The person who is in the best position to know whether an inspection has been performed in an approved manner and whether the final determinations are accurate and true shall issue the certificate for the inspection. If an inspection is performed, in whole or in large part, by one person, the certificate shall be issued by that person. If an inspection is performed by two or more persons, the certificate shall be issued by the person who made the majority of the more significant determinations. However, in any case, a supervisory inspector may issue any official certificate if he is licensed or authorized to perform the inspection covered by the certificate and has ascertained by examination of the product or relevant records that the facts stated in the certificate are true.

(e) *Name requirement.* The name or the signature, or both, of the person who issued the inspection certificate shall be shown on the certificate: *Provided,* That the name and the signature shall be shown on each original export certificate and, upon request of an applicant, shall be shown on other original certificates. If an original certificate is signed, either the signature or a stamped facsimile shall be shown on each copy.

(f) *Authorizations to affix names.* (1) The names or the signatures of official inspection personnel who issue official certificates may be affixed to the official certificates by persons other than the official inspection personnel: *Provided,* That (i) the persons are employed by a cooperating agency or by the Division; (ii) the persons have been designated as authorized agents for this purpose by a Field Office; (iii) a power of attorney authorizing the affixing of the names or signatures has been issued to each such person by each of the official inspection personnel; (iv) if the person is employed by a cooperating agency, the original or a true copy of the designation and of the power of attorney are on file in the office of the agency, and a copy of each document is on file in the Field Office, and in the case of Division personnel, the original or a true copy of the designation and of the power of attorney are on file in the Field Office and a copy of each document is on file in the Regional Office; and (v) the certificate is prepared from an official work record which has been personally signed by the person whose name or signature is shown on the certificate.

(2) When a name or signature of any official inspection personnel issuing a certificate is affixed to an official certificate by an authorized agent, the word "By" and the initials of the given names and surname of the authorized agent shall be shown on the certificate immediately below or following the name or signature of such official inspection personnel.

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

Done at Washington, D.C., this 18th day of August 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-12332 Filed 8-23-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-114]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Morgantown, W. Va., control zone (36 F.R. 2107, 12897) and transition area (36 F.R. 2237).

A review of the airspace requirements for the Morgantown, W. Va., terminal area for compliance with the U.S. Standard for Terminal Instrument Procedures indicates that alteration of the control zone and 700-foot-floor transition area will be required.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Morgantown, W. Va., control zone and insert the following in lieu thereof:

Within a 5.5-mile radius of the center, 39°38'34" N., 79°55'01" W., of Morgantown Municipal Airport, Morgantown, W. Va., extending clockwise from a 220° bearing to a 030° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 040° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 075° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 075° bearing to a 105° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 105° bearing to a 140° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 140° bearing to a 202° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 202° bearing to a 220° bearing from the airport and within 2 miles each side of the 168° bearing from the Bobtown RBN, extending from the 5.5-mile-radius arc to the RBN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Morgantown, W. Va., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, 39°38'34" N., 79°55'01" W. of Morgantown Municipal Airport, Morgantown, W. Va., extending clockwise from a 205° bearing to a 030° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 055° bearing from the airport; within an 18-mile radius of the center of the airport, extending clockwise from a 055° bearing to a 065° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 095° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 095° bearing to a 157° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 157° bearing to a 205° bearing from the airport; within 5 miles each side of the Morgantown VORTAC 152° radial extending from the VORTAC to 9.5 miles southeast of the VORTAC and within 5 miles southwest and 7.5 miles northeast of the

Morgantown VORTAC 334° radial, extending from the 11.5-mile-radius arc to 22 miles northwest of the VORTAC.

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

Issued in Jamaica, N.Y., on August 5, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-12314 Filed 8-23-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-116]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Indiana, Pa., transition area (36 F.R. 2207).

A review of the airspace requirements in the Indiana terminal area for compliance with the U.S. Standard for Terminal Instrument Procedures indicates a need to alter the 700-foot-floor transition area to provide the controlled airspace necessary to protect aircraft executing the approach procedures for Indiana County-Jimmy Stewart field.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Indiana, Pa., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (40°38'00" N., 79°06'15" W.) of Indiana County-Jimmy Stewart Field, Indiana, Pa., and within 3.5 miles each side of the 091° bearing from the Indiana RBN (40°37'54" N., 79°03'51" W.) extending from the 7-mile-radius area to 9.5 miles east of the RBN.

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

Issued in Jamaica, N.Y., on August 5, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-12315 Filed 8-23-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-139]

TRANSITION AREA

Proposed Alteration

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

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

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

The Monroe transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe Airport (lat. 35°01'15" N., long. 80°38'00" W.); within 3 miles each side of Fort Mill, S.C. VORTAC 264° radial, extending from the 5-mile-radius area to 23 miles east of the VORTAC.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the new VOR/DME A Instrument Approach Procedure, utilizing the Fort Mill, S.C. VORTAC, to Monroe Airport.

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

Issued in East Point, Ga., on August 12, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-12316 Filed 8-23-71;8:47 am]

[14 CFR Part 75]

[Airspace Docket No. 71-RM-13]

JET ROUTE SEGMENT

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter Jet Route No. 84 segment between Mina, Nev., and Delta, Utah.

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

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

The FAA proposes the realignment of J-84 segment from Mina direct to Delta. This proposed realignment would reduce the en route mileage between these points.

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

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

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

[FR Doc.71-12313 Filed 8-23-71;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 150]

REPORTING AND CONTROL REQUIREMENTS FOR TRITIUM

Notice of Proposed Rule Making

The Atomic Energy Commission is considering the amendment of its regulations in 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," and 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States under Section 274," to prescribe new reporting and control requirements for tritium in the possession of Commission and Agreement State licensees. These procedures and reports would, in the interest of national security, provide the Commission information within reasonable limits and on a current basis as to the flow of tritium into, out of, and within the country, and inventory quantities at various locations.

AEC licensees and Agreement State licensees would, with certain exceptions, be required to submit to the Commission:

1. A report concerning each transfer and receipt of 1,000 curies or more of tritium per shipment;

2. A statement of their inventories of tritium, within 30 days of the effective date of the proposed amendments and June 30 and December 31 of each year thereafter (if authorized to possess more than 10,000 curies of tritium at any one time and location); and

3. A report concerning any attempted theft or unlawful diversion of more than 10 curies of tritium at any one time or more than 100 curies of tritium in any 1 calendar year.

In addition, licensees authorized to possess more than 10,000 curies of tritium, except tritium incidentally produced in the operation of a production or utilization facility (unless intentionally produced or recovered for subsequent use), would be required to maintain written material control and accounting procedures for assuring that tritium in their possession under license will be adequately accounted for.

A copy of Form AEC–741, on which transfers of tritium would be reported, and related printed instructions, is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies may be obtained by addressing a request to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Parts 30 and 150 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

1. The undesignated center head preceding § 30.51 of 10 CFR Part 30 is amended to read as follows:

RECORDS, INSPECTIONS, TESTS, PROCEDURES, AND REPORTS

2. New §§ 30.54 and 30.55 are added to 10 CFR Part 30 to read as follows:

§ 30.54 Control and accounting procedures for tritium.

(a) Except as specified in paragraph (b) of this section, each licensee who is authorized to possess at any one time and location more than 10,000 curies of tritium shall establish and maintain written material control and accounting procedures that are sufficient to enable the licensee to account for the tritium in his possession under specific license.

(b) Written material control and accounting procedures are not required for tritium produced or possessed within a production or utilization facility incidental to the operation of the facility or for tritium contained in spent fuel, other than tritium intentionally produced in or recovered from a production or utilization facility for any subsequent use.

§ 30.55 Tritium reports.

(a) Except as specified in paragraph (d) of this section, each licensee who transfers or receives at any one time 1,000 curies or more of tritium shall complete and distribute a Nuclear Material Transfer Report on Form AEC–741, in accordance with the printed instructions for completing the form. Each licensee who transfers such material shall submit a completed copy of Form AEC–741 to the Commission and three copies to the receiver of the material promptly after the transfer takes place. Each licensee who receives such material shall submit a completed copy of Form AEC–741 to the Commission and to the shipper of the material within ten (10) days after the material is received. The Commission's copies of the reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830.

(b) Except as specified in paragraphs (d) and (e) of this section, each licensee who is authorized to possess at any one time and location more than 10,000 curies of tritium shall submit to the Commission within thirty (30) days after _____[1], and within thirty (30) days after June 30 and December 31 of each year thereafter, a statement of his tritium inventory to the nearest hundredth of a gram calculated at 10,000 curies per gram. The reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830, and shall include the Reporting Identification Symbol (RIS) assigned by the Commission to the licensee.

(c) Except as specified in paragraph (d) of this section, each licensee who is authorized to possess, import, or export tritium shall report promptly to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, by telephone, telegram, or teletype any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 10 curies of such material at any one time or more than 100 curies of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this paragraph, the licensee shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to the licensee, concerning an attempted or apparent theft or unlawful diversion of tritium.

(d) The reports described in this section are not required for tritium possessed pursuant to a general license provided in Part 31 of this chapter or for tritium contained in spent fuel.

(e) The reports described in paragraph (b) of this section are not required for tritium produced or possessed within a production or utilization facility incidental to the operation of the facility, other than tritium intentionally produced by or recovered from a production or utilization facility for any subsequent use.

(Secs. 81, 82, 161, 68 Stat. 935, 948; 42 U.S.C. 2111, 2112, 2201)

3. Section 150.10 of 10 CFR Part 150 is amended to read as follows:

§ 150.10 Persons exempt.

Except as provided in §§ 150.15, 150.16, 150.17, 150.18, and 150.19, any person in an Agreement State who manufactures, produces, receives, possesses, uses, or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who manufacture, produce, receive, possess, use, or transfer such materials, and from regulations of the Commission applicable to licensees. The exemptions in this section do not apply

[1] Effective date of this amendment.

to agencies of the Federal Government as defined in § 150.3.

4. New §§ 150.18 and 150.19 are added to 10 CFR Part 150 to read as follows:

§ 150.18 Control and accounting procedures for tritium.

(a) Except as specified in paragraph (b) of this section, each person who, pursuant to an Agreement State license, is authorized to possess at any one time and location more than 10,000 curies of tritium shall establish and maintain written material control and accounting procedures which are sufficient to enable such person to account for the tritium in his possession under specific license.

(b) Written material control and accounting procedures are not required for tritium contained in spent fuel.

§ 150.19 Submission to Commission of tritium reports.

(a) Except as specified in paragraph (d) of this section, each person who, pursuant to an Agreement State license, transfers or receives at any one time 1,000 curies or more of tritium shall complete and distribute a Nuclear Material Transfer Report on Form AEC-741, in accordance with the printed instructions for completing the form. Each person who transfers such material shall submit a completed copy of Form AEC-741 to the Commission and three copies to the receiver of the material promptly after the transfer takes place. Each person who receives such material shall submit a completed copy of Form AEC-741 to the Commission and to the shipper of the material within ten (10) days after the material is received. The Commission's copies of the reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830.

(b) Except as specified in paragraph (d) of this section, each person who, pursuant to an Agreement State license, is authorized to possess at any one time and location more than 10,000 curies of tritium shall submit to the Commission within thirty (30) days after _____,[1] and within thirty (30) days after June 30 and December 31 of each year thereafter, a statement of his tritium inventory to the nearest hundredth of a gram calculated at 10,000 curies per gram. The reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830, and shall include the Reporting Identification Symbol (RIS) assigned by the Commission to such person.

(c) Except as specified in paragraph (d) of this section, each person who, pursuant to an Agreement State license, is authorized to possess tritium or who, pursuant to § 36.31 of this chapter, is authorized to import tritium shall report promptly to the Director, Division of Nuclear Materials Safeguards, by telephone, telegram, or teletype any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 10 curies of such material at any one time or 100 curies of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this paragraph, each person subject to the provisions of this paragraph shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of tritium.

(d) The reports described in this section are not required for tritium possessed pursuant to a general license issued pursuant to regulations of an Agreement State equivalent to Part 31 of this chapter or for tritium in spent fuel.

(Sec. 161, 274, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Washington, D.C., this 6th day of August 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-12296 Filed 8-23-71;8:46 am]

[1] Effective date of this amendment.

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 466]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Proposed Standards for Five Categories

Correction

In F.R. Doc. 71-11438 appearing at page 15704 in the issue of Tuesday, August 17, 1971, the figure "0.01 gr./s.c.f." in the fifth line of § 466.32 should read "0.10 gr./s.c.f.".

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 270]

[Releases Nos. 33-5173, IC-6635]

DEFINITION OF "PUBLIC OFFERING" AS RELATED TO SECURITIES OF SMALL BUSINESS INVESTMENT COMPANIES

Proposed Repeal of Rules

Notice is hereby given that the Securities and Exchange Commission proposes to repeal Rule 3c-1 under the Investment Company Act of 1940 (17 CFR 270.3c-1) and Rule 151 under the Securities Act of 1933 (17 CFR 230.151). The two rules were adopted in February 1959 (25 F.R. 8026), to aid in the implementation of the Small Business Act of 1958 (Small Business Act) which originally provided that small business concerns receiving capital from a small business investment company (SBIC) had to purchase stock in the investment company.

Both Rule 3c-1 and Rule 151 provide that the term, "public offering" as used in section 3(c)(1) of the Investment Company Act (15 U.S.C. 80a-3(c)(1)) and section 4(2) of the Securities Act (15 U.S.C. 77d(2)), respectively should not be deemed to include an offer or sale of the capital stock of an SBIC licensed under the Small Business Act to small business concerns pursuant to section 304 of that Act, provided certain conditions were met.

In 1960, the Small Business Act was amended to provide that small business concerns were no longer required to buy stock in the investment company, but retained a right to buy stock if they wished (Public Law 86-502, section 304 (c)) (15 U.S.C. 684). The Commission also amended the two rules to make them consistent with the 1960 amendment to the Small Business Act.

On October 11, 1967, Congress repealed section 304(c) of the Small Business Act effective January 9, 1968 (Public Law 90-104). The Senate Committee on Banking and Currency stated that the reason was that section 304(c) gave rise to numerous "administrative and regulatory problems." (Senate Report No. 368 to accompany S. 1862, Committee on Banking and Currency of the U.S. Senate, June 27, 1967.)

Following repeal of section 304(c) the Small Business Administration on January 9, 1968, amended its regulation section 13 CFR 107.1001 (33 F.R. 326) to read:

> No funds may be provided by a licensee [SBIC] for:
>
> (a) *Relending, reinvesting, etc.* Relending or reinvesting by the small business concern * * *
>
> (b) *Financing licenses.* Use directly, or indirectly to purchase stock in or otherwise provide capital for a licensee, or to repay indebtedness to accomplish such purpose.[1]

Thus, it appears that in view of the repeal of section 304(c) and the amendment of § 107.1001 there is a substantial question whether small business concerns financed by SBICs may invest in SBICs and Rules 3c-1 and 151 may no longer

[1] Prior to repeal of section 304(c) the regulation read: "No funds may be provided by a licensee for: (a) Relending and reinvesting (1) * * * nor may funds be provided to a small business concern if the business activity of such concern involves the investing of funds * * * (2) Financing Licensees * * * *Provided, however*, The foregoing prohibition shall not apply to any purchase of stock made by any eligible small business concern pursuant to § 107.501 [under section 304(c) of Small Business Act], in a licensee from which it received equity financing" 13 CFR 107.715.

serve any purpose. Therefore, the Commission proposes to repeal Rules 3c–1 and 151.

All interested persons are invited to submit views and comments on the proposed repeal. Any views or comments should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before September 2, 1971. All communication will be available for public inspection.

Commission action. The Commission proposes to amend Parts 230 and 270 of Chapter II of Title 17 of the Code of Federal Regulations by deleting therefrom §§ 230.151 and 270.3c–1, respectively.

(Sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a–37(a); sec. 19(a), 48 Stat. 85, 15 U.S.C. 77s(a); Public Law 90–104)

By the Commission, August 2, 1971.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71–12330 Filed 8–23–71;8:49 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 434]

LABELING AND ADVERTISING REQUIREMENTS FOR DETERGENTS

Administration's Recommendations to the Proposed Trade Regulation Rule and Additional Time for Submission of Written Comment Thereto

Public hearings were held in April and June 1971 regarding the proposed Trade Regulation Rule concerning Labeling and Advertising Requirements for Detergents. The closing date for the submission of written comments to be placed on the public record for this proceeding had been extended to August 23, 1971, by announcement at the June 16, 1971, hearing.

The Council on Environmental Quality, on behalf of the Administration, has requested the Commission to extend the date for filing the Administration's recommendations and conclusions concerning the proposed rule. The Commission has been informed that the Council will file such data with the Commission by September 17, 1971. In order to allow for the filing of the above, and to allow for the filing by interested parties of written data, views, or arguments with respect to such recommendations and conclusions, the date for submitting such data, views, or arguments for the Public Record is being extended to October 15, 1971.

Upon receipt of the Administration's recommendations and conclusions, they will be placed on the Public Record and will be available for public inspection in Room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C. All such data, views, or arguments filed not later than October 15, 1971, will be considered by the Commission in determining the proper disposition of this matter.

Approved: August 20, 1971.

By direction of the Commission.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71–12476 Filed 8–23–71;10:31 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR FOR CAPITAL DEVELOPMENT AND FINANCE, OFFICE OF EAST ASIA DEVELOPMENT PROGRAMS

Redelegation of Authority

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby redelegate to the Director for Capital Development and Finance, authority to exercise any of the functions for countries within my area of responsibility, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan agreements and amendments thereto, with respect to loans authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan;

2. Authority to implement loan agreements with respect to loans authorized under the Act and by the Board of Directors of the Corporate Development Loan Fund including the following:

(a) Authority to prepare, negotiate, sign, and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers in satisfaction of conditions precedent to financing under such loan agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan agreements; and

(d) Authority to approve contractors, review, and approve the terms of contracts, amendments and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan agreements.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director in an "Acting" capacity.

The authorities enumerated above may be redelegated to Mission Directors for countries within my area of responsibility in whole or in part as may be deemed necessary or desirable.

This Redelegation of Authority is effective immediately.

Dated: August 10, 1971.

WILLARD H. MEINECKE,
Acting Director, Office of East Asia Development Programs.

[FR Doc.71-12292 Filed 8-23-71;8:45 am]

DIRECTOR OF PROCUREMENT MANAGEMENT OFFICE OF INTER-REGIONAL PROGRAMS, BUREAU FOR SUPPORTING ASSISTANCE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, as amended and by Subpart 7-30.4 of the A.I.D. Procurement Regulations, I hereby redelegate, for countries or areas within my area of responsibility, authority to the Director of Procurement Management, Office of Inter-Regional Programs, Bureau for Supporting Assistance, to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities, and grants, other than to a foreign government, or agencies of a foreign government;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for Contracts described in paragraph (1) above;

(3) Amendment or modification (pursuant to Executive Order 11223) involving less than $25,000 of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract;

(4) Advance payments and the required determination and findings for such payments under A.I.D.-financed nonprofit contracts with nonprofit educational or research institutions.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director of Procurement Management in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Assistant Administrator for East Asia to the Director, Office of Procurement Management, dated February 24, 1971 (36 F.R. 4301), is hereby superseded.

This Redelegation of Authority is effective immediately.

Dated: August 10, 1971.

WILLARD H. MEINECKE,
Acting Director, Office of East Asia Development Programs.

[FR Doc.71-12293 Filed 8-23-71;8:45 am]

DIRECTOR OF PROCUREMENT MANAGEMENT OFFICE OF INTER-REGIONAL PROGRAMS, BUREAU FOR SUPPORTING ASSISTANCE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 17, dated June 14, 1962, as amended, from the Administrator, and by Subpart 7-30.4 of the A.I.D. Procurement Regulations, I hereby redelegate authority, for countries or areas within the responsibility of the Office of Inter-Regional Programs, Bureau for Supporting Assistance, to the Director of Procurement Management in said office to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities, and grants, other than to a foreign government, or agencies of a foreign government;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for Contracts described in paragraph (1) above;

(3) Amendment or modification (pursuant to Executive order 11223) involving less than $25,000 of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract;

(4) Advance payments and the required determination and findings for such payments under A.I.D.-financed nonprofit contracts with nonprofit educational or research institutions.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director of Procurement Management in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within A.I.D. The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Assistant Administrator for East Asia to the Director, Office of Procurement Management, dated February 24, 1971 (36 F.R. 4301) is hereby superseded.

This Redelegation of Authority is effective immediately.

Dated: August 11, 1971.

RODERIC L. O'CONNOR,
Bureau for Supporting Assistance.

[FR Doc.71-12294 Filed 8-23-71;8:45 am]

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND FINANCE, BUREAU FOR EAST ASIA

Withdrawal of Redelegation of Authority

The Redelegation of Authority from the Assistant Administrator for East Asia to the Director, Office of Capital Development and Finance, Bureau for East Asia, dated June 21, 1971 (36 F.R. 12343), is hereby withdrawn.

Dated: August 13, 1971.

RODERIC L. O'CONNOR,
Assistant Administrator/Coordinator, Bureau for Supporting Assistance.

[FR Doc.71-12295 Filed 8-23-71;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Additional Duty Order 1]

ARTICLES EXEMPT FROM ADDITIONAL DUTY

Tariff Schedules of the United States

Pursuant to the authority vested in the Secretary of the Treasury by Headnote 4(a), subpart C of part 2 of the appendix to the Tariff Schedules of the United States, I hereby determine that it is consistent with safeguarding the balance of payments position of the United States to establish exemptions from the additional duty provided for in subpart C as set forth in Headnote 5 thereof which I hereby modify to read as follows:

5. *Articles exempt from the additional duties.* In accordance with determinations made by the Secretary in accordance with Headnote 4(a), the following described articles are exempt from the provisions of this subpart:

(a) Articles imported into the United States before 12:01 a.m., August 16, 1971, and released by Customs from its custody for consumption prior to that time; and

(b) Articles imported into the United States before 12:01 a.m., August 16, 1971, if prior to that time any entry for consumption for such articles had been presented for acceptance at any customhouse, whether or not such entry had been accepted by Customs and whether or not estimated duties had been paid thereon.

This modification of Headnote 5 is published in the FEDERAL REGISTER pursuant to Headnote 4(b) to subpart C.

Dated: August 19, 1971.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.71-12358 Filed 8-23-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

FORT McDOWELL MOHAVE-APACHE RESERVATION, ARIZ.

Ordinance Legalizing Introduction, Sale, or Possession of Intoxicants

AUGUST 17, 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 Fort McDowell Mohave-Apache Reservation, Ariz., was adopted on July 6, 1971, by the Tribal Council of the Fort McDowell Mohave-Apache Tribe Reservation, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Be it enacted by the Tribal Council of the Fort McDowell Mohave-Apache Tribal Council pursuant to the authority contained in the constitution and bylaws of the Fort McDowell Mohave-Apache Community, approved by the Secretary of the U.S. Department of the Interior on November 13, 1936, in accordance with the Act of June 18, 1934, 48 Stat. 984 as amended, do hereby recommend the following:

The Fort McDowell Mohave-Apache Tribe and other persons including corporations, partnerships, associations, and natural persons are hereby authorized to introduce, sell, distribute, warehouse, and possess alcoholic beverages, in accordance with the Law of Arizona: *Provided*, That introduction for sale and sales by persons other than the Fort McDowell Mohave-Apache Tribe shall first be licensed by the Fort McDowell Mohave-Apache Tribal Council and such sales shall be subject to such taxes and license fees as may be from time to time imposed by said Tribal Council.

JOHN O. CROW,
Deputy Commissioner of Indian Affairs.

[FR Doc.71-12340 Filed 8-23-71;8:49 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. G-508]

ARMARES FISHING

Notice of Loan Application

AUGUST 16, 1971.

Armares Fishing, 1800 Northwest 35th Street, Miami, FL 33142, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 68 feet in length, to operate in the fishery for lobster.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.71-12317 Filed 8-23-71;8:47 am]

[Docket No. A-579]

WILLIAM H. SPARKS

Notice of Loan Application

AUGUST 16, 1971.

William H. Sparks, Box 93, Haines, AK 99827, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used fiberglass vessel, about 29-foot in length, to engage in the fishery for salmon and halibut.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.71-12318 Filed 8-23-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY, CITY OF NEW YORK

Notice of Commencement of Proceeding

Notice is hereby given that the proceeding in the above captioned matter will commence at 10 a.m. on Wednesday, October 27, 1971, in Courtroom No. 1, U.S. Tax Court, 1111 Constitution Avenue NW., Washington, DC 20044. This proceeding is held to hear oral argument and review further evidence in accordance with the Atomic Safety and Licensing Appeal Board's Memoranda and Orders dated June 14, 1971, and August 6, 1971.

Dated: August 18, 1971.

By the Atomic Safety and Licensing Appeal Board.

WILLIAM L. WOODARD,
Assistant Executive Secretary.

[FR Doc.71-12319 Filed 8-23-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23646; Order 71-8-84]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 23, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 56.44 cents per great circle aircraft mile for the transportation of mail by aircraft between Detroit, Mich., and Buffalo, N.Y., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft S-18 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Buckeye Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 56.44 cents per great circle aircraft mile between Detroit, Mich., and Buffalo, N.Y., based on five round trips per week flown with Beechcraft S-18 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That: 1. Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Mohawk Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Buckeye Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., and Mohawk Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12348 Filed 8-23-71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Dockets Nos. 22859, 23711; Order 71-8-72]

DELTA AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of August 1971.

