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HIGHLIGHTS OF THIS ISSUE

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

Rules and Regulations

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 365]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.665 Valencia Orange Regulation 365.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effectie as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 7, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 10, 1971, through September 16, 1971, are hereby fixed as follows:

(i) District 1: 120,000 cartons;

(ii) District 2: 380,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" 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: September 8, 1971.

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

[FR Doc.71-13386 Filed 9-8-71;11:17 am]

[Bartlett Pear Reg. 6]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

On August 25, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 16676), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This notice allowed interested persons 7 days in which they could submit data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Northwest Fresh Bartlett Pear Marketing Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The recommendations of the committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of Bartlett pears from the production area are currently being made subject to grade, size, and pack of container limitations which became effective August 9, 1971 (36 F.R. 14311). The grade and size requirements specified herein are the same as those in effect during the period August 9, through September 12, 1971. The committee reported that the continuation of such regulation, as herein specified, is necessary to prevent the handling on and after September 13, 1971, of any Bartlett pears of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to producers pursuant to the declared policy of the act.

The provisions which provide for less stringent grade and size regulations for pears packed in the "western lug" recognizes the fact that pears in this container are sold primarily to markets in the Northwestern States primarily for home canning, and that pears packed in the "14- to 15-pound containers" are sold primarily in markets in the Midwestern States also primarily for home canning. Conversely, the application of more stringent grade and size regulations for pears packed in the "standard western pear box", the "L.A. lug", or their carton equivalents, or in "tight-filled" containers, recognizes the fact that pears packed in these containers are primarily sold in supermarkets throughout the country for fresh consumption to be eaten out of hand. The provision which sets a smaller diameter limit for Red Bartlett pears recognizes the fact that the demand for this variety differs from that for regular Bartlett pears because of their red color and because they are less desirable for canning. The special inspection requirements for minimum quantities, which exempts shipments of 200 containers or less on any single conveyance from inspection requirements, except for spot check inspection, if certain reporting requirements are met, reflects the fact that such minimum quantity shipments are often shipped on the same conveyance as apples; that on the container basis mandatory inspection of such minimum quantities would be undulely expensive and in some instances difficult to obtain; and that, the total of such shipments is relatively inconsequential when compared with the total supply handled. The exemption of pears in gift packages from assessment, inspection, and certification, reflects the fact that pears so handled are generally of high quality because they are sold in a market which demands high quality fruit. The exemption for individual shipments of 500 pounds or less of Bartlett pears sold for home use and

not for resale and for pears in gift packages follows the custom and pattern of prior years. The quantity of pears so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impractical to regulate the handling of such shipments due to the nearness to the source of supply.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Shipments of such Bartlett pears are expected to continue on and after the expiration date of the existing regulation 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. 16676), and no objection to this regulation of 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.

§ 931.306 Bartlett Pear Regulation 6.

(a) Order: During the period September 13, 1971, through June 30, 1972, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraphs (4) or (5) of this paragraph:

(1) *Minimum grade and size requirements.* Such pears grade at least U.S. No. 1, and be of a size not smaller than 165 size when packed in the "standard western pear box", the "L.A. lug", or their carton equivalents, or in "tight-filled" containers, or in containers having a capacity equal to or greater than the "western lug", or be at least 2¼ inches in diameter when packed in the "western lug" or in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears: *Provided*, That pears which grade at least U.S. No. 2 which are not smaller than the 120 size, or not smaller than the 150 size for the Red Bartlett variety, may be handled if they are packed in the "standard western pear box", the "L.A. lug", or their carton equivalents; or if they are not smaller than 2¼ inches in diameter they may be handled if packed in the "western lug" or in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears.

(2) *Pack of container requirements.* Such pears are packed in the "standard western pear box", the "L.A. lug", or their carton equivalents, in "tight-filled" containers, in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears, or in containers having a capacity equal to or greater than the "western lug".

(3) *Special inspection requirements for minimum quantities.* During the aforesaid period any handler may ship on any conveyance up to, but not to exceed 200 containers (of those types specified herein), of pears without regard to the inspection requirements of § 931.55 under the following conditions: (i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipments to the committee on forms furnished by the committee, showing the car or truck number and destination; and (ii) on the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(4) *Special purpose shipments.* Notwithstanding any other provision of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification).

(5) Notwithstanding any other provision of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification):

(i) The shipment consists of pears sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1," "U.S. No. 2," and "size" shall have the same meaning as when used in the U.S. Standards for Summer and Fall Pears (7 CFR 51.1260–51.1280); "120 size", "150 size", and "165 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 120, 150, or 165 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); the term "L.A. lug" shall mean a container with inside dimensions of 5¾ by 13½ by 16⅛ inches; the term "western lug" shall mean a container with inside dimensions of 7 by 11½ by 18 inches; and the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration, according to approved and recognized methods.

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

Dated: September 3, 1971.

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

[FR Doc.71-13252 Filed 9-8-71;8:49 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

Subpart—1971 Crop Peanut Warehouse Storage Loans and Sheller Purchases

The General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases (32 F.R. 9950) and any amendments thereto (hereinafter called the General Regulations), which contain terms and conditions under which CCC will make warehouse storage loans on and sheller purchases of peanuts, are supplemented by revising §§ 1446.40–.44 and 1446.50–53 to read as follows, effective as to the 1971 crop of peanuts. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

It is impracticable to give notice of the proposed rule making with respect to this supplement because 1971 crop peanuts are being moved to market and it is essential that price support loan rates and sheller purchase prices applicable to such peanuts be made available at the earliest possible time. Therefore, this Supplement is being issued without following such proposed rule making procedure and shall be effective upon publication in the FEDERAL REGISTER.

WAREHOUSE STORAGE LOANS

Sec.
1446.40 Association through which producers may obtain price support.
1446.41 Applicability.
1446.42 National average price.
1446.43 Average support price by type.
1446.44 Calculation of support prices.

SHELLER PURCHASES

1446.50 Eligible sheller—filing time.
1446.51 Period of offering.
1446.52 CCC purhases of eligible peanuts and prices.
1446.53 Peanut seed residual.

AUTHORITY: The provisions of this subpart issued under 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.

WAREHOUSE STORAGE LOANS

§ 1446.40 Associations through which producer may obtain price support.

Eligible producers may obtain price support by means of warehouse storage loans on eligible 1971 crop farmers stock peanuts through, in the Southeastern area, GFA Peanut Association, Camilla, Ga.; Southwestern area, Southwestern Peanut Growers' Association, Gorman, Tex.; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Va.

§ 1446.41 Applicability.

The support prices specified in this subpart apply to 1971 crop farmers stock farmers in bulk or in bags, net weight basis, eligible for price support advances under the general regulations.

§ 1446.42 National average price.

The national average support price for 1971 crop peanuts is $268.50 per ton.

§ 1446.43 Average support price by type.

The support prices by type per average grade ton of 1971 crop peanuts are:

Type	Dollars per ton
Virginia	$278.54
Runner	261.26
Southeast Spanish	268.42
Southwest Spanish	263.86
Valencia, in the Southwest area suitable for cleaning or roasting	278.54

The price for all Valencia type peanuts in the Southeast and Virginia-Carolina areas and those in the Southwest area which are not suitable for cleaning and roasting will be the same as for Spanish type peanuts in the same area.

§ 1446.44 Calculation of support prices.

The support price per ton for 1971 crop peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums, and discounts (with no value being assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 4 cents per pound of kernels in the lot:

(a) *Kernel value per net ton excluding loose shelled kernels.* (1) Price for each percent of sound mature and sound split kernels shall be:

Type	Dollars per ton
Virginia	$3.862
Runner	3.823
Southeast Spanish	3.823
Southwest Spanish	3.823
Valencia:	
Southwest area—suitable for cleaning and roasting	4.238
Southwest area—not suitable for cleaning and roasting	3.823
Areas other than Southwest	3.823

(2) Price for each percent of other kernels:

All types	$1.40

(3) Premium for each 1 percent extra large kernels in Virginia type peanuts shall be 45 cents, except that no premium shall be applicable to any lot of such peanuts containing more than 7 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.*

All types	$0.07

(c) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of—	Discount
1 percent	None
2 percent	$3.40
3 percent	7.00
4 percent	11.00
5 percent	25.00
6 percent	40.00
7 percent	60.00
8–9 percent	80.00
10 percent and over	100.00

(d) *Sound split kernel discount.* For all types of peanuts, the discount per ton for sound split kernels shall be as follows:

Peanuts containing sound split kernels of—	Discount
1 through 4 percent	None
5 percent	$1.00
6 percent	1.60

Plus 80 cents for each percent of sound split kernels in excess of 6 percent.

(e) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall $1 per ton.

(f) *Price adjustment for peanuts sampled with other than a pneumatic sampler.* The support price for Virginia type peanuts sampled with other than a pneumatic sampler shall be reduced by $0.092 per percent sound mature and sound split kernels.

(g) *Mixed type discount.* Individual lots of farmer stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(h) *Location adjustments to support prices.* Farmer stock peanuts delivered to the association for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

(1) Arizona, $25 per ton.
(2) Arkansas, $10 per ton.
(3) California, $33 per ton.
(4) Louisiana, $7 per ton.
(5) Mississippi, $10 per ton.
(6) Missouri, $10 per ton.
(7) Tennessee, $25 per ton.

(i) *Virginia type peanuts.* Virginia type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at $^{34}/_{64}$-inch space. Virginia type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were Runner type.

SHELLER PURCHASES

§ 1446.50 Eligible sheller—filing time.

To be eligible to sell 1971 crop peanuts to CCC under this subpart, the sheller shall file with the Association not later than February 28, 1972, or such later date as may be approved by CCC, the notice of participation required under § 1446.11(a) of the General Regulations.

§ 1446.51 Period of offering.

Unless a later date is approved in writing by CCC, written offers to sell 1971 crop peanuts to CCC, on the form prescribed by CCC may be filed with the Association from time of harvest through:

(a) July 31, 1972, for shelled peanuts not U.S. grade described in § 1446.52(c), and for farmers stock peanuts described in § 1446.52(d).

(b) October 31, 1972, for U.S. grade shelled peanuts described in § 1446.52(b).

§ 1446.52 CCC purchases of eligible peanuts and prices.

(a) *Basis of purchase.* Except as otherwise provided in § 1446.13 of the General Regulations, CCC will purchase from eligible shellers 1971 crop peanuts which meet the specifications contained in this section. The peanuts will be purchased on the basis of the net weight determined at the time of delivery and the prices specified in paragraphs (b), (c), and (d) of this section. CCC will also pay a carrying charge for farmer stock and U.S. grade shelled peanuts which are delivered to CCC after November 1971 in the Southeastern area, and December 1971 in the Southwestern and Virginia-Carolina areas. The carrying charge will commence on December 1, 1971, in the Southeastern area, and January 1, 1972, in the Southwestern and Virginia-Carolina areas, and will accrue at the rate of (1) $1.40 per ton net weight per calendar month or fraction thereof for U.S. grade shelled peanuts, but shall not exceed a total of $7 per ton net weight, and (2) $1 per ton net weight per calendar month or fraction thereof for farmers stock peanuts but shall not exceed a total of $5 per ton net weight.

(b) *U.S. Grade shelled peanuts and shelled peanuts with splits.* (1) Shelled peanuts with splits means Runner, Spanish, or Virginia type shelled peanuts which meet the specifications for U.S. No. 1 grade except that such peanuts contain not more than: 15 percent splits; and 2 percent whole kernels which, for Runners or Spanish, will pass through a $^{15}/_{64}$- x $^{3}/_{4}$-slot-screen, and for Virginias, will pass through a $^{15}/_{64}$- x 1-slot-screen.

(i) U.S. No. 1 (all types) 20.4 cents per pound.

(ii) U.S. Extra Large Virginia 24.3 cents per pound.

(iii) U.S. Medium Virginia 21.8 cents per pound.

(iv) U.S. Splits (all types) 19.9 cents per pound.

(v) Shelled peanuts with splits (all types) 20.2 cents per pound.

(2) The price for any lot of shelled peanuts described in this paragraph which have been unsuccessfully remilled to remove aflatoxin, which are certified by the Peanut Administrative Committee office to be eligible for indemnification under the peanut marketing agreement and which otherwise meet the outgoing quality regulations specified in the peanut marketing agreement, will be discounted by 5.25 cents per pound.

(3) U.S. grade shelled peanuts shall meet the U.S. standards for such peanuts, except that they shall not contain more than 1.25 percent damaged or unshelled kernels other than minor defects and not more than 2 percent total damaged or unshelled and minor defects.

(c) *Shelled peanuts—not U.S. grade.* (1) No. 1 size; i.e., ride U.S. No. 1 screens—19.4 cents per pound.

(2) Large whole kernels which will not pass through screens with the following size openings—18.6 cents per pound:

Virginia ..... 14/64 x 1" slot.
Runner ..... 14/64 x 3/4" slot.
Spanish ..... 13/64 x 3/4" slot.

(3) Large split kernels (i.e., separated halves) which will not pass through screens with the following size openings—19.1 cents per pound:

Virginia ..... 17/64" round.
Runner ..... 17/64" round.
Spanish ..... 16/64" round.

(4) Small whole kernels which will not pass through screens with the following size opening—11 cents per pound.

Virginia ..... 12/64 x 1" slot.
Runner ..... 12/64 x 3/4" slot.
Spanish ..... 11/64 x 3/4" slot.

(5) In addition to the other prices specified in this paragraph (c), CCC shall pay the sheller for "fall through" not exceeding 3 percent at the rate of 6 cents per pound. "Fall through" means all kernels or portions thereof which will pass through screens with the following size openings:

	Whole kernels	Split and portions
Virginia	13/64 x 1" slot	17/64" round.
Runner	13/64 x 3/4" slot	15/64" round.
Spanish and Valencia	11/64 x 3/4" slot	15/64" round.

(6) Quality conditions: Any lot of shelled peanuts of the sizes described in subparagraphs (1) through (4) of this paragraph (c) shall not contain more than (i) 4 percent damaged or unshelled kernels other than minor defects, (ii) 8 percent total damaged or unshelled and minor defects, (iii) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area, (iv) 6 percent "fall through", as defined in subparagraph (5) of this paragraph (c) (but CCC will not pay for any "fall through" in excess of 3 percent), and (v) 2 percent foreign material. The peanuts in any bag(s) in any lot of such peanuts shall also meet the quality conditions set forth above in this subparagraph (6). If a sheller offers to CCC any lot of such peanuts which contains peanuts of different sizes (i.e., No. 1 size, large whole, small whole, or large split kernels) bagged separately, the sheller shall: Mark or tag each bag in the lot to show the size of the peanuts therein; and stack the bags of each size of peanuts separately to make them readily available for sampling.

(7) The prices specified for shelled peanuts described in this paragraph (c) shall be discounted (i) for damaged and unshelled kernels and minor defects at the rate prescribed in the table appearing at the end of this subpart, (ii) for foreign material at the rate of one-tenth of 1 cent per pound for each full one-tenth of 1 percent by which the foreign material is in excess of 1 percent, and (iii) for aflatoxin, in lots containing more than 25 parts per billion, at the rate of 1.25 cents per net pound. The sheller shall cause a representative sample of each lot of peanuts to be drawn by an inspector and sent for aflatoxin assay to a CCC-approved laboratory. Such sample shall be drawn and analyzed in the same manner as that provided in the peanut marketing agreement. The sheller shall pay the laboratory for such assay(s); however, CCC will reimburse the sheller for the cost of the assay of one sample only on each lot of peanuts delivered to and accepted by CCC.

(d) *Famers stock peanuts.* Farmers stock support price, outweight-outgrade basis, plus $6 per net ton.

§ 1446.53 Peanut seed residual.

The sheller shall (a) furnish written reports to the Association monthly on forms prescribed by CCC showing the quantity of shelled peanuts acquired by him during the period covered by the report which have been produced from 1971 crop farmers stock peanuts shelled for seed purposes by a seed sheller, producer, or any other person who has not signed the Peanut Marketing Agreement, and (b) pay to CCC an amount equal to 1.25 cents per gross pound for the total quantity of such peanuts. Any amount due CCC under this section will be deducted from amounts due the sheller from time to time on purchase program peanuts sold to CCC, and if any amount is due CCC over and above the amount due the sheller such amount will be paid to CCC upon receipt of an invoice from the Association.

DISCOUNT SCHEDULE FOR 1971-CROP SHELLED PEANUTS (CENTS PER POUND DEDUCTION)

Percent damage of unshelled	Percent minor defects											
	0-1.4	1.5-1.9	2.0-2.4	2.5-2.4	3.0-3.4	3.5-3.9	4.0-4.4	4.5-4.9	5.0-5.4	5.5-5.9	6.0-6.4	6.5-6.9
0-1.0		0.05	0.11	0.17	0.23	0.29	0.36	0.43	0.51	0.60	0.69	1.00
1.1	0.04	.09	.15	.21	.27	.33	.40	.47	.55	.64	.73	1.04
1.2	.08	.13	.19	.25	.31	.37	.44	.51	.59	.68	.77	1.08
1.3	.12	.17	.23	.29	.35	.41	.48	.55	.63	.72	.81	1.12
1.4	.16	.21	.27	.33	.39	.45	.52	.59	.67	.76	.85	1.16
1.5	.20	.25	.31	.37	.43	.49	.56	.63	.71	.80	.89	1.20
1.6	.24	.29	.35	.41	.47	.53	.60	.67	.75	.84	.93	
1.7	.28	.33	.39	.45	.51	.57	.64	.71	.79	.88	.97	
1.8	.32	.37	.43	.49	.55	.61	.68	.75	.83	.92	1.01	
1.9	.36	.41	.47	.53	.59	.65	.72	.79	.87	.96	1.05	
2.0	.40	.45	.51	.57	.63	.69	.76	.83	.91	1.00	1.09	
2.1	.46	.51	.57	.63	.69	.75	.82	.89	.97	1.06		
2.2	.53	.58	.64	.70	.76	.82	.89	.96	1.04	1.13		
2.3	.61	.66	.72	.78	.84	.90	.97	1.04	1.12	1.21		
2.4	.70	.75	.81	.87	.93	.99	1.06	1.13	1.21	1.30		
2.5	.80	.85	.91	.97	1.03	1.09	1.16	1.23	1.31	1.40		
2.6	.90	.95	1.01	1.07	1.13	1.19	1.26	1.33	1.41			
2.7	1.00	1.05	1.11	1.17	1.23	1.29	1.36	1.43	1.51			
2.8	1.10	1.15	1.21	1.27	1.33	1.39	1.46	1.53	1.61			
2.9	1.20	1.25	1.31	1.37	1.43	1.49	1.56	1.63	1.71			
3.0	1.30	1.35	1.41	1.47	1.53	1.59	1.66	1.73	1.81			
3.1	1.40	1.45	1.51	1.57	1.63	1.69	1.76	1.83				
3.2	1.50	1.55	1.61	1.67	1.73	1.79	1.86	1.93				
3.3	1.60	1.65	1.71	1.77	1.83	1.89	1.96	2.03				
3.4	1.70	1.75	1.81	1.87	1.93	1.99	2.06	2.13				
3.5	1.80	1.85	1.91	1.97	2.03	2.09	2.16	2.23				
3.6	1.90	1.95	2.01	2.07	2.13	2.19	2.26					
3.7	2.00	2.05	2.11	2.17	2.23	2.29	2.36					
3.8	2.10	2.15	2.21	2.27	2.33	2.39	2.46					
3.9	2.20	2.25	2.31	2.37	2.43	2.49	2.56					
4.0	2.30	2.35	2.41	2.47	2.53	2.59	2.66					

Effective date: Upon publication in the FEDERAL REGISTER (9-9-71).

Signed at Washington, D.C., on September 1, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

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Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 424.1]

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Planning and Performing Development Work

Subpart A, Part 1804, Title 7, Code of Federal Regulations (32 F.R. 8235) is revised to read as follows:

Subpart A—Planning and Performing Development Work

Sec.
1804.1 General.
1804.2 Definitions.
1904.3 Planning development.
1804.4 Performing development.
1804.5 Modifications for planning and performing development on projects other than individual dwellings, farm service buildings, or simply designed projects.

AUTHORITY: The provisions of this Subpart A issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Orders of the Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

Subpart A—Planning and Performing Development Work

§ 1804.1 General.

(a) This subpart prescribes the policies, methods, and responsibilities with respect to planning and performing development work in connection with loans to individuals. It also applies to Rural Rental Housing (RRH) loans, Rural Cooperative Housing (RCH) loans, and multiunit Farm Labor Housing (FLH) loans and grants.

(b) Sections 1804.3 and 1804.4 apply primarily to single-family dwellings and farm service buildings but may also be adapted to simply designed projects of limited scope. Section 1804.5 applies primarily to projects more extensive in scope and more complex in nature than single-family dwellings or farm service buildings.

§ 1804.2 Definitions.

(a) "Development" means construction and land development.

(b) "Construction" means such work as erecting, repairing, remodeling, relocating, adding to, or salvaging any building or structure, and the installation or repair of, or addition to, heating and electrical systems, wells and water systems, sewage disposal systems, walks, steps, driveways, and landscaping.

(c) "Land development" means items such as terracing, clearing, leveling, fencing, drainage and irrigation systems, ponds, forestation, permanent pastures, perennial hay crops, basic soil amendments, and other items of land improvements which conserve or permanently enhance productivity.

(d) The Farmers Home Administration (FHA), "A Guide for the Construction of Farm Buildings," hereinafter referred to as the "Construction Guide" supplements this subpart with technical information that will assist program personnel, particularly those who are responsible for advising the applicant in planning construction, approving plans and specifications, and inspecting construction.

(e) "County Supervisor" means "county supervisor and assistant county supervisor" when in the opinion of the county supervisor the assistant has been sufficiently trained to competently perform the required actions except as prescribed in:

(1) Section 1804.4(d)(2) Surety bond.
(2) Section 1804.4(d)(8) Effecting changes in the contract.
(3) Section 1804.4(h) Making changes in development plan.
(4) Section 1804.4(h)(3) Limitation of County Supervisor's and Assistant County Supervisor's authority.

§ 1804.3 Planning development.

(a) *Extent of development.* For a Farm Ownership (FO) loan, the plans for development will include the items necessary to put the farm in a livable and operable condition at the outset consistent with the planned farm and home operations. For other types of loans, the plans will include those items essential to achieving the objectives of the loan or grant as specified in the applicable part or subpart.

(b) *Funds for development work.* The total cash cost of all planned development will be shown on Form FHA 424–1, "Development Plan." Planned development will be financed by funds provided at or before loan closing (including loan proceeds and any cash to be furnished by the borrower) or from Agricultural Stabilization and Conservation Service, Great Plains, or other program payments, or the sale of property in accordance with paragraph (g) of this section. Income to be earned after loan closing will not be considered for financing items of development planned on Form FHA 424–1.

(c) *Completion of development work.* All work included in the development plan will be scheduled for completion as quickly as practicable and no later than 15 months from the date of loan closing except for land development requiring more than 15 months for completion because of the need to establish land development practices in the area. However, the completion time for land development work should not exceed 24 months, except for cases which need more time under a Great Plains Contract. Even in these cases all essential development work should be completed within 24 months.

(d) *Construction.* (1) All new buildings to be constructed and all alterations and repairs to buildings will be planned to conform with good construction practices. All improvements to the property will conform to applicable laws, ordinances, codes, and regulations which relate to safety and the sanitation of buildings.

(2) Adequate plans, specifications, and estimates will be provided to fully describe the work. See the "Construction Guide" for the information that should be included in the plans and specifications.

(e) *Land development.* (1) In planning land development consideration will be given to the practices recommended by Agricultural Colleges, Extension Service (ES), Soil Conservation Service (SCS), or other recognized agricultural authorities. The County Supervisor also will encourage the applicant to use any cost-sharing assistance with his plans that may be available to him through Agricultural Conservation Programs.

(2) Site and subdivision planning and development should also be guided by the requirements of Subpart G of Part 1822 and the guide, "Planning and Developing Building Sites," available in all FHA offices.

(3) Adequate plans and descriptive material will be provided to fully describe the work.

(f) *Responsibilities for planning development.* Planning construction and land development and obtaining technical services in connection with plans, specifications, and cost estimates are the responsibility of the applicant, with such assistance from the County Supervisor as may be necessary for the County Supervisor to be sure that the development is properly planned.

(1) *Responsibility of the applicant.* (i) The applicant will arrange for obtaining any required technical services from qualified technicians, tradesmen, and recognized plan services. He will furnish the County Supervisor with sufficient information to describe fully the planned development and the manner in which it will be accomplished.

(ii) When items of construction or land development require plans and specifications, they will be sufficiently complete to avoid any misunderstanding as to extent, kind, and quality of work to be performed. Inadequate plans and specifications are not acceptable. The applicant will provide the County Supervisor with one copy of the plans and specifications. Approval will be indicated by the applicant and acceptance for the purposes of this loan indicated by the County Supervisor on all sheets of the plans and at the end of the specifications, and both instruments will be a part of the loan docket. After the loan is closed, the borrower will provide himself and the contractor with conformed copies of the approved plans and specifications. After the work is completed and materials and labor claims have been paid, the County Office approved copy may be returned to the borrower. Items not requiring plans and specifications may be described in narrative form.

(*a*) The "Construction Guide" describes the drawings that should be included in the plans for building construction and the guide "Planning and Developing Building Sites," describes the drawings that should be included for building site development.

(*b*) Plans for land leveling, irrigation, or drainage should include a map of the area to be improved showing the existing conditions with respect to soil, topography, elevations, depth of topsoil, kind of subsoil, and natural drainage, together with the proposed land development.

(*c*) When land development consists of, or includes, the conservation and use of water for irrigation or domestic purposes, the information submitted to the County Supervisor will include a statement as to the source of the water supply, right to the use of the water, and the adequacy and quality of the supply. In States which do not have laws governing the use of water for domestic or irrigation purposes, the applicant will be required to furnish evidence to meet the requirements governing the use of water in Subparts A and B of Part 1821 of this chapter.

(iii) Whenever possible, the borrower will pay with personal funds any charges made for technical services in connection with his proposed development. If this cannot be done, the cost of such services may be included in the loan.

(2) *Responsibility of the County Supervisor.* The County Supervisor will:

(i) Visit each farm or site on which the development is proposed. In case of an FO loan, the County Supervisor and the applicant will determine the items of development necessary to put the

farm in a livable and operable condition at the outset.

(ii) Discuss with the applicant the requirements of the FHA with respect to good construction and land development practices.

(iii) Advise the applicant regarding plans, specifications, cost estimates, and other related material which the applicant must submit to the County Supervisor for review before the loan can be developed. He should outline to the applicant the information that will be included in the plans (see the "Construction Guide"), how the cost estimates should be prepared, the number of sets of plans, specifications, and cost estimates required, and the necessity for furnishing such information promptly. He should advise the applicant that FHA will provide appropriate specification forms, Form FHA 424–2, "Dwelling Specifications," and Form FHA 424–3, "Service Building Specifications." The applicant may use other property prepared specifications.

(iv) Advise the applicant regarding publications, plans, planning aids, engineering data, and other technical advice, and assistance available through local State, and Federal agencies, and private individuals and organizations.

(v) Review the information furnished by the applicant to determine the completeness of the plans, adequacy of the cost estimates, suitability and soundness of the proposed improvements, and whether the proposed construction and land development comply with applicable policy. Plans and specifications should be reviewed item by item with the applicant to avoid any misunderstanding as to extent, kind, and quality of work to be performed.

(vi) When appropriate, offer suggestions as to how plans and specifications might be altered to improve the facility and better serve the needs of the borrower. The County Supervisor may assist the borrower in making revisions to the plans. For revisions that require technical determinations which the County Supervisor is not able to make, the applicant will be requested to obtain additional technical assistance.

(vii) Review the proposed method of doing the work and determine whether the work can be performed satisfactorily under the proposed method.

(viii) Arrive at an understanding with the applicant as to the date each item of development will be started and completed.

(ix) Prepare Form FHA 424–1 in accordance with the guide available in all FHA offices after a complete understanding has been reached between the borrower and the County Supervsior regarding the development to be made.

(x) Instruct the applicant not to incur any debts prior to loan closing for materials or labor or make any expenditures for such purposes with the expectation of being reimbursed from loan funds. (See § 1804.4 (b).)

(g) *Surplus structures and use or sale of timber, sand, and stone.* In planning the development, the applicant and the County Supervisor should, when practicable, plan to use salvage from old buildings, timber, sand, gravel, and stone from the property. The borrower may sell surplus buildings, timber, sand, gravel, or stone that is not to be used in performing planned development and use net proceeds to pay costs of performing planned development work. In such a case—

(1) An agreement will be recorded in the narrative of Form FHA 424–1 which as a minimum will:

(i) Identify the property to be sold, the estimated net proceeds to be received, and the approximate date by which the property will be sold.

(ii) Provide that the borrower will deposit the net proceeds in the supervised bank account and apply any excess net proceeds as an extra payment on the loan.

(2) The agreement will be considered by the Government as modifying the mortgage contract to the extent of authorizing and requiring the Government to release the identified property subject to the conditions stated in the agreement without payment or other consideration at the time of release, regardless of whether or not the mortgage specifically refers to Form FHA 424–1 or the agreement to release.

(3) If the FHA loan will be secured by a junior lien, before the loan is approved all prior lienholders must give written consent to the proposed sale and the use of the net proceeds.

(4) Releases requested by the borrower or the buyer will be prepared in accordance with applicable release procedure in Subpart A of Part 1872 of this chapter.

§ 1804.4 Performing development.

All development work planned and agreed upon will be performed as expeditiously as possible after the closing of the loan.

(a) *Review prior to performing work.* After loan closing and prior to beginning development work, the County Supervisor will review planned development with the borrower. Adequacy of the plans and specifications as well as the estimates will be checked to make sure the work can be completed within the time limits previously agreed upon and with available funds. He will check items and quantities of any materials the borrower has agreed to furnish and dates by which each item of development should be started in order that the work may be completed on schedule. If any changes in the plans and specifications are proposed, they should be within the general scope of the work as originally planned. Changes must be approved and processed in accordance with paragraphs (d)(8) and (h) of this section. The appropriate procedure for performing development should be explained to the borrower. Copies of FHA Forms that will be used during the period of construction should be given to the borrower. He should be advised as to the purpose of each form and at what period during construction the form will be used.

(b) *Time of starting development.* Development work will be started as soon as feasible after the loan is closed. Except in cases in which advance commitments are made according to Subpart G of Part 1822 of this chapter, no commitments with respect to performing planned development will be made by the County Supervisor or the applicant before the loan is closed. The applicant will be instructed that before the loan is closed he should not incur debts for labor or materials or make expenditures for such purposes with the expectation of being reimbursed from loan funds except as provided in §§ 1823.7, 1821.9(b)(4), and 1822.7(i)(3) of this chapter.

(1) However, with the prior approval of the National Office, a State guideline may be issued authorizing County Supervisors to permit applicants to commence well-drilling operations prior to loan closing, provided it is necessary in the area to prove the water supply prior to loan closing; the applicant agrees in writing to pay with personal funds all costs incurred if a satisfactory water supply is not obtained; and, any contractors and suppliers understand and agree that loan funds may not be available to make the payment.

(c) *Method of performing development work.* Development work may be performed by the contract method; the borrower method; mutual self-help method; or, a combination of these methods. Whenever practicable all major items of development will be performed by the contract method. All contract work should be performed by a person, firm, or company qualified to provide the service. Development work may be performed by the borrower method only when it is not practicable to do the work by the contract method; the borrower possesses or arranges through an approved self-help plan for the necessary skill and managerial ability to complete the work satisfactorily; such work will not interfere seriously with the borrower's farming operation or work schedule; and, the County Office caseload will permit a County Supervisor to properly advise the borrower and inspect the work.

(d) *Development performed by contract method.* The contract method means performance of the work in accordance with a signed contract, other than a lump-sum agreement made under the borrower method in accordance with paragraph (e)(1)(ii) of this section. Form FHA 424–6, "Construction Contract," will be used, except for projects outlined under § 1804.5. For jobs involving the construction of wells, sprinkler irrigation systems, pumps, and similar items, other contract forms may be used provided such forms customarily are used in the area and adequate provision has been made for the protection of the interest of the borrower and the Government with respect to compliance with items such as the plans and specifications, payments for work and inspections, completion, and acceptance of the work. The United States (including FHA) will not become a party to a construction contract nor incur any liability thereunder. The borrower should understand, and the contract provide that although the contract is between himself and the

contractor, no changes or additions may be made without the prior approval of the County Supervisor. Upon completion of the new building construction or rehabilitation by the contract method, and in connection with issuing conditional commitments to builders and sellers, Form FHA 424–19, "Builder's Warranty," will be executed. This is not applicable to section 504 or other loans for minor repairs.

(1) *Contract provisions.* The following determinations should be made regarding the special conditions which will be provided for in the particular contract involved:

(i) The desired dates to be inserted in the contract for starting and completing the work.

(ii) The amount to be inserted in paragraph III of the General Conditions of Form FHA 424–6, as liquidated damages for each day of delay in completing the work. Such an amount should be reasonable and represent the best estimate possible as to how much damage the delay would cause the borrower.

(iii) The method of payment to be used.

(iv) Whether or not surety bond will be required.

(2) *Surety bond.* (i) Surety bond will be furnished where one or more of the following conditions exist:

(*a*) The contract exceeds $20,000 unless an exception is made by the National Office.

(*b*) In the opinion of the County Supervisor, a surety bond appears advisable in order to protect the borrower against default of the contractor.

(*c*) The borrower requests a surety bond.

(*d*) The contract provides for partial payments in the amount of 90 percent of the value of the work in place and the value of material suitably stored at the site.

(ii) Surety may be a corporation or an individual. A corporate surety bond will be obtained from a bonding company legally doing business in the State where the land is located. An individual surety must provide the same protection as a corporate surety bond and the State Director will be responsible for determining the acceptability of the individual or individuals proposed as sureties on the bond. Any surety bond required in connection with a contract will guarantee both performance and payment in a penal amount equal to the amount of the contract. The contract will require that such a bond properly executed be furnished by the contractor prior to any action being taken under the contract. The bond will be filed in the borrower's case folder. Form FHA 424–8, "Performance and Payment Bond," may be used at the option of the borrower. If any other form of performance and payment bond is used it must be acceptable to the County Supervisor. It must run in favor of the United States of America, acting through the FHA, as trustee for the borrower, and must contain substantially all the terms and conditions set forth in Form FHA 424–8. The United States (including FHA) will incur no liability under any performance and payment bond provided in connection with a construction contract. Bonds must comply with local statutory requirements.

(3) *Equal opportunity.* Part 1890p of this chapter applies to all loans involving construction contracts exceeding $10,000, and imposes special requirements on contracts of $50,000 or more where the contractor has 50 or more employees.

(4) *Labor provisions.* Where construction with LH grant assistance, or with Economic Opportunity loans to individuals, exceeds a total cost of $2,000, Part 1890g of this chapter regarding wage and labor provisions will be applicable.

(5) *Obtaining bids and selection of contractor.* (i) Contracts may be awarded through competitive bidding or by direct selection and negotiation.

(ii) Competitive bidding should be encouraged and the borrower should obtain bids from as many qualified contractors, dealers, or tradesmen as feasible.

(iii) When a price has already been negotiated by an applicant and a contractor, whether additional negotiation or bids will be required is a matter of judgment. Ordinarily, additional negotiation or bids would not be required if: The development is of the size and type that can appropriately be financed with an FHA loan; the cost of the development compares favorably with the cost of similar developments that have recently been completed in the area; the applicant clearly has the ability to repay the loan and to make any downpayment that may be required; and, the proposed contract is with a reliable contractor. If these conditions cannot be met, additional negotiations or bids should be required or the applicant may need to start with an entirely new plan in order to obtain an adequate development within his ability to pay.

(iv) If the award of the contract is by competitive bidding, Form FHA 424–5, "Invitation for Bid (Construction Contract)," or other similar invitation bid form may be used. All contractors from whom bids are requested should be informed regarding time and place for opening bids, surety bond requirements, time for performance of the work, liquidated damages, the method of payment, and required nondiscrimination provisions. When applicable, copies of Forms FHA 424–6 and FHA 400–6, "Compliance Statement," also should be provided for their information.

(v) In the award of the contract, the borrower should:

(*a*) Select contractors of known abilities to perform the proposed type of construction.

(*b*) In cases where more than one contractor is contacted in process of negotiation, be discouraged from revealing one contractor's price to another.

(6) *Awarding the contract.* The borrower with the assistance of the County Supervisor will consider the bids or proposals and the contractor's qualifications to perform the work. On the basis of these considerations, the borrower will select a contractor and award the contract.

(i) *Understanding prior to signing the contract.* Prior to the signing of the contract there should be a discussion between the borrower, the borrower's wife, the prospective contractor, and the County Supervisor. During this discussion a mutual understanding should be reached on the following points:

(*a*) The contract is between the borrower and the contractor and that although the FHA is interested in the proper execution of the contract, it will not become a party to the contract nor incur any liability thereunder.

(*b*) The provisions contained in the plans and specifications. Any changes made to the plans and specifications will be initialed and dated on all copies by the contractor, the borrower, and the County Supervisor.

(*c*) The contractor's obligation under the terms of the contract to do the work in accordance with the plans and specifications.

(*d*) The provisions contained in Form FHA 424–6 or other contract form being used, if authorized.

(*e*) The County Supervisor will be consulted prior to any changes in the contract. Changes will be made only upon approval by the County Supervisor.

(*f*) The use of Form FHA 424–7, "Contract Change Order."

(*g*) The State laws regarding the rights of persons furnishing material, equipment, or labor to place a claim or lien against the property in cases in which their bills are not paid.

(*h*) The use of Form FHA 424–10, "Release by Claimants," and Form FHA 424–9, "Certificate of Contractor's Release."

(*i*) The borrower's responsibility for making site visits as the work progresses.

(*j*) The County Supervisor's responsibility for making periodic and final inspections.

(*k*) The Contractors responsibility to execute Form FHA 424–19, upon completion of the work.

(*l*) Any other pertinent information.

(ii) A brief summary of the joint discussion should be entered in the running case record.

(iii) The contract will then be prepared and executed and copies distributed as prescribed in the guide available in all FHA offices for preparation of Form FHA 424–6.

(7) *Payments for work done by the contract method.* (i) Payments will be made in accordance with one of the following methods:

(*a*) The "One Lump-Sum" payment method will be used when the payment will be made in one lump-sum for the whole contract.

(*b*) The "Partial Payments not to exceed 60 percent" payment method will be used when the contractor does not provide a surety bond.

(*c*) The "Partial Payments in the amount of 90 percent" payment method will be used when the contractor provides a surety bond.

(ii) When Form FHA 424–6 is used, the appropriate payment clause will be

checked and the other payment clauses not used will be effectively crossed out.

(iii) When another contract form than Form FHA 424–6 is used, the payment clause customarily used by the contractor may be used, provided the method of payment conforms with one of the methods listed in subdivision (i) of this subparagraph and the provisions conform substantially with the appropriate clause set forth in the Form FHA 424–6.

(iv) The borrower and the County Supervisor must take precautionary measures to see that all payments made to the contractor are properly applied against his bills for materials and labor procured under the contract.

(v) Partial payments:

(*a*) When partial payments are to be made, the contractor will prepare and submit to the borrower and the County Supervisor an application for payment based on the value of the work in place. When the contract provides for partial payments for materials satisfactorily stored at the site, the application for payment may include these items. On major items of construction, the contractor, prior to receiving his first partial payment, should be required to submit a schedule of prices or values of the various phases of the work aggregating the total sum of the contract such as excavation, foundations, framing, roofings, siding, millwork, painting, plumbing, heating, electric wiring, and so forth, made out in such form as agreed upon by the borrower, the County Supervisor, and the contractor. In applying for payments, the contractor should submit a statement based upon this schedule. A form suggested for this purpose entitled, "Breakdown of Dwelling Cost for Estimating Partial Payments," is available in all FHA offices for guidance in reviewing the contractor's schedule of prices, and also for guidance in computing the value of the work in place.