By tariff revision [1] filed July 19, and marked to become effective August 18, 1971, Delta Air Lines, Inc. (Delta), proposes to adhere to an industry rule covering charges for shipments containing pieces in excess of 118 inches in length or 88 inches in width, applicable to interstate air transportation.[2] This rule requires advance arrangements for such shipments, and that, if the shipment cannot be loaded in the cargo compartment of a passenger aircraft, or the lower compartment of all-cargo aircraft, Delta will notify the shipper. The shipper may either request (a) the return of the shipment, or (b) that Delta transport the shipment on all-cargo aircraft on pallets furnished by the carrier. The pallets to be furnished are 118 inches in length and 88 inches in width, and Delta proposes to assess charges on such shipments by using either the actual weight of the shipment, or by assessing a minimum weight of 6,000 pounds for each pallet in the shipment, whichever produces the higher charge. The rule further assesses a single charge of $25 for both loading and unloading those shipments that are acceptable under the rule, and provides that shipments containing pieces of a length of 264 or more inches, or a width of 118 inches or more, are not acceptable. Delta's proposal differs from the rules of the other carriers in that the currently effective rules of the other carriers impose minimum weights ranging from 2,415 to 3,500 pounds per

[1] Rule No. 40 of Airline Tariff Publishers, Inc., Agent's, CAB No. 8 (Agent J. Aniello series).

[2] The currently effective rules of similar import on behalf of Airlift International, Inc.; Alaska Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Northwest Airlines, Inc.; also operating as Northwest Orient Airlines; The Flying Tiger Line Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; and Wien Consolidated Airlines, Inc., are presently under investigation in Docket 22859, Domestic Air Freight Rate Investigation. Delta's rule will automatically be embraced in the above proceeding.

pallet, whereas Delta proposes a minimum weight of 6,000 pounds per pallet. In addition, the pallets furnished by the other carriers are 108 by 88 inches and 125 by 88 inches. No complaints have been received.

In support of its filing, Delta states that:

1. The rule will enable it to assess equitable charges for unusual shipments since such shipments block off otherwise usable space in the aircraft;

2. The Lockheed-Hercules L100–20 propellor aircraft has only a single main cargo compartment, as there is no lower belly compartment, and this aircraft has a 750-pound per square foot floor-bearing weight capacity, compared with typically 200 to 300 pounds per square foot floor-bearing weight capacity of jet aircraft with upper and lower cargo compartments;

3. A minimum weight of 6,000 pounds per pallet is proper because the pallet utilized in the L100–20 all-cargo aircraft has approximately twice the carrying potential of those pallets used in other all-cargo aircraft with upper and lower cargo compartments;

4. The combination of a main cargo compartment and heavy-duty deck permits each pallet to be loaded to a much greater height and with a greater weight than can those pallets carried on other all-cargo aircraft with upper and lower cargo compartments; and

5. Assuming a reasonable cargo density of 10 pounds per cubic foot, a fully loaded pallet measuring 118 by 88 inches (representing approximately 600 cubic feet of cargo space) will result in a payload of 6,000 pounds.

Upon consideration of all relevant factors, the Board finds that Delta's proposed rule may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the rule should be suspended pending investigation.[3]

[3] While the Board recognizes that shipments containing pieces in excess of 118 or 125 inches in length will present problems to the carriers with respect to the efficient utilization of the cubic capacity of the aircraft, there are undoubtedly some inequities in charging for the space of two or three pallets where the shipment contains one or more pieces in excess of 118 or 125 inches in length, particularly when the application of the length alone may not accurately indicate the amount of useable aircraft space preempted by a piece of a shipment, e.g., one roll of carpet with a length of 119 inches may require the use of two pallets at a charge based on not less than 12,000 pounds, notwithstanding that it could possibly fit on one pallet diagonally, or that a considerable additional quantity of other freight on hand could be used to fill the remaining capacities of the pallets.

Based on Delta's currently effective tariff rule [4] 600 cubic feet of cargo space would equate to approximately 4,148 pounds. The instant proposal would, therefore, effect an increase of approximately 45 percent in cubic dimensional weight, as well as in the charges on such traffic. Delta, however, has not presented any sound reasons or adequate support why it should be permitted to assess higher charges than the industry level by use of a cubic dimensional weight of 10 pounds per cubic foot in lieu of its currently effective cubic dimensional weight of 6.9 pounds per cubic foot applicable to all other traffic generally, and the Board will not permit such a sharp increase to become effective without investigation.

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

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 40 applicable to "DL" on Third Revised Page 14–I of Airline Tariff Publishers, Inc., Agent's CAB No. 8 (Agent J. Aniello series), and rules, regulations, or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the addition of the carrier "DL" and all charges and provisions in connection with such carrier in Rule No. 40 on Third Revised Page 14–I of Airline Tariff Publishers, Inc., Agent's CAB No. 8 (Agent J. Aniello series), is suspended and its use deferred to and including November 15, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein, designated as Docket 23711, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Delta Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12346 Filed 8–23–71;8:50 am]

[4] Rule No. 50 (Charges For Weight) of Airline Tariff Publishers, Inc., Agent's CAB No. 96 provides for a minimum density requirement of 6.9 pounds per cubic foot on traffic generally.

[Dockets Nos. 21670, 22412]

FRONTIER AIRLINES, INC.

Investigation of Local Service Class Subsidy Mail Rate; Notice of Prehearing Conference Regarding "Other Revenue" Issue

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 6, 1971, at 10 a.m., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC., before Examiner Thomas P. Sheehan.

In order to facilitate the conduct of the conference parties are instructed to submit to the examiner and other parties: (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before September 15, 1971, and the other parties on or before September 29, 1971. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics.

Dated at Washington, D.C., August 18, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71–12347 Filed 8–23–71;8:50 am]

[Docket No. 23647; Order 71–8–83]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 23, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 58.3 cents per great circle aircraft mile for the transportation of mail by aircraft between Detroit, Mich., Indianapolis, Ind., and St. Louis, Mo., based on 10 one-way trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with two Beech S–18 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor,

and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., it its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 58.3 cents per great circle aircraft mile between Detroit, Mich., Indianapolis, Ind., and St. Louis, Mo., based on 10 one-way trips per week flown with two Beech S–18 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Trans World Airlines, Inc., Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Jim Hankins Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Trans World Airlines, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12349 Filed 8–23–71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23648; Order 71–8–85]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 23, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 58.2 cents per great circle aircraft mile for the transportation of mail by aircraft between Detroit, Mich., Louisville, Ky., and Nashville, Tenn., based on 10 one-way trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with two Beech S–18 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 58.2 cents per great circle aircraft mile between Detroit, Mich., Louisville, Ky., and Nashville, Tenn., based on 10 one-way trips per week flown with two Beech S–18 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f).

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Jim Hankins Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12350 Filed 8–23–71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23649; Order 71–8–88]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 23, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 60 cents per great circle aircraft mile

for the transportation of mail by aircraft between Chicago, Ill., Des Moines, Iowa, and Omaha, Nebr., based on 10 one-way trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with two Beech S–18 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 60 cents per great circle aircraft mile between Chicago, Ill., Des Moines, Iowa, and Omaha, Nebr., based on 10 one-way trips per week flown with two Beech S–18 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Frontier Airlines, Inc., Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Jim Hankins Air Service, Inc., the Postmaster General, Frontier Airlines, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12351 Filed 8–23–71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23625; Order 71–8–86]

MANUFACTURERS AIR TRANSPORT, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 19, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 60 cents per great circle aircraft mile for the transportation of mail by aircraft between Moline, Rockford, and (Midway) Chicago, Ill., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beech S–18 twin-engine aircraft or equivalent.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Manufacturers Air Transport, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 60 cents per great circle aircraft mile between Moline, Rockford, and (Midway) Chicago, Ill., based on five round trips per weeks flown with Beech S–18 twin-engine aircraft or equivalent.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Manufacturers Air Transport, Inc., the Postmaster General, Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Manufacturers Air Transport, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Manufacturers Air Transport, Inc., the Postmaster General, Ozark Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12352 Filed 8–23–71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23608]

POMAIR N.V.

Application for Foreign Air Carrier Permit; Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 22, 1971, at 10 a.m., local time in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William H. Dapper.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 15, 1971.

Dated at Washington, D.C., August 18, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-12353 Filed 8-23-71;8:50 am]

CIVIL SERVICE COMMISSION

INTERIM GUIDELINES FOR REEVALUATION OF EMPLOYMENT REQUIREMENTS AND PRACTICES PURSUANT TO EMERGENCY EMPLOYMENT ACT

Notice of Availability

Pursuant to the authority contained in section 7(c) of the Emergency Employment Act of 1971, Public Law 92-54, 85 Stat. 146, and the regulations of the Secretary of Labor, 29 CFR Part 55, 36 F.R. 15433, August 14, 1971, the Civil Service Commission gives notice of the availability of the "Interim Guidelines for Reevaluation of Employment Requirements and Practices". Interested parties may obtain copies of the guidelines from the Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, 1900 E Street NW., Washington, DC 20415, or from the regional offices of the Commission at the following locations:

Atlanta Merchandise Mart, 240 Peachtree Street NW., Atlanta, GA 30303.
Post Office and Courthouse Building, Boston, Mass. 02109.
Main Post Office Building, 433 West Van Buren Street, Chicago, IL 60607.
1100 Commerce Street, Dallas, TX 75202.
Building 20, Denver Federal Center, Denver, Colo. 80225.
Federal Building, 26 Federal Plaza, New York, N.Y. 10007.
Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106.
3004 Federal Office Building, First Avenue and Madison Street, Seattle, WA 98104.
Federal Building, Post Office Box 36010, 450 Golden Gate Avenue, San Francisco, CA 49102.
1256 Federal Building, 1520 Market Street, St. Louis, MO 63103.

The Civil Service Commission invites interested parties, within 45 days of the publication of this notice, to submit written comments or suggestions relative to the guidelines to the Bureau of Policies and Standards, Civil Service Commission, 1900 E Street NW., Washington, DC 20415.

Comments and suggestions submitted will be evaluated and may be incorporated into future revisions of the guidelines. Until revised, however, these guidelines will remain as published.

Dated: August 24, 1971.

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

[FR Doc.71-12322 Filed 8-23-71; 8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 557]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 16, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

609-C2-P-72—Instant Communications, Inc. (KQD303), C.P. to relocate facilities operating on 158.70 MHz to a new site described as location No. 2: 10 Witherell Street, Detroit, MI.

610-C2-MP-72—George E. Kitchen & Associates (KWA673), Modification of C.P. to replace the transmitter operating on 158.70 MHz, change the antenna system and relocate facilities to 4.5 miles northeast of Benton Harbor, MI.

612-C2-P-72—Forester Radiotelephone Inc. (KKO344), C.P. for additional facilities to operate on frequency 43.58 MHz at a new site described as location No. 3: 2001 Bryan Street, Dallas, TX.

613-C2-MP-72—Autofone Co. (KOP257), Modification of C.P. to replace the transmitter for 152.210 MHz at location No. 4: Near Pacific Highway West and Western Avenue, McMinnville, Oreg.

614-C2-P-72—North Shore Communications, Inc. (KCC483), C.P. for additional frequencies to operate on frequency 454.300 MHz, located at No. 3 Sidney Street, Wakefield, MA.

622-C2-P-72—Valley Telephone Co. (New), C.P. for a new two-way station to be located at 3 miles southeast of Baggs, Wyo., to operate on frequency 152.66 MHz.

623-C2-P-72—General Communications Service, Inc. (KOH280), C.P. for additional facilities to operate on 158.70 MHz at station located at 7.5 miles south of Phoenix, Ariz.

624-C2-P-72—Shaw-Rose Communications, Inc. (KED360), C.P. to replace the standby transmitter operating on 152.12 MHz, located at 337 Driftway Road, Greenbrook, NJ.

654-C2-P-(2)-72—Airsignal International, Inc. (New), C.P. for a new one-way station to operate on frequency 43.58 MHz to be located at location No. 1: The Continental Bank Building, 714 Houston Street, Fort Worth, TX, and at location No. 2: Fidelity Union Tower, Pacific and Akard Streets, Dallas, TX.

655-C2-P-(5)-72—RAM Broadcasting of Massachusetts, Inc. (KCC263), C.P. for additional facilities to operate on frequencies 152.120, 152.090, and 454.300 MHz at a new site described as location No. 4: At the northeast corner of intersection of Routes No. 24 & No. 123, Brockton, Mass., and for additional facilities to operate on 454.300 MHz (new) and 152.090 MHz (relocated from location No. 1) at another new site described as location No. 5: No. 1 Boston Place, Boston, MA.

707-C2-P-72—Cascade Utilities Inc. (KOP324), C.P. for additional facilities to operate on 454.375 MHz at station located on Day Hill Road, 2 miles south of Estacada, Oreg.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—Continued

708–C2–P–72—Tri-City Radio Dispatch Service, Inc. (KQD310), C.P. for additional facilities to operate on frequencies 454.225 and 454.325 MHz at station located at 1795 Tittabawasee Road, Saginaw, MI.

709–C2–AL–72—Rowan Radiofone. Consent to assignment of license from E. L. Sherman, doing business as Rowan Radiofone, Assignor, to Two Way Radio of Carolina, Inc., Assignee Station KUA277, Salisbury, N.C.

741–C2–P–72—Bruce Graham (KLB689), C.P. to replace transmitter operating on 152.09 MHz located at Birch and Seventh Streets, Canadian, TX.

743–C2–P–72—Radio Telephone Answering Service, Inc. (KEJ891), C.P. for additional facilities to operate on 454.075 MHz at a new site described as location No. 2: 277 Park Avenue, New York, NY.

Major Amendment

299–C2–P–72—Florida Radio Phone (KIA958), Amended to change base frequency to 454.300 MHz. All other particulars same as Public Notice dated Aug. 2, 1971, Report No. 555.

Corrections

42–C2–P–72—Mobilefone of Kansas (New), Correct entry to read: C.P. for a new one-way station to be located at 3 miles north of Manhatten, Kans., to operate on frequency 152.24 MHz. See Public Notice dated July 19, 1971, Report No. 553.

5831–C2–P–71—Metrotec, Inc. (New), Correct file number to read: 5835–C2–P–71 (Resubmitted C.P. application). See Public Notice dated Aug. 9, 1971, Report No. 556.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

MICHIGAN

Michigan Radio Telephone Co. (New), 3475–C2–P–(3)–71.
Instant Communication Inc. (New), 4983–C2–P–(3)–71.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

INDIANA

William A. Houser, (New), 5411–C2–P–71.
William L. Eisele, doing business as Lake Shore Communications (New), 5666–C2–P–71.
William A. Houser (New), 6919–C2–P–71.

RURAL RADIO SERVICE:

744–C1–P/L–72—Jim Mayfield (New), C.P. and license for a new rural subscriber station to be located at Clayton, N. Mex., to operate on frequency 158.55 MHz communicating with Station KLB710, Clayton, N. Mex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

615–C1–P–72—American Telephone & Telegraph Co. (KQG36), C.P. to add frequency 11,625 MHz toward WWVU–TV, Morgantown, W. Va. Station location: 8 miles south-southeast of Morgantown, W. Va.

616–C1–P–72—American Telephone & Telegraph Co. (KID64), C.P. to add frequencies 3730, 3750, 3810, 3830, 3890, 3970, 3990, 4050, 4070, 4130, and 4150 MHz toward Dahlonega, Ga. Station location: 2 miles northwest of Cumming, Ga.

617–C1–P–72—American Telephone & Telegraph Co. (KRS93), C.P. to add frequencies 3710, 3770, 3790, 3850, 3930, 3950, 4010, 4030, 4090, 4110, and 4170 MHz toward Sawnee Mountain, Ga. Station location: 5 miles east-southeast of Dahlonega, Ga.

618–C1–P–72—American Telephone & Telegraph Co. (New), C.P. for a new station to be located 6.5 miles east of Dahlonega, Ga. Frequencies: 3710, 3770, 3790, 3870, 3930, 3950, 4010, 4030, 4090, and 4170 MHz toward Currahee Mountain, Ga.

619–C1–P–72—American Telephone & Telegraph Co. (KID65), C.P. to change point of communication from Sawnee Mountain, Ga., to Dahlonega, Ga. Frequencies: 3730, 3750, 3830, 3910, 3970, 3990, 4050, 4070, and 4130 MHz. Station location: 4.5 miles southwest of Toccoa, Ga.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—Continued

625–C1–MP–72—Peninsula Telephone & Telegraph Co. (KPG69), Modification of C.P. to replace transmitters with Farinon SS6000–YC–02 and change frequency 6130.5 MHz to 6204.7 MHz toward Port Angeles, Wash.

627–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Omaha, latitude 41°15'30", longitude 95°56'19". Frequency 4150 on azimuth 182°.

628–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Nehaka, latitude 40°54'00", longitude 95°57'30". Frequency 3870 on azimuth 2° and 3750 on azimuth 69°.

629–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Emerson, latitude 41°03'25", longitude 95°24'00". Frequency 3950 on azimuth 250° and 3950 on azimuth 52°.

630–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Lewis, latitude 41°16'20", longitude 95°02'10". Frequency 3750 on azimuth 232° and 3750 on azimuth 30°.

631–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, North Branch, latitude 41°38'20", longitude 94°45'01". Frequency 3950 on azimuth 210° and 3950 on azimuth 76°.

632–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Panora, latitude 41°43'08", longitude 94°18'36". Frequency 3750 on azimuth 257° and 3750 on azimuth 79°.

633–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Alleman, latitude 41°49'09", longitude 93°36'11". Frequency 3950 on azimuth 259°, 3950 on azimuth 53°, and 3870 on azimuth 175°.

634–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Des Moines, latitude 41°37'59", longitude 93°34'52". Frequency 4150 on azimuth 356°.

635–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, State Center, latitude 42°02'50", longitude 93°12'00". Frequency 3750 on azimuth 233° and 3750 on azimuth 84°.

636–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Traer, latitude 42°06'10", longitude 92°31'00". Frequency 3950 on azimuth 264°, 3950 on azimuth 107°, and 3870 on azimuth 20°.

637–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Waterloo, latitude 42°26'46", longitude 92°20'52". Frequency 4150 on azimuth 200°.

638–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Atkins, latitude 41°57'10", longitude 91°52'00". Frequency 3750 on azimuth 287°, 3750 on azimuth 100°, and 4150 on azimuth 65°.

639–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Cedar Rapids, latitude 42°00'59", longitude 91°41'03". Frequency 3870 on azimuth 245°.

640–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, McVille, latitude 41°52'29", longitude 91°18'16". Frequency 3950 on azimuth 281° and 3950 on azimuth 113°.

641–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, New Liberty, latitude 41°44'09", longitude 90°51'38". Frequency 3750 on azimuth 293°, 3750 on azimuth 64°, and 3910 on azimuth 135°.

642–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Davenport, latitude 41°31'22", longitude 90°34'33". Frequency 4110 on azimuth 315°.

643–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Ten Mile, latitude 41°56'37", longitude 90°17'15". Frequency 3950 on azimuth 244° and 3950 on azimuth 65°.

644–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Baileyville, latitude 42°12'06", longitude 89°33'20". Frequency 3750 on azimuth 245° and 3750 on azimuth 91°.

645–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Kings, latitude 42°11'15", longitude 88°49'53". Frequency 3950 on azimuth 272°, 3950 on azimuth 126°, and 3870 on azimuth 292°.

646–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Rockford, latitude 42°15'55", longitude 89°05'38". Frequency 4150 on azimuth 112°.

647–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Lily Lake, latitude 41°59'50", longitude 88°28'55". Frequency 3750 on azimuth 306°, and 3750 on azimuth 117°.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—Continued

648–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Wheaton, latitude 41°50'24", longitude 88°00'52". Frequency 3950 on azimuth 297°, 3950 on azimuth 81°, and 3870 on azimuth 181°.

649–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Joliet, latitude 41°31'09", longitude 88°04'57". Frequency 4150 on azimuth 1°.

650–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Chicago, latitude 41°53'56", longitude 87°37'24". Frequency 3750 on azimuth 261°.

(INFORMATIVE:) The applicant, Western Tele-Communications, Inc., proposes to provide "Low Cost Customized" interstate communications service between fixed stations at Omaha, Des Moines, Waterloo, Cedar Rapids, Davenport, Rockford, Joliet, and Chicago. This filing will interconnect with applicant's filings (Files Nos. 8300–8326–C2–P–70).

710–C1–ML–72—Central Telephone Co. (KYN49), Modification of license to delete frequency 6197.2 MHz toward path to KYN50. (Nelson, Nev.). Station location: Christmas Tree Pass, approximately 12 miles northwest of Bullhead City, Ariz.

711–C1–ML–72—Central Telephone Co. (KYN50), Modification of license to delete frequency 5945.2 MHz on path to KYN49. (Christmas Tree Pass, Nev.) Station location: 3 miles west of Nelson, Nev.

121–C1–R–72—Illinois Bell Telephone Co. (WAN84), Renewal of a developmental license expiring Aug. 26, 1971. Term: Aug. 26, 1971 to Aug. 26, 1972.

747–C1–P–72—RCA Global Communications, Inc. (New), C.P. for a new station to be located at Pinegayan, Mariana Island. Frequency: 6675 MHz toward Yona Station via passive reflector.

748–C1–P–72—RCA Global Communications, Inc. (KUA53), C.P. to add frequency 6835 MHz toward transpacific cablehead via passive reflector. Station location: 2 miles northwest of Yona, Mariana Islands.

CPI Microwave of Louisiana, Inc.

(INFORMATIVE: The following twenty-one (21) applications for construction permits for new point-to-point microwave facilities propose to provide a single channel, full duplex, space diversity, voice/data service to points between Beaumont, Tex., and New Orleans, Lafayette, Grand Isle, and Buras, all in the State of Louisiana.

759–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 1: C.P. for a new fixed station 100 feet west of Fourth Street and 700 feet south of College Street, Beaumont, Tex., at latitude 30°04'00" N., longitude 94°06'57" W. Frequency 6034.2V on azimuth 96°37' toward Bridge City, Tex. Station location: Beaumont, Tex.

760–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 2: C.P. for a new fixed station approximately 3 miles northeast of Bridge City, Tex., at latitude 30°02'03" N., longitude 93°47'50" W. Frequencies 6226.9H on azimuth 156°08' toward Johnson's Bayou, La., and 6345.5V on azimuth 276°45' toward Beaumont, Tex. Station location: Bridge City, Tex.

761–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 3: C.P. for a new fixed station one-half mile west of Johnson's Bayou post office, Johnson's Bayou, La., at latitude 29°45'45" N., longitude 93°39'34" W. Frequencies 5945.2V on azimuth 83°02' toward Cameron, La., and 6152.8H on azimuth 336°12' toward Bridge City, Tex. Station location: Johnson's Bayou, La.

762–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 4: C.P. for a new fixed station at the northeast edge of city limits of Cameron, La., at latitude 29°47'52" N., longitude 93°19'28" W. Frequencies 6390.0V on azimuth 101°47' toward Rutherford, La., and 6197.2V on azimuth 263°12' toward Johnson's Bayou, La. Station location: Cameron, La.

763–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 5: C.P. for a new fixed station 1⅜ miles south of Oak Grove, La., at latitude 29°45'36" N., longitude 93°07'04" W. Frequencies 5945.2H on azimuth 88°24' toward Grand Chenière, La., and 6167.6V on azimuth 281°53' toward Cameron, La. Station location: Rutherford, La.

764–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 6: C.P. for a new fixed station 1¼ miles east of Grand Chenière, La., at latitude 29°45'50" N., longitude 92°57'14" W. Frequencies 6375.2V on azimuth 103°17' toward North Island, La. and 6315.9H on azimuth 268°29' toward Rutherford, La. Station location: Grand Chenière, La.

765–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 7: C.P. for a new fixed station 3¾ miles southeast of the North Island School at latitude 29°42'25" N., longitude 92°40'44" W. Frequencies 6004.5H on azimuth 106°09' toward Front Ridge, La., and 5945.2V on azimuth 283°25' toward Grand Chenière, La. Station location: North Island, La.

CPI Microwave of Louisiana, Inc.—Continued

766–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 8: C.P. for a new fixed station just east of road end at Front Ridge and the Louisiana Fur Co. Canal at latitude 29°37'26" N., longitude 92°20'58" W. Frequencies 6226.9H on azimuth 46°14' toward Intracoastal City, La. at 6256.5H on azimuth 286°19' toward North Island, La. Station location: Front Ridge, La.

767–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 9: C.P. for a new fixed station at the north edge of Intracoastal City, La. at latitude 29°47'04" N., longitude 92°09'21" W. Frequencies 5945.2H on azimuth 63°30' toward Avery Island, La., and 6093.5H on azimuth 226°20' toward Front Ridge, La. Station location: Intracoastal City, La.

768–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 10: C.P. for a new fixed station 1,500 feet east-southeast of Blue Pond in Avery Island, La. at latitude 29°53'38" N., longitude 91°54'12" W. Frequencies 6345.5H on azimuth 91°35' toward Matilda, La.; 6375.2H on azimuth 243°38' toward Intracoastal City, La.; and 6356.5V on azimuth 343°33' toward Lafayette, La. Station location: Avery Island, La.

769–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 11: C.P. for a new fixed station two thousand feet northeast of South College and Pinhook Street, at latitude 30°12'10" N., longitude 92°00'32" W. Frequency 6167.6V on azimuth 163°30' toward Avery Island, La. Station location. Lafayette, La.

770–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 12: C.P. for a new fixed station located at intersection of Route 87 and Jeanerette Oil Field Road at latitude 29°53'10" N., longitude 91°35'41" W. Frequencies 5945.2H on azimuth 170°46' toward Salt Point, La., and 6093.5H on azimuth 271°44' toward Avery Island, La. Station location: Matilda, La.