(*b*) Prior to making any partial payment on any contract where a surety bond is not used, the contractor will be required to furnish the borrower and the County Supervisor with a statement showing the total amount owed to date for materials and labor procured under this contract. The contractor also may be required to submit evidence showing that previous partial payments were applied properly and that the current payment will be applied properly. When the borrower and the County Supervisor have reason to believe that partial payments may not be applied properly, checks will be made jointly to the contractor and persons who furnished materials and labor in connection with the contract.

(vi) Payments for structures manufactured off site. In cases of structures manufactured off site the contract will be handled in the same manner as a contract for conventional construction. Only one contract for the building in place will be used.

(vii) Final payment:

(*a*) Upon completion of the whole contract and acceptance of the work by the borrower and the County Supervisor, and compliance by the contractor with all the terms and conditions of the contract, the amount due will be paid.

(*b*) Prior to making final payment on the contract when a surety bond is not used, the County Supervisor will have in his possession Form FHA 424–9 and Form FHA 424–10 executed by all persons who furnished materials or labor in connection with the contract, unless pursuant to State requirement Form FHA 424–10 is unnecessary. The borrower should furnish the contractor with a copy of this Form at the beginning of the work in order that the contractor may obtain these releases as the work progresses. The State Director may issue a State requirement which:

(*1*) Will not require the use of Form FHA 424–10, if, under existing State statutes, the furnishing of labor and materials gives no right to a lien against the property, or

(*2*) Will make the use of Form FHA 424–10 optional in those cases in which, because of the nature of the work and the reputation of the contractor, the County Supervisor and the borrower have reason to believe that no claims or liens will be made against the borrower or the property. When Form FHA 424–10 is not used, the contractor will execute Form FHA 424–9 with the last paragraph deleted.

(8) *Effecting changes in the contract.* Changes in the contract may be made only upon the request of the borrower, approval of the County Supervisor, and acceptance by the contractor. Form FHA 424–7 will be executed by all three parties before changes are put into effect by the contractor. (See paragraph (h) of this section.)

(9) *Development work for structures manufactured off site.* (i) Complete plans and specifications will be required as prescribed in section 300 of the Construction Guide. Each plan will contain the design for the foundation system required for the soil conditions of the particular site on which the house is to be placed.

(ii) When houses, built for sale by material dealers or house manufacturing plants, are proposed to be purchased by an applicant, the manufacturer will provide a letter of certification or form FHA 424–19, stating that the house has been built substantially in accordance with the plans and specifications. Any deviation from the plans and specifications will be described in the letter of certification or on the reverse of Form FHA 424–19.

(iii) Inspections will be made, in every case, of the foundations and the final completed development. When practical, the County Supervisor and/or the State engineer should make an inspection of the houses being constructed at the manufacturing plant or in the material suppliers' yard.

(iv) Only one contract will be accepted for the completed house on the site owned or to be bought by the borrower. The manufacturer of the house or his agent may be the prime contractor for delivery and erection of the house on the site or a builder may contract with the borrower for the complete house in place on the site. Such contracts should provide that payments will be made only for work in place on the borrower's site.

(e) *Development work performed by borrower method.* The borrower method means performance of work by or under the direction of the borrower, using one or more of the ways specified in this section.

(1) *Ways of performing the work.* The borrower will:

(i) Purchase the material and equipment and do the work himself.

(ii) Utilize lump-sum agreements for minor items or minor portions of items of development, the total cost of which does not exceed $2,000, such as labor, material, or labor and material for small service buildings, repair jobs, or land development; or, material and equipment which involve a single trade and will be installed by the seller, such as the purchase and installation of heating facilities, electric wiring, wells, painting, liming, or sodding. All agreements will be in writing. The County Supervisor may waive this requirement when the agreement involves a relatively small amount.

(2) *Acceptance and storage of material on site.* The County Supervisor will advise the borrower that the acceptance of material as delivered to the site and the proper storage of material will be his responsibility. The County Supervisor will advise the borrower regarding insurance of material in accordance with Part 1806 of this chapter.

(3) *Payment for work done by the borrower method*—(i) *Payments for labor.* Before the County Supervisor countersigns checks for payment of labor, he will require the borrower to submit a completed Form FHA 424–11, "Statement of Labor Performed," for each hired workman performing labor during the pay period. Ordinarily, checks drawn in payment for labor will be made payable to the workmen involved. However, under justifiable circumstances, when the borrower has made payment for labor with personal funds and has obtained signatures of the workmen on Form FHA 424–11 as having received payment, the County Supervisor may countersign a check made payable to the borrower reimbursing him for these expenditures. Under no circumstances will the County Supervisor permit loan funds or funds withdrawn from the supervised bank account to be used to pay the borrower for his own labor or labor performed by any member of the borrower's household.

(ii) *Payments for equipment or materials.* (*a*) Before the County Supervisor countersigns checks in payment for equipment or materials, he ordinarily will have in his possession an invoice from the seller covering the equipment or materials to be purchased. In case an invoice from the seller is not available at the time the check is issued, an itemized statement of the equipment or materials to be purchased may be substituted for such an invoice until a paid invoice from the seller is furnished the County Supervisor, at which time the itemized statement may be destroyed.

(b) When an invoice from the seller is available at the time the check is drawn, there will be indicated on the check the invoice number and, if necessary, the purpose of the expenditure may also be shown. If the invoice is unnumbered, the invoice date will be inserted on the check.

(c) The check number and date of payment will be indicated on each paid Form FHA 424–11, invoice, itemized statement for materials, and written lump-sum agreement.

(d) Ordinarily, checks drawn in payment for equipment or materials will be made payable to the seller. Under justifiable circumstances, when the borrower has made payment for equipment or materials with personal funds and furnishes a paid invoice from the seller, the County Supervisor may countersign a check made payable to the borrower to reimburse him for these expenses.

(e) When an invoice includes equipment or materials for more than one item of development, the appropriate part of the cost to be charged against each item of development will be indicated on the invoice by the borrower, with the assistance of the County Supervisor.

(f) Payments made under lump-sum agreements will be made only when all items of equipment and materials have been furnished, labor has been performed as agreed upon, and the work has been accepted by the borrower and the FHA.

(g) Each paid Form FHA 424–11, invoice, itemized statement for material, and written lump-sum agreement will be given to the borrower after the bill has been paid; or they may be filed in the borrower's case folder until all items of development have been completed, at which time they will be returned to the borrower.

(h) Whenever the County Supervisor or the borrower has reason to believe that there may be any possibility of claims or liens attaching against the property, the borrower will be required to obtain the signature of appropriate claimants on Form FHA 424–10.

(iii) *Payments for structures manufactured offsite.* If the borrower purchases the prefabricated parts or ready built sections of a building and plans to complete the structure himself or under his direction, he may pay for the parts in full in the same manner as if they were a bill of materials or an item of equipment. In case the borrower wishes to purchase the parts and enter into a contract for the completion of the building, he may pay for the parts in full in the same manner as if they were a bill of materials or an item of equipment and complete the erection of the building by the contract method.

(f) *Development work performed by the mutual self-help method.* The mutual self-help method means performance of the basic work by a group of families by a mutual exchange of labor under the guidance of a construction supervisor, in accordance with guidelines on the mutual self-help method available in all FHA offices. The ways of performing the work are substantially the same as performing development under the borrower method for the purchase of materials, and the contract method for special services such as electrical and plumbing work. To effect savings, the purchase of materials from the supplier may be made jointly by the group of families; however, payments for all materials and labor will be made individually by each borrower family.

(g) *Inspection of development work.* The following policies will govern the inspection of all development work:

(1) *Responsibility for inspection.* The County Supervisor accompanied by the borrower when practicable, will make final inspections of all development work and periodic inspections as appropriate. For mutual self-help projects, inspections, other than final inspections, by construction supervisors may be authorized. On jobs involving difficult technical problems, the County Supervisor may request the assistance of the State Office. Qualified technicians from Soil Conservation Service (SCS) or the State University Cooperative Extension Service may be requested to assist on any such jobs. Inspections involved with Federal Housing Administration insured mortgages will be guided by Subpart J of Part 1822 of this chapter, the section entitled, "Guide for Inspection of Construction of Single Family Dwellings Financed with Mortgages Insured by HUD-FHA under Section 235."

(2) *Notification of construction status and request for inspection.* The builder will notify the local County Supervisor at least 2 FHA working days prior to the date a scheduled inspection is to be made. Notification may be by mail, allowing sufficient time for the notice to reach the FHA office or by phone.

(3) *Frequency of inspections.* The County Supervisor will inspect development work as frequently as necessary to assure that construction and land development conforms with the plans and specifications. He will make a final inspection at the earliest possible date after completion of the planned development. When several major items are involved, he will make final inspections upon completion of each item.

(i) For major new buildings and major additions or rehabilitation of existing buildings, inspections should be made at the following stages of construction and at such other stages of construction as determined by the County Supervisor:

(a) *Stage 1.* When foundation excavations are complete and forms or trenches and steel are ready for concrete placement and the subsurface installations are roughed in. Customarily, the initial inspection in proposed construction cases is made just prior to or during the placement of concrete footings or monolithic footing and floor slabs.

(b) *Stage 2.* When the building is enclosed, structural members are still exposed and roughing in for heating, plumbing, and electrical work is in place and visible. Customarily, this is prior to installation of brick veneer or any interior finish which would include lath, wallboard, and finish flooring.

(c) *Stage 3.* When all onsite and offsite development of the structure has been completed and ready for occupancy.

(ii) The County Supervisor will arrange to have the borrower join him in making periodic inspections as often as necessary to provide a mutual understanding with regard to the progress and performance of the work.

(iii) The borrower should make enough periodic visits to the site to be familiar with the progress and performance of the work. If the borrower observes or otherwise becomes aware of any fault or defect in the work or nonconformance with the contract documents, he should give prompt written notice thereof to the County Supervisor.

(iv) The borrower will join the County Supervisor in making all final inspections.

(v) When irrigation equipment and materials are to be purchased and installed, a performance test under actual operating conditions by the person or firm making the installation should be required before final acceptance is made. The test should be conducted in the presence of the borrower, a qualified technician, and when practicable, the County Supervisor. If the County Superviser is not present at the performance test, he should request the technician to furnish him a report as to whether or not the installation meets the requirements of the plans and specifications.

(vi) For irrigation and drainage construction or any dwelling construction where part or all of the work will be buried or backfilled, interim inspections should be made at such stages of construction that compliance with plans and specifications can be determined.

(4) *Recording inspections and corrections of deficiencies.* All periodic and final inspections made by the County Supervisor will be recorded on Form FHA 424–12, "Inspection Report," as prescribed in the guide available in all FHA offices for preparation of this Form. The County Supervisor will be responsible for following up on the correction of deficiencies reported on Form FHA 424–12. When an architect is providing his services on a project, the County Supervisor should notify him immediately of any fault or defect observed in the work or nonconformance with the contract documents. If the borrower or the contractor refuses to correct the deficiencies, the County Supervisor, will report the facts to the State Director who will determine the action to be taken. No inspection will be recorded as a final inspection until all deficiencies have been corrected.

(5) *Assurance of completion by responsible public authority.* When local (city, county, State, or other public authority) codes and ordinances require inspections, final acceptance by the local inspector having authorizing jurisdiction will be required prior to final inspection or acceptance by the FHA.

(h) *Making changes in development plan.* Changes in the development planned on Form FHA 424–1 may be made at the request of the borrower in accordance with this paragraph.

(1) *Authority of the County Supervisor.* The County Supervisor is authorized to approve changes in Form FHA 424–1 provided:

(i) The change is for the purpose for which loan funds for the type of loan involved can be used.

(ii) Sufficient funds are deposited in the borrower's supervised bank account to cover the contemplated changes when the change involves additional funds to be furnished by the borrower.

(iii) The change will not adversely affect the soundness of the operation of the FHA's security. If the County Supervisor is uncertain as to the probable effect the change would have on the soundness of the operation or the FHA's security, he would obtain the advice of the State Director prior to approving the change.

(2) *Authority of the Assistant County Supervisor.* The Assistant County Supervisor is authorized to approve minor changes in Form FHA 424–1, subject to the provisions outlined in subparagraph (1) of this paragraph. Minor changes are those within the general scope of the planned development not affecting the structural or functional aspects of the building or land development.

(3) *Limitations of County Supervisor's and Assistant County Supervisor's authority.* In justified cases the State Director may limit the approval authority of County Supervisors and Assistant County Supervisors to approve certain kinds of changes in Form FHA 424–1.

(4) *Recording and initialing changes.* Changes in the development plan, except extensions of time, will be recorded in the narrative of Form FHA 424–1. However, when Form FHA 424–7 is used it will not be necessary to record the changes in the narrative. Changes made in Form FHA 424–1 or in the working drawings, or in the plans and specifications will be initialed by the borrower, the contractor, and the County Supervisor.

(i) Any changes which involve an increase or decrease in the cash cost, transfer of funds between items, or the addition or deletion of items of development will be summarized on the front of Form FHA 424–1, by striking through the original figures or items and writing in the changes.

(ii) Extensions of time will be shown only on the front of Form FHA 424–1 by striking out the existing date and writing in the new date.

(i) *District Supervisor's review of incomplete development.* During his regular visits to the County Office, the District Supervisor will review the progress that is being made in completing development.

(1) Once each year he will make a comprehensive review of all incomplete development and give the necessary direction to the County Supervisor for completing the work. In connection with these responsibilities, the District Supervisor will consider:

(i) The current farm and home operations with respect to the need for the development as originally planned.

(ii) Revisions to the development plan.

(iii) Funds remaining in the supervised bank account.

(iv) Need for additional funds.

(v) Personal funds that could be furnished by the borrower.

(vi) Estimated completion dates.

(vii) The borrower's attitude with respect to completing the development.

(2) After the District Supervisor has made the complete review of the status of development in the County Office, he will make a written report to the State Director which will include his observations and recommendations regarding incomplete development. The report may be included in the District Supervisor's regular report.

(i) He will include in his report the number of cases in which borrowers have not completed their development within 15 months or 24 months when authorized, and also the number of cases in which funds have been exhausted and the work is incomplete.

(ii) He will include in the report the number of borrowers who have not completed their development within 3 years from the loan closing, and indicate the action that was taken in each such case.

(3) If the borrower has not completed his development work within 3 years after the date of loan closing and the District Supervisor has determined that the borrower cannot or will not complete the development, the District Supervisor will so indicate on Form FHA 424–1 and request the State Director to withdraw, for application on the loan, any unused development funds remaining in the borrower's supervised bank account.

§ 1804.5 Modifications for planning and performing development on projects other than individual dwellings, farm service buildings, or simply designed projects.

This section includes the modifications of this subpart that are applicable to planning and performing development work on projects that are more extensive in scope and more complex in nature than individual housing units or farm buildings. Projects of this nature will include multiunit rural rental housing and rural cooperative housing, and multiunit farm labor housing.

(a) *Architectural services.* The term "architectural services" means the services of an architect or an engineer qualified to provide complete architectural services, and "architect" includes such engineer.

(1) Complete architectural services will be provided on all projects involving an LH grant. Architectural services will be required on all other projects except as provided in subparagraphs (2) and (3) of this paragraph.

(2) Architectural services on projects estimated to cost not more than $60,000 and not involving an LH grant may be waived by the State Director if in his opinion, the project will be designed by qualified persons who understand the needs of eligible occupants of the project and can provide architectural designs appropriate for these needs.

(3) Architectural services on any project in excess of $60,000 and not involving an LH grant may be waived with prior consent of the National Office. Any request for National Office consent to waive should state:

(i) The size of the development;

(ii) The design and type of construction;

(iii) How each type of service listed in paragraph (d) of this section will be provided; and

(iv) Any other information pertinent to a sound conclusion.

(4) In any case in which services will be waived and it is planned to have the County Supervisor perform the service in connection with inspections and administrative details that are ordinarily handled by the architect, the State Director will determine that the County Supervisor has the time and qualifications to perform these services along with his other work.

(b) *Selecting the architect.* The borrower is responsible for selecting the architect. The County Supervisor should discuss the selection of the architect with the applicant and advise him to give time and earnest study to the task of selecting the most suitable architect for the job.

(c) *Fees for architectural services.* Fees for architectural services should not exceed the established rate in the area. The fee should cover the services the architect will render. Fees for special services or additional services will not be authorized.

(d) *Services rendered by the architect.* Services rendered by the architect are usually divided into three consecutive phases as follows:

(1) *Phase I—Preliminary plans.* (i) Accumulate all available information and project data.

(ii) Assistance in preparation of project program and analyzing data.

(iii) Preparation of outline specifications.

(iv) Preparation of preliminary plans, including landscape design.

(v) Provide for preliminary cost estimate.

(vi) Secure applicant's approval of preliminary work and the authority to proceed with Phase II.

(2) *Phase II—Contract documents.* (i) Architectural drawings and specifications.

(ii) Structural drawings and specifications.

(iii) Mechanical drawings and specifications.

(iv) Electrical drawings and specifications.

(v) Upon completion of the working drawings, a final and more comprehensive cost estimate will be submitted showing a breakdown of the estimated cost of the various trades and in sufficient detail to provide a basis for an adequate review.

(vi) Assistance in drafting forms of proposals and contracts.

(vii) Conference with applicant during this phase concerning various items as they may develop.

(viii) Secure applicants' approval of all contract documents.

(ix) Assistance in review and selection of bidders and submission of contract documents to selected bidders.

(x) Assistance in interpretation of plans and specifications.

(xi) Receive and tabulate all bids.

(xii) Review of bids and recommendations in selection of contractor.

(3) *Phase III—Supervision.* (i) Assistance in awarding of contracts.

(ii) Issue work orders to contractors.

(iii) Keep construction accounts and general administration of the project during the course of construction.

(iv) Check shop drawings and prepare special drawings as required.

(v) Issue certificates of payment to contractor after review and approval of requisitions.

(vi) Supervision of all phases of construction by the architect, augmented by supervision by structural, mechanical, and electrical representatives. Inspections will be made as frequently as necessary to assure that the work by the contractor conforms with plans and specifications and that a high quality of workmanship is maintained. Inspections by the architect will be augmented with inspections by representatives of FHA.

(vii) Final inspection and closing of accounts.

(e) *Agreement between borrower and architect.* A written agreement will be required between the borrower and architect. The form of agreement must conform with standard professional practices and should provide for the services listed in paragraph (d) of this section, and the amount of the fee to be paid, and how it is to be paid.

(f) *Drawings.* The types and kinds of drawings should be in accordance with the "Construction Guide" and the booklet, "How to Bring Rental Housing to Your Town," available in all FHA offices.

(1) The drawings must be clear, accurate, and adequately dimensioned and should be of sufficient scale for estimating purposes.

(2) Construction sections and large-scale details sufficient for accurate bidding and for the purpose of correlating all parts of the work should be a part of the general drawings. This is particularly important where the size of a project makes necessary the preparation of the general drawings at a scale of one-eighth inch equals 1 foot or less.

(3) Mechanical and electrical work should be shown on separate plans.

(4) Schedules should be provided for doors, windows, finishes, electrical fixtures, finish hardware, and any other specialty items necessary to clarify drawings.

(g) *Specifications.* Trade-type specifications (specifications divided into sections for the various trades) should be used. The specifications should be complete, clear, and concise, with adequate description of the various classes of work shown under the proper sections and headings.

(h) *Method of performing construction*—(1) *General.* The contract method of construction will be used on all projects, unless waived under this paragraph. The contract method may be waived by the State Director—

(i) For any project not involving an LH grant and not in excess of $60,000, provided:

(*a*) The construction is simple in design;

(*b*) Substantial savings will result;

(*c*) The County Supervisor has the time and qualifications to supervise the work; and,

(*d*) There is no question that the work will be completed properly.

(ii) For any project in excess of $60,000 and not involving an LH grant, with prior consent of the National Office. Any requests for National Office consent should state:

(*a*) The size of the development;

(*b*) The design and type of construction;

(*c*) How the work will be done;

(*d*) Who will supervise the work, and whether anyone participating in the construction has or will have a financial interest in the project; and

(*e*) Any other information pertinent to a sound decision.

(2) *Contract method.* On any project involving an LH grant and on any project estimated to cost in excess of $60,000 the procedure prescribed in this paragraph will apply. On any project not involving an LH grant and estimated to cost not more than $60,000 either the procedure prescribed in this paragraph or the contract procedure outlined in § 1804.4(d) will be followed.

(i) The United States (including the FHA) will not become a party to a construction contract or incur any liability thereunder.

(ii) Contract forms. If the contract is performed under this paragraph, the contract documents will conform with recognized professional practices and as prescribed in this paragraph. Such contract documents usually will contain the following:

Item I—Notice and Instructions to Bidders.
Item II—Bidder's Proposal.
Item III—Notice of Award.
Item IV—Bid Schedule.
Item V—Construction Contract.
Item VI—Performance and Payment Bond.
Item VII—Plans and Specifications.
Item VIII—"Contract Change Orders" (Form FHA 424–7).
Item IX—"Labor Standards Provisions" (Form FHA 440–27) (where applicable).
Item X—"Builder's Warranty" (Form FHA 424–19).

A model form of each of the contract documents listed above as Items I through VI is available at any FHA office. The County Offices may obtain additional copies from their State Offices for use by private architects or engineers representing applicants. Substitution of the term "architect" for engineer will be necessary on some of the forms. Other modifications may be necessary in some cases to conform with the nature and extent of the project. All such contract documents and related items will be approved by the State Director, with the assistance of the Office of the General Counsel, prior to the release of invitations to bid.

(iii) State Director's approval of contracts. All contracts will contain a provision that they are not in full force and effect until they have been approved by the State Director in writing.

(iv) Additional contract procedure. The additional contract procedures in §§ 1804.26, 1804.27, 1804.28, and 1804.30 through 1804.36 will be followed except that:

(*a*) Where the word "association" occurs it should be changed to read "applicant."

(*b*) Section 1804.30(a)(1) is not applicable.

(3) *Borrower method.* When the contract method is waived under subparagraph (1) of this paragraph, and the borrower or any of its stockholders, members, directors, or officers will serve directly or indirectly as builder of the project or supplier of labor or materials, the work will be performed in accordance with § 1804.4(e) and the following modifications:

(i) In order to conserve time, the number of payments for materials and labor should be kept to a minimum. All invoices will be signed by the borrower as correct and received.

(ii) Under no circumstances will loan funds be used to pay the borrower or its stockholders, members, directors, or officers, directly or indirectly, any profits from the construction or from supplying materials or any compensation for their own labor or other services. Discounts and rebates given in advance must be deducted before the invoices are paid. If discounts or rebates are given after the invoices are paid, the funds must be returned to the supervised bank account.

(iii) Form FHA 424–13, "Certificate of Actual Cost of Construction," will be furnished by the borrower upon completion of the work on projects estimated to cost $20,000 or more. A ledger type account will be set up and the borrower will maintain a running record of actual cost compared to the estimated cost.

Dated: September 1, 1971.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.71-13219 Filed 9-8-71;8:47 am]

[FHA Instruction 180.1]

PART 1814—CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Sec.
1814.1 General.
1814.2 Provisions of Federal Tort Claims Act.
1814.3 Settlement of claims.
1814.4 Information and assistance to claimants.
1814.5 Statutory limitation on submission of claim.
1814.6 Evidence and information required from claimants.
1814.7 Procedure for holding claims.
1814.8 Determination of claims.
1814.9 Payment of claims.
1814.10 Suits against employees.

AUTHORITY: The provisions of this Part 1814 issued under the authority of 80 Stat. 379, 5 U.S.C. 301; Orders of the Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6685.

§ 1814.1 General.

This part outlines the basic provisions of the Federal Tort Claims Act, as amended, and the routines for the processing of claims brought against the United States by claimants for acts or omissions of employees acting in the scope of their offices or employment with the Farmers Home Administration (FHA).

§ 1814.2 Provisions of Federal Tort Claims Act.

Under the provisions of the Federal Tort Claims Act, 28 U.S.C. 2671–2680, the U.S. Department of Agriculture (USDA), may receive and settle claims against the United States for personal injury, death, or property loss or damage caused by the negligent or wrongful act or omission of any employee of the USDA while acting within the scope of his office or employment, under circumstances where the United States, if it were a private person, would be liable, in accordance with the law of the place where the act or omission occurred. Consideration of claims which accrue prior to January 18, 1967, is limited to those which are not in excess of $2,500 whereas claims which accrue on or after January 18, 1967, may be considered without regard to the amount claimed except any settlement for $25,000 or more must have prior written approval of the U.S. Attorney General or his designee.

§ 1814.3 Settlement of claims.

The General Counsel and such field employees of the Office of the General Counsel (OGC) as may be designated by the General Counsel have authority to consider, ascertain, adjust, determine, compromise, and settle claims pursuant to the Federal Tort Claims Act, as amended, and the regulations of the Attorney General and the USDA. Representatives of OGC may contact directly FHA field employees, claimants, or their duly authorized agents or legal representatives, concerning evidence or information needed and determinations concerning claims received.

§ 1814.4 Information and assistance to claimants.

The giving of aid or assistance by a Government employee "otherwise than in discharge of his proper official duties" to any claimant in prosecuting any claim against the United States is prohibited by law. An employee may furnish the claimant upon his request, information as to his rights, and procedures and forms for presenting his claim.

§ 1814.5 Statutory limitation on submission of claim.

Claims not submitted within the time limits prescribed by law are automatically barred. For this reason, claims and related documents must be handled promptly. All documents received in connection with a claim should be stamped showing date received.

(a) *Claims which accrue prior to January 18, 1967.* A tort claim or suit arising therefrom must be filed within 2 years after accrual. Upon final disposition of a claim by OGC, or upon withdrawal of the claim, the time within which suit may be instituted by the claimant is extended for a period of 6 months if the statutory time prescribed would otherwise expire before the end of such period. A claimant may either file a claim with the USDA for administrative determination or bring suit in an appropriate U.S. District Court. A suit may not be filed if a claim is pending in the USDA. The claim may be withdrawn by giving 15 days' notice to OGC. There is no limitation on the amount which can be sued for in court, except once a claim has been filed with the USDA, the claimant may not sue for more than asked of the USDA, except that the claim may be increased if the new amount is based on newly discovered evidence.

(b) *Claims which accrue on or after January 18, 1967.* A tort claim is barred unless it is presented in writing within two years after the claim accrues, or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim. Suit may not be instituted on a claim unless first presented to the USDA for administrative determination and the claim is denied. If a claim has not been disposed of within 6 months from date of filing, the claimant may file suit in a U.S. District Court.

(c) *Who may file a claim.* (1) A claim for injury to or loss of property may be presented by the owner of the property, his duly authorized agent, or legal representative.

(2) A claim for personal injury may be presented by the injured person, his duly authorized agent, or legal representative.

(3) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim in accordance with applicable State law.

(4) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the parties individually as their respective interests appear, or jointly.

(5) A claim presented by an agent or legal representative will be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 1814.6 Evidence and information required from claimants.

Claimants will submit Standard Form 95, "Claim for Damage or Injury," supported by evidence and information as specified herein.

(a) *Claims for death.* (1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at the time of death including his monthly or yearly salary or earnings (if any) and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payments for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damage claimed.

(b) *Claims for personal injury.* (1) A written report by the claimant's physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the USDA or any other Federal agency. A copy of the report of the examining physician will be made available to the claimant upon the claimant's written request, provided that he has furnished the report referred to in the first sentence of this paragraph and has made, or agrees to make available to the USDA, any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of the claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from the claimant's employer showing actual time lost from employment, whether claimant is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Claims for property damage.* (1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or at least two written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

(d) *Nonobtainability of evidence or information.* If all the information and evidence required cannot be obtained, the OGC will determine whether further action is needed or whether proper disposition can be made of the claim.

§ 1814.7 **Procedure for handling claims.**

(a) *Filing claims.* When a claimant states that he wishes to make a claim, the FHA office where the involved employee is headquartered will furnish the claimant with Standard Form 95. The claimant should be informed to complete Standard Form 95 in accordance with instructions on the reverse of the form. He should also be informed that the completed form, together with the appropriate evidence and information as specified in § 1814.6 should be filed with that office.

(b) *Inquiries concerning claim.* The claimant should be informed that the final disposition of his claim comes under the jurisdiction of the General Counsel of the U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, DC 20250. He should also be informed that inquiries concerning progress of the claim should be directed to the OGC.

(c) *Restriction on discussion of the merits of claims.* Under no circumstances should an FHA employee undertake to assume liability for damages on behalf of the Government or advance any opinion as to the merits of a claim.

(d) *Routing of claim documents.* Any claims received by an FHA office, whether in the form of a letter or on Standard Form 95, will be transmitted promptly through appropriate administrative channels to the Director, Business Services Division, National Office, 14th and Independence Avenue SW., Washington, DC 20250, who will be responsible for further handling with OGC. All such documents should have stamped thereon the date received.

§ 1814.8 **Determination of claims.**

(a) *Allowance of claims.* If a claim is allowed, in full or in part, OGC provides the Director, Business Services Division, National Office, with a notice to have the Finance Office prepare and process an appropriate voucher for payment. A copy of the notice will be sent to the State Director, or the Director, Finance Office, as appropriate.

(b) *Disallowance of claim.* If a claim is denied, OGC notifies the claimant, his attorney, or legal representative. This notification of final denial will include a statement that the claimant may, if dissatisfied with the USDA's action, file suit in the appropriate U.S. District Court not later than 6 months after the date of mailing of the notification. The State Director or the Director, Finance Office, as appropriate, will be advised by the National Office of the action taken.

§ 1814.9 **Payment of claims.**

The processing of payment for awards, compromises or settlements depends on the amount of payment and will be handled in accordance with USDA regulations and the advice of OGC.

§ 1814.10 **Suits against employees.**

If an FHA employee is served with papers in a suit arising out of the performance of official duties, he will immediately notify the Regional Attorney. He also will notify the State Director or the Director, Finance Office, whoever is appropriate. National Office employees will notify the Director, Personnel Division. Information concerning such suits will be furnished the Director, Business Services Division for referral to OGC.

Dated: September 1, 1971.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

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Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Implementation of National Environmental Policy Act of 1969

On July 23, 1971, the U.S. Court of Appeals for the District of Columbia Circuit rendered its decision in Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al. Nos. 24,839 and 24,871, holding that Atomic Energy Commission regulations for the implementation of the National Environmental Policy Act of 1969 (NEPA) in AEC licensing proceedings did not comply in several specified respects with the dictates of that Act, and remanding the proceedings to the Commission for rule making consistent with the Court's opinion.

Revised Appendix D set forth below is an interim statement of Commission policy and procedure for the implementation of NEPA in accordance with the decision of the Court of Appeals.

The effect of the revised regulations will be to make the Atomic Energy Commission directly responsible for evaluating the total environmental impact, including thermal effects, of nuclear power plants, and for assessing this impact in terms of the available alternatives and the need for electric power.

The Commission intends to be responsive to the conservation and environmental concerns of the public. At the same time the Commission is also examining steps that can be taken to reconcile a proper regard for the environment with the necessity for meeting the Nation's growing requirements for electric power on a timely basis.

The procedures in Appendix D apply to licensing proceedings for nuclear power reactors; testing facilities; fuel reprocessing plants; and other production and utilization facilities whose construction or operation may be determined by the Commission to have a significant impact on the environment. The procedures also apply to proceedings involving certain specified activities subject to materials licensing.

Revised Appendix D is divided into five sections. Section A deals with the basic procedures for implementing NEPA, including an identification of the information required of applicants, the circulation of environmental reports and detailed statements for comment, and the role of Atomic Safety and Licensing Boards in the environmental review process.

Section B deals with procedures applicable to the specified facility and materials licenses issued during the period from January 1, 1970, the date of enactment of NEPA, to the effective date of this revision.

Section C deals with the procedures applicable to construction permits for the specified facilities issued prior to January 1, 1970, for which operating licenses have not been issued.

Section D deals with the procedures applicable to pending hearings and hearings to be conducted in the near future. It makes provision for NEPA review and hearing opportunity on NEPA matters following such review and also provides for possible auhorization of fuel loading and limited operation of nuclear power reactors, consistent with appropriate regard for environmental values, during the period of ongoing NEPA environmental review. Operation beyond twenty percent (20%) of full power would require the specific prior approval of the Commission and would not be authorized except in emergency situations or other situations where the public interest so requires. (Counterpart provisions for certain materials licensing actions are contained in section A.)

Section E sets forth the factors which will be considered by the Commission in determining whether to suspend, pending the required NEPA environmental review, permits or licenses of the specified types issued during the period from January 1, 1970, and the effective date of this revision and construction permits for the specified facilities issued prior to January 1, 1970, for which operating licenses have not been issued.

Sections B, C, and D provide that the Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the times within which the proceedings subject to those sections will be completed. These provisions are in keeping with the Commission's continuing objective of minimizing undue delay in the conduct of its

licensing proceedings. They would not impinge upon the basic requirements for a fair and orderly hearing on the NEPA issues.

Because the revision of Appendix D which follows is necessary to comply with Court of Appeals' decision in the Calvert Cliffs case, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary and impracticable and for making the revision effective upon publication in the FEDERAL REGISTER without the customary 30-day notice.

Accordingly, pursuant to the National Environmental Policy Act of 1969, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following revision of Appendix D of 10 CFR Part 50 is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER (9-9-71).

The Commission invites all interested persons who desire to submit written comments or suggestions for consideration in connection with the revision to send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Consideration will be given to such submission with the view to possible further amendments. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Appendix D is revised to read as follows:

APPENDIX D—INTERIM STATEMENT OF GENERAL POLICY AND PROCEDURE: IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (PUBLIC LAW 91-190)

INTRODUCTION

On July 23, 1971, the U.S. Court of Appeals for the District of Columbia Circuit rendered its decision in Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al., Nos. 24,839 and 24,871, holding that Atomic Energy Commission regulations for the implementation of the National Environmental Policy Act of 1969 (NEPA) in AEC licensing proceedings did not comply in several specified respects with the dictates of that Act, and remanding the proceedings to the Commission for rule making consistent with the court's opinion.

The Court of Appeals' decision required, in summary, that the Commission's rules make provision for the following:

1. Independent substantive review of environmental matters in uncontested as well as contested cases by presiding Atomic Safety and Licensing Boards.

2. Consideration of NEPA environmental issues in connection with all nuclear power reactor licensing actions which took place after January 1, 1970 (the effective date of NEPA).

3. Independent evaluation and balancing of certain environmental factors, such as thermal effects, notwithstanding the fact that other Federal or State agencies have already certified that their own environmental standards are satisfied by the proposed licensing action. In each individual case, the benefits of the licensing action must be assessed and weighed against environmental costs; and alternatives must be considered which would affect the balancing of values.

4. NEPA review, and appropriate action after such review, for construction permits issued prior to January 1, 1970, in cases where an operating license has not as yet been issued. The court's opinion also states that, in order that this review be as effective as possible, the Commission should consider the requirement of a temporary halt in construction pending its review and the backfitting of technological innovations.

As summary background, the National Environmental Policy Act of 1969 (Public Law 91-190) became effective on January 1, 1970. The Commission published on April 2, 1970, in its initial implementation of the Act, an Appendix D to Part 50 stating general Commission policy and procedure for exercising AEC responsibilities under the Act in its licensing proceedings (35 F.R. 5463). Substantial amendments to Appendix D were published on December 4, 1970 (35 F.R. 18469), and further minor amendments on July 7, 1971 (36 F.R. 12731).

The amendments to Appendix D issued herewith have been adopted by the Commission to make interim changes in its regulations for implementation of NEPA in AEC licensing proceedings in light of the Court of Appeals' decision.

A. *Basic procedures.* 1. Each applicant[1] for a permit to construct a nuclear power reactor, testing facility, or fuel reprocessing plant, or such other production or utilization facility whose construction or operation may be determined by the Commission to have a significant impact on the environment, shall submit with his application three hundred (300) copies, in the case of a nuclear power reactor, testing facility, or fuel reprocessing plant, or two hundred (200) copies, in the case of such other production or utilization facility, of a separate document, entitled "Applicant's Environmental Report—Construction Permit Stage," which discusses the following environmental considerations:

(a) The environmental impact of the proposed action,

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

(c) Alternatives to the proposed action,

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

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

2. The discussion of alternatives to the proposed action in the Environmental Report required by paragraph 1 shall be sufficiently complete to aid the Commission in developing and exploring, pursuant to section 102 (2) (D) of the National Environmental Policy Act, "appropriate alternatives * * * in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

3. The Environmental Report required by paragraph 1 shall include a cost-benefit analysis which considers and balances the environmental effects of the facility and the alternatives available for reducing or avoiding adverse environmental effects, as well as the environmental, economic, technical and other benefits of the facility. The cost-benefit analysis shall, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they shall be discussed in qualitative terms. The Environmental Report should contain sufficient data to aid the Commission in its development of an independent cost-benefit analysis covering the factors specified in this paragraph.

4. The Environmental Report required by paragraph 1 shall include a discussion of the status of compliance of the facility with applicable environmental quality standards and requirements (including, but not limited to, thermal and other water quality standards promulgated under the Federal Water Pollution Control Act) which have been imposed by Federal, State, and regional agencies having responsibility for environmental protection. In addition, the environmental impact of the facility shall be fully discussed with respect to matters covered by such standards and requirements irrespective of whether a certification from the appropriate authority has been obtained (including, but not limited to, any certification obtained pursuant to section 21(b) of the Federal Water Pollution Control Act[2]). Such discussion shall be reflected in the cost-benefit analysis prescribed in paragraph 3. While satisfaction of AEC standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the cost-benefit analysis prescribed in paragraph 3 shall, for the purposes of the National Environmental Policy Act, consider the radiological effects, together with the thermal effects and the other environmental effects, of the facility.

5. Each applicant for a license to operate a production or utilization facility described in paragraph 1, shall submit with his application three hundred (300) copies, in the case of a nuclear power reactor, testing facility, or fuel reprocessing plant, or two hundred (200) copies, in the case of any other production or utilization facility described in paragraph 1, of a separate document, to be entitled "Applicant's Environmental Report—Operating License Stage," which discusses the same environmental considerations described in paragraphs 1-4, but only to the extent that they differ from those discussed in the Applicant's Environmental Report previously submitted in accordance with paragraph 1. The "Applicant's Environmental Report—Operating License Stage" may incorporate by reference any information contained in the Applicant's Environmental Report previously submitted in accordance with paragraph 1. With respect to the operation of nuclear power reactors, the applicant, unless otherwise required by the Commission, shall submit the "Applicant's Environmental Report—Operating License Stage" only in connection with the first licensing action that would authorize full-power operation of the facility,[3] except that such report shall be submitted in connection with the conversion of a provisional operating license to a full-term license.

6. After receipt of any Applicant's Environmental Report, the Director of Regulation or his designee will cause to be published in the FEDERAL REGISTER a summary notice of the availability of the report, and the report will be placed in the AEC's Public Document Rooms at 1717 H Street NW., Washington, DC, and in the vicinity of the proposed site, and will be made available to the public at

[1] Where the "applicant", as used in this appendix, is a Federal agency, different arrangements for implementing the National Environmental Policy Act may be made, pursuant to the guidelines established by the Council on Environmental Quality.

[2] No permit or license will, of course, be issued with respect to an activity for which a certification required by section 21(b) of the Federal Water Pollution Control Act has not been obtained.