771–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 13: C.P. for a new fixed station located on Salt Point due west of village of Burns at latitude 29°34'22" N., longitude 91°32'11" W. Frequencies 6330.7V on azimuth 66°45' toward Morgan City, La., and 6226.9V on azimuth 350°47' toward Matilda, La. Station location: Salt Point, La.

772–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 14: C.P. for a new fixed station 100 feet east of intersection of Duke and 11th Street at latitude 29°42'02" N., longitude 91°11'40" W. Frequencies 5974.8V on azimuth 103°33' toward Crescent Farm, La., and 6019.3V on azimuth 246°56' toward Salt Point, La. Station location: Morgan City, La.

773–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 15: C.P. for a new fixed station located approximately 1,000 feet east of the town of Crescent, La., at latitude 29°36'52" N., longitude 90°47'19" W. Frequencies 6375.2V on azimuth 122°23' toward Bully Camp, La., and 6226.9V on azimuth 283°45' toward Morgan City, La. Station location: Crescent Farms, La.

774–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 16: C.P. for a new fixed station 0.6 mile northwest of the Live Oak Church on the Terrebonne/Lafourche Parish line road at latitude 29°25'53" N., longitude 90°27'35" W. Frequencies 5974.8V on azimuth 134°58' toward Leeville, La.; 5945.2V on azimuth 302°33' toward Crescent Farms, La.; and 5974.8H on azimuth 48°15' toward Delta Farms, La. Station location: Bully Camp, La.

775–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 17: C.P. for a new fixed station 2 miles south-southeast of the town of Leeville, La., at latitude 29°13'07" N., longitude 90°12'57" W. Frequencies 6345.5H on azimuth 82°00' toward Grand Isle, La., and 6226.9V on azimuth 315°05' toward Bully Camp, La. Station location: Leeville, La.

776–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 18: C.P. for a new fixed station located 1 mile northeast of town of Grand Isle, La. at latitude 29°14'53" N., longitude 89°58'24" W. Frequencies 6063.8H on azimuth 74°42' toward Buras, La. and 6034.2H on azimuth 262°07' toward Leeville, La. Station location: Grand Isle, La.

777–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 19: C.P. for a new fixed station at Buras, La. at latitude 29°21'18" N., longitude 89°31'26" W. Frequency 6212.0H on azimuth 254°55' toward Grand Isle, La. Station location: Buras, La.

778–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 20: C.P. for a new fixed station at the center of Delta Farms Oil and Gas Field, 6 miles southwest of Lafitte, La. at latitude 29°38'23" N., longitude 90°11'27" W. Frequencies 6330.7V on azimuth 19°43' toward New Orleans, La. and 6226.9H on azimuth 228°23' toward Bully Camp, La. Station location: Delta Farms, La.

779–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 21: C.P. for a new fixed station at the International Trade Mart Tower, New Orleans, La. at latitude 29°56'55" N., longitude 90°03'47" W. Frequency 6137.9V on azimuth 199°47' toward Delta Farms, La. Station location: New Orleans, La.

Major Amendments

(INFORMATIVE: Applicant, West Texas Microwave Co., is amending 31 applications for new point-to-point microwave facilities for specialized services between Fort Worth, Abilene, Lubbock, Amarillo, Big Spring, Midland, Odessa, and El Paso all in the State of Texas, and Hobbs, N. Mex., to conform with new engineering standards stemming from the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971. In addition, certain applications are amended to provide three channels of video and audio programing to television stations in Lubbock and Midland/Odessa, Tex., and one similar channel to Abilene, Texas.)

6133–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 6093.5H toward Aledo, Tex. Station location: Fort Worth, Tex.

6134–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6226.9H toward Fort Worth, Tex. and 6226.9V toward Mineral Wells, Tex. Station location: Aledo, Tex.

6135–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 5974.8V toward Aledo, Tex. and 5974.8H toward Brackeen, Tex. Station location: Mineral Wells, Tex.

6136–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6197.2H toward Mineral Wells, Tex. and 6197.2V toward Breckenridge, Tex. Station location: Brackeen, Tex.

6137–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6093.5V toward Brackeen, Tex., 6034.2V and 6152.8V toward Davis, Tex.; add frequency 6004.5V toward Davis, Tex. Station location: Breckenridge, Tex.

6138–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6375.2V toward Breckenridge, Tex. and 6197.2V toward Estes, Tex. Station location: Davis, Tex.

6139–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6093.5V toward Davis, Tex. and 6049.0V toward Sweetwater, Tex.; add frequencies 6137.9H toward Sweetwater, Tex. and 10,775H toward Station KRBC–TV, Abilene, Tex. Station location: Estes, Tex.

6140–C1–P–70—West Texas Microwave Co. (New), Application amended to add changed transmitting antenna information. Station location: Sweetwater, Tex.

6141–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 5930.4H, 5989.7H, and 6108.3H toward Big Spring, Tex. Station location: Colorado City, Tex.

6142–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6301.0H and 6390.0H toward Colorado City, Tex.; add frequencies 6271.4H, 6330.7H, 6182.4V, 6419.6V, and 6212.0H toward Colorado City, Tex. Station location: Snyder, Tex.

6143–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 6049.0H, 5989.7H, and 6137.9V toward Snyder, Tex. Station location: Griffins Creek, Tex.

6144–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 6390.0H toward Griffins Creek, Tex.; add frequencies 6182.4H, 6212.0V, 6271.4V, and 6419.6H toward Griffins Creek, Tex. Station location: Pleasant Valley, Tex.

6145–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6078.6H toward Levelland, Tex.; add frequencies 5930.4H, 6019.3V, and 6137.9V toward Pleasant Valley, Tex.; and add frequencies 11,175V, 10,855V, and 10,975H toward Stations KSEL–TV, KLBK–TV, and KCBD–TV, respectively, at Lubbock, Tex. Station location: Lubbock, Tex.

6146–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6330.7H toward Lubbock, Tex., and 6360.3V toward Brownfield, Tex. Station location: Levelland, Tex.

6147–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6108.3V toward Levelland, Tex., and 6108.3H toward Seminole, Tex. Station location: Brownfield, Tex.

6148–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6360.3H toward Brownfield, Tex., and 6330.7V toward Hobbs, N. Mex. Station location: Seminole, Tex.

6149–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 6137.9V toward Seminole, Tex. Station location: Hobbs, N. Mex.

6150–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 6182.4H, 6301.0H, and 6241.7H toward Lubbock, Tex. Station location: Cotton Center, Tex.

Major Amendments—Continued

6151–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 5989.7V, 6167.6V, and 5930.4V toward Cotton Center, Tex. Station location: McClurg Farm, Tex.

6152–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 6301.0H, 6419.6H, and 6182.4H toward McClurg Farm, Tex. Station location: Jennings Farm, Tex.

6153–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 6019.3H toward Jennings Farm, Tex.; add frequencies 5930.4H, 5989.7V, 6049.0V, and 6108.3V toward Jennings Farm, Tex.; and add frequencies 10,775V, 10,975H, and 10,935V toward Stations KFDA–TV, KGNC–TV, and KVII–TV, respectively, Amarillo, Tex. Station location: Amarillo, Tex.

6154–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 6212.0V, 6390.0V, and 6301.0H toward Midland, Tex. Station location: Big Spring, Tex.

6155–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 5960.0H, 6078.6H, and 6108.3V toward Odessa, Tex. Station location: Midland, Tex.

6156–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 6390.0V toward Goldsmith, Tex.; add frequencies 11,385H and 11,545H toward Stations KMID–TV and KOSA–TV, respectively, Odessa, Tex.; and add frequency 11,465H toward Station KMOM–TV, Monahans, Tex. Station location: Odessa, Tex.

6157–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6078.6V toward Odessa, Tex. and 6108.3V toward Wink, Tex. Station location: Goldsmith, Tex.

6158–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6301.0V toward Goldsmith, Tex. and 6390.0H toward Mason, Tex. Station location: Wink, Tex.

6159–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6078.6H toward Wink, Tex., and 6137.9V toward Guadalupe, Tex. Station location: Mason, Tex.

6160–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6390.0V toward Mason, Tex., and 6345.5H toward Borrego, Tex. Station location: Guadalupe, Tex.

6161–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6093.5H toward Guadalupe, Tex., and 6167.6V toward El Paso, Tex. Show frequency 6108.3V toward Comanche Peak, Tex. Station location: Borrego, Tex.

6162–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6301.0V toward Borrego, Tex., and 11,345H toward El Paso, Tex. Station location: Comanche Peak, Tex.

6163–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 10,935H toward Comanche Peak, Tex. Station location: El Paso, Tex.

Major Amendment

797–C1–P–71—Western Tele-Communications, Inc. (New), Delete frequencies 4050 and 4130 MHz and add frequency 3970 MHz on azimuth 329°06'. Location: 211 West Eighth Street, Pueblo, CO. All other particulars same as reported on Public Notice dated Aug. 10, 1970.

(INFORMATIVE: Applicant is deleting one channel on its system in order to convert from frequency diversity to space diversity operation in Applications Files Nos. 797 through 804–C1–P–71.)

Major Amendment

8327–C1–P–70—Western Tele-Communications, Inc. (New), Change coordinates to latitude 39°37'03" N., longitude 104°53'36" W. Delete proposed frequencies and add frequency 6004.5 MHz on azimuth 292°39'. Location: Denver Technological Center, 4 miles east of Littleton, Colo.

8328–C1–P–70—Western Tele-Communications, Inc. (New), Delete frequencies toward Denver and add frequency 6256.5 MHz toward Denver on azimuth 112°25'. Location: Colorow Hills, 2 miles southwest of Golden, Colo.

8329–C1–P–70—Western Tele-Communications, Inc. (New), Replace frequencies proposed toward Colorow, Colo. with frequencies 5974.8 and 6034.2 MHz. Location: Almagre, Colo. (All other particulars same as reported in Public Notice dated June 22, 1970.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

551–C1–P–72—United Video, Inc. (New), C.P. for a new station 5.2 miles east-southeast of Loco, Okla., at latitude 34°18'46" N., longitude 97°35'36" W. Frequencies 11,265 and 11,585 MHz on azimuth 11°12'.

552–C1–P–72—United Video, Inc. (New), C.P. for a new station 1.5 miles east of Wallville, Okla., at latitude 34°46'28" N., longitude 97°28'57" W. Frequencies 10,735 and 10,895 MHz on azimuth 111°27'.

(INFORMATIVE: Applicant proposes to provide the television signals of Stations KTVT and KDTV of Dallas Tex., to Cablevision Construction Corp. in Pauls Valley, Okla.)

553–C1–P–72—American Television Relay, Inc. (KPV76), C.P. to add frequencies 6271.4, 6330.7, and 6390.0 MHz on azimuth 223°12'. Location: White Tank Mountain, 10.5 miles north-northwest of Perryville, Ariz., at latitude 33°34'10" N., longitude 112°33'33" W.

(INFORMATIVE: Applicant proposes to move its present off air pickup point of KPHO–TV, KOOL–TV, and KAET of Phoenix from Oatman Mountain, to White Tank Mountain. Waiver requested for section 21.701(l) of the Commission rules.)

656–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Rockefeller Center, New York, N.Y., at latitude 40°45'32" N., longitude 73°58'45". Frequencies 10,775V, 11,015V, 11,175V, 10,935H, 11,095H, and 10,855 H MHz on azimuth 8°35' toward Englewood Cliffs, N.J.

657–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Englewood Cliffs, N.J., at latitude 40°52'14" N., longitude 73°57'25" W. Frequencies 11,385 and 11,625 on azimuth 188°36' toward New York, N.Y., and frequencies 6197.2, 6226.9, 6256.5, 6286.2, 6315.9, and 6375.2 on azimuth 45°10' toward High Ridge, Conn.

658–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at High Ridge, Conn., at latitude 41°09'56" N., longitude 73°33'48" W. Frequencies 5943.2 and 6004.5 on azimuth 225°26' toward Englewood Cliffs, N.J., and frequencies 5945.2, 5974.8, 6004.5, 6034.2, 6063.8, and 6123.1 on azimuth 54°36' toward Moose Hill, Conn.

659–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Moose Hill, Conn., at latitude 41°24'08" N., longitude 73°07'10" W. Frequencies 6197.2 and 6256.5 on azimuth 234°54' toward High Ridge, Conn., frequency 11,385 on azimuth 33°53' toward Prospect, Conn. (WATR), frequency 11,625 on azimuth 123°30' toward New Haven, Conn. (WHN), and frequencies 6197.2, 6256.5, 6226.9, 6286.2, 6315.9, and 6375.2 on azimuth 14°46' toward Johnnycake Mountain, Conn.

660–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Johnnycake Mountain, Conn., at latitude 41°45'21" N., longitude 72°59'42" W. Frequencies 5945.2 and 6004.5 on azimuth 194°51' toward Moose Hill, Conn., and frequencies 5945.2, 5974.8, 6004.5, 6034.2, 6063.8, and 6123.1 on azimuth 61°24' toward Bald Mountain, Conn.

661–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Bald Mountain, Conn., at latitude 41°59'30" N., longitude 72°24'41" W. For particulars of operation of the proposed station, please see Exhibit 2.

662–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Stickney Hill, Conn., at latitude 41°59'36" N., longitude 72°11'05" W. Frequencies 5945.2 and 6004.5 on azimuth 269°31' toward Bald Mountain, Conn., and frequencies 5945.2, 5974.8, 6004.5, 6034.2, 6063.8, and 6123.1 on azimuth 82°46' toward Kempton Road, Mass.

663–C1–P–72—Eastern Microwave, Inc. (New), C.P. for new station at Kempton Road, Mass., at latitude 42°02'53" N., longitude 71°35'25" W. Frequencies 6197.2 and 6256.5 on azimuth 173°15' toward Stickney Hill, Conn., frequencies 6226.9, 6286.2, 6345.5, and 6404.5 on azimuth 173°15' toward Pine Hill, R.I., frequencies 6197.2, 6256.5, 6226.9, 6286.2, 6315.9, and 6375.2 on azimuth 65°01' toward Blue Hills, Mass.

664–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Pine Hills, R.I., at latitude 41°49'12" N., longitude 71°33'15" W. Frequency 5974.8 on azimuth 353°16' toward Kempton Road, Mass., frequency 6004.5 on azimuth 104°46' toward Copicut Hill, Mass., frequency 11385 on azimuth 88°54' toward Providence, R.I. (WJAR–TV), frequency 11625 on azimuth 87°17' toward Providence, R.I. (WPRI–TV).

665–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Copicut Hill, Mass., at latitude 41°43'17" N., longitude 71°03'37" W. Frequency 6256.5 on azimuth 285°06' toward Pine Hill, R.I., frequency 11,305 on azimuth 132°07' toward New Bedford, Mass. (WTEV).

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—Continued

666–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Bungy Mountain, Mass., at latitude 42°13'34" N., longitude 72°48'31" W. Frequencies 5974.8 and 6034.2 on azimuth 128°16' toward Bald Mountain, Conn., frequencies 5945.2 and 6004.5 on azimuth 288°39' toward Becket Mountain, Mass.

667–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Becket Mountain, Mass., at latitude 42°18'37" N., longitude 73°08'48" W. Frequencies 6197.2 and 6256.5 on azimuth 108°25' toward Bungy Mountain, Mass., and frequencies 6286.2 and 6345.5 on azimuth 283°01' toward Mercer Mountain, N.Y.

668–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Mercer Mountain, N.Y., at latitude 42°21'55" N., longitude 73°28'12" W. Frequencies 6034.2 and 6093.5 on azimuth 102°48' toward Becket Mountain, Mass., frequencies 5974.8 and 6152.8 on azimuth 305°04' toward Helderberg Mountain, N.Y.

669–C1–P–72—Eastern Microwave, Inc. (KEM58), C.P. for additional facilities at Helderberg Mountain, N.Y., at latitude 42°38'12" N., longitude 73°59'45" W. Frequencies 6226.9 and 6404.8 on azimuth 124°43' toward Mercer Mountain, N.Y., and frequencies 11,385 on azimuth 84°16' toward Albany, N.Y.

670–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Albany, N.Y., at latitude 42°39'14" N., longitude 73°45'37" W. Frequency 10775 on azimuth 264°25' toward Helderberg Mountain, N.Y.

671–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Blue Hills, Mass., at latitude 42°12'43" N., longitude 71°06'52" W. Frequency 11,385 on azimuth 24°56' toward Boston, Mass. (WHDH–TV), frequency 11,625 on azimuth 24°21' toward Boston, Mass. (WKBG–TV), frequency 11,305 on azimuth 14°37' toward Boston, Mass. (WNAC–TV), frequency 11,545 on azimuth 354°28' toward Boston, Mass. (WBZ–TV), frequency 11,225 on azimuth 350°09' toward Boston, Mass. (WIHS–TV), frequency 11,465 on azimuth 357°07' toward Boston, Mass. (WGBH–TV), and frequencies 5945.2 and 6004.5 on azimuth 245°20' toward Kempton Road, Mass.

672–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Boston, Mass., at latitude 42°21'49" N., longitude 71°07'29" W. Frequency 10,855 on azimuth 177°07' toward Blue Hills, Mass.

(INFORMATIVE: Applicant proposes to provide television service in the New England area, primarily between New York City and Boston, Mass., with intermediate drop points in Albany, Springfield, Hartford, New Britain, New Bedford, and Providence.)

673–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 0.3 miles west-northwest of McNeill, Miss., at latitude 30°40'13" N., longitude 89°38'27" W. Frequency 11,245 MHz on azimuth 21°05' and frequencies 6286.2 and 6404.8 MHz on azimuth 89°50'.

674–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 4.7 miles east of Howison, Miss., at latitude 30°40'52" N., longitude 89°03'30" W. Frequencies 6034.2 and 6152.8 MHz on azimuth 86°20'.

675–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.8 miles southeast of Harleston, Miss., at latitude 30°42'06" N., longitude 88°31'29" W. Frequencies 6197.2 and 6315.9 MHz on azimuth 118°15'.

676–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 2.1 miles north-northwest of Poplarville, Miss., at latitude 30°52'09" N., longitude 89°32'58" W. Frequency 10,715 MHz on azimuth 32°25'.

677–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station at Lumberton, Miss., at latitude 31°02'23" N., longitude 89°25'23" W. Frequency 11,325 MHz on azimuth 24°55'.

678–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 5.6 miles south of Hattiesburg, Miss., at latitude 31°14'30" N., longitude 89°18'48" W. Frequency 11,115 MHz on azimuth 15°00'.

679–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 2 miles east-northeast of Eastabuchie, Miss., at latitude 31°26'59" N., longitude 89°14'56" W. Frequency 11,565 MHz on azimuth 28°18'.

680–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 3.2 miles south of Laurel, Miss., at latitude 31°37'52" N., longitude 89°07'47" W. Frequency 11,035 MHz on azimuth 26°00' and azimuth 344°45'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—Continued

681-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.7 miles northeast of Bonner, Miss., at latitude 31°49'37" N., longitude 89°01'28" W. Frequency 11,485 MHz on azimuth 13°25'.

682-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 5.2 miles east-southeast of Pachuta, Miss., at latitude 32°01'15" N., longitude 88°58'13" W. Frequency 10,795 MHz on azimuth 45°55'.

683-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 2 miles east of Enterprise, Miss., at latitude 32°10'23" N., longitude 88°47'26" W. Frequency 11,325 MHz on azimuth 28°30'.

684-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 5.7 miles south-southeast of Meridian, Miss., at latitude 32°19'40' N., longitude 88°41'28" W. Frequency 10,715 MHz on azimuth 342°55' and 55°10'.

685-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1 mile southeast of Center Hill, Miss., at latitude 32°31'03" N., longitude 88°45'07" W. Frequency 11,245 MHz on azimuth 339°05'.

686-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 2.8 miles west-northwest of Moscow, Miss., at latitude 32°43'14" N., longitude 88°50'41" W. Freqeuncy 10,755 MHz on azimuth 359°45'.

687-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.2 miles northwest of Preston, Miss., at latitude 32°53'29" N., longitude 88°50'49" W. Frequency 11,285 MHz on azimuth 353°43'.

688-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 4.6 miles east-southeast of Boon, Miss., at latitude 33°05'30" N., longitude 89°52'42" W. Frequency 10,795 MHz on azimuth 352°00'.

689-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1 mile west of Loakfoma, Miss., at latitude 33°15'06" N., longitude 88°54'26" W. Frequency 11,325 MHz on azimuth 29°50'.

690-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.2 miles east-southeast of Starkville, Miss., at latitude 33°26'58" N., longitude 88°46'23" W. Frequency 10,835 MHz on azimuth 28°45'.

691-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 0.5 mile northwest of West Point, Miss., at latitude 33°36'44.5" N., longitude 88°39'42.6" W. Frequency 11,365 MHz on azimuth 114°30'.

692-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station at 319 College Avenue, Columbus, MS, at latitude 33°30'48" N., longitude 88°23'34" W. Frequency 10,875 MHz on azimuth 118°05'.

693-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.5 miles west of Melrose, Ala., at latitude 33°23'55" N., longitude 88°08'47" W. Frequency 11,405 MHz on azimuth 114°53'.

694-C1-P-72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.5 miles west of Holman, Ala., at latitude 33°16'51" N., longitude 87°51'01" W. Frequency 10,915 MHz directed toward Tuscaloosa CATV Tower at latitude 33°11'52" N., longitude 87°29'05" W.

(INFORMATIVE: Applicant is proposing to deliver the signals of Stations WYES-TV and WWOM of New Orleans, La., to a CATV system in Mobile, Ala., and signal of WWOM to CATV systems in Meridian and Laurel, Miss. and Tuscaloosa, Ala. Waiver of 21.701(i) requested for use of 6 GHz frequencies.)

[FR Doc.71-12274 Filed 8-23-71;8:45 am]

FEDERAL RESERVE SYSTEM

[Regs. G, T, and U]

OTC MARGIN STOCK

Changes in List

The following changes have been made, effective August 16, 1971, in the List of OTC Margin Stocks, as of July 12, 1971, published in the FEDERAL REGISTER on July 17, 1971.

1. Addition: (Stock now subject to margin requirements): Reece Corp., The, $1 par common.

2. Deletions: (Stocks now registered on national securities exchanges.) Bio-Dynamics, Inc., no par common; Coldwell, Banker and Co., no par common; Equimark Corp., $5 par common, Gifford-Hill & Co., $2 par common; Hasbro Industries, $0.50 par common; James, Fred S. & Co., Inc., $0.50 par common; and Philadelphia Suburban Corp., $1 par common (stocks of company acquired by another firm); United Life & Accident Insurance Co., $1 par common.

3. Changes: Motor Club of America Companies, $0.50 par common now reads as Motor Club of America, $0.50 par common; New Jersey National Bank, $5 par common is changed to NJN Bancorporation, $5 par common; and Pittsburgh National Corp., $10 par common becomes Pittsburgh National Corp., $5 par common.

Board of Governors of the Federal Reserve System, by its Acting Director of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13)), August 16, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-12321 Filed 8-23-71;8:47 am]

ALAMEDA BANCORPORATION, INC.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of Alameda Bancorporation, Inc., Alameda, Calif., for approval of action to become a bank holding company through the acquisition of 98 percent or more of the voting shares of Alameda First National Bank, Alameda, Calif.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Alameda Bancorporation, Inc. (Applicant), Alameda, Calif., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 98 percent or more of the voting shares of Alameda First National Bank (Bank), Alameda, Calif. Applicant proposes to exchange its shares for all the assets and liabilities of Alameda First Corp. (Alameda First), Alameda, Calif., a bank holding company that owns 98.8 percent of the voting shares of Bank, to dissolve Alameda First, and to distribute said shares of Applicant to the shareholders of Alameda First.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller replied that he did not object to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 23, 1971 (36 F.R. 11959), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The proposal is a corporate reorganization that raises no issues under the Bank Holding Company Act. Accordingly, the application is approved on condition that the transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order.

By order of the Board of Governors,[1] August 17, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-12334 Filed 8-23-71;8:49 am]

ELLIS BANKING CORP.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of Ellis Banking Corp., Bradenton, Fla., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following Florida banks: Sarasota Bank & Trust Co., Sarasota; First National Bank of Bradenton;

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

First National Bank of New Port Richey; First National Bank in Tarpon Springs; Northeast National Bank of St. Petersburg; Ellis National Bank of Tampa; American Bank of Sarasota; Springs State Bank, Tarpon Springs; American Security Bank, New Port Richey; Commercial Bank of Dade City; Manasota Bank, Manatee County; Bank of Jay; Bank of Blountstown; Harbor State Bank, Safety Harbor; and Longboat Key Bank, Longboat Key.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Ellis Banking Corp., Bradenton, Fla., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following Florida banks: Sarasota Bank & Trust Co., Sarasota; First National Bank of Bradenton; First National Bank of New Port Richey; First National Bank in Tarpon Springs; Northeast National Bank of St. Petersburg; Ellis National Bank of Tampa; American Bank of Sarasota; Springs State Bank, Tarpon Springs; American Security Bank, New Port Richey; Commercial Bank of Dade City; Manasota Bank, Manatee County; Bank of Jay; Bank of Blountstown; Harbor State Bank, Safety Harbor; and Longboat Key Bank, Longboat Key.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and the Florida Commissioner of Banking, and requested their views and recommendations. Both the Comptroller and the Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 17, 1971 (36 F.R. 11680), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

By order of the Board of Governors,[2] August 17, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-12320 Filed 8-23-71;8:47 am]

UNITED BANK SHARES, INC.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of United Bank Shares, Inc., El Paso, Tex., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Southwest National Bank of El Paso, El Paso, Tex.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Bank Shares, Inc. (Applicant), El Paso, Tex., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Southwest National Bank of El Paso (Bank), El Paso, Tex.