[3] This report is in addition to the report required at the construction permit stage.

the appropriate State, regional, and metropolitan clearinghouses.[4] In addition, a public announcement of the availability of the report will be made. Any comments by interested persons on the report will be considered by the Commission's regulatory staff, and there will be further opportunity for public comment in accordance with paragraph 7. The Director of Regulation or his designee will analyze the report and prepare a draft detailed statement of environmental considerations. The draft detailed statement will contain an assessment of the matters specified in paragraph 1; a preliminary cost-benefit analysis based on the factors specified in paragraph 3; and an analysis, pursuant to section 102(2)(D) of the National Environmental Policy Act, of appropriate alternatives to the proposed licensing action in any case which involves unresolved conflicts concerning alternative uses of available resources (i.e., an analysis of alternatives which would alter the environmental impact and the cost-benefit balance). The Commission will then transmit a copy of the report and of the draft detailed statement to such Federal agencies designated by the Council on Environmental Quality as having "jurisdiction by law or special expertise with respect to any environmental impact involved" or as "authorized to develop and enforce environmental standards" as the Commission determines are appropriate,[5] and to the Governor or appropriate State and local officials, who are authorized to develop and enforce environmental standards, of any affected State. The transmittal will request comment on the report and the draft detailed statement within forty-five (45) days in the case of Federal agencies and seventy-five (75) days in the case of State and local officials, or within such longer time as the Commission may deem appropriate. (In accordance with § 2.101 (b) of Part 2, the Commission will also send a copy of the application to the Governor or other appropriate official of the State in which the facility is to be located and will publish in the FEDERAL REGISTER a notice of receipt of the application, stating the purpose of the application and specifying the location at which the proposed activity will be conducted.) Comments on an "Applicant's Environmental Report—Operating License Stage" and on the draft detailed statement prepared in connection therewith will be requested only as to environmental matters that differ from those previously considered at the construction permit stage. If any such Federal agency or State or local official fails to provide the Commission with comments within the time specified by the Commission, it will be presumed that the agency or official has no comment to make, unless a specific extension of time has been requested.

7. In addition, upon preparation of a draft detailed statement, the Commission will cause to be published in the FEDERAL REGISTER a summary notice of the availability of the Applicant's Environmental Report and the draft detailed statement. The summary notice to be published pursuant to this paragraph will request, within seventy-five (75) days or such longer period as the Commission may determine to be practicable, comment from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.[6]

8. After receipt of the comments requested pursuant to paragraphs 6 and 7, the Director of Regulation or his designee will prepare a final detailed statement on the environmental considerations specified in paragraph 1, including a discussion of problems and objections raised by Federal, State, and local agencies or officials and private organizations and individuals and the disposition thereof. The detailed statement will contain a final cost-benefit analysis which considers and balances the environmental effects of the facility and the alternatives available for reducing or avoiding adverse environmental effects, as well as the environmental, economic, technical, and other benefits of the facility. The cost-benefit analysis will, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they will be discussed in qualitative terms. In the case of any proposed licensing action that involves unresolved conflicts concerning alternative uses of available resources, the Detailed Statement will contain an analysis, pursuant to section 102(2)(D) of the National Environmental Policy Act, of alternatives to the proposed licensing action which would alter the environmental impact and the cost-benefit balance. Compliance of facility construction or operation with environmental quality standards and requirements (including, but not limited to, thermal and other water quality standards promulgated under the Federal Water Pollution Control Act) which have been imposed by Federal, State and regional agencies having responsibility for environmental protection will receive due consideration. In addition, the environmental impact of the facility will be considered in the cost-benefit analysis with respect to matters covered by such standards and requirements, irrespective of whether a certification from the appropriate authority has been obtained (including, but not limited to, any certification obtained pursuant to section 21(b) of the Federal Water Pollution Control Act[7]). While satisfaction of AEC standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the cost-benefit analysis will, for the purposes of the National Environmental Policy Act, consider the radiological effects, together with the thermal effects and the other environmental effects, of the facility. On the basis of the foregoing evaluations and analyses, the detailed statement will include a conclusion by the Director of Regulation or his designee as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is issuance or denial of the proposed permit or license or its appropriate conditioning to protect environmental values.

Detailed statements prepared in connection with an application for an operating license will cover only environmental considerations which differ from those discussed in the detailed statement previously prepared in connection with the application for a construction permit and may incorporate by reference any information contained in the detailed statement previously prepared in connection with the application for a construction permit. With respect to the operation of nuclear power reactors, it is expected that in most cases the detailed statement will be prepared only in connection with the first licensing action that authorizes full-power operation of the facility,[8] except that such a detailed statement will be prepared in connection with the conversion of a provisional operating license to a full-term license.

9. The Commission will transmit to the Council on Environmental Quality copies of (a) each Applicant's Environmental Report, (b) each draft detailed statement, (c) comments thereon received from Federal, State, and local agencies and officials and private organizations and individuals, and (d) each detailed statement prepared pursuant to paragraph 8. Copies of such report, draft statements, comments and statements will be made available to the public as provided in this appendix and as provided in 10 CFR Part 9[9] and will accompany the application through, and will be considered in, the Commission's review processes. After each detailed statement becomes available, a notice of its availability will be published in the FEDERAL REGISTER, and copies will be made available to appropriate Federal, State and local agencies and State, regional, and metropolitan clearinghouses.[4] To the maximum extent practicable, no construction permit or operating license in connection with which a detailed statement is required by paragraph 8 will be issued until ninety (90) days after the draft detailed statement so required has been circulated for comment, furnished to the Council on Environmental Quality, and made available to the public, and until thirty (30) days after the final detailed statement therefor has been made available to the Council and the public. If the final detailed statement is filed within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council and made available to the public, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap. In addition, to the maximum extent practicable, the final detailed statement will be publicly available at least thirty (30) days before the commencement of any related evidentiary hearing that may be held.

10. In a proceeding for the issuance of a construction permit or an operating license for a production or utilization facility described in paragraph 1 in which a hearing is held, the Applicant's Environmental Report, comments thereon, and the detailed statement will be offered in evidence. Any party to the proceeding may take a position and offer evidence on environmental aspects of

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[4] Such clearinghouses have been established pursuant to Office of Management and Budget Circular A-95 to provide liaison and coordination between Federal and State, regional or local agencies with respect to Federal programs. The documents will be made available at appropriate State, regional and metropolitan clearinghouses only with respect to proceedings in which the draft detailed statement is circulated after June 30, 1971, in accordance with the "Guidelines on Statements on Proposed Federal Actions Affecting the Environment" of the Council on Environmental Quality (36 F.R. 7724).

[5] Requests for comments on Environmental Reports and draft detailed statements from the Environmental Protection Agency will include a request for comments with respect to water quality aspects of the proposed action for which a certification pursuant to section 21(b) of the Federal Water Pollution Control Act has been issued, and with respect to aspects of the proposed action to which section 309 of the Clean Air Act is applicable.

[6] This paragraph applies only with respect to proceedings in which the draft detailed statement is circulated after June 30, 1971, in accordance with the "Guidelines on Statements on Proposed Federal Actions Affecting the Environment" of the Council on Environmental Quality (36 F.R. 7724).

[7] No permit or license will, of course, be issued with respect to an activity for which a certification required by section 21(b) of the Federal Water Pollution Control Act has not been obtained.

[8] This statement is in addition to the statement prepared at the construction permit stage.

[9] 10 CFR Part 9 implements the Freedom of Information Act, section 552 of title 5 of the United States Code.

the proposed licensing action in accordance with the provisions of Subpart G of 10 CFR Part 2.

11. In a proceeding for the issuance of a construction permit for a production or utilization facility described in paragraph 1, and in a proceeding for the issuance of an operating license in which a hearing is held and matters covered by this appendix are in issue, the Atomic Safety and Licensing Board will (a) determine whether the requirements of section 102(2) (C) and (D) of the National Environmental Policy Act and this appendix have been complied with in the proceeding, (b) decide any matters in controversy among the parties, (c) determine, in uncontested proceedings, whether the NEPA review conducted by the Commission's regulatory staff has been adequate, and (d) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permit or license with a view to determining the appropriate action to be taken.

The Atomic Safety and Licensing Board, on the basis of its conclusions on the above matters, shall determine whether the permit or license should be granted, denied, or appropriately conditioned to protect environmental values. The Atomic Safety and Licensing Board's initial decision will include findings and conclusions which may affirm or modify the contents of the detailed statement described in paragraph 8. To the extent that findings and conclusions different from those in the detailed statement are reached, the detailed statement shall be deemed modified to that extent and, as modified, transmitted to the Council on Environmental Quality and made available to the public pursuant to paragraph 9. If the Commission or the Atomic Safety and Licensing Appeal Board, in a decision on review of the initial decision, reaches conclusions different from the Atomic Safety and Licensing Board with respect to environmental aspects, the detailed statement shall be deemed modified to that extent and, as modified, transmitted to the Council on Environmental Quality and made available to the public pursuant to paragraph 9.

12. The Atomic Safety and Licensing Board, during the course of the hearing on an application for a license to operate a production or utilization facility described in paragraph 1, may authorize, pursuant to § 50.57(c), the loading of nuclear fuel in the reactor core and limited operation within the scope of § 50.57(c), upon compliance with the procedures described therein. Where any party to the proceeding opposes such authorization on the basis of matters covered by this appendix, the provisions of paragraph 11 shall apply in regard to the Atomic Safety and Licensing Board's determination of such matters. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect.

13. The Commission will incorporate in all construction permits and operating licenses for production and utilization facilities described in paragraph 1, a condition, in addition to any conditions imposed pursuant to paragraph 11, to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved. This condition will not apply to radiological effects since radiological effects are dealt with in other provisions of the construction permit and operating license.

14. The Commission has determined that the following activities subject to materials licensing may also significantly affect the quality of the environment: [10] (a) Licenses for possession and use of special nuclear material for processing and fuel fabrication, scrap recovery and conversion of uranium hexafluoride; (b) licenses for possession and use of source material for uranium milling and production of uranium hexafluoride; and (c) licenses authorizing commercial radioactive waste disposal by land burial. Applicants for such licenses shall submit two hundred (200) copies of an Environmental Report which discusses the environmental considerations described in paragraphs 1–4. Except as the context may otherwise require, procedures and measures similar to those described in Sections A, B, D, and E of this appendix will be followed in proceedings for the issuance of such licenses. The procedures and measures to be followed with respect to materials licenses will, of course, reflect the fact that, unlike the licensing of production and utilization facilities, the licensing of materials does not require separate authorizations for construction and operation. Ordinarily, therefore, there will be only one Applicant's Environmental Report required and only one detailed statement prepared in connection with an application for a materials license. If a proposed subsequent licensing action involves environmental considerations which differ significantly from those discussed in the Environmental Report filed and the detailed statement previously prepared in connection with the original licensing action, a supplementary detailed statement will be prepared. In a proceeding for the issuance of a materials license within the purview of this paragraph where the requirements of paragraphs 1–9 have not as yet been met, the activity for which the license is sought may be authorized with appropriate limitations, upon a showing that the conduct of the activity, so limited, will not have a significant, adverse impact on the quality of the environment. In addition, the Commission recognizes that there may be other circumstances where, consistent with appropriate regard for environmental values, the conduct of such activities may be warranted during the period of the ongoing NEPA environmental review. Accordingly, the activity for which the license is sought may be authorized with appropriate limitations after consideration and balancing of the factors described below: *Provided, however,* That such activity may not be authorized for a period in excess of four (4) months except upon specific prior approval of the Commission. Such approval will be extended only for good cause shown.

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(a) Whether it is likely that the activity conducted during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any, and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the license result from the ongoing NEPA environmental review.

(b) Whether the activity conducted during the prospective review period would foreclose subsequent adoption of alternatives in the conduct of the activity of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in the conduct of the activity upon the public interest. Of primary importance under this criterion are the needs to be served by the conduct of the activity; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the activity, and any license issued will be conditioned to that effect.

B. *Procedures for review of certain licenses to construct or operate production or utilization facilities and certain licenses for source material, special nuclear material and by-product material issued in the period January 1, 1970—(effective date of this amended appendix D).* 1. All holders of (a) construction permits or operating licenses for production or utilization facilities of the type described in section A.1, (b) licenses for possession and use of special nuclear material for processing and fuel fabrication, scrap recovery and conversion of uranium hexafluoride, (c) licenses for possession and use of source material for uranium milling and production of uranium hexafluoride, and (d) licenses authorizing commercial radioactive waste disposal by land burial, issued during the period January 1, 1970—(effective date of this amended Appendix D) shall submit, as soon as possible, but no later than (sixty (60) days after effective date of this amended Appendix D), or such later date as may be approved by the Commission upon good cause shown, the appropriate number of copies of an Environmental Report as specified in section A 1–5.

If an Environmental Report had been submitted prior to the issuance of the permit or license, a supplement to that report, covering the matters described in section A 1–5 to the extent not previously covered, may be submitted in lieu of a new Environmental Report.

2. After receipt of any Environmental Report or any supplement to an Environmental Report submitted pursuant to paragraph 1 of this section, the procedures set out in section A 6–9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials and interested persons on Environmetal Reports and draft detailed statements. If no comments are submitted within thirty (30) days by such agencies, officials, or persons, it will be presumed that such agencies, officials or persons have no comments to make. The detailed statement (or supplemental detailed statement, as appropriate) prepared by the Director of Regulation or his designee pursuant to section A 8 will, on the basis of the analyses and evaluations described therein, include a conclusion by the Director of Regulation or his designee as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is continuation, modification or termination of the permit or license or its appropriate conditioning to protect environmental values.

3. Upon preparation of a detailed statement or supplemental detailed statement as specified in section A.8 and paragraph 2 of this section B, the Director of Regulation will, in the case of a construction permit for a nuclear power or test reactor or a fuel reprocessing plant, publish in the FEDERAL REGISTER a notice of hearing, in accordance with § 2.703 of this chapter, on NEPA environmental issues as defined in section A.11, which hearing notice may be included in the notice required by paragraph 2. Upon preparation of a detailed statement or supplemental detailed statement as specified in section A.8 and paragraph 2 of this section B for

[10] Additional activities subject to materials licensing may be determined to significantly affect the quality of the environment and thus be subject to the provisions of this paragraph.

any other permit or license for a facility of a type described in section A.1, the Director of Regulation will publish a notice in the FEDERAL REGISTER, which may be included in the notice required by paragraph 2, setting forth his, or his designee's, conclusion as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is continuation, modification or termination of the permit or license, or appropriate conditioning to protect environmental values and providing that, within thirty (30) days from the date of publication of the notice, the holder of the permit or license may file a request for a hearing and any person whose interest may be affected by the proceeding may, in accordance with § 2.714 of this chapter, file a petition for leave to intervene and request a hearing. In any hearing held pursuant to this paragraph, the provisions of sections A 10 and 11 will apply. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which proceedings, or any portions thereof, conducted pursuant to this paragraph will be completed.

C. *Procedures for review of certain construction permits for production or utilization facilities issued prior to January 1, 1970, for which operating licenses have not been issued.* 1. Each holder of a permit to construct a production or utilization facility of the type described in section A.1 issued prior to January 1, 1970, for which an operating license has not been issued, other than holders of construction permits subject to section D, shall submit the appropriate number of copies of an Environmental Report as specified in section A 1–4 of this Appendix as soon as possible, but no later than (sixty (60) days after effective date of this amended Appendix D), or such later date as may be approved by the Commission upon good cause shown. If an Environmental Report had been submitted prior to (effective date of this amended Appendix D), a supplement to that report, covering the matters described in section A 1–4 to the extent not previously covered, may be submitted in lieu of a new Environmental Report.

2. Upon receipt of an Environmental Report or supplemental Environmental Report submitted pursuant to paragraph 1, the procedures set out in section A. 6–9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials, and interested persons on Environmental Reports and draft detailed statements. If no comments are submitted within thirty (30) days by such agencies, officials or persons, it will be presumed that such agencies, officials or persons have no comment to make. The detailed statement (or supplemental detailed statement, as appropriate) prepared by the Director of Regulation or his designee pursuant to section A.8 will, on the basis of the analyses and evaluations described therein, include a conclusion as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is the continuation, modification or termination of the construction permit or its appropriate conditionng to protect environmental values. Upon preparation of the detailed statement, the Director of Regulation will publish in the FEDERAL REGISTER a notice, which may be included in the notice required by section A.9, setting forth his, or his designee's, conclusion as respects the continuation, modification or termination of the construction permit or its appropriate conditioning to protect enviornmental values. The notice will provide that within thirty (30) days from the date of its publication, any person whose interest may be affected by the proceeding may file an answer to the notice setting forth any reasons why the license should not be continued, modified, terminated or conditioned as proposed. Any such person may, in accordance with § 2.714 of this chapter, file a petition for leave to intervene and request a hearing. In any hearing, the provisions of section A. 10 and 11 will apply to the extent pertinent. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which proceedings, or any portions thereof, conducted pursuant to this paragraph will be conducted.

3. The review of environmental matters conducted in accordance with this section C will not be duplicated at the operating license stage, absent new significant information relevant to these matters.

D. *Procedures applicable to pending hearings or proceedings to be noticed in the near future.* 1. In proceedings in which hearings are pending as of (effective date of this amended Appendix D) or in which a draft or final detailed statement of environmental considerations prepared by the Director of Regulation or his designee has been circulated prior to said date, the presiding Atomic Safety and Licensing Board will, if the requirements of paragraphs 1–9 of section A have not as yet been met, proceed expeditiously with the aspects of the application related to the Commission's licensing requirements under the Atomic Energy Act pending the submission of Environmental Reports and detailed statements as specified in section A and compliance with other applicable requirements of section A. A supplement to the Environmental Report, covering the matters described in Section A 1–4 to the extent not previously covered, may be submitted in lieu of a new Environmental Report. Upon receipt of the supplemental Environmental Report, the procedures set out in section A 6–9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials, and interested persons on environmental reports and draft detailed statements. If no comments are submitted within thirty (30) days by such agencies, officials, or persons, it will be presumed that such agencies, officials or persons have no comment to make. In any subsequent session of the hearing held on the matters covered by this appendix, the provisions of section A 10 and 11 will apply to the extent pertinent. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which the proceeding, or any portion thereof, will be completed.

2. In a proceeding for the issuance of an operating license where the requirements of paragraphs 1–9 of section A have not as yet been met and the matter is pending before an Atomic Safety and Licensing Board, the applicant may make, pursuant to § 50.57(c), a motion in writing for the issuance of a license authorizing the loading of fuel in the reactor core and limited operation within the scope of § 50.57(c). Upon a showing on the record that the proposed licensing action will not have a significant, adverse impact on the quality of the environment and upon satisfaction of the requirements of § 50.57(c), the presiding Atomic Safety and Licensing Board may grant the applicant's motion. In addition, the Commission recognizes that there may be other circumstances where, consistent with appropriate regard for environmental values, limited operation may be warranted during the period of the ongoing NEPA environmental review. Such circumstances include testing and verification of plant performance and other limited activities where operation can be justified without prejudice to the ends of environmental protection. Accordingly, the presiding Atomic Safety and Licensing Board may, upon satisfaction of the requirements of § 50.57(c), grant a motion, pursuant to that section, after consideration and balancing on the record of the factors described below: *Provided, however*, that operation beyond twenty percent (20%) of full power may not be authorized except upon specific prior approval of the Commission.

FACTORS

(a) Whether it is likely that limited operation during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the limited license result from the ongoing NEPA environmental review.

(b) Whether limited operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

If any party, including the staff, opposes the request, the provisions of § 50.57(c) will apply with respect to the resolution of the objections of such party and the making of findings required by § 50.57(c) and this paragraph. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which the proceeding, or any portion thereof, will be completed. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect.

3. This paragraph applies to proceedings on an application for an operating license for which a notice of opportunity for hearing was issued prior to October 31, 1971, and no hearing has been requested. If, in such proceedings, the requirements of paragraphs 1–9 of section A have not as yet been met, the Commission may issue a license authorizing the loading of fuel in the reactor core and limited operation within the scope of § 50.57(a), upon a showing that such licensing action will not have a significant, adverse impact on the quality of the environment and upon making the appropriate findings on the matters specified in § 50.57(a). In addition, the Commission recognizes that there may be other circumstances where, consistent with appropriate regard for environmental values, limited operation may be warranted during the period of the ongoing NEPA environmental review. Such circumstances include testing and verification of plant performance and other limited activities where operation can be justified without prejudice to the ends of environmental protection. Accordingly, the Commission may issue a license for limited operation after consideration and balancing of the factors described in paragraph 2 of this section and upon making the appropriate findings on the matters specified in § 50.57(a): *Provided, however*, That operation beyond twenty percent (20%) of full power will not be authorized except in emergency situations or other situations where the public interest so requires. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect. When

the requirements of paragraphs 1–9 of section A have been met, the provisions of section B.3 applicable to operating licenses will be followed.

E. *Consideration of suspension of certain permits and licenses pending NEPA environmental review.* 1. In regard to proceedings subject to sections B and C, the Commission will consider and determine, in accordance with the provisions of paragraphs 3 and 4 of this section E, whether the permit or license should be suspended, in whole or in part, pending completion of the NEPA environmental review specified in those sections.

2. In making the determination called for in paragraph 1, the Commission will consider and balance the following factors:

(a) Whether it is likely that continued construction or operation during the prospective review period will give rise to a significant adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification, suspension or termination of the permit or license result from the ongoing NEPA environmental review.

(b) Whether continued construction or operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility construction or operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

3. Each holder of a permit or license subject to section B or C shall furnish to the Commission, before (forty (40) days after effective date of this amended Appendix D) or such later date as may be approved by the Commission upon good cause shown, a written statement of any reasons, with supporting factual submission, why, with reference to the criteria in paragraph 2, the permit or license should not be suspended, in whole or in part, pending completion of the NEPA environmental review specified in section B or C. Such documents will be publicly available and any interested person may submit comments thereon to the Commission.

4. The Commission will thereafter determine whether the permit or license shall be suspended pending NEPA environmental review and will publish that determination in the FEDERAL REGISTER. A public announcement of that determination will also be made.

(a) If the Commission determines that the permit or license shall be suspended, an order to show cause pursuant to § 2.202 of this chapter shall be served upon the licensee and the provisions of that section followed.[11]

(b) Any person whose interest may be affected by the proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of the Commission's determination on this matter in the FEDERAL REGISTER. Such request shall set forth the matters, with reference to the criteria set out in paragraph 2, alleged to warrant a suspension determination other than that made by the Commission, and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER.

(c) The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which a proceeding, or any portion thereof, conducted pursuant to this paragraph shall be completed.

(Sec. 102, 83 Stat. 853; secs. 3, 161; 68 Stat. 922, 948, as amended; 48 U.S.C. 2013, 2201)

Dated at Germantown, Md., this 3d day of September 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-13214 Filed 9-7-71;12:35 pm]

[11] 10 CFR 2.202 among other things, provides for institution of a proceeding to modify, suspend, or revoke a license by issuance of an order to show cause and provides an opportunity for hearing.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-SO-77]

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

Designation, Alteration, and/or Revocation of Federal Airway Segments, and Reporting Points

On May 1, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8263) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate, alter, and revoke VOR Federal airway segments within the greater Atlanta, Ga., terminal area, and designate certain low altitude reporting points.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Air Transport Association of America (ATA), Air Line Pilots Association (ALPA), Department of the Navy and Sky Prints Corp.

The ATA and ALPA comments interposed objections to the portion of the proposal which would designate VOR Federal airway Nos. 224 and 491. They expressed a contention that the designation of these two airways would have an adverse effect on the movement of air traffic within the Atlanta terminal area. Also, that the designation of these airways was not agreed to by the attending parties at an informal airspace meeting conducted in Atlanta, Ga., on October 13, 1970.

It is the policy of the Federal Aviation Administration to provide a minimum system of en route airways and routes that will provide for the efficient and safe movement of instrument flight rule air traffic. The adoption of such a national policy is necessary to insure that en route IFR traffic may be accommodated with at least a basic airway structure and still not compromise the arrival/departure needs of the terminal areas. The mere designation of airway segments reflects no adverse effect on a given air traffic operation. It is the prudent utilization of the designated airways and established procedures by air traffic control facilities which dictate how efficient and safe air traffic can be accomplished in a given terminal area.

Informal airspace meetings are conducted by the FAA to provide a means for interested parties to express opinions and provide data and information to a given airspace proposal which may be under consideration. These meetings are conducted informally and the opinions and comments are considered prior to the agency's decisionmaking process.

The FAA is of the opinion that the designation of V-224 and 491 airways will have no adverse effect on the movement of IFR traffic within the Atlanta terminal area provided they are utilized procedurally by air traffic control consistent with the traffic flows which prevail at any given time.

The comment received from the Department of the Navy addressed itself to the absorption of the off-airway airspace in the vicinity of Gadsden, Ala., into the airway structure making it unusable for the conduct of training activity.

The FAA is currently coordinating with military base officers a program to incorporate existing VFR flight operations within the air traffic control system to the maximum extent possible. Through this coordinated effort it is believed the training requirements of the Naval Air Station, Atlanta, Ga., which may be affected through the adoption of the proposals contained in Airspace Docket No. 70-SO-77 can be satisfactorily resolved.

The comment received from the Sky Print Corp. stated their company agrees with the proposal only if a greater latitude of movement of all traffic is provided. They also stated their company feels the entire aviation community will be better served if two additional airways are designated in addition to the proposals contained in the notice.

The FAA is of the opinion that the airway structure proposed in Airspace Docket No. 70-SO-77 provides sufficient flexibility to facilitate the flow of traffic through and around the greater Atlanta terminal area. The addition of two routes within this area would tend to negate the flexible traffic flows.

Although not stated in the notice, action is taken herein to realign the segment of VOR Federal airway No. 56 from Tuskegee, Ala., direct to Columbus, Ga. This minor realignment would permit V-56 segment to overlie the centerline of V-20 segment between these points. In addition, it has been determined that utilization of the Rome, Ga., 157° T (156° M) radial in lieu of the 158° T (157° M) radial in the alignment of V-222 and V-241 segments is necessary to retain

their termination at the existing Tyrone Intersection.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.N.T., November 11, 1971, as hereinafter set forth.

1. Section 71.123 (36 F.R. 2010, 494, 3892, 11806, 5211, 10781, 11905) is amended as follows:

a. In V-5 all between "Dublin, Ga.," and "Nashville, Tenn.," is deleted and "Athens, Ga.; INT Athens 339° and Anderson, S.C., 274° radials; INT Anderson 274° and Chattanooga, Tenn., 127° radials; Chattanooga;" is substituted therefor.

b. In V-18 all between "Birmingham, Ala.;" and "INT Augusta 103°" is deleted and "Anniston, Ala.; INT Anniston 083° and LaGrange, Ga., 342° radials. From INT Rex, Ga., 090° and Athens, Ga., 192° radials; INT Rex 090° and Augusta, Ga., 278° radials; Augusta, including a north alternate from Birmingham to Augusta via INT Birmingham 067° and Anderson, S.C., 274° radials, INT Anderson 274° and Athens 339° radials, Athens, and INT Athens 109° and Augusta 294° radials;" is substituted therefor.

c. In V-20 all between "Montgomery, Ala.;" and "Greensboro, N.C."; is deleted and "Tuskegee, Ala.; Columbus, Ga.; INT Columbus 068° and Athens, Ga., 192° radials; Athens; Anderson, S.C.; Spartanburg, S.C., including a north alternate from Montgomery to Spartanburg via INT Montgomery 028° and Anniston, Ala., 083° radials, INT Chattanooga, Tenn., 190° and Birmingham, Ala., 067° radials; INT Birmingham 067° and Toccoa, Ga., 258° radials, and Toccoa;" is substituted therefor.

d. In V-35 all between "Macon, Ga.," and "Athens, Ga.;" is deleted and "including a west alternate via INT Albany 009° and Macon 240° radials;" is substituted therefor.

e. In V-51 all between "Dublin, Ga.;" and "Livingston, Tenn.;" is deleted and "Athens, Ga.; INT Athens 339° and Harris, Ga., 149° radials; Harris; Hinch Mountain, Tenn., including a west alternate from the INT Anderson, S.C., 274° and Athens 339° radials to Hinch Mountain via INT Anderson 274° and Hinch Mountain 160° radials;" is substituted therefor.

f. In V-56 "INT Tuskegee 078° and Columbus, Ga., 255° radials; Columbus," is deleted and "Columbus, Ga." is substituted therefor.

g. In V-66 all between "Brookwood, Ala.;" and "Fort Mill, S.C.;" is deleted and "INT Brookwood 083° and LaGrange, Ga., 294° radials; LaGrange; INT LaGrange 112° and Columbus, Ga., 068° radials; INT Columbus 068° and Athens, Ga., 192° radials; Athens;" is substituted therefor.

h. In V-97 all between "Albany, Ga.;" and "London, Ky.;" is deleted and "INT Albany 352° and LaGrange, Ga., 112° radials. From INT Knoxville, Tenn., 197° and Chattanooga, Tenn., 127° radials; Knoxville;" is substituted therefor.

i. V-142 is designated to read:

V-142 From INT Atlanta, Ga., 117° and Augusta, Ga., 263° radials; to Augusta.

j. V-168 is designated to read:

V-168 From Birmingham, Ala., to INT Birmingham 113° and Anniston, Ala., 179° radials.

k. V-179 is designated to read:

V-179 From Dublin, Ga., via INT Dublin 329° and Atlanta, Ga., 117° radials; to INT Atlanta 117° and Augusta, Ga., 263° radials.

l. In V-194 all between "Norcross, Ga.," and "Anderson;" is deleted and "INT Norcross, 042° and Anderson, S.C., 274° radials;" is substituted therefor.

m. In V-222 all between "Monroeville, Ala." and "Sugarloaf Mountain, N.C.;" is deleted and "From Montgomery, Ala., via LaGrange, Ga.; to INT LaGrange 053° and Rome, Ga., 157° radials. From Norcross, Ga., via INT Norcross 042° and Anderson, S.C., 274° radials; Toccoa, Ga.;" is substituted therefor.

n. V-224 is designated to read:

V-224 From INT LaGrange, Ga., 342° and Rex, Ga., 270° radials; Rex; to INT Rex 090° and Athans, Ga., 192° radials.

o. In V-241 all after "Columbus 219° radials;" is deleted and "INT Columbus 019° and Rome, Ga., 157° radials," is substituted therefor.

p. In V-243 all between "Vienna, Ga." and "Chattanooga;" is deleted and "; INT Vienna 305° and LaGrange, Ga., 112° radials; LaGrange; INT LaGrange 342° and Chattanooga, Tenn., 190° radials;" is substituted therefor.

q. In V-267 all between "Dublin;" and "Knoxville, Tenn." is deleted and "Athens, Ga.; INT Athens 339° and Harris, Ga., 149° radials; Harris;" is substituted therefor.

r. V-323 is designated to read:

V-323 From Macon, Ga., to INT Macon 331° and Atlanta, Ga., 117° radials.

s. In V-311 all before "Greenwood, S.C.;" is deleted and "From Norcross, Ga., via INT Norcross 042° and Anderson, S.C., 274° radials; Anderson;" is substituted therefor.

t. In V-321 all before "Gadsden;" is deleted and "From Columbus, Ga., via LaGrange, Ga.; INT LaGrange 342° and Gadsden, Ala., 122° radials;" is substituted therefor.

u. In V-325 "From Gadsden, Ala.;" is deleted and "From INT Gadsden, Ala., 094° and Rome, Ga., 135° radials via Gadsden;" is substituted therefor.

v. In V-333 all before "Lexington, Ky." is deleted and "From INT Rome, Ga., 135° and Gadsden, Ala., 094° radials via Rome; Chattanooga, Tenn.; Hinch Mountain, Tenn.;" is substituted therefor.

w. In V-454 all between "Columbus;" and "Greenwood;" is deleted and "INT Columbus 068° and Athens, Ga., 192° radials; INT Athens 192° and Greenwood, S.C., 240° radials;" is substituted therefor.

x. V-463 is designated to read:

V-463 From Norcross, Ga., to Harris, Ga.

y. V-491 is designated to read:

V-491 From INT Atlanta, Ga., 180° and Columbus, Ga., 068° radials, via Atlanta; to INT Atlanta 003° and Chattanooga, Tenn., 127° radials.

2. Section 71.203 (36 F.R. 2301) is amended to include the following:

a. Grant INT: INT Atlanta, Ga., 180° and Columbus, Ga., 068° radials.

b. Heflin INT: Rex, Ga., 270° and La Grange, Ga., 342° radials.

c. Madison INT: INT Rex, Ga., 090° and Athens, Ga., 192° radials.

d. Nelson INT: INT Atlanta, Ga., 003° and Chattanooga, Tenn., 127° radials.

(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 31, 1971.

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

[FR Doc.71-13206 Filed 9-8-71;8:45 am]

[Airspace Docket No. 69-PC-4]

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

Alteration of Control Zone

On July 1, 1971, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12540) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Hilo, Hawaii, control zone.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 11, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055) the Hilo, Hawaii, control zone is amended to read as follows:

HILO, HAWAII

Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.), and within 3.5 miles each side of the Hilo VORTAC 090° radial, extending from the 5-mile-radius zone to 10 miles east of the VORTAC.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a) and 1510, Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 1, 1971.

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

[FR Doc.71-13207 Filed 9-8-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 252—GUIDES FOR LABELING, ADVERTISING, AND SALE OF WIGS AND OTHER HAIRPIECES

Statement of Enforcement Policy

It has been brought to the Commission's attention that many retailers may have in their inventories hairgoods for which neither complying labels, nor information sufficient to print their own complying labels may now be obtained. As a result of this fact, and upon the recommendation of the Commission's staff, the following determination has been made:

The labeling provisions of the Guides for Labeling, Advertising, and Sale of Wigs and Other Hairpieces will not be applied to any wig or hairpiece (a) which was received by a retailer from the manufacturer or distributor on or before February 8, 1971, and (b) for which the retailer is unable, after diligent effort, to secure from such manufacturer or distributor either satisfactory labels to attach to such merchandise, or accurate information as to the composition of such merchandise from which to have printed his own satisfactory labels.

In any Commission investigation where a retailer claims to come within this exemption, he will be required to produce detailed invoices evidencing the arrival in stock of all such merchandise on or before February 8, 1971, and correspondence evidencing a diligent effort, and failure, to secure either the necessary labels or information.

Approved: August 31, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-13259 Filed 9-8-71;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Proparacaine Hydrochloride Ophthalmic Solution

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (9-035V) filed by E. R. Squibb & Sons, Inc., proposing the safe and effective use of proparacaine hydrochloride ophthalmic solution as a topical ophthalmic anesthetic in animals. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding the following new section:

§ 135a.10 **Proparacaine hydrochloride ophthalmic solution veterinary.**

(a) *Specifications.* The drug is an aqueous solution containing 0.5 percent proparacaine hydrochloride, 2.45 percent glycerin as a stabilizer, and 0.2 percent chlorobutanol (choral derivative) and 1:10,000 benzalkonium chloride as preservatives.

(b) *Sponsor.* See Code No. 035 in § 135.501(c) of this chapter.

(c) *Special considerations.* The long-term toxicity of proparacaine is unknown. Prolonged use may possibly delay wound healing.

(d) *Conditions of use.* (1) The drug is indicated for use as a topical ophthalmic anesthetic in animals. It is used as an anesthetic in cauterization of corneal ulcers, removal of foreign bodies and sutures from the cornea, and measurement of intraocular pressure (tonometry) when glaucoma is suspected. Local applications may also be used as an aid in the removal of foreign bodies from the nose and ear canal, as an accessory in the examination and treatment of painful otitis, in minor surgery, and prior to catheterization.

(2) It is administered as follows:

(i) For removal of sutures: Instill one to two drops 2 or 3 minutes before removal of stitches.

(ii) For removal of foreign bodies from eye, ear, and nose: For ophthalmic use, instill three to five drops in the eye prior to examination; for otic use, instill five to 10 drops in the ear; for nasal use, instill five to 10 drops in each nostril every 3 minutes for three doses.

(iii) For tonometry: Instill one to two drops immediately before measurement.

(iv) As an aid intreatment of otitis: Instill two drops into the ear every 5 minutes for three doses.

(v) For minor surgery: Instill one or more drops as required.

(vi) For catheterization: Instill two to three drops with a blunt 20-gauge needle immediately before inserting catheter.

(3) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER (9-9-71).

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

Dated: August 30, 1971.

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

[FR Doc.71-13229 Filed 9-8-71;8:48 am]

Chapter III—Environmental Protection Agency

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

Dalapon Sodium Salt

A petition (PP 1F1085) was filed by The Dow Chemical Co., Midland, Mich. 48640, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance for the herbicide dalapon sodium salt, calculated as dalapon (2,2-dichloropropionic acid), in or on the raw agricultural commodity sugarcane at 0.1 part per million (negligible residue).

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerance is being established.

2. The proposed usage is not reasonably expected to result in residues of the pesticide in meat, milk, poultry, and eggs. The usage is classified in the category specified in § 420.6(a)(3).

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.150 is amended by inserting after the paragraph "1 part per million * * *" a new paragraph as follows:

§ 420.150 **Dalapon sodium salt; tolerances for residues.**

* * * * *

0.1 part per million in or on sugarcane (negligible residue).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections

are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9–9–71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 1, 1971.

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

[FR Doc.71–13202 Filed 9–8–71;8:46 am]

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

O-Ethyl S-Phenyl Ethylphosphonodithioate

A petition (PP 0F0960) was filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide *O*-ethyl *S*-phenyl ethylphosphonodithioate including its oxygen analog (*O*-ethyl *S*-phenyl ethylphosphonothiolate) in or on the raw agricultural commodities asparagus at 0.5 part per million and leafy vegetables, mint, seed and pod vegetables, strawberries, and sugarcane at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended the petition by substituting "beans (except lima beans)" for "seed and pod vegetables" and "mint (peppermint, spearmint, peppermint hay, and spearmint hay)" for "mint".

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to these tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed uses are not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The uses are classified in the category specified in § 420.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.221 is revised to read as follows:

§ 420.221 *O*-ethyl *S*-phenyl ethylphosphonodithioate; tolerances for residues.

Tolerances are established for residues of the insecticide *O*-ethyl *S*-phenyl ethylphosphonodithioate including its oxygen analog (*O*-ethyl *S*-phenyl ethylphosphonothiolate) in or on raw agricultural commodities as follows:

0.5 part per million in or on asparagus.

0.1 part per million (negligible residue) in or on beans (except lima beans), fresh corn including sweet corn (kernels plus cob with husk removed), corn grain (includes popcorn), corn forage or fodder (including sweet corn, field corn, and popcorn), leafy vegetables, mint (peppermint, spearmint, peppermint hay, and spearmint hay), peanuts, peanut hay, root crop vegetables, strawberries, sugar beet tops, and sugarcane.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9–9–71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 1, 1971.

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

[FR Doc.71–13203 Filed 9–8–71;8:46 am]

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

O-Ethyl S,S-Dipropylphosphorodithioate; Clarification of Pesticide Tolerances

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of July 17, 1971 (36 F.R. 13277), proposing clarification of tolerances for the subject pesticide by including the raw agricultural commodity sweet corn among the items for which tolerances for residues of the pesticide have been established. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9033), § 420.262 is revised to read as follows:

§ 420.262 *O*-Ethyl *S,S*-dipropylphosphorodithioate; tolerances for residues.

Tolerances are established for negligible residues of the insecticide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities bananas, corn (in the grain and ear form), corn fodder and forage (including field corn and sweet corn), fresh corn including sweet corn (kernels plus cob with husks removed), peanuts, peanut hay, pineapples, pineapple fodder and forage, soybeans, soybean forage and hay, and sweetpotatoes at 0.02 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9–9–71).

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: September 1, 1971.

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

[FR Doc.71–1304 Filed 9–8–71;8:46 am]

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

1-Chloro-2-Nitropropane

A petition (PP 1F1117) was filed by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance for

negligible residues of the fungicide 1-chloro-2-nitropropane and its metabolite 2-nitropropanol (calculated as 1-cholor-2-nitropropane) in or on the raw agricultural commodity melons at 0.05 part per million.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerance is being established.

2. The proposed use is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The use is classified in the category specified in § 420.6(a)(3).

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.286 is revised to read as follows to establish the tolerance regarding melons:

§ 420.286 1-Chloro-2-nitropropane; tolerances for residues.

A tolerance of 0.05 part per million is established for negligible residues of the fungicide 1-chloro-2-nitropropane and its metabolite 2-nitropropanol (calculated as 1-cholor-2-nitropropane) in or on the raw agricultural commodities cottonseed and melons.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9-9-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 1, 1971.