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

Notice of receipt of the application was published in the FEDERAL REGISTER on July 1, 1971 (36 F.R. 12562), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

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

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank ($63.1 million deposits). (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through June 30, 1971.) Upon consummation of the proposal, Applicant will assume Bank's present position as the third largest banking organization in the El Paso market with 11.4 percent of commercial bank deposits in that market. As Applicant has no present operations or subsidiaries, consummation of this proposal would eliminate neither existing nor potential competition nor does it appear that there would be any adverse effects on any bank in the market area.

The financial and managerial resources and prospects of Bank are regarded as satisfactory and consistent with approval as would be those Applicant upon approval. Consummation of the proposal would have no immediate effect on the convenience and needs of the community involved, but should enable Applicant to respond to the increasing needs of the growing El Paso market by offering new and expanded services in banking and bank-related activities. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved; *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] August 17, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-12336 Filed 8-23-71;8:49 am]

UNITED JERSEY BANKS

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of United Jersey Banks, Hackensack, N.J., for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Princeton, Princeton, N.J.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Jersey Banks, Hackensack, N.J., for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Princeton, Princeton,

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

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

N.J. (First National). (First National is to be merged into a nonoperating bank that has significance only as a vehicle to accomplish acquisition of all the shares of First National; accordingly, acquisition of the shares of the successor bank is treated as an acquisition of shares of First National.)

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

Notice of receipt of the application was published in the FEDERAL REGISTER on July 1, 1971 (36 F.R. 12562), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

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

Applicant controls five banks with approximately $777 million in deposits, representing 5.2 percent of the commercial bank deposits in New Jersey. (Banking data are as of December 31, 1970, unless otherwise noted, and reflect holding company acquisitions approved through July 31, 1971.) Upon consummation of this proposal, applicant's share of statewide deposits would be increased to 5.7 percent, but its rank as the second largest banking organization in the State would remain unchanged.

First National ($79 million in deposits), on the basis of its control of about 8 percent of the deposits in the market (as of June 30, 1970), is the third largest of the 27 banking organizations in the Trenton banking market, consisting of Mercer County and surrounding towns in Pennsylvania and New Jersey. First National operates four offices in the county and has received approval to open a fifth in South Brunswick (Middlesex County). The two larger banking organizations control about 45 percent of market deposits.

There is no significant competition between First National and any of Applicant's present subsidiary banks. No banking office in Applicant's system is located nearer than 34 miles to an office of First National. In view of more attractive branching opportunities in or near its market, it is unlikely that First National would branch into the market areas of applicant's subsidiary banks. Only two of applicant's subsidiary banks are permitted under New Jersey law to branch into First National's area, and the likelihood of either doing so is remote. Each is a retail-oriented bank serving a limited local area, and there is little incentive to branch so far from its service area. The large number of participants in the Trenton banking market and the relatively low population per banking office ratio would seem to make it unattractive to applicant to establish a de novo bank there. Therefore, the Board concludes that consummation of the proposal would not have a significant adverse effect on competition in any relevant area.

The banking factors are generally satisfactory and are consistent with approval of the application. Applicant has recently placed a multimillion dollar note issue, and it is expected that part of the proceeds would be available to meet the capital needs of First National as they arise. Through affiliation with applicant, First National would be able to offer to residents of the area a complete line of banking services, including data processing and international banking services. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

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

By order of the Board of Governors,[1] August 17, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-12335 Filed 8-23-71;8:49 am]

WYOMING BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Wyoming Bancorporation, Cheyenne, Wyo., for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the First National Bank of Jackson Hole, Jackson, Wyo., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Banking Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 22.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Wyoming Bancorporation (Applicant), Cheyenne, Wyo., a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the First National Bank of Jackson Hole (Bank), Jackson, Wyo., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller responded that he recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 17, 1971 (36 F.R. 11681), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

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

Applicant has four subsidiary banks with aggregate deposits of about $42 million, representing 5.2 percent of commercial bank deposits in Wyoming. (Banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved by the Board through July 31, 1971.) Approval of the acquisition of Bank would not increase Applicant's deposits since Bank, as stated above, is a proposed new bank. There is presently only one bank located in Jackson, and the addition of Bank would increase competition in the area, which is separated by geographical barriers and by distance from other banking alternatives. Based on the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as consistent with approval. Considerations related to the convenience and needs of the community to be served lend weight in favor of approval since the establishment of Bank provides a banking alternative for customers in the Jackson area. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

Some citizens of Jackson have written the Board indicating their dissatisfaction that the Comptroller of the Currency awarded a national bank charter to Applicant rather than another competing group. However, the Board has no authority to make any redetermination of that decision. The Board has dealt with this application on the basis of the statutory factors. Included in its consideration was the fact that the Comptroller granted a charter to this Applicant after hearings were held on both applications for national banks in Jackson.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calen-

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

dar day following the date of this order or (b) later than 3 months after the date of this order, and provided further that (c) First National Bank of Jackson Hole shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors.[1] August 17, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-12337 Filed 8-23-71;8:49 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entry or Withdrawal From Warehouse for Consumption

AUGUST 18, 1971.

On July 29, 1971, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and extended through September 30, 1973, requested the Government of Haiti to enter into consultations concerning exports to the United States of cotton textile products in Category 53 produced or manufactured in Haiti. In that request the U.S. Government stated its view that exports in this category from Haiti should be restrained for the 12-month period beginning July 29, 1971, and extending through July 28, 1972.

Notice is hereby given that under the provisions of Articles 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textile products in Category 53 produced or manufactured in Haiti and exported from Haiti on and after the date of such note may be restrained.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-12305 Filed 8-23-71;8:48 am]

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

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 18, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 19, 1971, through August 28, 1971.

By the Commission.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12323 Filed 8-23-71;8:48 am]

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

AUGUST 17, 1971.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 17, 1971, 10:30 a.m. (e.d.t.) through August 26, 1971.

By the Commission.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12324 Filed 8-23-71;8:48 am]

[70-5065]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Shares of Cumulative Preferred Stock at Competitive Bidding

AUGUST 18, 1971.

Notice is hereby given that Metropolitan Edison Co. (Met-Ed) 2800 Pottsville Pike, Muhlenberg Township, Berks County, PA 19605, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 160,000 shares of its cumulative preferred stock, ------ percent Series, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of 1/20 of 1 percent) and the price to be paid to Met-Ed (which will be not less than $100 nor more than $102.75 per share) will be determined by competitive bidding. The terms of the preferred stock include a prohibition against refunding the preferred stock prior to October 1, 1976, directly or indirectly, with funds derived from the issue of debt securities at a lower effective interest cost or preferred stock at a lower effective dividend cost.

The proceeds from the proposed sale of the preferred stock will be used to pay a portion of Met-Ed's short-term bank borrowings, which were incurred for construction purposes and which are expected to aggregate approximately $49 million at the time of the proposed sale. Met-Ed's 1971 construction program is estimated at $107,800,000. Met-Ed plans to finance its 1971 construction program by the issuance and sale of additional funded debt securities, funds provided from operations and cash contributions by GPU, and/or additional short-term bank loans. The proceeds from any premium resulting from the sale of the preferred stock will be used to finance the business of Met-Ed, including the payment of expenses of its financing program.

It is further stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $79,000, including legal fees of $23,500 and accounting fees of $6,500. The fees and expenses of counsel for the underwriters to be paid by the successful bidders, will be supplied by amendment. The application further states that the issue and sale of the preferred

stock is subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 10, 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 and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12327 Filed 8-23-71;8:48 am]

[70-4910]

METROPOLITAN EDISON CO.

Notice of Second Posteffective Amendment Regarding Issue and Sale of Short-Term Notes to Banks

AUGUST 18, 1971.

Notice is hereby given that Metropolitan Edison Co. (Met-Ed), 2800 Pottsville Pike, Muhlenberg Township, Berks County, PA 19605, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed with this Commission a second posteffective amendment to its declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 (Act) regarding the following proposed transactions. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By orders dated September 16, 1970, and October 1, 1970 (Holding Company Act Releases Nos. 16829 and 16851), the Commission authorized Met-Ed to issue and sell its short-term promissory notes to a group of banks prior to December 31, 1971, in an aggregate amount of up to $44 million outstanding at any one time. In its second posteffective amendment, Met-Ed now seeks authority (a) to increase to $50 million the amount of short-term notes evidencing borrowings from banks that it be permitted to have outstanding at any one time, (b) to increase to 40 the number of banks from which it may effect borrowings and, in some instances, the maximum amount it may borrow from each of them, (c) to extend to December 31, 1972, the date up to which it may be permitted to issue such notes, and (d) requests that it be relieved of the undertakings in the declaration that the net proceeds of any permanent debt financing effected by it prior to the maturity of all notes issued by it pursuant to the declaration be applied in reduction of said notes and that the authority granted by the declaration be reduced by the net proceeds of any such permanent debt financing.

Each note issued will bear interest at the prime rate in effect for commercial borrowings at the lending banks as of the date of issue of such note, will mature not more than 9 months from the date of issue, and will be prepayable at any time without premium. Met-Ed generally will be required to maintain compensating balances of 10 percent of the line of credit or 20 percent of the loans outstanding, whichever is higher. Met-Ed computes its effective rate of interest at 7.5 percent per annum based on the current prime rate of 6 percent and assuming the full amount of the line of credit is borrowed. There are no commitment fees or closing costs required.

It is stated that the proceeds of the proposed borrowings will be used by Met-Ed for the purpose of financing its business as a public-utility company, including provisions for construction expenditures, the repayment of short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. At the time of filing the posteffective amendment, Met-Ed had outstanding $44 million of its notes to banks issued pursuant to the previous authorization in this proceeding. Met-Ed anticipates that its fees, commissions, and expenses, including legal fees, in connection with the posteffective amendment will approximate $4,000.

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

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

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12328 Filed 8-23-71;8:48 am]

[812-2981]

NORTHWESTERN MUTUAL LIFE INSURANCE CO. AND NML VARIABLE ANNUITY ACCOUNT B

Notice of Application for Exemption

AUGUST 18, 1971.

Notice is hereby given that the Northwestern Mutual Life Insurance Co. (Northwestern Mutual), 720 East Wisconsin Avenue, Milwaukee, WI 53202, a mutual life insurance company organized in 1857 by a special statute of the legislature of the State of Wisconsin, and NML Variable Annuity Account B (Account B), a unit investment trust registered under the Investment Company Act of 1940 (Act), hereinafter collectively called "Applicants," have filed an application pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Account B was established by NML in connection with the sale of certain "qualified" variable annuity Contracts (the "Contracts"). Since May 1, 1971, the contracts offered have been restricted to Contracts designed to provide retirement annuity benefits for employees of public educational institutions and of organizations exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, as tax deferred annuity contracts pursuant to the provisions of section 403(b) of the Code.

Under the Contracts a purchaser makes a number of payments until a maturity date selected by the purchaser. These payments (net of various deductions) are allocated to Account B, which invests in shares of NML Fund, Inc. (Fund), a Maryland corporation and an open-end, diversified management investment company registered under the Act. The value of a Contract before the maturity date will fluctuate with the fluctuations in value of the shares of the Fund. After the maturity date the Contracts provide lifetime annuity payments, either variable or fixed, or other settlement options.

Section 22(d) of the Act, in relevant part, provides that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. From each payment made under the Contracts NML makes a deduction of 50 cents per payment (but not in excess of 1 percent) plus the following graded percentage charge based on total payments received during each contract year (a 12-month period beginning with the contract date or anniversary thereof): 8 percent on the first $5,000; 4 percent on the next $20,000; 2 percent on the next $75,000; and 1 percent on amounts exceeding $100,000.

NML proposes to begin offering "immediate" variable annuity contracts (Immediate Contracts) which may be acquired by a single payment of $2,000 or more and under which annuity payments would begin immediately. NML intends to apply the graded charges described above to the single purchase payment under an Immediate Contract. However, NML proposes to charge a reduced deduction of 1 percent plus $50 in lieu of the graded deduction described above on amounts derived from the value of other tax-qualified insurance policies or fixed annuity contracts previously issued by NML and exchanged for an Immediate Contract, or on death benefits payable under such previously issued tax-qualified insurance policies or fixed annuity contracts which are settled under an Immediate Contract. Applicants state that the 1 percent charge is a sales charge and that the $50 charge is designed to cover the administrative costs involved in such transactions.

NML proposes to make no charge with respect to amounts which are transferred from a fixed form of settlement option under an Immediate Contract to a variable form of settlement option under the same Immediate Contract.

The Applicants state that the reduced deduction on amounts transferred from other NML insurance policies or fixed annuity contracts, and the absence of any deduction on amounts transferred from fixed to variable settlement options, appropriately recognizes that sales charges have previously been charged against the amounts already paid on such other policies or applied under such fixed settlement options. The Applicants further state that the purpose of the reduced sales charge, or no sales charge, in such situations is to avoid cumulative sales charges and is in the best interests of investors and the public as well as consistent with the purposes of section 22(d).

Applicants have consented that any order granting the requested exemptions from section 22(d) may be subject to the condition that any charges for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and the Commission shall reserve jurisdiction for such purposes.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 6, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12326 Filed 8-23-71;8:48 am]

[31-716]

WALT DISNEY PRODUCTIONS

Notice of Filing of Application for Order Exempting Applicant From All the Provisions of the Act

AUGUST 18, 1971

Notice is hereby given that Walt Disney Productions (Applicant), 500 South Buena Vista Street, Burbank, CA 91505, a California corporation, has filed an application with this Commission pursuant to section 3(a)(3) of the Public Utility Holding Company Act of 1935 (Act), requesting an exemption from all provisions of the Act. All interested persons are referred to the application, which is summarized below, for a complete statement of the facts.

Walt Disney World, a large entertainment and recreation complex near Orlando, Fla. (Theme Park), is presently being developed by wholly owned subsidiary companies of Applicant. Applicant proposes to organize a utility company in Florida for the sole purpose of providing electric energy, natural gas and other utilities to the Walt Disney World project. The proposed utility company will be 100-percent owned by the Applicant, and none of its securities will be issued or offered for sale to the public.

It is represented that Applicant is directly engaged in the production of theatrical motion pictures and television films, the operation of Disneyland in Anaheim, Calif., and various related business activities. As of the end of fiscal year 1970, the consolidated assets of the Applicant and its domestic subsidiary companies were $267,626,000, including approximately $105 million invested in the Florida project. Consolidated gross revenues of the Applicant and its domestic subsidiaries for fiscal year 1970 were $167,103,000, and consolidated net income was $21,759,000.

It is estimated that the electric energy requirements of the project for the initial 9-month period of operation, October 1971 through June 1972, will be about 95 million kw.-hr. (including 12 million kw.-hr. to be utilized in operation of the central energy plant), and it is expected to be substantially higher thereafter. Most of the rides and attractions will be operated by electric power. In addition, electric energy will be used in the general operation of the Theme Park and for general lighting, and the operation of computer equipment.

It is represented that while it is planned to purchase between 60 and 70 percent of the project's power requirements from the Florida Power Corp. (a nonaffiliated public utility serving Central Florida), the proposed electrical energy generating facilities, two 5,500 kw. gas turbine generators, are indispensable to the safe and uninterrupted operation of the project, particularly the Theme Park rides and attractions. The proposed utility subsidiary company will generate

the power needed to operate certain rides and attractions for which an uninterrupted flow of power is critical, and will provide a continuous power source (spinning reserve) for all critical facilities. In the event of curtailment or interruption of electricity supplied by Florida Power Corp., the utility subsidiary company will provide power in order to keep essential facilities operating.

It is further represented that the proposed utility subsidiary company's electric system will result in substantial economies and cost savings due to the fact that "waste" heat produced in the operation of the gas turbines for the generation of electric power will be used to produce high temperature hot water and (by means of absorption chillers) chilled water. Hot water (for heating and cooking) and chilled water (for air conditioning) will be sold by the utility subsidiary for use at Walt Disney World. It is estimated that this utilization of "waste" heat may result in a net saving to the project of as much as one-half the cost of purchasing equivalent amounts of electric energy from Florida Power Corp.

Due to the frequent occurrence of intense electrical storms in Central Florida, such power is periodically subject to interruptions of varying durations and has a relatively high rate of outage, and even a temporary curtailment of electrical power would have severe adverse effects. Through the use of underground utility lines and cables, the power generating facilities of the proposed utility subsidiary company are designed to avoid power interruptions caused by electrical storms.

The Theme Park and its related enterprises will also make extensive use of natural gas. Many of the automobiles and boats in the Theme Park and recreational areas will operate on compressed natural gas to be furnished by the proposed utility company, and gas lights will be used in many areas of the park. Gas will be used for lighting effects as an integral part of several attractions and at one of the two large resort hotels to be operated by Walt Disney World Hotel Co., a wholly owned subsidiary of Applicant. Gas will also be used extensively in the many restaurants and snack bars to be located in the Theme Park and in the resort hotels.

Applicant's utility subsidiary company proposes to purchase from the Florida Gas Transmission Co., a nonaffiliated public utility, at wholesale rates the natural gas required to operate its own generators and for resale to its customers. The capital cost of facilities for generating and distributing electric energy are estimated to be $6,655,000, and for distributing natural gas, $333,000. Applicant expects to finance these costs through capital contributions and loans to the utility subsidiary company.

Approximately 83 percent of the subsidiary company's sales of electric energy will be intracompany sales to Walt Disney World Co., a wholly owned subsidiary company of Applicant, for the operation of the Theme Park and its related facilities, and to Walt Disney World Hotel Co., for the operation of the two large resort hotels adjacent to the Theme Park. About 17 percent of the electric energy and 24 percent of the natural gas will be sold to consumers in the residential and light commercial area, which will include principally (i) the owners and operators of nearby motor inns; (ii) the owners and operators of light commercial facilities; and (iii) individual residents.

Applicant states that the proposed utilities are functionally related to Applicant's Florida project and that the sole object of the proposed utility company is to provide electric power and natural gas needed for the Florida project, and that it will continue to be primarily engaged in the entertainment business. The Florida Public Service Commission will have jurisdiction over the utility subsidiary company with respect to the rates, service and similar matters affecting its nonaffiliated consumers. It is further stated that Applicant's proposed investment in gas and electric utilities will represent less than 3 percent of its capital investment in the Florida project as of October 1, 1971, and that anticipated gross receipts from electric and gas utility sales for the second year of operations would represent only about 1½ percent of its 1970 consolidated gross revenues and only three-tenths of 1 percent of 1970 consolidated gross revenues after the elimination of intracompany utility sales.

Notice is further given that any interested person may, not later than September 14, 1971, request in writing that a hearing be held in respect of the request for exemption, stating the nature of his interest and the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date the Commission may grant the exemption requested, or take such other action as it deems appropriate.

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

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12325 Filed 8-23-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 5(, Rev. 3), Amdt. 5]

ASSOCIATE ADMINISTRATOR FOR OPERATIONS AND INVESTMENT

Delegation of Administrative Activities for Purpose of Disaster Operations

Delegation of Authority No. 50, Revision 3 (25 F.R. 7418), as amended (26 F.R. 4440, 27 F.R. 1303, 31 F.R. 13563, and 36 F.R. 12258) is hereby further amended by adding subsections I G to read as follows:

I. * * *

G. For purpose of Hurricane Celia Disaster (Disaster No. 783)

1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the heads of executive agencies.

* * * * *

Effective date: July 1, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-12299 Filed 8-23-71;8:47 am]

FIRST GENERAL CAPITAL, INC.

Notice of License Surrender

Notice is hereby given that First General Capital, Inc., 165 Prospect Street, Passaic, NJ 07055, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Regulations governing small business investment companies (13 CFR 107.105 (1971)).

First General Capital, Inc., was licensed as a small business investment company on April 29, 1963, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the regulations promulgated thereunder.

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

Dated: August 12, 1971.

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

[FR Doc.71-12301 Filed 8-23-71;8:48 am]

[License 05/07-5087]

INDIANAPOLIS BUSINESS INVESTMENT CORP.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Indianapolis Business Investment Corp. (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1971)).

The officers and directors of the applicant are as follows:

Aubrey F. Lowe, 1620 West 63d Street, Indianapolis, IN., President and Director.
Robert C. Morris, 1120 West 77th Street, North Drive, Indianapolis, IN 46260, Treasurer and Director.
H. Kent Howard, 5029 Adams Boulevard, North Drive, Indianapolis, IN., Secretary and Director.

The applicant, an Indiana corporation with its principal place of business located at 1241 North Pennsylvania Street, Indianapolis, IN 46202, will begin operations with $200,000 of paid-in capital, consisting of 1,000 shares of common stock. All of the issued and outstanding stock will be owned by Model Neighborhood Economic Development Corp., with a place of business located at 1241 North Pennsylvania Street, Indianapolis, IN 46202, and engaged in implementing the Indianapolis Model Cities Program under a grant received by the city of Indianapolis, Ind., pursuant to title I of the Demonstration Cities and Metropolitan Development Act of 1966.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Indianapolis, Ind.

Dated: August 16, 1971.

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

[FR Doc.71-12302 Filed 8-23-71;8:48 am]

TARIFF COMMISSION

[TEA-F-29, TEA-W-103]

WHITTIER MILLS CO.

Firm and Worker Petitions for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigations and Hearing

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, by Whittier Mills Co., 2975 Wales Avenue NW., Atlanta, Ga, and by the workers of such firm, the U.S. Tariff Commission, on August 17, 1971, instituted investigations under sections 301(c)(1) and 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 cotton osnaburgs and sheetings of the type produced by Whittier Mills Co. at Atlanta, Ga., are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm or to cause or threaten to cause the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

A public hearing in connection with the investigation requested by the firm will be held beginning at 10 a.m., e.d.s.t., on September 27, 1971, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

The petitions filed in these cases are 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 19, 1971.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-12341 Filed 8-23-71;8:49 am]

[TEA-I-21]

TELEVISION RECEIVERS

Postponement of Hearing

Notice is hereby given that the hearing in Investigation No. TEA-I-21, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on August 24, 1971, has been postponed to 10 a.m., e.d.s.t., on October 6, 1971.

The hearing is being held in connection with a Commission investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether, as a result in major part of concessions granted under trade agreements, television receivers and parts thereof provided for in item 685.20 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing articles which are like or directly competitive with the imported articles. Notice of the investigation was published in the FEDERAL REGISTER of June 12, 1971 (36 F.R. 11491-11492).

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.71-12409 Filed 8-23-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION

The following revised current description of the central and field organization of the Interstate Commerce Commission is supplemental to the "Organization Minutes of the Interstate Commerce Commission Relating to the Organization of Divisions and Boards and Assignment of Work" 26 F.R. 4773, 5167, 8434, 10991, and 12789; 27 F.R. 1234, 1747, 2500, 3830, and 9997; 28 F.R. 198, 896, 8013, and 8185; 29 F.R. 3027, 4935, 11401, 12503, 14517, 16846, and 18403; 30 F.R. 5723, 8246, 10069, and 11013; 32 F.R. 8690 and 10955; and 33 F.R. 5780 and is published pursuant to the provisions of section 3(a) of the Administrative Procedure Act (60 Stat. 237). For last prior statement as amended see 35 F.R. 4353.

1. *The Commission.* The Interstate Commerce Commission is a Federal independent regulatory agency existing under the Interstate Commerce Act.

(a) *Offices.* The central and principal office of the Commission is located at 12th Street and Constitution Avenue NW., Washington, DC 20423. In the field, there are six regional offices and 74 area offices, located in the more important transportation centers throughout the United States. A list of these offices is included in an appendix attached hereto.

(b) *Hours.* Office hours in Washington, D.C., are from 8:30 a.m. to 5 p.m. Office hours of field offices are also from 8:30 a.m. to 5 p.m., local time, except where local conditions require otherwise.

(c) *Sessions.* General sessions of the Commission are held at Washington, D.C., but special sessions may be held at any place in the United States. Hearings or investigations may be conducted by one or more Commissioners, by one or more hearing examiners, by boards authorized by sections 17 and 205 of the Interstate Commerce Act, or by other authorized personnel, at any place in the United States or its territories. (Sections 17, 19, and 205)

(d) *Definitions*—(1) *Acts.* The words "Act" or "the Act" used in this part shall be construed to mean the Interstate Commerce Act and other acts administered by the Commission, unless the context indicates that a different meaning is intended.

(2) *Commission.* Where reference is made to the exercise of any authority or the determination of any matter by the "Commission," the term shall be construed to mean the entire Commission, a division thereof, an individual Commissioner, a board of employees, a joint board, or an examiner to whom, according to the assignment of duties, that authority or the determination of such matters has been assigned, unless the context indicates that a different meaning was intended.

(3) *Carrier.* Where reference is made to a carrier, in this part, the term will include railroads, express companies and sleeping car companies, common and

contract motor carriers and brokers of motor transportation, pipelines (other than those for water or gas), freight forwarders and certain domestic water carriers.

2. *Availability of Information*—(a) *Releases by the Commission.* Releases to the public are issued through the Office of the Secretary.

(b) *Requests for Information.* Requests for information or advice concerning any matter within the jurisdiction of the Commission may be addressed to the Secretary, the Director of the bureau or office which handles the particular subject matter, the field offices of various bureaus, to the extent stated in the description of bureau organization, or to the Public Information Office.

(c) *Reports and orders.* The reports and orders of the Commission are initially prepared for service upon the parties to the proceedings in duplicated form. Copies of all such reports and orders are made available for public inspection at the time of issuance through the Secretary's Office and, to the extent that copies are available, are furnished to interested persons without charge.

The more important reports of the Commission are printed and sold in advance sheet form and in bound volumes by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Reports concerning other than motor carrier application matters are published in volumes entitled "Interstate Commerce Commission Reports," commonly cited "_____ I.C.C. _____." Reports concerning motor carrier application matters are published in a separate series of reports entitled "Interstate Commerce Commission Reports, Motor Carrier Cases", commonly cited "_____ M.C.C. _____." The first 21 volumes of reports relating to valuation matters are included in the "ICC" series of reports, but beginning with Volume 22 and ending with Volume 57, these reports are published in a separate series entitled "Interstate Commerce Commission Valuation Reports", commonly cited "_____ Val Rep _____." Beginning with the initial (basic) pipeline reports for the year 1963, such valuation reports appear in the "Interstate Commerce Commission Reports."

Copies of reports and orders, including those printed as described above, may be examined at the Washington office of the Commission.

(d) *Inspection of Records.* The following specific files and records in the custody of the Secretary are available to the public (sections 16, 204, 316, and 417 of the Act) and may be inspected at the Commission's office in Washington upon reasonable request:

(1) Copies of tariffs, rate schedules, section 22 quotations or tenders, classifications, powers of attorney, concurrences and contracts filed with the Commission pursuant to sections 6, 22, 217, 218, 306, 405, and 409 of the Act.

(2) Annual and other periodic reports filed with the Commission pursuant to sections 20, 220, 313, and 412 of the Act.

(3) Annual reports, maps, profiles, and other data filed with the Commission pursuant to section 19a.

(4) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and orders of the Commission in any proceedings.

(5) Files of instruments or documents recorded pursuant to section 20c and index thereto.

(6) Other files and records, depending on their nature, may be available for public inspection where the disclosure would be consistent with the public interest and duties of the Commission. Request to inspect such records, when such request is not made during a formal proceeding, shall be addressed to the Secretary. If the Secretary rules that such records cannot be made available because they are exempt under the provisions of Public Law 90-23 (sec. 1, 81 Stat. 54; 5 U.S.C. sec. 552), appeal from such ruling may be addressed to the Chairman whose decision shall be administratively final. (49 CFR 1001.4)

(7) Requests to inspect public records should be made at the Secretary's Office or at one of the public reference rooms in the Commission's Washington Office. Copies of certain rate schedules, tariffs, reports and operating authorities filed by and applicable to motor carriers are available for inspection at field offices where personnel of the Bureau of Operations are located.

(8) Copies of and extracts from public records will be certified by the Secretary under the seal of the Commission. Persons requesting the Commission to prepare such copies should clearly state the material to be copied, and whether it shall be certified. A charge will be made for certification and for the preparation of copies.

3. *Bureau and Office Organization*—(a) *Central Organization.* The Commission's staff is organized into five bureaus and five offices, the duties of which will be hereafter described. Boards of employees provided for by section 17 are shown as units within the bureaus and offices of which they form a part. The portions of the work, business, and functions of the Commission which have been assigned to the boards are described in the organization minutes and will not be repeated in this publication. Immediately following the name of each board is a reference, in parentheses, to the pertinent item number of the organization minutes. Each bureau and office reports as provided in item 9.1 of the organization minutes.

(b) *Field Organization.* Each region is headed by a regional manager who is responsible for the management of all ICC activities within the region. Regions are staffed with employees who perform certain investigative and other duties specifically outlined as part of the function and description of the individual bureaus to which they are attached. In each of the 74 area offices a member of the technical staff has been designated to serve as the officer-in-charge. Such officer represents the Commission at the local level and provides information and assistance to the public as may be appropriate and within the scope of his authority.

(c) *Office of the Managing Director.* The Managing Director is responsible for the day-to-day administration of the Commission and the management of Commission operations.

(1) *Budget and Fiscal Office.* Responsible for the preparation and execution of the Commission's budget; assessment of manpower utilization and requirements and the analysis of related work processes; fiscal accounting, auditing, payroll, and leave administration; and program evaluation and internal fiscal audit.

(2) *Personnel Office.* Responsible for planning, organizing, accomplishing, and evaluating the overall personnel management program in Washington and in the field, including (a) personnel policy and procedures; (b) position management; (c) personnel program development; (d) personnel staffing; (e) employee relations and services; (f) personnel organization structure and functional relationships; (g) employee-management cooperation; (h) employee development and training; (i) personnel security; (j) occupational health program; and (k) maintenance of personnel records and information.

(3) *Section of Administrative Services.* Responsible for all contracting, property, supply, maintenance, physical security, space and facilities functions within the Commission; receiving, processing and maintaining records of reports and claims arising from motor vehicle or other accidents involving Commission employees; planning and conducting an employee safety education program; providing central graphics and copy preparation services for the Commission; preparation of administrative and other issuances; operation of the Commission's authorized printing plant; publications supply and distribution; maintaining a special library of transportation materials; processing all incoming and outgoing mail and providing messenger service; processing applications and other filings for which fees and charges are made; and making personal service of official notices, orders, reports, or other processes upon designated agents of parties in Washington.

(4) *Section of Systems Development.* Responsible for conducting studies to determine the feasibility of applying automatic and other data processing methods to Commission operations and work processes. Develops and implements complete systems for those areas determined to be susceptible to such methods and performs automatic data processing operations for bureaus and offices of the Commission. Designs, develops and implements work measurement and work reporting systems. Responsible for paperwork management activities including review of forms and procedures and the design of efficient paperwork and records practices and systems. Provides management analysis and operations research support to Commission activities. Utilizing electronic data processes, operates

automated control system which reflects the status of proceedings cases and specifically identifies those cases and steps in which processing should be reviewed for expediting action.

(d) *Office of the Secretary and Congressional Relations.* The Secretary is the official through whom the Commission, its divisions, individual Commissioners, boards of employees, joint boards, and examiners issue their orders and decisions; he is custodian of the seal and records of the Commission and is responsible for the proper documentation of Commission decisions, procedures, and other transactions; pursuant to the rules of practice, he is responsible for processing the official documents pending before the Commission and for service on parties to formal proceedings. The Secretary's Office is the medium through which decisions, orders, statements, releases, and other information, including individual votes contained in the Commission's minutes, are made available to the public. The Secretary serves as Congressional Liaison Officer for the Commission, providing for communication between the Commission and the Congress on various matters. In this capacity he serves as the central point of contact, and is responsible for and supervises liaison of matters involving the agency, its functions, jurisdiction, rules and regulations, and other matters, and for maintaining cooperative relations with the Congress. Coordinates plans for the appearance of the Chairman or his designees before the Congressional Committees and accompanies the Commission's witnesses and assists them when necessary as to the presentation of their testimony. Advises Commission witnesses in advance respecting the extent to which a particular subject will probably be covered and the nature of the questions likely to be asked. Attends Congressional committee hearings as an observer for the Commission on various matters of interest to the Commission.

(1) *Section of Dockets and Service.* Responsible for searching the official docket files and preparing the service lists of the parties upon whom all official notices, orders, reports, decisions, and other processes are served. Maintains docket files covering all formal proceedings of the Commission; files all applications, correspondence, pleadings, exceptions, petitions, etc., which make up the dockets; maintains a control card record system of the location of all official dockets; and mails dockets to the field offices for use at hearings.

(e) *Office of the General Counsel.* This office, under the direction of the General Counsel, furnishes general legal advisory service to the Commission in all matters involving its functions and activities under the Act and other statutes administered by it and concerning other laws or statutes applicable to or affecting the Commission; defends, on behalf of the Commission, all court actions instituted to suspend, enjoin, annul or set aside orders of the Commission, and participates in the appeals therefrom; and assists in formulating all legislative matters pertaining to the Commission. This office does not participate as public counsel in Commission proceedings nor does it act as investigator or prosecutor in proceedings to enforce the requirements of the Act or to exact penalties for violations.

(1) *Section of Research and Opinions.* Furnishes general legal advisory service to the Commission in all matters involving its functions and activities under the Act and other statutes administered by it and concerning other laws or statutes applicable to or affecting the Commission.

(2) *Section of Litigation.* Defends, on behalf of the Commission, all court actions instituted to suspend, enjoin, annul or set aside orders of the Commission, and participates in the appeals therefrom.

(3) *Section of Legislation.* Assists in the formulation of the Commission's position on legislative proposals by advising the Commission of the substance and status of pending bills, preparing statements of the Commission's views thereon and the testimony of the Chairman, and recommending legislative proposals to be submitted by the Commission.

(f) *Office of Hearings.* This office performs duties in connection with the quasi-judicial administrative proceedings which come before the Commission pursuant to the various provisions of the Interstate Commerce Act and other related Acts. Such proceedings generally involve rail carriers, motor carriers, water carriers, freight forwarders, brokers, and pipelines subject to the Commission's jurisdiction and relate to: authority to construct, acquire, or abandon lines of a railroad or the operation thereof; proposed discontinuance or changes in the operation by railroads of trains or ferries; contracts and agreements for the pooling or division of traffic and earnings; authority to consolidate, merge, transfer ownership, or acquire control of carriers; authority for a railroad to acquire trackage rights over, or joint ownership or use of, railroad lines and terminals and the use by one railroad of terminal facilities of another; authority to issue securities or to assume obligations and liabilities with respect to securities of others; authority to alter or modify outstanding securities and obligations; transfers of brokers' licenses and of certificates and permits of motor carriers and water carriers, and permits of freight forwarders; under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings; applications for certificates, permits and licenses to perform services as motor common and contract carriers, brokers of motor carrier transportation, water carriers, and freight forwarders; requests for exemptions under the various sections of the Act relative to operating authority matters; the suspension, change, or revocation of certificates, permits, and licenses; applications for Certificates of Registration under section 206(a) (6) and (7) of the Act; proceedings relative to rates, fares, charges, and practices; applications for relief from antitrust laws relative to collective ratemaking agreements; proceedings arising under a number of miscellaneous provisions of the Act and other acts such as the Railway Mail Service Pay Act, Railroad Retirement Act, etc., which require Commission findings and determinations; investigations looking to the prescription of rules and regulations governing operations of carriers; and formal complaints and investigations and concerning failure to comply with the Act or any requirements established thereunder. The Office schedules hearings in all proceedings processed by the office which require an oral hearing; handles proceedings under certain special procedures and modified procedures; handles procedural questions arising in connection therewith at all processing steps and up to and including service of a report and recommended order; conducts hearings; prepares initial reports; and releases for service all initial reports and recommended orders. The Chief Hearing Examiner's Office is responsible for overall effective management of the Office of Hearings including direction of case assignment and control; maintaining case processing and other statistical records; providing case status information; performing special studies and projects; maintaining a system of production control; handling Joint Board appointments and performing necessary administrative functions for the office.

(g) *Office of Proceedings.* This office is responsible for the processing of all formal and certain informal proceedings arising or initiated under the provisions of the Interstate Commerce Act dealing with the activities of rail, motor, and water carriers, brokers and freight forwarders. Operations are conducted by and through the several sections and employee boards which are charged with the efficient, effective and expedient direction of all proceedings received. The Director's Office has primary responsibility for the overall effective management of the Office of Proceedings including the direction of the sections and employee boards. The office advises and counsels the Commission on proceedings matters coming before it; has responsibility for examining applications for operating rights and preparation of certificates, permits and licenses specifying permanent grants of authorities approved by the Commission; and is responsible for reissuing, vacating or amending such authorities after action by the Commission. The Director's office is responsible for overseeing the budgetary, personnel and administrative management requirements and activities of the entire office.

(1) *Section of Administrative Support.* Maintains case index and status records on formal proceedings and provides a central source for case information; annotates legal precedents for publication and maintains index-digests for case research and plans and supervises all clerical administrative functions in support of the Office of Proceedings. Duties include (1) the filing, indexing, and docketing of formal proceedings cases; (2) the issue of notice by publication in the FEDERAL REGISTER or other publication as required to assure due process; (3) the examination of pleadings for acceptability for filing; (4) periodic assessment of the status of the proceedings docket and the workload of the office; (5) administrative support activities involved in the issue (preparation and typing), recording, controlling, and reporting on moving or delaying actions affecting the status of proceedings cases; (6) the preparation of certificates, permits and licenses specifying permanent grants of authorities approved by the Commission and related orders reissuing, vacating or amending such authorities after action by the Commission; (7) the compilation and maintenance and publication of index-digests and tables in the Commission's bound volumes of decisions, and the annotation of legal precedents for publication in the Interstate Commerce Acts Annotated and in advance bulletins thereto (these are for use of Commission personnel, other Government agencies, practitioners and the public); and (8) prepares and maintains records indicating the filing dates of applications for motor-carrier authority, the grant or denial of operating authority, to whom issued or transferred, applicants, addresses, types of operation, and revocation notices.

(2) *Section of Finance.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the Act, relative to: authority to construct, acquire, or abandon lines of a railroad or the operation thereof; proposed discontinuances or changes in the operation by railroads of commuter and other short-haul service in metropolitan and suburban areas; approval for motor carriers, water carriers, and railroads to enter into contracts and agreements for the pooling or division of traffic and earnings; authority to consolidate, merge, transfer ownership, or acquire control of carriers and, when directly related to such authority, the granting of certificates or permits to motor carriers in connection therewith; authority for a railroad to acquire trackage rights over, or joint ownership or use of railroad lines and terminals; ordering the use by one railroad of terminal facilities of another; authority to issue securities or to assume obligation and liability with respect to securities of others; authority to sell securities without competitive bidding; authority to alter or modify outstanding securities and obligations; transfers of brokers' licenses and of certificates and permits of motor carriers, water carriers, and permits of freight forwarders; authority to hold position of officer or director of more than one railroad; the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property; formal investigations concerning possible violations of the Act relating to the foregoing subjects; and, under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings.

After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral argument, if any, attorneys assigned to this section: (a) Under the direction and supervision of the Commissioner to whom the case is assigned, prepare draft final reports and orders; and (b) in cases which have not been assigned to individual Commissioners independently prepare draft reports and orders for circulation to employee boards for consideration and adoption. Attorneys assigned to this section also independently prepare and review memoranda recommending the action the Commission, a Division, or an individual Commissioner should take on petitions for rehearing, reargument, or reconsideration, and petitions for other relief. Attorneys are assigned to branches for the purpose of direction, guidance, and training.

(3) *Section of Operating Rights.* Performs duties in connection with the Commission's proceedings involving motor common and contract carriers, brokers of motor carrier transportation, water carriers, and freight forwarders, under the various sections of the Act, relative to operating authority matters, provisions, and exemptions, including investigations looking to the prescription of rules and regulations governing operations of such carriers; formal complaints and investigations concerning failure of carriers to comply with the Act or any requirements established thereunder with respect to operating practices under the jurisdiction of Division 1; the suspension, change, or revocation of certificates, permits, and licenses; extensions of dates for filing pleadings; processing of applications for Certificates of Registration and Certificates to Transport Mail; and the handling of requests for authority under the Superhighway and Deviation Rules.

After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral argument, if any, attorneys assigned to this section: (a) Under the direction and supervision of the Commissioner to whom the case is assigned, prepare draft final reports and orders; and (b) in cases which have not been assigned to individual Commissioners independently prepare draft reports and orders for circulation to employee boards for consideration and adoption. Attorneys assigned to this section also independently prepare and review memoranda recommending the action the Commission, a Division, or an individual Commissioner should take on petitions for rehearing, reargument, or reconsideration, and petitions for other relief. Attorneys are assigned to branches for the purpose of direction, guidance, and training.

(4) *Section of Rates.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the Act, relative to rates, fares, charges, practices and service, and relief from anti-trust laws relative to collective ratemaking agreements; and conducts proceedings arising under a number of miscellaneous provisions of the Act and other related statutes.

After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral argument, if any, attorneys assigned to this section: (a) Under the direction and supervision of the Commissioner to whom the case is assigned, prepare draft final reports and orders; and (b) in cases which have not been assigned to individual Commissioners independently prepare draft reports and orders for circulation to employee boards for consideration and adoption. Attorneys assigned to this section also independently prepare and review memoranda recommending the action the Commission, a Division, or an indvidual Commissioner should take on petitions for rehearing, reargument, or reconsideration, and petitions for other relief. Attorneys are assigned to branches for the purpose of direction, guidance, and training.

(5) *Review Boards Nos. 1, 2, 3, 4, and 5.* See Item 7.12 of the organization minutes, as amended, for functions and duties.

(6) *Operating Rights Board.* See Item 7.11 of the organization minutes, as amended, for functions and duties.

(7) *Finance Board.* See Item 7.6 of the organization minutes, as amended, for functions and duties.

(8) *Motor Carrier Board.* See Item 7.4 of the organization minutes, as amended, for functions and duties.

(h) *Bureau of Accounts.* Performs the accounting, cost finding, valuation and reporting functions necessary in the regulatory work of the Commission to bring about accurate, uniform and comprehensive disclosure of financial data by carriers in the public interest. This includes the development of uniform systems of accounts, valuation regulations, regulations governing the destruction of carrier records, statistical and accounting reporting requirements of annual and periodic reports, and other related regulations for all transportation companies

subject to the Act; examining the accounts, records, reports, and financial statements filed by such companies to ascertain compliance with Commission accounting and related regulations; compilation and publication of transportation statistics; development of equitable and reasonable depreciation rates for carrier property; preparing studies and analyses of the costs and revenues of transportation service of carriers subject to the Act; maintaining inventories of railroad and pipeline properties, and developing property valuation data; preparing accounting, cost and valuation data for use in proceedings before the Commission; analyzing cost evidence presented by other parties in rate proceedings; rendering assistance in accounting matters in finance proceedings; preparation of financial analyses in connection with Commission's proceedings involving authority to construct, acquire, or abandon lines of railroads; approval for regulated industry to enter into contracts for the pooling or division of traffic in earnings, to consolidate, merge, transfer ownership or acquire control of carriers; and responsible for the administration of the loan guaranty program provided for by the Transportation Act of 1958.

(1) *Section of Accounting.* Prepares uniform systems of accounts and general accounting rules applicable to carriers in the several modes of transportation subject to Commission regulation; prepares modifications and revisions of such systems and rules; furnishes interpretations of accounting and related rules as required; renders assistance in proceedings before the Commission, the courts and congressional committees involving the application of accounting rules and principles; prepares regulations governing forms, recording of passes for free transportation, and the destruction of carrier records; and prepares correspondence relating thereto.

(2) *Section of Audit.* Examines accounts and records of carriers to ascertain compliance with accounting, valuation and related regulations prescribed by the Commission; reviews and evaluates all reports and related working papers pertaining to general accounting and valuation examinations; performs accounting review of annual reports for adequacy and compliance with accounting provisions, rules and regulations; and provides expert testimony in courts of law and proceedings before the Commission with respect to matters developed in field examinations and investigations.

(3) *Section of Cost Finding.* Prepares cost formulas and studies to reflect the cost of transportation by railroads, motor carriers, and inland, coastal and intercoastal water carriers; furnishes cost data for use in considering rate proposals; analyzes cost evidence submitted by carriers in petitions for vacation of suspension orders and in rate proceedings, and evaluates the adequacy of the studies in relation to the issues; and prepares cost exhibits and supplies witnesses in a variety of cases when directed by the Commission.

(4) *Section of Financial Analysis.* Prepares accounting and financial analyses for use by Commissioners and their immediate staffs, members of employee boards, hearing examiners, attorney advisors, adjudicators and other officials of the Commission in connection with pending applications involving railroads, motor carriers and other carriers subject to the Commission's jurisdiction for authority to purchase, lease, merge, consolidate or acquire stock control; to issue securities or assume obligations and liability in respect thereof; for modification of capital structures; for reorganizations; for abandonment of a line of railroad; for discontinuance of a passenger train; reviews accounting exhibits submitted by carriers pursuant to Commission orders in finance proceedings; and administers the Commission's Part V loan program.

(5) *Section of Reports.* Prepares the annual and periodic ICC statistical and accounting reporting publications; sets forth policies and practices to be followed by carriers in filing the annual and periodic reports; examines and verifies carrier reports to determine accuracy, completeness and compliance with reporting requirements; and conducts correspondence with carriers regarding same.

(6) *Section of Valuation and Depreciation.* Performs work necessary to ascertain the value of railroad and pipeline properties and to determine equitable and reasonable depreciation rates for carrier property as required by the Interstate Commerce Act. This includes maintaining current inventories of carrier property; ascertaining the original and current reproduction cost of carrier property; ascertaining the present value of land; and the development of other pertinent information for finding final property values.

(7) *Field Staff.* Examines accounts and records of carriers to ascertain compliance with accounting, valuation and related regulations prescribed by the Commission. Ascertains that the payments made by railroads or express companies are just and reasonable and in accordance with agreements with persons furnishing protective services. Provides expert testimony in courts of law and proceedings before the Commission with respect to matters developed in field examinations and investigations.

(8) *Accounting and Valuation Board.* See Item No. 7.13 of the Organization Minutes, as amended, for functions and duties.

(i) *Bureau of Economics.* The primary function of the Bureau is to advise the Commission on economic, mathematical and statistical matters. It provides analytical and informational services in these areas to assist the Commission in its policy and case decisional processes; and it defines requirements for economic information needed by the Commission for its regulatory purposes.

Since the primary role of the Commission is economic regulation, the goals of the Bureau's economic research and analysis are to assist the Commission to recognize the presence, nature and significance of economic issues and problems as they exist in the industries it regulates and as they arise in the process of regulation; to improve both the quality of the evidence and analysis submitted on such issues in proceedings before the Commission and the quality of the scrutiny to which such evidence is subjected; and to assist the Commission in the formulation and evaluation of policy on the basis of sound economic principles and evidence.

(1) *Section of Mathematics and Statistics.* Initiates, develops and applies mathematics and mathematical statistics to problems, projects and proceedings involving the Commission and Bureau; designs and implements nationwide probability sample studies to collect information on traffic, costs and operations as required by the Commission; analyzes data from sample studies and prepares reports on same; renders technical assistance, advice and evaluation of the mathematical and statistical aspects of major proceedings before the Commission; develops quality standards for conducting sample studies and processing collected data; renders technical advisory services generally in the field of applied mathematics and statistics as related to the Commission's interests; and develops new applications of mathematical and statistical techniques to the Commission's work.

(2) *Section of Research.* Embodies the economic analysis and research capability of the Commission; is concerned broadly with the regulatory implications of economic problems in transportation and, conversely, with the economic effects or implications of current or proposed regulatory policies and practices; carries out economic studies of transportation and regulatory problems; advises the Commission on national economic developments affecting or affected by transportation and regulatory problems; provides analytical services and independent evidence or testimony on economic aspects of proceedings; and supplies economic information, technical evaluation, and special reports to meet specific current needs of the Commission.

(j) *Bureau of Enforcement.* Guides investigations of violations and analyzes and evaluates reports thereon; prosecutes in court and assists the Department of Justice in prosecuting through trial and all appellate stages civil and criminal proceedings arising under all parts of the Act, and related acts such as the Elkins Act (49 U.S.C. secs. 41–43) and the Clayton Anti-trust Act (15 U.S.C. secs. 12 et seq.); and negotiates and makes compromise agreements, or suspends or terminates monetary civil enforcement claims. As authorized by a continuing delegation from the Commission, participates in Commission proceedings arising under all parts of the Act on the issue of the fitness of applicants to acquire operating authority. When specifically authorized by the Commission, a division thereof, or the vice chairman, in any particular case or

class of cases, participates in Commission proceedings for the purpose of developing facts and issues other than the fitness of an applicant.

(1) *Section of Motor, Water, and Forwarder Enforcement.* Supervises and handles the legal activities involved in the enforcement of parts II, III, and IV of the act, the Elkins Act, the Clayton Anti-trust Act, and related acts involving motor, water, and freight forwarder transportation. Participates in Commission proceedings and in negotiating monetary civil enforcement claims against motor carriers, shippers, and freight forwarders violating certain sections of parts II and IV of the act.

(2) *Section of Rail Enforcement.* Supervises and handles the legal activities involved in the enforcement of part I of the act, the Elkins Act, the Clayton Anti-trust Act, and other acts as they relate to railroads and pipeline carriers; prosecutes, or recommends prosecution to and assists U.S. attorneys in the prosecution of, civil and criminal proceedings arising under the aforesaid acts; participates as counsel in Commission proceedings; and participates in negotiating monetary civil enforcement claims with carriers, shippers, and other persons violating certain sections of part I of the act and the Elkins Act.

(3) *Field Staff.* Provides legal advice to members of the Commission's field staff in connection with investigations of violations and other matters requiring legal determinations and, with respect to enforcement action to be taken, prosecutes, or recommends prosecution to and assists U.S. attorneys in the prosecution of civil and criminal proceedings in Federal Courts; participates in Commission proceedings as counsel; and participates in negotiating monetary civil enforcement claims with carriers, shippers, and other persons, all of which are related to violations of parts II, III, and IV of the act.

(k) *Bureau of Operations.* Performs duties in connection with the Commission's programs insofar as they involve: keeping informed of and advising the Commission concerning operations and practices of surface transportation industries; initiating and administering the rules and regulations governing the filing and approval of security or insurance for the protection of the public and designation of agents for service of process; initiating and administering the rules and regulations governing the lease and interchange of vehicles by motor carriers; initiating and administering the rules and regulations involving the car service provisions of the Act which include preparing proposed regulations and emergency orders regarding the use, control, supply, movement, distribution, interchange, and return of rail locomotives, cars, and other vehicles used in the transportation of property by rail; initiating and administering the rules and regulations applicable to water carriers, freight forwarders, and rate bureaus; processes applications for temporary operating authorities and exemptions; makes field inspections of the operations and records of carriers and others to inform them of the requirements of the Act and regulations and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, insurance, annual reports, and extensions of credit; investigates violations, and recommends and assists in prosecutions; and issuing informal interpretations of Commission's certificates, permits, licenses and regulations affecting motor, water, freight forwarder, and broker operations. Coordinates the Commission's overall mobilization activities which include the National Defense Executive Reserve program, and provides liaison with other Federal and State agencies and all such other responsibilities assigned the Commission by executive orders and/or congressional acts except those responsibilities delegated by the Chairman to the Director of Personnel relating to personnel security and to the Secretary of the Commission relating to the national security document control activity and continuity of the agency functions including relocation site arrangements and the prepositioning of essential records.