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

[FR Doc.71-13263 Filed 9-8-71;8:46 am]

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

Subpart D—Exemptions From Tolerances

CHLOROBENZENE

A petition (PP 1F1044) was filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing an exemption from the requirement of a tolerance for residues of chlorobenzene when used as an inert solvent or cosolvent in pesticide formulations applied to growing crops before or after emergence from the soil. Subsequently, the petitioner amended the petition by proposing to restrict usage to pesticide formulations applied to growing crops prior to the formation of edible parts.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which an exemption is being established.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.1001 is amended by alphabetically inserting a new item in the table in paragraph (d), as follows:

§ 420.1001 Exemptions from the requirement of a tolerance.

* * * * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Chlorobenzene	Contains not more than 1% impurities. Not for use after edible parts of plant begin to form. Do not graze livestock in treated areas within 48 hours after application.	Do.
* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9-9-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 1, 1971.

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

[FR Doc.71-13262 Filed 9-8-71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19086]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Expanded Use of Nonvoice Emissions; Correction

Appendix II to the Commission's Report and Order, FCC 71-854, in the above-entitled proceeding, adopted August 18, 1971, and published in the FEDERAL REGISTER on August 26, 1971 (36 F.R. 16914), is corrected in the following respects:

The amended §§ 89.105(d)(5), 91.103(b)(5), and 93.103(b)(5) are corrected as follows:

(5) Required station identification for nonvoice operations must be made by F3 or A3 emission and may be given by the base station for a base-mobile system.

Released: September 2, 1971.

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

[FR Doc.71-13230 Filed 9-8-71;8:46 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Applicability of Some Established Federal Standards

Paragraph (a) of 29 CFR 1910.5 (36 F.R. 10468) limits the application of

established Federal standards derived from 41 CFR Part 50–204 to plants, factories, buildings, or other places of employment where materials, supplies, articles, or equipment are manufactured or furnished. The purpose of this amendment is to remove the limitation to the application of the standards so that they may apply to every employment and place of employment exposed to the hazards covered by the standards.

The provisions of 5 U.S.C. 553 concerning notice of proposed rule making, public participation therein, and delay in effective date are inapplicable by virtue of the exception to 5 U.S.C. Ch. 5, provided in section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970. Accordingly, pursuant to authority in sections 6(a) and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657) and in 29 CFR 1910.4, § 1910.5 of Title 29 of the Code of Federal Regulations is hereby amended by revoking paragraph (e). As amended, § 1910.5 reads as follows:

§ 1910.5 Applicability of standards.

* * * * *

(e) [Revoked]

* * * * *

Effective date. This amendment shall become effective immediately upon publication in the FEDERAL REGISTER (9–9–71).

Signed at Washington, D.C., this 1st day of September 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71–13217 Filed 9–8–71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 9]

FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency pursuant to the authority contained in section 1(j) of Public Law 87–722, 76 Stat. 668, 12 U.S.C. 92a, is considering the adoption of revisions of Part 9 relating to the fiduciary powers of national banks.

The proposed amendments in the main incorporate expressly into the regulation previous interpretations of present language. They would also delete the subparagraph authorizing national banks to operate collective investment funds for managing agency accounts, even though this action may not be required under the decision in Investment Company Institute v. Camp, 401 U.S. 617. Also proposed is a distinction between the use which may be made of annual reports of traditional common trust funds, and of pooled pension, profit sharing and other tax-exempt trusts. In addition, a limitation is proposed as to the amount of securities a pooled pension and profit-sharing fund may hold which are issued by a participant in such fund.

Persons desiring to comment on these changes should do so in writing no later than 60 days after publication of this notice. Comments should be addressed to Dean E. Miller, Deputy Comptroller of the Currency for Trusts, Comptroller of the Currency, Treasury Department, Washington, D.C. 20220.

Part 9, Chapter I, Title 12 of the Code of Federal Regulations would be amended as follows:

1. In § 9.1 paragraphs (c) and (g) would be revised and (i) rescinded;
2. In § 9.2 paragraphs (a) and (c) would be revised;
3. In § 9.7 paragraph (d) would be revised;
4. In § 9.12 paragraph (b) would be revised by adding subparagraph (4).
5. In § 9.13 paragraph (a) would be revised; and
6. § 9.18 would be revised.

Changes in the text would be as follows:

§ 9.1 Definitions.

* * * * *

(c) "Fiduciary powers" means the power to act in any fiduciary capacity authorized by the Act of September 28, 1962, 76 Stat. 668, 12 U.S.C. 92a. Under that Act, a national bank may be authorized to act, both at its principal office and at any branch when not in contravention of local law, as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity which State banks, trust companies, or other institutions coming into competition with the national bank may exercise under local law;

* * * * *

(g) "Managing agent" means the fiduciary relationship assumed by a bank upon the creation of an account which names the bank as agent and confers investment discretion upon the bank;

(h) "State bank" means any bank, trust company, savings bank, or other banking institution, which is not a national bank and the principal office of which is located in the District of Columbia, any State, commonwealth, or territorial possession of the United States.

§ 9.2 Applications.

(a) A national bank desiring to exercise fiduciary powers shall apply to the Comptroller of the Currency for a special permit to exercise such powers. Such application shall be made on Form CC–7510–01 (formerly TA–1).

* * * * *

(c) Each application made under the provisions of this section shall be executed and forwarded in duplicate, together with duplicate copies of documents containing any information submitted with the application, to the Regional Administrator of National Banks of the region in which the applying bank is located.

* * * * *

§ 9.7 Administration of fiduciary powers.

* * * * *

(d) The trust department may utilize personnel and facilities of other departments of the bank, and other departments of the bank may utilize the personnel and facilities of the trust department, as long as all fiduciary assets and records are kept separate from the general assets and records of the bank.

§ 9.12 Self-dealing.

* * * * *

(b) * * *

* * * * *

(3) As is provided in § 9.18(b)(8)(ii);

(4) Where required by the Comptroller of the Currency.

* * * * *

§ 9.13 Custody of investments.

(a) The investments of each account shall be kept separate from the assets of the bank, and shall be placed in the joint custody or control of not less than two of the officers or employees of the bank designated for that purpose by the board of directors of the bank; and all such officers and employees shall be adequately bonded. To the extent permitted by local law, a national bank may permit the investments of a fiduciary account to be deposited elsewhere.

* * * * *

§ 9.18 Collective investment.

(a) Where not in contravention of local law, funds held by a national bank as fiduciary may be invested collectively:

(1) In a common trust fund maintained by the bank exclusively for the collective investment and reinvestment of monies contributed thereto by the bank in its capacity as trustee, executor, administrator, or guardian.

(2) In a fund consisting solely of assets of retirement, pension, profit sharing, stock bonus, or other trusts which are exempt from Federal income taxation under the Internal Revenue Code.

(b) Collective investments of funds or other property by national banks under paragraph (a) of this section (referred to in this paragraph as "collective investment funds") shall be administered as follows:

(1) Each collective investment fund shall be established and maintained in accordance with a written plan (referred to herein as the Plan) which shall be approved by a resolution of the bank's board of directors and filed with the Comptroller of the Currency. The Plan shall contain appropriate provisions not inconsistent with the rules and regulations of the Comptroller of the Currency as to the manner in which the fund is to be operated, including provisions relating to the investment powers and investment policy of the bank with respect to the fund; the allocation of income, profits, and losses; the terms and conditions governing the admission or withdrawal of participations in the fund; the auditing of accounts of the bank with respect to the fund; the basis and method of valuing assets in the fund, setting forth specific criteria for each type of asset; the minimum frequency for valuation of assets of the fund; the period following each such valuation date during which the valuation may be made, which period in usual circumstances should not exceed 10 business days; the basis upon which the fund may be terminated; and such other matters as may be necessary to define clearly the rights of participants in the fund. A copy of the Plan shall be available at the principal office of the bank for inspection during all banking hours, and upon request a copy of the Plan shall be furnished to any person.

(2) Property held by the bank in its capacity as trustee of retirement, pension, profit sharing, stock bonus, or other trusts which are exempt from Federal

income taxation under any provisions of the Internal Revenue Code may be invested in collective investment funds established under the provisions of paragraph (a) (1) or (2) of this section, subject to the provisions herein contained pertaining to such funds, and qualify for tax exemption pursuant to section 584 of the Internal Revenue Code. Assets of retirement, pension, profit sharing, stock bonus, or other trusts which are exempt from Federal income taxation under sections 401–501 of the Internal Revenue Code and held by the bank in whatever capacity, may be invested in collective investment funds established under the provisions of paragraph (a) (2) of this section if the fund qualifies for tax exemption under Revenue Ruling 56–267.

(3) All participations in the collective investment fund shall be on the basis of a proportionate interest in all of the assets. In order to determine whether the investment of funds received or held by the bank as fiduciary in a participation in a collective investment fund is proper, the bank may consider the collective investment fund as a whole and shall not, for example, be prohibited from making such investment because any particular asset is nonincome producing.

(4) Not less frequently than once during each period of 3 months a bank administering a collective investment fund shall determine the value of the assets in the fund as of the date set for the valuation of assets. No participation shall be admitted to or withdrawn from the fund except (i) on the basis of such valuation and (ii) as of such valuation date. No participation shall be admitted to or withdrawn from the fund unless a written request for or notice of intention of taking such action shall have been entered on or before the valuation date in the fiduciary records of the bank and approved in such manner as the board of directors shall prescribe. Such requests or notices must be accepted if received on or before the valuation date, and no such request or notice may be cancelled or countermanded after the valuation date.

(5) (i) A bank administering a collective investment fund shall at least once during each period of 12 months cause an adequate audit to be made of the collective investment fund by auditors responsible only to the board of directors of the bank. In the event such audit is performed by independent public accountants, the reasonable expenses of such audit may be charged to the collective investment fund.

(ii) A bank administering a collective investment fund shall at least once during each period of 12 months prepare a financial report of the fund which shall be filed with the Comptroller of the Currency within 60 days after the end of the fund's fiscal year. This report, based upon the above audit, shall contain a list of investments in the fund showing the cost and current market value of each investment; a statement for the period since the previous report showing purchases, with cost; sales, with profit or loss and any other investment changes; income and disbursements; and an appropriate notation as to any investments in default.

(iii) The financial report may include a description of the fund's value on previous dates, as well as its income and disbursements during previous accounting periods. The report shall make no reference to the performance of funds other than those administered by the bank, and no predictions or representations as to future results.

(iv) A copy of the financial report shall be furnished, or notice shall be given that a copy of such report is available and will be furnished without charge upon request, to each person to whom a regular periodic accounting would ordinarily be rendered with respect to each participating account, and to prospective customers. In addition, as to funds described in § 9.18(a) (2), a copy shall be furnished upon request to any person, and the fact of the availability of such material may be given publicity. Except as herein provided, the bank shall not advertise or publicize its collective investment fund(s). The cost of printing, publication, and distribution of the report shall be borne by the bank.

(6) When participations are withdrawn from a collective investment fund, distributions may be made in cash or ratably in kind, or partly in cash and partly in kind, provided that all distributions as of any one valuation date shall be made on the same basis.

(7) If for any reason an investment is withdrawn in kind from a collective investment fund for the benefit of all participants in the fund at the time of such withdrawal and such investment is not distributed ratably in kind, it shall be segregated and administered or realized upon for the benefit ratably of all participants in the collective investment fund at the time of withdrawal.

(8) (i) A bank administering a collective investment fund shall not have any interest in such fund other than in its fiduciary capacity. Except as otherwise specifically provided herein, it may not lend money to a fund, sell property to, or purchase property from a fund. No collective investment fund may be invested in stock or obligations of the bank or any of its affiliates. Subject to all other provisions of this part, funds held by a bank as fiduciary for its own employees may be invested in a collective investment fund. A bank may not make any loans on the security of a participation in a fund. If because of a creditor relationship or otherwise the bank acquires an interest in a participation in a fund, the participation shall be withdrawn on the first date on which such withdrawal can be effected. However, in no case shall an unsecured advance until the time of the next valuation date to an account holding a participation be deemed to constitute the acquisition of an interest by the bank.

(ii) The bank may purchase for its own account from a collective investment fund any defaulted mortgage held by such fund, if in the judgment of the board of directors the cost of segregation of such mortgage would be greater than the difference between its market value and its principal amount plus interest and penalty charges due. If the bank elects to so purchase the mortgage, it must do so at its market value or at the sum of principal, interest and penalty charges, whichever is greater.

(9) Any bank administering a collective investment fund shall have the responsibility of maintaining in cash and readily marketable investments such part of the assets of the fund as shall be deemed to be necessary to provide adequately for the needs of participants and to prevent inequities between such participants. In addition, the following limitations apply:

(i) No investment in a collective investment fund described in paragraph (a) (1) of this section by a participating account shall exceed 10 percent of the market value of the fund: *Provided*, That in applying this limitation if two or more accounts are created by the same person or persons and as much as one-half of the income or principal of each account is payable or applicable to the use of the same person or persons, such accounts shall be considered as one; if a participation for any reason becomes in excess of 10 percent, the bank shall reduce such participation to that percentage at the next valuation date.

(ii) No investment for a collective investment fund described in paragraph (a) (1) of this section in the stocks, bonds, or other securities of any one person, firm, or corporation shall exceed 10 percent of the market value of the fund: *Provided*, That this limitation shall not apply to investments in direct obligations of the United States or other obligations fully guaranteed by the United States as to principal and interest; if an investment for any reason becomes in excess of 10 percent, the bank shall reduce such investment to that percentage at the next valuation date.

(iii) If prior to any admissions and withdrawals from a fund described in paragraph (a) (1) of this section, the bank shall determine that after effecting the admissions and withdrawals which are to be made, less than 40 percent of the value of the remaining assets of the collective investment fund would be composed of cash and readily marketable investments, no admissions to or withdrawals from the fund shall be permitted as of the valuation date upon which such determination is made: *Provided*, That ratable distribution upon all participations shall not be so prohibited in any case.

(iv) Assets of collective investment funds described in paragraph (a) (2) of this section shall not be invested in stocks, bonds, or other assets of any person, firm, or corporation which is a participant in such fund in excess of 5 percent of the market value of such fund.

(10) The reasonable expenses incurred in servicing mortgages held by a collective investment fund may be charged against the income account of the fund and paid to servicing agents, including the bank administering the fund.

(11) (i) A bank may (but shall not be required to) transfer up to 5 percent of the net income derived by a collective investment fund from mortgages held by such fund during any regular accounting period to a reserve account: *Provided*, That no such transfers shall be made which would cause the amount in such account to exceed 1 percent of the outstanding principal amount of all mortgages held in the fund. The amount of such reserve account, if established, shall be deducted from the assets of the fund in determining the fair market value of the fund for the purposes of admissions and withdrawals.

(ii) At the end of each accounting period, all interest payments which are due but unpaid with respect to mortgages in the fund shall be charged against such reserve account to the extent available and credited to income distributed to participants. In the event of subsequent recovery of such interest payments by the fund, the reserve account shall be credited with the amount so recovered.

(12) A national bank administering a collective investment fund shall have the exclusive management thereof. The bank may charge a fee for the management of the collective investment fund provided that the fractional part of such fee proportionate to the interest of each participant shall not, when added to any other compensations charged by the bank to the participant, exceed the total amount of compensations which would have been charged to said participant if no assets of said participant had been invested in participations in the fund. The bank shall absorb the costs of establishing or reorganizing a collective investment fund.

(13) No bank administering a collective investment fund shall issue any certificate or other document evidencing a direct or indirect interest in such fund in any form.

(14) No mistake made in good faith and in the exercise of due care in connection with the administration of a collective investment fund shall be deemed to be a violation of this part if promptly after the discovery of the mistake the bank takes whatever action may be practicable in the circumstances to remedy the mistake.

(c) In addition to the investments permitted under paragraph (a) of this section, funds or other property received or held by a national bank as fiduciary may be invested collectively, to the extent not prohibited by local law, as follows:

(1) In shares of a mutual trust investment company, organized and operated pursuant to a statute that specifically authorizes the organization of such companies exclusively for the investment of funds held by corporate fiduciaries, commonly referred to as a "bank fiduciary fund."

(2) In a single real estate loan, a direct obligation of the United States, or an obligation fully guaranteed by the United States, or in a single fixed amount security, obligation, or other property, either real, personal or mixed, of a single issuer: *Provided*, That the bank owns no participation in the loan or obligation and has no interest in any investment herein except in its capacity as fiduciary.

(3) In a common trust fund maintained by the bank for the collective investment of cash balances received or held by a bank in its capacity as trustee, executor, administrator, or guardian, which the bank considers to be individually too small to be invested separately to advantage, and the total investment for the fund does not exceed $100,000 in which the participation is limited to 100 accounts of which any one does not have an interest in excess of $10,000: *Provided*, That in applying these limitations if two or more accounts are created by the same person or persons and as much as one-half of the income or principal of each account is presently payable or applicable to the use of the same person or persons, such account shall be considered as one; and *Provided*, That no fund shall be established or operated under this subparagraph for the purpose of avoiding the provisions of paragraph (b) of this section.

(4) In any investment specifically authorized by court order, or authorized by the instrument creating the fiduciary relationship, in the case of trusts created by a corporation and its subsidiaries or by several settlors who are closely related: *Provided*, That such investment is not made under this subparagraph for the purpose of avoiding the provisions of paragraph (b) of this section.

(5) In such other manner as shall be approved in writing by the Comptroller of the Currency.

Dated: September 2, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-13221 Filed 9-8-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

CRUDE OIL AND UNFINISHED OILS

Sale of Import Allocations in Districts I–IV and V

On August 28, 1970, the public was invited (35 F.R. 13736) to comment on proposed revisions of Oil Import Regulation 1 (Revision 5), which, if adopted, would have permitted allocation holders to sell allocations of imports of crude and unfinished oils or the oil imported under such allocations in addition to processing or exchanging the imported crude and unfinished oils.

Because of the inconclusiveness of the views received, decisions have not been reached with respect to the issues raised, and the general proposal is again offered for comment. A contributing factor to the inconclusiveness of those responses may have resulted from a misinterpretation that the proposed sales provisions would be in place of the present exchange provisions. In both that and in this proposal, sales of crude oil import allocations or oil imports by persons to whom such allocations are made would be an alternative to the provisions to exchange or process imported crude and unfinished oils.

Another source of uncertainty in the submissions was the impression that the proposal was regarded in the context of, or as an alternative to the carryover of unused allocations. Both the earlier and this proposal have no relationship to unused allocations.

Responsive to written comments filed as a result of the prior publication, the present proposal excludes requirements for the furnishing of financial information in connection with sales and exchanges. At the same time, it specifies information to be required in the sales of imported crude and unfinished oils. Another modification is that the new proposal would extend the sales alternative to import allocations for Canadian crude oil in Districts I–IV for that portion of the allocation eligible for exchange.

The proposed revisions of Oil Import Regulation 1 (which are subject to concurrence by the Director of the Office of Emergency Preparedness), are set forth below. Their issuance would require further amendment of Presidential Proclamation 3279.

Interested persons are invited to submit written comments upon the proposal before October 12, 1971, to the Administrator, Oil Import Administration, Department of the Interior, Washington, DC 20240. Each person who submits comments is asked to provide fifteen (15) copies.

Responses to this publication will be regarded as distinct from previous submission. Those desiring to reiterate all or part of views already expressed are requested to cover such material in their present submissions.

RALPH W. SNYDER, JR.,
Acting Administrator,
Oil Import Administration.

SEPTEMBER 7, 1971.

PROPOSED AMENDMENT OF OIL IMPORT REGULATION 1 (REVISION 5)

1. After the first sentence of section 6, add a new sentence, reading as follows: "(If an allocation of imports of crude oil and unfinished oils into Districts I–IV or District V or licenses issued pursuant to such allocation are sold, the purchaser shall maintain records of imports under the new license or licenses, issued to the purchaser.)"

2. Amend paragraph (b) of section 7 to read as follows:

(b) Except for licenses for the importation of crude oil and unfinished oils issued under allocations made pursuant to sections 9, 10, 11, 23, or 25 of this regulation, no license issued pursuant to this section may be sold, assigned or otherwise transferred.

3. Amend the last sentence in paragraph (c) of section 9 to read:

However, a person obtaining an allocation for imports of crude oil and unfinished oils pursuant to this section or section 25 may petition the Administrator to adjust the percentage of imports of unfinished oils upward to 100 percent of such person's allocations if the petitioner certifies that the imported unfinished oils will not be exchanged or sold, that the oils will be processed entirely in the petitioner's own petrochemical plant, and that more than 50 percent of the yields (by weight) from the unfinished oils will be petrochemicals or that more than 75 percent (by weight) of recovered product output will consist of petrochemicals.