(1) *Section of Insurance.* Performs work in connection with the administration of section 215 of the act pertaining to the furnishing of insurance or other security by motor carriers and brokers for the protection of shippers and the public. This includes the preparation of recommendations to the Commission with regard to applications to self-insure. This section also approves or disapproves certificates of insurance and bonds, and in connection therewith, evaluates the acceptability of the issuing agency. In addition, performs work similar to that described above in connection with the administration of section 403(c) of the act applicable to freight forwarders. Also performs work in connection with the administration of section 221 (a) and (c) of the act pertaining to designation of the agents to receive service of judicial process.

(2) *Section of Motor Carriers.* Performs work in connection with the administration of certain provisions of part II of the act as it relates to motor carriers and brokers; advises the bureau director and others regarding interpretations of motor carrier operating rights; develops recommendations for new or revised regulations pertaining to motor carriers and brokers; furnishes instructions, information and assistance to the field staff in matters involving motor carrier regulations; develops programs governing compliance and investigative matters; and assembles, prepares and maintains reference materials in such matters; and in coordination with the Director's Office and Regional Directors supervises the bureau's field activities with respect to such items.

(3) *Section of Railroads.* Performs necessary duties relating to the administration of the railroad economic regulatory provisions of the act, including car service provisions pertaining to use, control, supply, movement, distribution, exchange, interchange and return of locomotives, cars and other vehicles used in the transportation of property, including special types of equipment; provides data for use as the basis for issuance of service orders, permits and freight car distribution orders and directives; advises the bureau director and others concerning freight car conditions throughout the country; develops recommendations for new or revised regulations pertaining to rail transportation; develops programs governing compliance and enforcement matters; and in coordination with the Director's Office and Regional Directors supervises the Bureau's field activities with respect to these items.

(4) *Section of Water Carriers and Freight Forwarders.* Performs duties in connection with the Commission's programs involving the regulation of water carriers, freight forwarders, and rate bureaus under parts III and IV, and section 5a of the act; processes the applications of water carriers for temporary authorities and exemptions; and provides technical assistance to the field staff in the inspection of operations of water carriers, freight forwarders and rate bureaus to inform them of the requirements of the Act and Commission regulations, and to assist in the processing of cases involving the unauthorized operations or violations with regard to tariffs, rebates, accounts, annual reports, extensions of credit or procedures for collective ratemaking under approved agreements.

(5) *Field Staff.* Conducts inspections and investigations of the activities, and operations of railroads, motor carriers, brokers, water carriers, freight forwarders, and rate bureaus to ascertain their compliance with the law and regulations under the Act including: (1) Motor carriers' posting and adherence to rate and tariff schedules, filing of insurance, operating in accordance with authority and like matters; provides reports on applications for temporary operating authority; prepares investigation reports recommending prosecutions and other proceedings respecting these matters; (2) inspecting the operations of water carriers, freight forwarders and rate bureaus to inform them of the requirements of the act and Commission regulations and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, annual reports, extensions of credit or procedures for collective rate-making under approved agreements; (3) performs inspections and investigations of carrier compliance with regulations relating to the car service provisions of the act, pertaining to use, control supply, movement, distribution, exchange, interchange, and return of locomotives, cars and other vehicles used in the transportation of property by rail; and (4) such other matters under provisions of the Act that are administered by the Bureau.

(6) *Insurance Board.* See item 7.8 of the organization minutes, as amended, for functions and duties.

(7) *Motor Carrier Leasing Board.* See item 7.8 of the organization minutes, as amended, for functions and duties.

(8) *Railroad Service Board.* See item 7.8 of the organization minutes, as amended, for functions and duties.

(1) *Bureau of Traffic.* Performs duties relative to the filing of schedules or tariffs of rates, fares and charges, and of transportation contracts of carriers subject to the Act; the suspension of tariff provisions pending investigation of their lawfulness, and the administration of the long-and-short-haul and aggregate-of-intermediate-rate, released rates and reduced rates in case of calamitous visitation provisions of the Act; confers and corresponds with carriers, shippers and other interested parties, expressing its views concerning the application of rates and other tariff provisions as a possible means of settling controversies; processes applications of carriers requesting authority to make reparation on past shipments; and advises with, and acts as consultant to, the Commission and its staff with respect to tariff policies, rate adjustments, general rate investigations, tariff interpretations, and rate-making principles.

(1) *Section of Tariffs.* Receives, examines and maintains the official files of all tariff publications, except passenger and express publications; processes applications for special permission to establish rates and charges or other tariff provisions on less than statutory notice or for waiver of tariff circular rules, including those of motor carriers when such carriers have been granted temporary operating authority by the Commission; receives, examines and files powers of attorney, concurrences, and quotations filed under section 22 of the act; makes recommendations to the Commission as to changes in tariff circular rules; and maintains a complete file of tariffs of all carriers, section 22 quotations and contracts between freight forwarders and motor carriers filed under section 409 of the act for use of the public.

(2) *Section of Rates and Informal Cases.* Provides rate information and interpretations of published tariffs and schedules for the Commission and its staff; assists in the settlement of informal negotiations as between shippers and carriers of controversies involving the proper interpretation of tariffs; processes reparation applications; receives, examines and maintains the official files of tariff publications for passenger and express transportation; and ascertains and checks short-line distances of rail carriers.

(3) *Board of Suspension.* See item 7.3 of the organization minutes, as amended, for functions and duties.

(4) *Fourth Section Board.* See item 7.2 of organization minutes, as amended, for functions and duties.

(5) *Released Rates Board.* See item 7.10 of the organization minutes, as amended, for functions and duties.

(6) *Special Permission Board.* See item 7.9 of the organization minutes, as amended, for functions and duties.

(7) *Tariff Rules Board.* See item 7.14 of the organization minutes, as amended, for functions and duties.

[SEAL] ROBERT L. OSWALD,
Secretary.

INTERSTATE COMMERCE COMMISSION FIELD OFFICES

ICC region	Location of offices	Bureau and offices represented [1]	In charge [1]
1	Boston, Mass. 02203; Regional Headquarters: 2211-B John F. Kennedy Bldg., Government Center.	A, E, O, OMD	RM
	Albany, N.Y. 12207; 518 New Federal Bldg., Maiden Lane and Broadway.	O	OIC
	Buffalo, N.Y. 14203; 518 Federal Bldg., 121 Ellicott St.	O	OIC
	Concord, N.H. 03301; 424 Federal Bldg., 55 Pleasant St.	O	OIC
	Hartford, Conn. 06101; 324 U.S. Post Office, 135 High St.	A, O	OIC
	Montpelier, Vt. 05602; 52 State St., Room 5.	O	OIC
	Newark, N.J. 07102; 902 Federal Bldg., 970 Broad St.	A, O	OIC
	New York, N.Y. 10007; 26 Federal Plaza, Room 1807.	A, E, O	OIC
	Portland, Maine 04112; 305 U.S. Post Office and Courthouse, 76 Pearl St.	O	OIC
	Providence, R.I. 02903; 187 Westminister St., Room 402.	O	OIC
	Springfield, Mass. 01103; 338-342 Federal Bldg., 436 Dwight St.	O	OIC
	Syracuse, N.Y. 13202; 104 O'Donnell Bldg., 301 Erie Blvd. West.	A, O	OIC
	Trenton, N.J. 08608; 204 Carroll Bldg., 428 East State St.	O	OIC
2	Philadelphia, Pa. 19102; Regional Headquarters: 16th Floor, 1518 Walnut St.	A, E, O, OMD	RM
	Baltimore, Md. 21201; 814B Federal Bldg., Charles Center, 31 Hopkins Plaza.	A, O	OIC
	Charleston, W. Va. 25301; 3108 Federal Bldg., 500 Quarrier St.	O	OIC
	Cincinnati, Ohio 45202; 5514-B Federal Bldg., 550 Main St.	A, O	OIC
	Cleveland, Ohio 44199; 181 Federal Bldg., 1240 East Ninth St.	A, O	OIC
	Columbus, Ohio 43215; 255 Federal Bldg. and U.S. Courthouse, 85 Marconi Blvd.	E, O	OIC
	Harrisburg, Pa. 17108; 508 Federal Bldg. 228Walnut St.	O	OIC
	Pittsburgh, Pa. 15222; 2111 Federal Bldg., 1000 Liberty Ave.	A, O	OIC
	Richmond, Va. 23240; 10-502 Federal Bldg., 400 North Eighth St.	A, O	OIC
	Roanoke, Va. 24011; 5104 F. B. Thomas Bldg., 215 Campbell Ave. SW.	O	OIC
	Salisbury, Md. 21801; 227 Old Post Office Bldg., 129 East Main St.	O	OIC
	Scranton, Pa. 18503; 309 U.S. Post Office, North Washington Ave. and Linden St.	O	OIC
	Toledo, Ohio 43604; 5234 Federal Bldg., 234 Summit St.	O	OIC
	Washington, D.C. 20423; ICC Bldg., 12th and Constitution Ave. NW.	A, O	OIC
	Wheeling, W. Va. 26003; 416 Old Post Office Bldg., 12th and Chapline Sts.	O	OIC
3	Atlanta, Ga. 30309; Regional Headquarters: 1252 West Peachtree St. NW., Room 300.	A, E, O, OMD	RM
	Birmingham, Ala. 35203; 2121 Bldg., Room 814, 2121 Eighth Ave. North.	O	OIC
	Charlotte, N.C. 28202; BSR Bldg., Suite 417, 316 East Morehead St.	A, O	OIC
	Columbia, S.C. 29201; 300 Columbia Bldg., 1200 Main St.	O	OIC
	Jackson, Miss. 39201; 145 East Amite Bldg., Room 212.	O	OIC
	Jacksonville, Fla. 32202; 288 Federal Bldg., 400 West Bay St., Post Office Box 35008.	A, O	OIC
	Lexington, Ky. 40505; 222 Bakhaus Bldg., 1500 West Main St.	O	OIC
	Louisville, Ky. 40202; 426 U.S. Post Office 601 West Broadway.	O	OIC
	Memphis, Tenn. 38103; 933 Federal Bldg., 167 North Main St.	O	OIC
	Miami, Fla. 33155; 105 Cox Bldg., 3720 Southwest 17th St.	O	OIC
	Nashville, Tenn. 37203; 1808 West End Bldg., Suite 803.	A, O	OIC
	Raleigh, N.C. 27611; 624 Federal Bldg., 210 New Bern Ave., Post Office Box 26896.	O	OIC
4	Chicago, Ill. 60604; Regional Headquarters:1086 Everett McKinley Dirksen Bldg., 219 South Dearborn St.	A, E, O,	RM
	Detroit, Mich. 48226; 1110 David Broderick Tower Bldg., 10 Witherell St.	A, O	OIC
	Fargo, N. Dak. 58102; Federal Bldg. and U.S. Post Office, 657 Second Ave. North, Post Office Box 2340.	O	OIC
	Fort Wayne, Ind. 46802; 345 West Wayne St., Room 204.	O	OIC
	Indianapolis, Ind. 46204; Century Bldg., 8th Floor, 36 South Pennsylvania St.	O	OIC
	Lansing, Mich. 48933; 225 Federal Bldg., 325 West Allegan St.	O	OIC
	Madison, Wis. 53703; 139 West Wilson St., Room 206.	O	OIC
	Milwaukee, Wis. 53203; 135 West Wells St., Room 807.	A, O	OIC
	Minneapolis, Minn. 55401; 448 Federal Bldg. and U.S. Courthouse, 110 South Fourth St.	A, O	OIC
	Pierre, S. Dak. 57501; 369 Federal Bldg.	O	OIC
	Springfield, Ill. 62704; 476 Land of Lincoln Bldg., 325 West Adams St.	O	OIC
5	Fort Worth, Tex. 76102; Regional Headquarters: 9A27 Fritz Garland Lanham Federal Bldg., 819 Taylor St.	A, E, O, OMD	RM
	Amarillo, Tex. 79101; 1012 Herring Plaza, 317 East Third St., Box H-4395.	O	OIC
	Dallas, Tex. 75202; 1100 Commerce St., Room 13C12.	A, O	OIC
	Des Moines, Iowa 50309; 677 Federal Bldg., 210 Walnut St.	O	OIC

ICC region	Location of offices	Bureau and offices represented [1]	In charge [1]
	Houston, Tex. 77002; 8610 Federal Bldg. and U.S. Courthouse, 515 Rusk Ave., Post Office Box 61212.	A, O	OIC
	Kansas City, Mo. 64106; 1100 Federal Bldg., 911 Walnut St.	A, E, O	OIC
	Lincoln, Nebr. 68508; 320 Federal Bldg. and U.S. Courthouse, 129 North Tenth St.	O	OIC
	Little Rock, Ark. 72201; 2519 Federal Office Bldg.	O	OIC
	New Orleans, La. 70113; T-4009 Federal Bldg. and U.S. Post Office, 701 Loyola Ave.	O	OIC
	Oklahoma City, Okla. 73102; 240 Old U.S. Post Office and Courthouse, 215 Northwest Third St.	A, O	OIC
	Omaha, Nebr. 68102; 711 Federal Bldg., 106 South 15th St.	O	OIC
	St. Louis, Mo. 63101; 210 North 12th St., Room 1465.	A, O	OIC
	San Antonio, Tex. 78205; 301 Broadway Bldg., Room 206.	O	OIC
	Sioux City, Iowa 51101; 304 U.S. Post Office.	O	OIC
	Topeka, Kans. 66603; 234 Federal Bldg.	O	OIC
	Wichita, Kans. 67202; 501 Petroleum Bldg., 221 South Broadway.	O	OIC
6	San Francisco, Calif. 94102; Regional Headquarters: 13001 Federal Bldg., 450 Golden Gate Ave., Post Office Box 36004.	A, E, O, OMD	RM
	Albuquerque, N. Mex. 87101; 10515 U.S. Courthouse and Post Office, 500 Gold Ave. SW.	O	OIC
	Anchorage, Alaska 99510; G-31 Federal Bldg., Post Office Box 1532.	O	OIC
	Billings, Mont. 59101; 251 U.S. Post Office.	O	OIC
	Boise, Idaho 83702; 455 Federal and U.S. Courthouse, 550 West Fort St.	O	OIC
	Carson City, Nev. 89701; 203 Federal Bldg., 705 North Plaza St.	O	OIC
	Casper, Wyo. 82601; 1006 Federal Bldg. and Post Office, 100 East B St.	O	OIC
	Denver, Colo. 80202; 2022 Federal Bldg., 1961 Stout St.	A, O	OIC
	Los Angeles, Calif. 90012; 7708 Federal Bldg., 300 North Los Angeles St.	A, O	OIC
	Phoenix, Ariz. 85025; 3427 Federal Bldg., 230 North First Ave.	O	OIC
	Portland, Oreg. 97204; 450 Multnomah Bldg., 319 Southwest Pine St.	A, E, O	OIC
	Salt Lake City, Utah 84111; 5239 Federal Bldg., 125 South State St.	O	OIC
	Seattle, Wash. 98101; 6139 Arcade Bldg., 1319 Second Ave.	O	OIC

[1] A—Accounts; E—Enforcement; O—Operations; OMD—Office of the Managing Director; RM—Regional Manager; OIC—Officer-in-charge.

TERRITORIAL COVERAGE OF THE FIELD OFFICES BY REGION

Region	Headquarters	States
1	Boston, Mass.	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.
2	Philadelphia, Pa.	Delaware, District of Columbia, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia.
3	Atlanta, Ga.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
4	Chicago, Ill.	Illinois, Indiana, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.
5	Fort Worth, Tex.	Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas.
6	San Francisco, Calif.	Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

[FR Doc.71-12270 Filed 8-23-71;8:45 am]

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TUESDAY, AUGUST 24, 1971
WASHINGTON, D.C.
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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

Interim Regulations and Procedures for Implementation

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER A—GENERAL

PART 4—INTERIM REGULATIONS AND PROCEDURES FOR IMPLEMENTING THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

The Environmental Protection Agency is adding a new part 4 to implement the provisions of Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The purpose of the act is to provide uniform and equitable land acquisition policies and relocation assistance for displaced persons in connection with Federal or federally assisted programs. Section 213 of the act authorizes the heads of Federal agencies to establish regulations that are necessary to carry out the purpose of the act and directs them to consult together to insure uniform implementation and administration of the act.

Pursuant to section 213 of the act and a memorandum from the President to all agency heads, dated January 4, 1971, interim guidelines for the issuance of regulations were developed by an interagency task force in conjunction with the Office of Management and Budget. The guidelines call for all Federal agencies within the Executive Branch to promptly issue interim regulations and to prepare final regulations to become effective not later than December 31, 1971. In view of the urgent need for implementation of the act, additional delays attendant to notice and public comment would not serve the public interest. I therefore find good cause exists for making this part effective upon date of publication.

The Environmental Protection Agency invites all interested persons who desire to submit written comments or suggestions concerning the preparation of final regulations to do so in triplicate to the Management and Organization Division, Office of Administration, Environmental Protection Agency, Washington, D.C. 20460. Such submissions should be received by November 1, 1971, to allow time for appropriate consideration and possible inclusion in the final regulations. Copies of the submissions will be available for examination by interested persons in Room, 3224, Waterside Mall, Fourth and M Streets SW., Washington, DC, upon their receipt.

In consideration of the foregoing, Chapter I of Title 40, Code of Federal Regulations, is amended by adding a new Part 4, Interim Regulations and Procedures for Implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Effective date. The interim regulations and procedures of this part shall become effective the date of their publication in the FEDERAL REGISTER (8-24-71).

Dated: August 11, 1971.

ROBERT W. FRI,
Acting Administrator.

Subpart A—General

Subpart B—Requirements for Federal Projects

Subpart C—Requirements for Federally Assisted Projects

Subpart D—Relocation Assistance Advisory Programs

Subpart E—Moving and Related Expenses

Subpart F—Fixed Allowance in Lieu of Moving and Related Expenses

Subpart G—Replacement Housing Payments

Subpart H—Relocation Assistance Functions Carried Out Through Other Agencies

Subpart I—Acquisition of Real Property

AUTHORITY: The provisions of this Part 4 issued under sec. 213, 84 Stat. 1900.

Subpart A—General

§ 4.1 Purpose and policy.

(a) This part implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted projects and establishes uniform and equitable land acquisition policies for Federal and federally-assisted programs.

(b) In implementing the act, it is the policy of the Environmental Protection Agency to deal consistently and fairly with all persons whose property is taken for public projects and all persons who are displaced from their homes, businesses or farms.

§ 4.3 Definitions.

As used in this part—

(a) "Administrator" means the Administrator of the Environmental Protection Agency or his designee.

(b) "Business" means a lawful activity, other than a farm operation, conducted primarily—

(1) For the purchase, sale, lease, or rental of personal and real property, or the manufacture, processing, or marketing of products, commodities, or other personal property;

(2) For the sale of services to the public; or

(3) By a nonprofit organization.

(c) "Displacing Agency" means EPA or the Federal or State agency responsible for carrying out the project for which real property is to be acquired.

(d) "Dwelling" includes a single-family house, a single-family unit in a multifamily building, a unit of a condominium or cooperative housing project, a mobile home, or any other residential unit.

(e) "Economic rent" means the amount of rent a tenant or homeowner would have to pay for a dwelling similar to the acquired dwelling in a comparable area on the private market.

(f) "Farm operation" means a lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing those products or commodities in sufficient quantity to be capable of providing at least one-third of the operator's income, however, in instances where such operation is obviously a farm operation it need not contribute one-third to the operation's income for him to be eligible for relocation payments.

(g) "Federal agency" means a department, agency, or instrumentality in the Executive Branch of Government (except the National Capital Housing Authority), any wholly-owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

(h) "Federal financial assistance" means a contract, grant, loan, or contribution by the United States to a State or State agency, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

(i) "Federally assisted" means, with respect to States or State agencies, assisted by a contract, grant, loan, or contribution by the United States, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

(j) "Homeowner" means an individual or family who owns a dwelling.

(k) "Initiation of negotiations" means the date the displacing agency makes its first personal contact with the owner of real property, or his representative, to discuss price of the property to be acquired.

(l) "Mortgage" means a lien commonly given to secure an advance on, or the unpaid purchase price of, real property under the laws of the State in which real property is located, together with any credit instruments secured thereby.

(m) "Own" means holding any of the following interests in a dwelling or a contract to purchase one of those interests:

(1) A fee title.

(2) A life estate.

(3) A 99-year lease.

(4) A lease with at least 50 years to run from the date of acquisition of the property.

(5) An interest in a cooperative housing project which includes the right to occupy a dwelling.

(n) "Person" includes a partnership, company, corporation, or association as well as individual.

(o) "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, the trust territories of the Pacific Islands, or a political subdivision of any of those jurisdictions.

(p) "State agency" means a department, public body, agency or instrumentality of a State or of a political subdivision of a State, or any department, agency or instrumentality of two or more States or of two or more political subdivisions of a State or States, the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency.

(q) "Tenant" means an individual or family who rents, or is temporarily in lawful possession of a dwelling, including a sleeping room.

§ 4.5 Applicability.

This part applies to projects which are part of a Federal or federally-assisted program administered by the Environmental Protection Agency and which, after January 1, 1971, cause the displacement of persons or the acquisition of real property.

§ 4.7 Displaced person; qualifications.

(a) Subject to the requirements of paragraphs (c), (d), and (e) of this section, a person qualifies as a displaced person for the purposes of this part if after January 1, 1971, he moves from real property, or moves his personal property from real property, on which he resides or conducts a business or farm operation, and the move is a direct result of—

(1) The initiation of negotiations for the real property;

(2) A written notice from the displacing agency of its intent to acquire the real property by a definite date; or

(3) A written order from the displacing agency to vacate the real property;

for a project undertaken by the Environmental Protection Agency or a State agency receiving Federal financial assistance from EPA.

(b) A person may qualify as a displaced person, regardless of—

(1) Whether the property is acquired by a Federal or State agency;

(2) The method of acquisition;

(3) The name or status of the person who acquires or holds fee title to the property; or

(4) Whether Federal funds contribute directly to the payment for the property, if the property must be acquired for a Federal or federally-assisted program or project, and the end result is to serve or be considered to serve in the public interest.

(c) A person does not qualify as a displaced person under paragraph (a) (1) or (2) of this section until—

(1) The displacing agency becomes entitled to possession of the real property under an agreement or a court order in a condemnation proceeding for acquiring the property;

(2) The owner conveys title to the real property to the displacing agency; or

(3) The owner and the displacing agency enter into a contract for the purchase of the real property, but only if the real property is not to be reoccupied before the agency is to acquire title or the right to possession.

(d) A person, other than the former owner or tenant, who enters into rental occupancy of real property after its ownership passes to the displacing agency, does not qualify as a displaced person for the purposes of this part.

(e) A person who enters into occupancy of real property after the initiation of negotiations for that property or the issuance of a notice of intent to acquire that property by a given date, as the case may be, does not qualify as a displaced person for the purposes of this part.

§ 4.11 Comparable replacement dwelling; requirements.

A dwelling is a comparable replacement dwelling for the purposes of this part if it is—

(a) Decent, safe, and sanitary;

(b) Functionally equivalent and substantially the same as the dwelling being acquired with respect to—

(1) Number of rooms;

(2) Area of living space;

(3) Age; and

(4) State of repair.

(c) In an area not generally less desirable than the dwelling being acquired with respect to—

(1) Public utilities; and
(2) Public and commercial facilities.
(d) Reasonably accessible to the place of employment of the head of the displaced family or the displaced individual, as the case may be;
(e) Adequate to accommodate the displaced family or individual;
(f) In an equal or better neighborhood;
(g) Available on the market; and
(h) Within the financial means of the displaced family or individual.

§ 4.13 Decent, safe, and sanitary dwelling; requirements.

(a) A dwelling is decent, safe, and sanitary for the purposes of this part if it—
(1) Meets the applicable State or local building, plumbing, electrical, housing, and occupancy codes or similar ordinances or regulations for existing structures;
(2) Has a continuing and adequate supply of potable safe water;
(3) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and properly connected to a sewage disposal system;
(4) Has a stove and refrigerator in good operating condition, if required by local code, ordinance, or custom, or, if not so required, utility service connections and adequate space for these installations in the kitchen or area set aside for kitchen use;
(5) Except in a geographical area where it is not normally included in new housing, has an adequate heating system in good working order capable of maintaining a minimum temperature of 70° F. in the living area (not including the bedrooms) under local outdoor design temperature conditions;
(6) Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system;
(7) Has an electrical wiring system in each room;
(8) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;
(9) Has a safe, unobstructed means of egress leading to a safe open space at ground level and, in the case of a multidwelling building, access from each dwelling unit directly or through a common corridor to a means of egress to a safe open space at ground level and, in the case of a multidwelling building of more than two stories, at least two means of egress from the common corridor on each story;
(10) Has sleeping, living, cooking, and dining floor space (exclusive of such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfurnished attics, foyers, storage spaces, cellars, utility rooms (or similar spaces) which—
(i) Measures at least 150 square feet for the first occupant and 100 square feet (70 square feet in the case of a mobile home) for each additional occupant;
(ii) Is subdivided into adequately ventilated rooms sufficient to accommodate the occupants;
(11) Is reasonably convenient to community services including schools, stores, and public transportation; and
(12) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.
(b) If the applicable local housing code does not conform to all the requirements of paragraph (a) of this section but is reasonably comparable, the agency providing relocation assistance may submit a copy of the local code to the Administrator for approval as acceptable standards for decent, safe, and sanitary housing.
(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the displacing agency may, with the concurrence of the Administrator, waive any requirement of paragraph (a) (1) through (11) of this section.

§ 4.17 Decent, safe, and sanitary rental sleeping rooms; requirements.

(a) A rental sleeping room is decent, safe, and sanitary for the purposes of this part if it—
(1) Meets the applicable State or local building, plumbing, electrical, housing, and occupancy codes or similar ordinances or regulations for existing structures;
(2) Except in a geographical area where it is not normally included in new housing, has an adequate heating system in good working order which will maintain a minimum temperature of 70° F. under local outdoor design temperature conditions;
(3) Has an electrical wiring system;
(4) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;
(5) Has a safe, unobstructed means of egress leading to a safe open space at ground level and, in the case of a rooming house, access from each sleeping room directly or through a common corridor to a means of egress to a safe open space at ground level and, in the case of a rooming house of more than two stories, at least two means of egress from the common corridor on each story;
(6) Is reasonably convenient to community services such as schools, stores and public transportation;
(7) Has at least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant; and
(8) Has use of a bathroom, well lighted and ventilated and afforded privacy to a person within it, including a door that can be locked if the facilities are separate from the sleeping room, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system.
(9) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.
(b) If the applicable local housing code does not meet all the requirements of paragraph (a) of this section but is reasonably comparable, the agency providing relocation assistance may submit a copy of the local code to the Administrator for approval as acceptable standards for decent, safe, and sanitary housing.
(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the displacing agency may, with the concurrence of the Administrator, waive any requirement of paragraph (a) (1) through (8) of this section.

§ 4.19 Records.

Each displacing agency shall maintain relocation records in accordance with the requirements of appendix A to this part and make them available during regular business hours for inspection by the Administrator. The records shall be retained by the agency for at least 3 years after completion of a project.

Subpart B—Requirements for Federal Projects

§ 4.31 Scope.

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a Federal program administered by the Environmental Protection Agency.

§ 4.33 Determinations; displacement of persons.

(a) No Federal project to which this part applies which will result in the displacement of any person shall be approved by EPA until the Administrator determines that—
(1) Fair and reasonable relocation payments will be provided to displaced persons as required by Subparts E, F, and G of this part;
(2) Relocation assistance programs offering the services described in Subpart D of this part will be provided for displaced persons;
(3) The public was or will be adequately informed of the relocation payments and services which will be available under Subparts D, E, F, and G of this part; and
(4) Comparable replacement dwellings will be available, or provided if necessary, a reasonable period in advance of the time any person is to be displaced.
(b) EPA may not proceed with any phase of a Federal project if that phase will cause the displacement of any person until it is determined that—
(1) Based on a current survey and analysis of available replacement housing and in consideration of competing

demands for that housing, comparable replacement dwellings will be available within a reasonable period of time prior to displacement; and

(2) Adequate provisions have been made to provide orderly, timely, and efficient relocation of displaced individuals and families to comparable replacement dwellings with minimum hardship to those affected.

§ 4.35 Determinations; acquisition of real property.

No Federal project to which this part applies and which will result in the acquisition of real property shall be approved until the Administrator determines that adequate provisions have been made to—

(a) Fully comply with the requirements of Subpart I, of this part; and

(b) Inform the public of the acquisition policies, requirements, and payments which will apply to the project.

§ 4.37 Appeals.

Any person aggrieved by a determination made by EPA, in connection with a Federal project or program, concerning the eligibility for, or amount of, any payment to such person under the regulations in this part, may appeal from such determination to the Administrator. Appeals shall be submitted in writing and addressed to the Administrator, Environmental Protection Agency, Washington, D.C. 20460. No appeal will be considered unless it is received by the Administrator within 90 days of the date of receipt by the person aggrieved of written denial, in whole or in part, of his application for payment. The appeal should include written substantiation of the appeal. An appeal may be presented by the attorney of the person aggrieved or by the person himself. The Administrator or his designated representative shall promptly issue a decision on the appeal, which decision may either uphold the original determination or allow the claimed relief in whole or in part. The decision shall be reduced to writing, and shall state the facts and law upon which it is based. A copy of the decision shall be furnished to the person aggrieved. The decision shall constitute the final EPA decision on the application for payment.

§ 4.39 State agency providing real property for a Federal project.

(a) Whenever a State agency is obligated to provide the necessary real property incident to a Federal project, the Environmental Protection Agency may not accept that real property until it is determined that the State agency has carried out all the requirements of this subpart. However, until July 1, 1972, this section is applicable to a State agency only to the extent that agency is able to meet the requirements of this subpart under State law.

(b) The cost to a State agency of providing the payments and services required by this subpart shall be paid in the same manner and to the same extent as the cost of the real property acquired for the project. However, until July 1, 1972, the Environmental Protection Agency will pay a State agency the full amount of the first $25,000 of the cost of providing payments and services for any displaced person.

Subpart C—Requirements for Federally Assisted Projects

§ 4.51 Scope.

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a federally assisted program administered by the Environmental Protection Agency.

§ 4.53 State agency required to submit relocation plan and statement of relocation procedure.

(a) As part of its application for Federal financial assistance for any project which will entail the displacement of any person, a State agency shall submit a relocation plan to EPA. The relocation plan shall include:

(1) An inventory of the characteristics and needs of persons to be displaced. This inventory may be based upon a representative sampling process rather than a complete occupancy survey.

(2) An estimated inventory of currently available comparable replacement dwellings.

(3) Identification of any phase of the project which will require the displacement of any person.

(4) An analysis of the information required by subparagraphs (1), (2), and (3) of this paragraph which—

(i) Discusses relocation problems and possible solutions;

(ii) Provides an analysis of Federal, State, and community programs currently in operation in the project area which will affect the availability of housing;

(iii) Provides information on concurrent displacement and relocation by other governmental agencies or private concerns;

(iv) Describes the methods to be used to relocate displaced persons; and

(v) Explains the amount of lead time necessary to carry out a timely, orderly, and humane relocation program.

(b) Before beginning any phase of a project receiving Federal financial assistance, which phase will require the displacement of any person, a State agency shall submit to EPA a complete statement of the procedure it will follow in furnishing relocation services and making payments. The statement shall include:

(1) A declaration of understanding that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and this regulation, are applicable to federally assisted projects including those projects on which real property acquisition is financed by State money, but where Federal financial assistance will be used in construction.

(2) A description of procedures to be used to provide public information through brochures, public hearings, newspapers, radio, television, and other means of available assistance and payments to displaced persons. A copy of brochures shall be appended.

(3) A description of the moving expense payments to which displaced persons are entitled and the methods employed in determining the amount of entitlement. Schedules shall be appended where applicable.

(4) A description of the incidental transfer expenses that are payable. A copy of a typical closing statement indicating those payments shall be appended.

(5) A description of the appeal procedures that are available to displaced persons.

(6) A copy of all forms developed to carry out the relocation program.

(7) A current survey and analysis of available replacement housing and of competing demands for such housing.

§ 4.55 Prerequisites to EPA approval of Federal financial assistance to project or project phase; displacement.

(a) Except as provided in paragraph (c) of this section, EPA will not approve a grant, contract, or agreement for a Federally assisted project to which this part applies which will result in the displacement of any person until the State agency has complied with § 4.53(a) and until the head of the State agency provides the Administrator with satisfactory written assurances that:

(1) It will provide fair and reasonable relocation payments to displaced persons as required by Subparts E, F, and G of this part;

(2) It will provide relocation assistance programs for displaced persons offering the services described in Subpart D of this part;

(3) It will adequately inform the public of the relocation payments and services which will be available under Subparts D, E, F, and G of this part; and

(4) Comparable replacement dwellings will be available, or provided if necessary, a reasonable period in advance of the time any person is displaced.

(b) Except as provided in paragraph (c) of this section, EPA will not authorize a State agency to proceed with any phase of a Federally assisted project if that phase will cause the displacement of any person until the State agency has complied with § 4.53(b) and until the head of the State agency provides the Administrator with satisfactory written assurances that:

(1) Based on a current survey and analysis of available replacement housing and in consideration of competing demands for that housing, comparable replacement dwellings will be available a reasonable period of time prior to displacement, sufficient in number for the displaced persons who require them; and

(2) The State agency relocation procedures are realistic and are adequate to

provide orderly, timely, and efficient relocation of displaced individuals and families to comparable replacement dwellings with minimum hardship to those affected.

(c) Until July 1, 1972, the requirements of paragraphs (a) and (b) of this section and the requirements of § 4.53 are applicable to a State agency only to the extent that agency is able under State law to comply with paragraphs (a) and (b) of this section.

(d) If a State agency maintains that it is legally unable to provide the assurances required by paragraphs (a) and (b) of this section, it shall furnish the Administrator a statement specifying any provisions of the relocation assistance assurances required by this section which it is unable to provide in whole or in part under the laws of that State, and an opinion of its chief legal official discussing the issues involved and citing legal authorities in support of the conclusions for each representation of legal inability to provide any part of the required assurances.

§ 4.57 Assurances required; acquisition of real property.

(a) EPA will not approve a grant, contract, or agreement for a federally assisted project to which this part applies and which will result in the acquisition of real property until the head of the State agency concerned provides the Administrator with satisfactory assurances that it will—

(1) Fully comply with the requirements of subpart I of this part; and

(2) Adequately inform the public of the acquisition policies, requirements, and payments which will apply to the project.

However, until July 1, 1972, the requirements of this paragraph are applicable to a State agency only to the extent that agency is able to comply with this paragraph under State law.

(b) If a State agency maintains that it is legally unable to provide the assurances required by paragraph (a) of this section, it shall furnish the Administrator a statement specifying any provisions of the relocation assistance assurances required by this section which it is unable to provide in whole or in part under the laws of that State, and an opinion of its chief legal official discussing the issues involved and citing legal authorities in support of the conclusions for each representation of legal inability to provide any part of the required assurances.

§ 4.59 Use of Federal financial assistance.

(a) The type of interest acquired in real property does not affect the eligibility of related relocation costs for Federal financial assistance provided the interest is sufficient to cause displacement.

(d) Federal financial assistance may not be used to pay a relocated person for any loss that is due to his negligence.

(c) Federal financial assistance may not be used for any payment under this part to a displaced person if that person receives a separate payment which is—

(1) Required by the State law of eminent domain;

(2) Determined by the Administrator to have substantially the same purpose and effect as a payment under this part; and

(3) Otherwise included as a project cost for which Federal financial assistance is available.

§ 4.61 Federal share of costs.

(a) The cost to a State agency of providing the payments and services required by Subparts A through H of this part, and the additional, identifiable cost to a State agency of providing the payments and services required by Subpart I of this part, shall be included as part of the cost of the federally-assisted project and, except as provided in paragraphs (b) and (c) of this section, the State agency is eligible for Federal financial assistance with respect to those costs in the same manner and to the same extent as other project costs.

(b) If Federal financial assistance is by grant or contribution, the Environmental Protection Agency will pay a State agency the full amount of the first $25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

(c) If Federal financial assistance is by loan, the Environmental Protection Agency will loan a State agency the full amount of the first $25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

§ 4.63 Appeals.

(a) An applicant for a payment under this subpart who is aggrieved by a displacing agency's determination as to the applicant's eligibility for payment or the amount of the payment may appeal that determination in accordance with the procedures established by the displacing agency under paragraph (b) of this section.

(b) Each displacing agency shall establish procedures for reviewing appeals by aggrieved applicants for payments under this subpart. The procedures shall insure that—

(1) Each appellant applicant has the opportunity for oral and written presentation and the right to have counsel participate in such presentation;

(2) Each appeal will be decided promptly;

(3) Each appeal decision will include a statement of the reasons upon which it is based and a copy of such decision will be furnished the appellant;

(4) The agency retains all documents associated with each appeal; and

(5) Each appellant applicant has a final appeal to the head of the displacing agency.

§ 4.65 Retroactive effect.

In the case of any project phase, grant, contract, or agreement approved by EPA prior to October 1, 1971, which will involve or has involved displacement of any person or acquisition of real property, after January 1, 1971, and prior to October 1, 1971, the State agency concerned shall:

(a) Comply with the provisions of this subpart providing payments or other benefits to persons as soon as possible; and

(b) Comply with the provisions of this subpart requiring submission of information or assurances to EPA, no later than November 1, 1971.

§ 4.67 Required amendment of existing grants, etc.

Any grant to, or contract or agreement with, a State agency executed before the date of publication of this part, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after January 2, 1971, shall be amended to include the cost of providing payments and services under this subpart and subpart I of this part. If the Administrator determines it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payment or assistance by such State agency pursuant to sections 206, 210, 215, and 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Subpart D—Relocation Assistance Advisory Programs

§ 4.71 Scope.

This subpart prescribes requirements for relocation assistance advisory programs for persons displaced by projects which are part of a Federal or federally assisted program administered by the Environmental Protection Agency.

§ 4.73 Extension of services to adjacent occupants.

The displacing agency shall provide the relocation assistance advisory services described in this subpart to all displaced persons. The agency may also offer those services to any person occupying property immediately adjacent to the real property being acquired who, in the agency's opinion, will suffer substantial economic injury.

§ 4.75 Relocation programs; general requirements.

The displacing agency shall carry out a relocation assistance advisory program. The program shall provide for—

(a) Explaining to displaced persons the relocation assistance and payments that are available;

(b) Assisting displaced persons to complete applications required for payments;

(c) Determining the needs of displaced persons for relocation assistance;

(d) Informing displaced persons as to the availability and costs of comparable replacement dwellings and comparable locations for displaced business and farm operations;

(e) Assisting each displaced person to obtain and move to a comparable replacement dwelling;

(f) Informing displaced persons as to Federal and State housing programs; and

(g) Providing counsel and advice to displaced persons that will minimize the hardships associated with adjusting to a new location.

§ 4.77 Organizational requirements.

The organization and procedures of the displacing agency for carrying out a relocation assistance advisory program shall include provisions for:

(a) Assigning at least one person whose primary responsibility is to provide relocation assistance for one or more projects.

(b) Establishing a local relocation office for each project where the agency determines that the volume of work or the needs of the displaced persons so require.

(c) Maintaining and providing the following information for each project:

(1) Lists of replacement dwellings available to persons without regard to race, color, religion, or national origin drawn from various sources, suitable in price, size, and condition for displaced persons.

(2) Current information as to security deposits, closing costs, typical down payments, interest rates, and terms for residential real property in the area.

(3) Maps showing the location of schools, parks, playgrounds, shopping, and public transportation routes in the area.

(4) Schedules and costs of public transportation in the area.

(5) Copies of the agency's brochure explaining its relocation program, local ordinances pertaining to housing, building codes, open housing, consumer education literature on housing, shelter costs, and family budgeting.

(6) Subscriptions for apartment directory services, neighborhood and metropolitan newspapers, and where available, multiple listing services.

§ 4.79 Coordination with other agencies.

(a) The displacing agency shall coordinate its relocation assistance activities with the local officials of the Federal Housing Administration and Veterans Administration responsible for making properties acquired by those agencies available for direct sale to persons to be relocated as a result of governmental action.

(b) The person assigned by the agency to provide relocation assistance for a particular project shall maintain personal contact and exchange information with welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Federal Housing Administration, the Veterans Administration, the Small Business Administration and other agencies providing services to displaced persons. He shall also collect and maintain information on private replacement properties in the area of the project through personal contact with real estate brokers, real estate boards, property managers, apartment owners and operators, and home building contractors.

§ 4.81 Public information; general.

(a) To insure public awareness of its relocation assistance advisory program, the displacing agency shall provide an opportunity for presentation of information and discussion of relocation services and payments at public hearings, prepare a relocation brochure, and give full and adequate public notice of the relocation program for each project to which this part applies.

(b) In areas where a language other than English is predominant, public information shall be published in the predominant language as well as in English.

§ 4.83 Public information; hearings.

(a) The information to be presented at a public hearing shall include—

(1) Eligibility requirements, payment procedures, and limitations for moving expenses and replacement housing;

(2) A description of the expenses incidental to transfer of property that will be paid;

(3) Appeal procedures;

(4) A description of how relocation assistance and services will be provided;

(5) The address and telephone number of the local office of the State agency and the name of the relocation officer in charge;

(6) The identity, local address, and telephone number of any other cooperating agency;

(7) An estimate of the number of individuals or families, businesses, and farm operations to be relocated;

(8) The estimated number of dwelling units presently available to meet the replacement housing needs; and

(9) An estimate of the time necessary for relocation and the number of comparable replacement dwellings that will become available during that period.

(b) The extent of the presentation should depend on the comprehensiveness of the brochure. If the brochure covers a particular item in detail, it is sufficient to merely highlight what the brochure contains. If a particular item is not applicable to the project, it is not necessary to discuss the item in detail.

§ 4.85 Public information; brochure.

The displacing agency shall prepare a brochure which fully describes its relocation assistance advisory program, including information on payments for replacement housing and moving expenses. The brochure shall be distributed free of charge at all public hearings and given to any displaced person upon request. The brochure shall state where copies of any regulations implementing the relocation assistance program may be obtained.

§ 4.87 Public information; announcements.

The displacing agency shall provide brief public announcements of the relocation services, payments, and where the brochure describing the relocation program can be obtained. Public announcements shall be made through types of mass media that are familiar to persons who will be displaced by the project, such as local newspapers, radio, television, or posted advertisements.

§ 4.89 Public information; notices.

Within 15 days after approval to begin any phase of a project which will cause the displacement of any person, the displacing agency shall post notices of acquisition in adequate numbers and in places accessible to occupants of dwellings to be taken for the project. In addition, an adequate number of advertisements shall be run in newspapers normally read by occupants of dwellings to be taken. The posted notices and newspaper advertisements shall—

(a) State the date approval was given for that phase of the project;

(b) Define the area of the project;

(c) Advise occupants of the area of the eligibility requirements for receiving moving and replacement housing payments;

(d) Advise occupants to notify the agency before moving to insure eligibility for moving and replacement housing payments;

(e) Advise homeowners that to be eligible for relocation benefits they must sell to the agency; and

(f) State where the brochure describing the relocation program may be obtained.

§ 4.91 Waiver of public information requirements.

When persons are to be displaced from five or fewer dwellings, the displacing agency may, instead of complying with §§ 4.81, 4.83, 4.85, 4.87, 4.89, provide the information required to be provided by those sections to the displaced persons by personal delivery and detailed oral explanation of the information.

§ 4.93 Information for displaced persons.

(a) The displacing agency shall deliver to each displaced person either in person or by certified mail, return receipt requested—

(1) A brochure explaining the relocation assistance advisory program; and

(2) If it is not included in the brochure, a notice stating the eligibility requirements for payments for replacement housing and moving expenses.

(b) In addition to the information furnished under paragraph (a) of this section, the displacing agency shall deliver to each displaced homeowner or tenant, either in person or by certified mail, return receipt requested, a written statement setting forth the optional types and the actual amount of replacement housing payments to which they are entitled.

(c) The information required by paragraphs (a) and (b) of this section shall be furnished—

(1) To homeowners not later than the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(2) To tenants within 7 days after the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date; as the case may be.

(d) The displacing agency shall notify each displaced person of his right of appeal under § 4.37.

Subpart E—Moving and Related Expenses

§ 4.111 Scope.

This subpart prescribes the requirements governing the payment of moving and related expenses of persons displaced by projects which are part of a Federal or federally assisted program administered by the Environmental Protection Agency.

§ 4.113 Eligibility not dependent on length of occupancy.

A displaced person's eligibility for payment of moving and related expenses is not affected by the length of time that he occupied the real property from which he is displaced.

§ 4.115 Payment limited to one move; exception.

(a) Except as provided by paragraph (b) of this section, payment of a displaced person's moving and related expenses may not be made for more than one move in connection with a particular project.

(b) If the Administrator considers it to be in the public interest he may authorize payment of a displaced person's moving and related expenses for additional moves.

§ 4.117 Family treated as person.

For the purpose of this subpart, the term "person" includes two or more individuals living together in the same dwelling as a single family unit and who are related to each other by blood, marriage, adoption, or legal guardianship.

§ 4.119 Noneligibility notice to rental occupants required.

If an agency rents out real property acquired in connection with a project to which this part applies, it shall notify the tenant and State in the rental agreement that the tenant will not be eligible for payment of displacement, moving, and related expenses under this subpart.

§ 4.121 Moving expenses; application and payment.

(a) Upon application by a displaced person for payment of moving and related expenses, the displacing agency shall—

(1) Pay those expenses in accordance with this subpart; or

(2) If the applicant elects to receive it, pay him a fixed allowance in accordance with Subpart F of this part.

(b) The application shall be in writing and filed with the displacing agency no later than 1 year after either the date of acquisition of the dwelling by the agency or the date the applicant vacated the dwelling, whichever is later. The application shall include an itemization of the expenses involved and, except as provided in paragraphs (d) and (e) of this section, shall be supported by receipts and such other evidence as the displacing agency may require.

(c) A displaced person may not be paid for his moving expenses in advance of the actual move unless the displacing agency finds that a hardship would otherwise result.

(d) If a displaced person, his mover, and the displacing agency agree by prearrangement in writing, the displaced person may submit an unpaid bill for moving expenses for direct payment.

(e) If the displacing agency contracts with independent movers on a schedule basis and provides a displaced person with a list of movers he may choose from to move his personal property, payment shall be made directly to the mover.

(f) In the case of a self-move by a displaced person, the amount of payment for actual reasonable moving expenses may not exceed the cost of having the move accomplished by a commercial mover.

§ 4.123 Exclusions.

A displaced person is not entitled to be paid for—

(a) Additional expenses incurred because of living in a new location;

(b) Cost of moving structures or other improvements to real property which are reserved by the displaced person;

(c) Improvements to the replacement site, except when required by law;

(d) Interest on loans to cover moving expenses;

(e) Loss of good will;

(f) Loss of profits;

(g) Loss of trained employees;

(h) Personal injury;

(i) Cost of preparing the application for moving and related expenses; or

(j) Modification of personal property to adapt it to replacement site, except when required by law.

§ 4.125 Moving expenses; occupants of dwellings.

(a) Except as provided in § 4.123, persons displaced from dwellings are entitled to be paid actual reasonable expenses for—

(1) Transporting themselves and their personal property from the displacement site to a replacement site, but not more than 50 miles unless the displacing agency finds that the displaced person cannot relocate within that distance;

(2) Packing, crating, and, if the displacing agency finds it necessary, storing their personal property for not more than 6 months;

(3) If the displacing agency finds it necessary, advertising for packing, crating, storing, or transporting their personal property;

(4) Insuring against loss or damage of their personal property while in storage or transit; and

(5) Removing and reinstalling a household appliance, including reconnecting utilities, if—

(i) It is not acquired by the displacing agency as real property;

(ii) The displaced person agrees in writing that the appliance is personal property and releases the displacing agency from paying for it; and

(iii) It is not a real property improvement to the location site, unless reinstallation is otherwise required by law.

(b) A displaced person is entitled to be reimbursed for uninsurable loss or damage of his personal property while in the process of moving, if the loss or damage was not a result of his fault or negligence.

§ 4.127 Moving expenses; businesses and farm operations.

(a) Except as provided in § 4.123, a displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to actual reasonable expenses for—

(1) Transporting his personal property from the displacement site to a replacement site, but not more than 50 miles, unless, in the case of relocation, the displacing agency finds that the business or farm operation cannot be relocated within that distance;

(2) Packing, crating, and, if the displacing agency finds it necessary, storing his personal property for not more than 6 months;

(3) If the displacing agency finds it necessary, advertising for packing, crating, storing, or transporting his personal property;

(4) Insuring against loss or damage of his personal property while in storage or transit;

(5) Removing and reinstalling machinery and equipment including reconnecting utilities, if—

(i) It is not acquired by the displacing agency as real property;

(ii) The displaced person agrees in writing that the machinery or equipment is personal property and releases the displacing agency from paying it; and

(iii) It is not a real property improvement to the location site, unless the reinstallation is otherwise required by law; and

(6) Searching for a replacement business or farm operation, to the extent those expenses meet the requirements of § 4.135.

(b) A displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to the actual direct losses of personal property resulting from the discontinuation or move, to the extent those losses meet the requirements of § 4.133.

(c) A displaced person who conducts a business or farm operation which is relocated is entitled to be reimbursed for uninsurable loss or damage of his personal property while in the process of moving, if the loss or damage is not the result of his fault or negligence.

§ 4.129 Moving expenses; advertising businesses.

A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays, whether or not the displays are located on the premises on which any of those activities are conducted, is entitled to the moving expenses described in § 4.127.

§ 4.131 Low value, high bulk property; businesses and farm operations.

In the case of low value, high bulk personal property, such as junk, stockpiled sand, gravel, minerals, metals, or similar items, used in connection with a relocated business or farm operation, payment for actual reasonable moving expenses may not be more than the cost of replacing that property at the relocation site less the amount for which it could be sold at the displacement site.

§ 4.133 Actual direct losses; businesses and farm operations.

(a) Subject to the requirements and limitations in paragraphs (b) through (f) of this section, a displaced person who conducts a business or farm operation is entitled to payment for actual direct losses of personal property that is used in connection with the business or farm operation but is—

(1) No longer needed because the business or farm operation is being discontinued; or

(2) Not being moved to a relocation site because it is not suitable for use there.

(b) If a business or farm operation is relocated, payment for actual direct losses of personal property may not be more than the amount the displacing agency determines the reasonable moving expenses would be for moving that property to the relocation site.

(c) A displaced person who conducts a business or farm operation shall make a bona fide effort to sell personal property he does not move.

(d) If a displaced person relocates a business or farm operation and sells an item of personal property that he does not move and promptly replaces it with a comparable item, payment for actual direct loss of the original item may not be more than the replacement cost less its sale price, or the cost of moving the original item, whichever is less.

(e) If a displaced person discontinues a business or farm operation and sells an item of personal property, payment for actual direct loss of that item may not be more than the inplace value of the item less its sale price, or the cost of moving it, whichever is less.

(f) If a displaced person who conducts a business or farm operation abandons an item of personal property after making a bona fide effort to sell that property, payment for the actual direct loss of that item may not be more than the inplace value of the item less what its sale price would have been, or the cost of moving it, whichever is less.

§ 4.135 Expenses in searching for replacement business or farm operation.

(a) Except as provided in paragraph (b) of this section, a displaced person who conducts a business or farm operation is entitled to not more than $500, or such higher amount as the displacing agency considers justified under the circumstances, for actual reasonable expenses in searching for a replacement business or farm operation including—

(1) Cost of travel;

(2) Cost for meals and lodging;

(3) An amount for time spent searching, based on the salary or earnings of the displaced person from the business or farm operation, but not more than $10 per hour; and

(4) If the displacing agency considers it desirable, the cost of a broker or realtor to locate a replacement site.

(b) A displaced person who conducts an advertising business described in § 4.129, is entitled to not more than $100, or if the displacing agency considers it justified under the circumstances not more than $500, for actual reasonable expenses in searching for a replacement outdoor advertising display site.

Subpart F—Fixed Allowance in Lieu of Moving and Related Expenses

§ 4.151 Scope.

This subpart prescribes the requirements governing payment of dislocation and moving expense allowances to displaced persons who are eligible for payment of their actual moving and related expenses under Subpart E of this part, but elect to receive a fixed allowance in lieu thereof.

§ 4.153 Schedule of moving expense allowances; occupants of dwellings.

The displacing agency shall establish (or obtain) and maintain a schedule of moving expense allowances applicable to persons displaced from dwellings by projects to which this part applies, based on current moving costs in the project's locality. The allowance for any individual or displaced person may not exceed $300.

§ 4.155 Dislocation and moving expense allowances; occupants of dwellings.

A person displaced from a dwelling who elects to receive fixed dislocation and moving expense allowances in lieu of payment of actual moving and related expenses is entitled to—

(a) A dislocation allowance of $200; and

(b) The applicable moving expense allowance specified in the schedule of moving expense allowances maintained under § 4.153 for the locality concerned.

§ 4.156 Family treated as person.

For the purpose of this subpart, the term "person" includes two or more individuals who are living together in the same dwelling, as a single family unit and who are related to each other by blood, marriage, adoption, or legal guardianship.

§ 4.157 Application and payment.

Application and payment procedures under this subpart shall be as stated in § 4.121, except that a person electing to be paid under this subpart need not file an itemization of expenses of moving.

§ 4.159 Fixed allowance; businesses.

A displaced person who conducts a business and elects to receive a fixed allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net income of the business, computed in accordance with § 4.163, but not less than $2,500 or more than $10,000, if that business—

(a) Substantially contributes to the income of the displaced person;

(b) Cannot, in the opinion of the displacing agency, be relocated without substantial loss of existing patronage taking into consideration—

(1) The type of the business;

(2) The nature of its clientele; and

(3) The relative importance of the displacement and proposed relocation sites to the business; and

(c) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired by a State agency or the United States.

§ 4.161 Fixed allowance; farm operation.

(a) A displaced person who conducts a farm operation and elects to receive a fixed allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net income of the farm operation, computed in accordance with § 4.163, but not less than $2,500 or more than $10,000.

(b) In the case of a partial acquisition and displacement of a farm operation, the fixed allowance described in paragraph (a) of this section may be paid only if the displacing agency finds that—

(1) The displaced activity was a farm operation before the acquisition of the displacement site; and

(2) The property remaining after acquisition is not an economic unit.

§ 4.163 Computing average annual net income; businesses and farm operations.

(a) For the purposes of this subpart, the average annual net income of a business or farm operation is its average annual net earnings before Federal, State, and local income taxes during the 2 tax years immediately preceding the tax year in which it is displaced. Net earnings include compensation obtained from the business or farm operation by its owner, his spouse, or dependents, or in

the case of a corporate owner, by the holder of a majority of the common stock, his spouse, or dependents.

(b) For the purpose of determining majority ownership, stock held by an individual, his spouse, and his dependents shall be treated as a unit.

(c) If the displacing agency finds that the 2 tax years immediately preceding displacement are not representative, or if the business or farm operation has not been in operation that long, it may, with the concurrence of the Administrator, prescribe some other time period for computing average annual net income.

(d) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this subpart, he shall provide proof of his earnings from the business or farm operation to the displacing agency. Proof of earnings may be established by income tax returns, certified financial statements, or other similar evidence.

Subpart G—Replacement Housing Payments

§ 4.171 Scope.

This subpart prescribes the requirements governing payment for replacement housing for individuals and families displaced by projects which are part of a Federal or federally assisted program administered by the Environmental Protection Agency.

§ 4.173 Purchase of a decent, safe, and sanitary dwelling.

A displaced tenant or homeowner "purchases" a dwelling within the meaning of this subpart when he—

(a) Acquires an existing dwelling;

(b) Rehabilitates a substandard dwelling which he owns or acquires;

(c) Relocates a dwelling which he owns or acquires;

(d) Relocates and rehabilitates a substandard dwelling which he owns or acquires;

(e) Constructs a new dwelling on a site which he owns or acquires;

(f) Contracts to purchase a dwelling on a site provided by a builder; or

(g) Contracts for the construction of a dwelling on a site provided by a builder or on a site which he owns or acquires.

§ 4.175 Occupancy.

(a) A displaced tenant or homeowner "occupies" a dwelling within the meaning of this subpart only if the dwelling is his permanent place of residence.

(b) If a tenant or homeowner contracts for the construction or rehabilitation of a replacement dwelling, and for reasons not within his control the construction or rehabilitation is delayed beyond the date occupancy is required, the displacing agency may extend the period of eligibility for a replacement housing payment until the tenant or homeowner occupies the replacement dwelling.

§ 4.177 Inspection of replacement dwelling required.

(a) Before making a replacement housing payment to a displaced homeowner or tenant, or releasing a payment from escrow, as the case may be, the displacing agency shall inspect the replacement dwelling to determine whether or not it meets the criteria for decent, safe, and sanitary dwellings. The displacing agency may use the services of any public agency ordinarily engaged in housing inspection to conduct the inspection required by this section.

(b) A determination by the displacing agency that a dwelling meets the criteria for decent, safe, and sanitary housing is solely for the purpose of this subpart and is not a representation for any other purpose.

§ 4.179 Application and payment.

(a) Upon application by a displaced homeowner or tenant who meets the requirements of this subpart for a replacement housing payment, the displacing agency shall—

(1) If he has purchased or rented, and occupied a decent, safe, and sanitary dwelling, make the payment directly to him, or, at his option, to the seller or lessor of the decent, safe, and sanitary dwelling; or

(2) If he has purchased or rented, but not yet occupied a decent, safe, and sanitary dwelling, upon his request make the payment into an escrow account.

(b) The application shall be in writing and filed with the displacing agency within 18 months after the date the applicant was required to vacate an acquired dwelling or 6 months after final adjudication of a condemnation proceeding, whichever is later.

§ 4.181 Eligibility.

(a) A displaced homeowner is eligible for a replacement housing payment under § 4.183 if he—

(1) Qualifies a displaced person under § 4.7;

(2) Actually owned and occupied the acquired dwelling for at least 180 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Purchases and occupies a decent, safe, and sanitary dwelling within 1 year after the date he receives final payment for the acquired dwelling, or 1 year after the date he is required to move from the acquired dwelling, whichever is later.

(b) A displaced homeowner is eligible for a replacement housing payment under § 4.185 if he—

(1) Qualifies as a displaced person under § 4.7;

(2) Actually owned and occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the date he receives final payment for the acquired dwelling, or 1 year after date he is required to move from the acquired dwelling, whichever is later.

(c) A displaced tenant is eligible for a replacement housing payment under § 4.185 if he—

(1) Qualifies as a displaced person under § 4.7;

(2) Actually occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the date he is required to move from the acquired dwelling.

(d) For the purpose of paragraphs (a)(2) and (b)(2) of this section, if a homeowner inherits an interest in a dwelling by devise or operation of law, his tenure of ownership includes the tenure of the preceding homeowner.

§ 4.183 Replacement housing payment; purchase price.

A displaced homeowner who qualifies under § 4.181(a) is entitled to a replacement housing payment of not more than $15,000. Within that limitation the payment shall consist of the following amounts:

(a) If the reasonable cost of a comparable replacement dwelling is more than the acquisition price of the acquired dwelling, the difference between them.

(b) If there was a bona fide mortgage which constituted a valid lien on the acquired dwelling for at least 180 days before the initiation of negotiations for the acquired dwelling and if the cost of financing the purchase of a replacement dwelling includes increased interest costs, an amount to compensate for that increase.

(c) An amount necessary to cover incidental expenses on the purchase of a replacement dwelling, but not including prepaid expenses.

§ 4.185 Replacement housing payments; rent and down payments.

A displaced homeowner who qualifies under § 4.181(b) or a displaced tenant who qualifies under § 4.181(c), is entitled to a replacement housing payment of not more than $4,000. Within that limitation the payment shall be that amount necessary for the homeowner or tenant to—

(a) Rent a comparable replacement dwelling for a period of not more than 4 years; or

(b) Make the down payment required for a conventional loan and cover the incidental expenses on the purchase of a comparable replacement dwelling.

§ 4.187 Rules for considering land values.

In determining the amount of a replacement housing payment under § 4.183(a) the following rules apply:

(a) If the dwelling is located on a tract typical for residential use in the area, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the value of the acquired property.

(b) If the dwelling is located on a tract larger than typical for residential use in the area, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the estimated value of the dwelling assuming it was located on a tract typical for the area.

(c) If the dwelling is located on a tract that has a use higher and better than residential, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for residential use in the area less the estimated value of the dwelling assuming it was located on a tract typical for residential use in the area.

§ 4.189 Limitations; payment for purchase price.

(a) The price established as the reasonable cost of a comparable replacement dwelling sets the upper limit of the differential amount payable under § 4.183(a). To qualify for the full amount, the homeowner must purchase and occupy a decent, safe, and sanitary dwelling higher in value than the acquired dwelling.

(b) If the homeowner voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the reasonable cost established for a comparable replacement dwelling, the amount payable under § 4.183(a) is that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the decent, safe, and sanitary dwelling.

§ 4.191 Reasonable cost of comparable replacement dwelling.

In determining the reasonable cost of a comparable replacement dwelling available on the private market, the displacing agency shall use one of the following methods:

(a) It may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings which are available. If more than one agency is administering a project causing displacements in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area. The schedule must be based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban area this analysis may be confined to one area of the city, or may cover several different areas if they are comparable and equally accessible to public services and places of employment. To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of rooms, and price ranges.

(b) It may determine the reasonable cost of a comparable replacement dwelling by examining the probable selling prices of at least three comparable replacement dwellings which are available. Selection of the dwellings must be made by a qualified employee of the displacing agency who is familiar with real property values and current real estate transactions.

(c) If it finds that the methods described in paragraphs (a) and (b) of this section are not feasible for determining the reasonable cost of a comparable replacement dwelling, it may propose what it considers to be a feasible method to the Administrator for approval.

§ 4.193 Owner retention.

(a) If a displaced homeowner elects to retain and move his dwelling, the amount payable under § 4.183(a) is the difference between the acquisition price of the acquired dwelling and the sum of—

(1) The moving and restoration expenses;

(2) The cost of correcting decent, safe, and sanitary deficiencies, if any; and

(3) The estimated selling price of a comparable relocation site.

(b) The amount computed in accordance with paragraph (a) of this section is subject to the limitations prescribed in § 4.189.

§ 4.195 Increased interest costs.

(a) The amount payable for increased interest costs under § 4.183(b) is—

(1) The present value of the difference in interest costs and other debt service costs charged for refinancing an amount not more than the balance of the mortgage on the acquired dwelling at the time of acquisition over a period not more than the remaining term of that mortgage; or

(2) An amount based on a schedule prescribed or approved by the Administrator and computed in accordance with this section.

(b) For purposes of computing increased interest costs, the following rules apply:

(1) The interest charge on the new mortgage may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area.

(2) The present value of the increased interest cost shall be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area.

§ 4.197 Incidental expenses.

(a) The incidental expenses payable under § 4.183(c) or § 4.185(b) is the amount necessary to compensate the homeowner or tenant for actual costs incurred incident to the purchase of a decent, safe, and sanitary dwelling, including the following:

(1) Legal closing costs, including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plots, and charges incident to recordation.

(2) Lender, FHA, or VA appraisal fees.

(3) FHA or VA application fee.

(4) Certification of structural soundness when required by the lender, FHA, or VA.

(5) Credit report.

(6) Title policies or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps or sale or transfer taxes.

(b) An incidental expense which is part of a finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation "Z" issued thereunder by the Board of Governors of the Federal Reserve System, may not be reimbursed.

§ 4.199 Computation of rental payments; tenants.

(a) The amount payable to a displaced tenant, other than a tenant of the displacing agency, for rent under § 4.185(a) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the average month's rent paid by the displaced tenant for the last 3 months before initiation of negotiations for the acquired dwelling if that rent was reasonable, and if not reasonable 48 times the monthly economic rent for the dwelling unit as established by the displacing agency.

(b) The amount payable to a displaced tenant of the displacing agency for rent under § 4.185(a) is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent.

§ 4.201 Computation of rental payments; homeowners.

The amount payable to a displaced homeowner is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent, but not more than the homeowner would receive if he were eligible for a payment under § 4.183.

§ 4.203 Determining reasonable monthly rent.

In determining the reasonable monthly rent for a comparable replacement dwelling for the purposes of §§ 4.199 and 4.201, the displacing agency shall use one of the following methods:

(a) It may establish a schedule of monthly rents for each type of dwelling required. The schedule shall be based on an analysis of the available private market. If more than one agency is administering a project causing displacement in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area.

(b) It may determine a reasonable rent by examining the rent of at least three comparable replacement dwellings available on the private market.

(c) If it finds that the methods described in paragraphs (a) and (b) of this section are not feasible, it may propose what it considers to be a feasible method to the Administrator for approval.

§ 4.205 Rental payments; method of payment.

If a rental payment under § 4.185(a) is more than $500, it shall be made in four equal annual installments. Before making an annual payment, the displacing agency shall verify that the

tenant still occupies a decent, safe, and sanitary dwelling.

§ 4.207 Computation of down payments.

The amount payable to a displaced homeowner or tenant for a down payment under § 4.185(b) is the full amount of the first $2,000 of the required down payment plus one-half of any amount required over $2,000. However, the homeowner or tenant must provide the other half of any amount required over $2,000.

§ 4.209 Down payments.

A displaced homeowner or tenant shall apply the full amount of the payment to which he is entitled under § 4.185(b) to the down payment and the incidental expenses described in the closing statement.

§ 4.211 Provisional payment pending condemnation.

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the displacing agency may make a provisional replacement housing payment to the displaced homeowner based on the agency's maximum offer for the property, but only if the homeowner enters into an agreement with the agency that—

(a) Upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court;

(b) If the acquisition price as determined by the court is greater than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference shall be refunded to the agency; and

(c) If the acquisition price as determined by the court is less than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference shall be paid to the homeowner.

§ 4.213 Combined payments.

(a) If a homeowner is eligible for payment under § 4.183, but has previously received a rental payment under § 4.185(a), the amount of rental payment previously received shall be deducted from any amount that he receives under § 4.183.

(b) If a homeowner or tenant is eligible for a down payment under § 4.185 (b), but has previously received a rental payment under § 4.185(a), the amount of rental payment previously received shall be deducted from the amount of any down payment that he receives under § 4.185(b).

§ 4.215 Partial use of home for business or farm operation.

(a) In the case of a displaced homeowner or tenant who has allocated part of his dwelling for use in connection with a displaced business or farm operation, a replacement housing payment may not be paid for that part of the property which is allocated to the business or farm operation.

(b) The eligibility of a person to receive a payment under § 4.127 is not affected by this section.

§ 4.217 Multiple occupants of a single dwelling.

(a) If two or more families, or an individual and a family, occupy the same dwelling, each such individual or family that elects to relocate separately is entitled to a separately computed replacement housing payment.

(b) If two or more individuals, not a family, occupy the same dwelling, they shall be treated as a single family in computing a replacement housing payment.

§ 4.219 Multifamily dwelling.

In the case of a displaced homeowner who is required to move from a one-family unit of a multifamily building which he owns, the replacement housing payment shall be based on the cost of a comparable one-family unit in a multifamily building or a single family structure, without regard for the number of units in the building being acquired.

§ 4.221 Certificate of eligibility pending purchase of replacement dwelling.

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a comparable replacement dwelling, but who is otherwise eligible for a replacement housing payment under this subpart, the displacing agency shall certify to any interested party, financial institution, or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he purchases and occupies a decent, safe, and sanitary dwelling within the time limits prescribed by § 4.181(a)(3), (b)(3), or (c)(3), as the case may be.

Subpart H—Relocation Assistance Functions Carried Out Through Other Agencies

§ 4.231 Authority to carry out relocation assistance through other agencies.

To prevent unnecessary expenses and duplication of activities, an agency that is required to provide relocation services or make relocation payments under this part may carry out any of those functions through the facilities, personnel, and services, of any Federal, State, or local governmental or private agency having an established organization for conducting relocation assistance programs.

§ 4.233 Interagency agreement required.

If the displacing agency elects to provide relocation services or make relocation payments through another agency, it shall enter into a written agreement with that agency. The agreement must be approved by the Administrator and must contain the following:

(a) An obligation on the part of the other agency to perform the services and make the relocation payments in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and this part.

(b) A requirement that the records required by § 4.19 be retained by the other agency or turned over to the displacing agency and that they be retained for a period of at least 3 years after payment of the final voucher on each project, regardless of which agency retains them.

(c) A requirement that the records required by § 4.19 be available for inspection by representatives of the Environmental Protection Agency at any reasonable business hour.

(d) If the contract is with a public agency administering another Federal or federally-assisted program, a description of the financial responsibilities of each program to finance the relocation program required by this part.

(e) A provision acknowledging that only those costs directly chargeable to the Federal or federally assisted project are eligible for Federal funds.

(f) A provision for negotiation of major changes that become necessary in the scope, character, or estimated total cost of the work to be performed.

§ 4.235 Amendment of existing agreements required.

Each agreement between a displacing agency and another agency for carrying out relocation assistance functions through the other agency that is in effect on September 1, 1971, shall be amended or supplemented as necessary to include the requirements of § 4.233. The displacing agency shall furnish the Administrator with a copy of the amended agreement or the existing agreement and the supplement, as the case may be.

Subpart I—Acquisition of Real Property

§ 4.251 Scope.

This subpart prescribes requirements for the acquisition of real property in a Federal or federally-assisted program administered by the Environmental Protection Agency.

§ 4.253 Real property acquisition practices.

(a) In acquiring real property, each displacing agency shall to the greatest extent practicable—

(1) Make every reasonable effort to acquire real property expeditiously through negotiation;

(2) Before the initiation of negotiations have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during inspection of the property;

(3) Before the initiation of negotiations, establish an amount which it believes to be just compensation for the real property, and make a prompt offer to acquire the property for that amount;

(4) Before requiring any owner to surrender possession of real property—

(i) Pay the agreed purchase price; or

(ii) Deposit with the court, for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of the property; or

(iii) Pay the amount of the award of compensation in a condemnation proceeding for the property;

(5) If interest in real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property; and

(6) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, offer to acquire that remnant.

(b) In acquiring real property, to the greatest extent practicable an agency may not—

(1) Schedule the construction or development of a public improvement that will require any person lawfully occupying real property to move from a dwelling, or to move his business or farm operation, without giving that person at least 90 days' written notice of the date he is required to move;

(2) If it rents acquired real property to the former owner or tenant for short term or subject to termination by the agency on short notice, charge rent that is more than the fair rental value of the property to a short-term occupant;

(3) Advance the time of condemnation;

(4) Defer negotiations, condemnation, or the deposit of funds in court for use of the owner; or

(5) Take any coercive action to compel an owner to agree to a price for his property.

§ 4.255 Statement of just compensation to owner.

At the time it makes an offer to purchase real property, the displacing agency shall provide the owner of that property with a written statement of the basis for the amount estimated to be just compensation. The statement shall include the following:

(a) An identification of the real property and the particular interest being acquired.

(b) A certification, where applicable that any separately held interest in the real property is not being acquired in whole or in part.

(c) An identification of buildings, structures, and other improvements, including fixtures, removable building equipment, and any trade fixtures which are considered to be part of the real property for which the offer of just compensation is made.

(d) An identification of any real property improvements, including fixtures, not owned by the owner of the land.

(e) An identification of the types and approximate quantity of personal property located on the premises that is not being acquired.

(f) A declaration that the agency's determination of just compensation—

(1) Is based on the fair market value of the property;

(2) Is not less than the approved appraised value of the property;

(3) Disregards any decrease or increase in the fair market value caused by the project for which the property is being acquired; and

(4) In the case of separately held interests in the real property, includes an apportionment of the total just compensation for each of those interests.

(g) The amount of damages to any remaining real property.

§ 4.257 Equal interest in improvements to be acquired.

In acquiring any interest in real property each displacing agency shall acquire at least an equal interest in all buildings, structures, or other improvements located on that real property which will be removed or which will be adversely affected by the completed project.

§ 4.259 Payments to tenants for improvements.

(a) In the case of a building, structure, or other improvement owned by a tenant on real property acquired for a project to which this part applies, the displacing agency shall, subject to paragraph (b) of this section, pay the tenant the larger of—

(1) The fair market value of the improvement, assuming its removal from the property; or

(2) The enhancement of the fair market value of the real property.

(b) A payment may not be made to a tenant under paragraph (a) of this section unless—

(1) The tenant, in consideration for the payment, assigns, transfers, and releases to the displacing agency all his right, title, and interest in the improvement;

(2) The owner of the land involved disclaims all interest in the improvement; and

(3) The payment is not duplicated by any payment otherwise authorized by law.

§ 4.261 Expenses incidental to transfer of title.

As soon as possible after real property has been acquired, the displacing agency shall reimburse the owner for—

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the agency;

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro rata portion of any prepaid real property taxes which are allocable to a period subsequent to the date of vesting title in the agency or the effective date of possession of the real property by the agency, whichever is the earlier.

§ 4.263 Litigation expenses.

(a) In any condemnation proceeding brought by the displacing agency to acquire real property, it shall reimburse the owner of any right, title, or interest in the real property for his reasonable costs, disbursements, and expenses, including attorney, appraisal, and engineering fees, actually incurred because of the proceeding, if—

(1) The final judgment is that the displacing agency cannot acquire the real property by condemnation; or

(2) The proceeding is abandoned by the displacing agency concerned.

(b) In any inverse condemnation proceeding where the owner of any right, title, or interest in real property receives an award of compensation by judgment or settlement, the displacing agency shall reimburse the plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the proceeding.

APPENDIX A—RECORDS

The following list sets forth relocation information which a displacing agency shall maintain for each Federal or federally-assisted project that it administers.

I. *General.* The displacing agency shall keep a record of the following general information concerning the project:

(1) Project and parcel identification.

(2) Name and address of each displaced person; his new address and telephone number if available.

(3) Dates of all personal contacts made with each displaced person.

(4) Date each displaced person is given notice of relocation payments and services.

(5) Name of agency employee who offers relocation assistance.

(6) Whether the offer of assistance is declined or accepted, and the name of the individual who accepts or declines the offer.

(7) Date each displaced person is required to move.

(8) Date of actual relocation, and whether relocation was accomplished with the assistance of the displacing agency, other agencies, or without assistance.

(9) Type of tenure held by each displaced person before and after relocation.

II. *Displacements from dwellings.* The displacing agency shall keep a record of the following information concerning each individual or family displaced from a dwelling in connection with the project:

(1) Number in family, or number of individuals.

(2) Type of dwelling.
(3) Fair market value, or monthly rent.
(4) Number of rooms.

III. *Displaced businesses.* The displacing agency shall keep a record of the following information concerning each business displaced in connection with the project:

(1) Type of business.
(2) Whether or not relocated.
(3) If relocated, distance moved.
(4) Data supporting a determination that a business cannot be relocated without a substantial loss of its existing patronage and that it is not part of a commercial enterprise having at least one other establishment not being acquired by a State agency or the United States.

IV. *Moving expenses.* The displacing agency shall keep a record of the following information concerning each payment of moving and related expenses in connection with the project:

(1) The date personal property is moved, and the original and new locations of the personal property.
(2) If personal property is stored temporarily—
(a) The place of storage;
(b) The duration of storage; and
(c) A statement of why storage is necessary.
(3) An account of all moving expenses that are supported by receipted bills or similar evidence of expense;
(4) Amount of reimbursement claimed, amount allowed, and an explanation of any difference.
(5) In the case of a business or farm operation that receives a fixed allowance in lieu of moving expenses, data underlying the computation of such payment.

V. *Replacement housing payments.* The displacing agency shall keep a record of the following information concerning each relocation housing payment made in connection with the project:

(1) The date application for payment is received.
(2) The date application for payment is approved or rejected.
(3) Data substantiating the amount of payment.
(4) If replacement housing is purchased, a copy of the closing statement indicating the purchase price, down payment, and incidental expenses.
(5) Whenever a rental payment is made by annual installment, a statement confirming that the tenant still occupies a decent, safe, and sanitary dwelling.
(6) A copy of the Truth in Lending Statement, or other data, including computations, that confirms the increased interest payment.

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