4. Amend paragraph (e) of section 9 and paragraph (d) of section 10 to read:

No allocation or license issued pursuant to this section shall permit the importation of Canadian imports as defined in Section 1A of Proclamation 3279, as amended.

5. Delete paragraph (d) of section 11.

6. Amend paragraph (k) of section 23 to read:

(k) Each person who imports and processes Canadian imports under an allocation made pursuant to this section shall process such imports only in the facilities set forth in his application.

7. Delete paragraph (b) of section 25.

8. Revise section 17 to read as follows:

Sec. 17 Exchanges and sales—crude oil and unfinished oils.

(a) (1) A person who imports crude oil or unfinished oils under an allocation made under sections 9, 10, 11, paragraph (a) of section 15 or section 25 may exchange his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils either for domestic unfinished oils or for domestic crude oil. However, a person receiving an allocation under section 9 may be restricted in the exchange of imported unfinished oils, as provided in paragraph (c) of that section.

(2) A person who exchanges his imported oil shall, within 10 days of the execution of the exchange agreement, submit a report to the Administrator which shall:

(i) Identify, by name and address, the person with whom the exchange has been made.

(ii) State the type and quantity, in barrels, of imported crude oil or unfinished oils and the quantity and type of domestic crude oil involved in the exchange.

(b) (1) A person who receives an allocation under sections 9, 10, 11, or 25 may sell such allocation and any licenses issued thereunder or any crude oil or unfinished oils imported under such allocation. However, crude oil and unfinished oils entered, or withdrawn from warehouse, in Districts I–IV for consumption may be sold only in those districts. Crude oil and unfinished oils entered, or withdrawn from warehouse, in District V may be sold only in that district. Allocations and licenses issued thereunder will continue to relate, after sale, only to the respective districts for which they were made or issued.

(2) A person selling his allocation or licenses issued thereunder or crude oil or unfinished oils imported under such allocation shall within 10 days of the sale submit a report to the Administrator which shall:

(i) Identify, by name and address, the person to whom such sale has been made;

(ii) State the type and quantity, in barrels, of imports of crude oil or unfinished oils sold;

(iii) State the quantity, in barrels, of crude oil and unfinished oils which has been imported under seller's allocation before such sale.

(3) Except with respect to a sale of crude oil or unfinished oils which prior to sale were entered, or withdrawn from warehouse, for consumption, the report required in subparagraph (2) of this paragraph must be accompanied by licenses issued to the seller under which a quantity of oil remains to be imported sufficient to cover the quantity of imports sold. Upon receipt of the report and such licenses, the Administrator shall make an allocation of imports to the buyer in the amount of the quantity of imports sold and issue a license or licenses to the buyer thereunder. The Administration shall reduce the seller's allocation by the quantity of imports sold and issue a new license to the seller for any remaining balance of imports.

(c) (1) A person who imports crude oil or unfinished oils under an allocation under sections 9, 10, 11, or 25 may sell the imported oil.

(2) A person who sells his imported oil shall, within 10 days of the execution of the sales agreement, submit a report to the Administrator which shall:

(i) Identify, by name and address, the person to whom such sale has been made;

(ii) State the type and quantity of imports of crude oil and unfinished oils sold.

9. Revise paragraph (l) of section 23 to read as follows:

(l) A person who imports under an allocation made pursuant to this section may exchange not to exceed 50 percent of such imports for domestic crude oil or domestic unfinished oils. A person who exchanges such oil shall provide the detailed information required in section 17(a) (2).

10. Revise section 23 by adding a new paragraph (m) as follows:

(m) A person who receives an allocation under this section may, instead of exchanging crude and unfinished oils imported pursuant to such allocation sell such allocations in a quantity not to exceed the quantity eligible for exchange. A person making such sales shall provide the detailed information and documents required in section 17(b) (2) and (3).

11. Revise section 23 by adding a new paragraph (n) as follows:

(n) A person who imports crude oil or unfinished oils under an allocation under this section may, instead of exchanging crude and unfinished oils pursuant to such allocation, sell the imported oil in a quantity which, together with the allocations sold under paragraph (n), does not exceed the quantity eligible for exchange. Any person making such sales shall provide the detailed information required in section 17(c) (2).

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DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 932]

[Docket No. AO-352-A2]

OLIVES GROWN IN CALIFORNIA

Decision (Partial) and Referendum Order With Respect to Proposed Further Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held at Fresno, Calif., on March 3, 1971, after notice thereof published in the FEDERAL REGISTER (36 F.R. 3199) on proposals to amend the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in the State of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on July 21, 1971, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 71-10626; 36 F.R. 13839).

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 71-10626; 36 F.R. 13839), are hereby approved and adopted as the material issues, findings and conclusions, rulings, and general findings of this decision (partial) as if set forth in full herein, except as to that portion thereof which is hereinafter reserved for future decision and for the following changes or corrections:

1. On page 13840, left column, beginning in line 36 the phrase "prior to such processing" is deleted.

2. On page 13842, right column, in line 23 of the first complete paragraph the term "undersize" is deleted and in line 31 of the same paragraph the number "15" is changed to "10".

3. On page 13843, left column: In line 5 the word "undersize" is deleted; in line 13 the number "15" is changed to "10". In line 13 of the first complete paragraph the word "undersize" is deleted; in line 21 the word "liberalized" is deleted and in line 22 the number "28" is changed to "7". In line 12 of the bottom paragraph

the word "undersize" is deleted; in line 20 the word "liberalized" is deleted and the number "28" is changed to "7".

4. On page 13843, right column, the following sentence is added at the end of the partial paragraph at the top of the column: "Therefore, authority for changing percentage tolerances should be as hereinafter set forth."

4a. On page 13844, right column, at the end of the sentence ending in line 30 the following is added: "only into noncanning uses".

5. On page 13845, beginning with the first complete paragraph in the left column, all of the text preceding item (9) in the middle column is deleted.

6. On page 13845, middle column, the fourth sentence in the first paragraph of item (9) is deleted and the third sentence is corrected to read as follows: "However, 'olives acquired and used for fresh shipment' are not included under the existing definition of 'handle'."

7. On page 13845, right column, the following sentence is added at the end of the partial paragraph at the top of the page: "Therefore, the exclusive provisions set forth by the proviso in the definition of 'handle' should be amended by substituting the term 'for fresh market outlet' in place of the term 'for fresh shipment'."

8. On page 13845, right column, the first complete paragraph is corrected by adding "(10)" as a designation at the beginning thereof.

9. On page 13846, middle column, the title and text of § 932.23 are corrected.

10. On page 13847, middle column, the proviso beginning in the second line is changed to read as follows: *"Provided,* That the Secretary, on the basis of a recommendation by the committee or other available information, may change such tolerances:"

11. On page 13847, right column, the text of § 932.52(b)(2) preceding the proviso is changed.

Rulings on exceptions. Exceptions to the recommended decision were filed within the prescribed time. Such exceptions were carefully and fully considered in conjunction with record evidence and the recommended decision (including the rulings), in arriving at the findings and conclusions set forth herein. To the extent that the findings and conclusions contained herein are at variance with the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

Most of the exceptions pertain to the provisions of the proposed amendment which, if adopted, would permit changing the size requirements (count ranges) for canned whole ripe olives as specified in the outgoing regulation provisions of the order, and to a modification which would provide for regulations restricting, on a percentage basis, the total volume of olives of the sizes eligible to be used in whole and whole pitted styles of canned ripe olives. The exceptions indicate that considerable confusion exists within the olive industry as to the possible effect of such provisions and the manner in which the provisions could operate. Examination of the record in the light of the exception discloses that it does not show how the provisions should operate. In view of this situation it appears that an opportunity for further discussion within the industry is desirable in the interest of more definitive understanding. Therefore, it is concluded that decision on that portion of the material issues designated as item (8)(i) in the Notice of Recommended Decision and Opportunity to File Written Exceptions with Respect to Proposed Further Amendment of the Marketing Agreement and Order (36 F.R. 13839) as is covered by the final three paragraphs relating to material issue (8) appearing at 36 F.R. 13845, is reserved and the olive industry should be provided further opportunity to present additional evidence for or against such proposed amendment. Consistent with that conclusion, the final three paragraphs relating to said material issue (8) appearing at 36 F.R. 13845, are not adopted in this decision. Accordingly, the recommended amendatory provisions in the proviso of § 932.52(a)(2) appearing at 36 F.R. 13847 are changed to read: *"Provided,* That the Secretary, on the basis of a recommendation by the committee or other available information, may change such tolerances."

For purposes of correcting inadvertent errors and for clarification, minor revisions are made in specified amendatory provisions as hereinafter set forth.

Material issues. The material issues presented on the record were concerned with amending the order to:

(1) Amend the definition of "handle";

(2) Add and define "sublot";

(3) Add and define "limited use";

(4) Add and define "undersize olives" and "limited use size olives";

(5) Add and define noncanning";

(6) Revise the provisions authorizing marketing research and development projects to include authority for any form of production research;

(7) Revise the provisions in the incoming regulation by specifying larger minimum sizes for the various varieties of olives and by adding a requirement that the committee be notified by any handler of "tree-ripened" type olives upon receipt of such olives or upon separating such olives from other incoming olives;

(8) Revise the provisions of the outgoing regulations to:

(i) Authorize changes in minimum sizes;

(ii) Liberalize the tolerances in the existing minimum sizes;

(iii) Establish larger minimum sizes for "limited use" olives with authority for inclusion of tolerances;

(iv) Authorize restrictions on the total quantity of "limited use size olives" utilized in "limited use" during any crop year; and

(v) Specify appropriate disposition requirements for "limited use size olives" according to their canning or noncanning use.

(9) Amend the provisions that regulate interhandler transfers;

(10) Revise the provisions which specify the allocation of representation on the Olive Administrative Committee; and

(11) Make conforming changes.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) The term "handle" is basic to the order because its definition specifies broadly which operations involving olives are subject to regulation and which are not. One important exclusion exists in the provisions of the current definition which states that "* * * This term shall not include olives acquired and used for fresh shipment * * *" The exemption, from regulation, of olives "for fresh shipment" was included in the original order language because there were and still are shipments of natural condition olives in lidded lug boxes or closed cardboard containers to wholesalers in the terminal produce markets for ultimate sale to individuals for use in home canning. The volume of olives used in this specialized outlet is small compared to other olive outlets. Contrary to the intent of the existing order provisions, it is possible for natural condition olives to be transferred out of the area by anyone in any quantity of size of lot for any purpose, particularly commercial processing into canned ripe olives. In order to forestall the transfer of natural condition olives out of the area for such processing, the order should be amended to redefine the term "handle" by deleting the words "for fresh shipment" and substituting in lieu thereof the words "for fresh market outlet."

As used herein the words "fresh market outlet" refer to terminal produce markets such as New York or Los Angeles where natural condition olives are received and distributed mainly for home use. Specifically, the redefinition of "handle" would not apply to a processor or packager of olives operating outside the area because of the practical limitations upon enforcement of compliance with any regulation of handling. Insofar as "handle" (handling) involves the transfer of olives out of the area, except for "fresh market outlet," the term relates to Interhandler transfers, another section of the order for which amendment is hereinafter recommended. The addition to the latter section would authorize the Secretary to establish, under the Subpart—Rules and Regulations, provisions regulating the transfers of natural condition olives from a handler within the area to a processor or packager of olives outside the area.

Based on the foregoing, it is concluded that the term "handle" should be redefined as hereinafter set forth.

(2) The order presently defines "lot" for purposes of applying incoming regulations to natural condition olives and no changes in the definition are recommended. The order should be amended to include the term "sublot" which would mean a quantity of olives resulting from a separation by the handler of a lot into two or more parts. The need for "sublot" as a defined term in the order is based on

the revised provisions for incoming regulations, as hereinafter recommended at item (7), and on the related practicalities involved in operations by handlers. The incoming regulations currently provide that lots received by a handler solely for use in the production of green olives or canned ripe olives of the "tree-ripened" type may be handled without regard to the incoming regulations if, among other things, the identity of all lots of such olives is maintained by keeping them separate and apart from other olives he receives. In this connection the revision of the incoming regulations in the order, as hereinafter recommended, would make it clear that the aforesaid exemption from regulation would likewise apply to any "sublot" of olives. It is common practice for handlers to separate olives out of individual lots for specific uses according to the different characteristics among such factors as color, size, or quality of the olives. Actual methods of separation include, but are not necessarily limited to, "belt sortouts." When any lot is received and separated into two or more parts, each part thus becomes a "sublot." Furthermore, it is intended that after lots have been commingled for processing into ripe type olives, the olives may be separated later into "sublots" according to said factors of quality, size, and color or an alternate utilization. The parts resulting from any separation, as aforesaid, should each exist and remain as a "sublot" as long as they are identified and kept separate and apart from other olives.

Beginning with the second year of operations under the order, there have been certain provisions applicable to the handling of each lot of olives pursuant to Incoming regulations in the Subpart—Rules and Regulations. Such provisions relate to inspection, lot identification, and partially exempted lots. Inclusion in the order of the term "sublot" will extend the application of the aforesaid provisions insofar as they may actually apply to any "sublot".

The notice of hearing contained a proposal to include in the order a definition of belt sort-outs. The evidence of record shows that in industry parlance this term is frequently used in connection with olive operations. However, it also shows that sublots of olives created in accordance with the proposed definition of that term would not limit such sublots of olives to those hand-sorted while the olives are passing along on a moving belt. Thus, sublots that constitute belt sort-outs could not always be distinguished from sublots created in any other manner. Inasmuch as belt sort-outs will always be identifiable as sublots, and there are no special provisions made in the recommended amendatory language hereinafter set forth, for natural condition olives that consist entirely of belt sort-outs, there is no need to include a definition or to use such term in the order.

(3) The order contains provisions which, subject to modifications recommended by the Olive Administrative Committee and approved by the Secretary, specify the minimum grade and size requirements for processed olives to be used in the production of canned ripe olives. In particular, there are minimum sizes (specified as minimum weights) set forth for processed olives permitted to be used to produce the various styles of canned ripe olives such as whole olives, pitted olives, and olives of the halved, sliced, chopped, or minced styles. The smaller sizes of each variety are generally less desirable than the larger olives when packaged in the whole styles. The use of certain specified small sizes of olives of each variety is limited to the production of halved, sliced, chopped, or minced styles since the size of the whole olives used therefor is less critical to the quality of the end product. The restricted utilization of small olives is commonly referred to within the industry as "limited use." Defining "limited use" as hereinafter set forth will make it possible to avoid repeating the names of the several styles of canned ripe olives when reference is made to the category of smaller olives permitted to be used only in the production of such styles. The term has important usage in connection with the recommended further amendment of the Outgoing regulations section of the order (§ 932.52) to restrict the total quantity of small olives that may be utilized in "limited use."

Therefore, it is concluded that the order should be amended to include a definition of "limited use" as hereinafter set forth.

(4) Present provisions of the Incoming regulations section of the order (§ 932.51) require, among other things, that olives smaller than the sizes specified therein be disposed of as other than canned ripe olives. The smallest permissible sizes prescribed for incoming olives (for processing and packaging as canned ripe olives) are the same as the smallest sizes of processed olives that may be used (under the Outgoing regulations) in the production of canned ripe olives. Incidental to these requirements is another amendment hereinafter recommended which would make parallel increases in the aforesaid minimum sizes as specified for both "incoming" and "outgoing" olives.

Natural condition olives too small to meet the size requirements of the Incoming regulations have been commonly referred to as "undersize" in industry parlance. Inclusion in the order of the term "undersize olives" would make it possible to convey the meaning of the size concept without repeating the rather lengthy size requirements referenced by the term each time it is used in the order.

Therefore, it is concluded that the order should be amended to include a definition of the term "undersize olives" as hereinafter set forth.

With regard to processed olives used in the production of canned ripe olives, the order provisions specify certain minimum sizes for packaged olives in the whole and whole pitted styles, and smaller minimum sizes for the halved, sliced, chopped, or minced styles of canned ripe olives. As recommended heretofore, utilization of olives in the production of the latter styles would be categorized as "limited use." In addition the smaller olives eligible only for such use should be defined as "limited use size olives." Here again the use, in the order, of a defined term will make it possible to convey the meaning of the size concept without repeating the size requirements referenced by the term each time it is used in the order.

Therefore, it is concluded that the order should be amended to include a definition of the term "limited use size olives" as hereinafter set forth.

(5) In the handling of olives under the provisions of the order, there are presently three categories of olives that must be disposed of as other than canned ripe olives. Those three categories are:

(a) Natural condition olives too small to meet the size requirements specified in the Incoming regulations, i.e. "undersize";

(b) Processed olives too small to meet the size requirements, specified in the Outgoing regulations, for olives used in the production of canned ripe olives; and

(c) Olives designated as culls.

The disposal, as other than canned ripe olives, of olives in any of the aforementioned categories is commonly referred to in industry parlance as "noncanning use" and, where incoming (natural condition) olives are involved, each handler must dispose of into "noncanning" outlets a quantity of olives equal to the cull and "undersize" incoming olives he receives each season. Olives larger than the specified minimum sizes and of a quality better than culls are also utilized for so-called "noncanning" uses such as Spanish green, Sicilian, and Greek styles, or for olive oil, however, such utilization is not regulated under the order.

Another category of olives should be included in the order language in connection with the "noncanning use" provisions of the Incoming regulation. In that connection, the Secretary could, upon recommendation of the Olive Administrative Committee, specify a portion of the total quantity of "limited use size olives" that may be used for "limited use" (production of halved, sliced, chopped, or minced styles) during any crop year. Thus any percentage of the "limited use size" olives that is excluded from "limited use" would become "noncanning" olives and each handler would be required to dispose of, as other than canned ripe olives, a quantity of such "limited use size olives" received during the crop year which represents the excluded olives.

On the basis of the foregoing, it is hereby concluded that the order should be amended to include a definition of "noncanning use" as hereinafter set forth.

(6) The order presently contains authority for committee expenditures on marketing research and development projects. Recently (June 25, 1970), the Agricultural Marketing Agreement Act of 1937 was further amended (Public Law 91-292) to permit the conduct of production research under marketing

orders through the use of funds furnished by the program. In order to broaden the possibilities for research beneficial to the whole industry and its customers, the order should be amended, as hereinafter set forth, to include the authority for committee expenditures for production research.

The efficient production of a sustained supply of high quality olives requires a high degree of knowledge and proficiency on the part of olive producers. The production problems span the whole operation from the planting of trees to the harvest of the fruit. Furthermore, the marketing of high quality olives transcends the production phase and extends through all the operations of processing and marketing olives as a canned product because the processing and canning operation cannot improve the quality of a poor product from the trees.

One of the foremost production problems centers upon the fact that fresh olive production and overhead costs are increasingly burdened by the decline and demise of trees, as well as impairment of fresh olive quality, brought about through fungal and bacterial disease infection and insect pests. Practical and economical means of controlling or eliminating many of these diseases and pests are not yet known or such means have not yet reached a point of perfection that would permit their general use. Some agricultural chemicals, herbicides, insecticides, and plant growth regulators that have been used successfully in the past are no longer producing satisfactory results because of the tolerances or resistance developed by the target pests. In some instances such products are being prohibited or restricted by governmental decree based on ecological considerations. The latter restrictions require evidence that chemical and other residues, in excess of safe limits, do not remain in the finished food products and do not adversely affect the natural environment. It is possible that new laws and regulations, enacted for the protection of consumers and the environment, may necessitate monitoring and regulatory programs that require industrywide cooperation, hence, participation under the order offers a practical vehicle for its accomplishment.

One of the diseases seriously affecting olive trees is verticillium wilt. The major efforts at control of this disease, thus far, have been through research projects conducted by the University of California. Although there has been progress in the prevention of verticillium wilt, through the use of resistant rootstock developed by the University, there is no established method of controlling the disease in existing groves. This would be an appropriate field of research under the order. Another major field of technological development involves the mechanical harvesting of olives. Research is in progress which also involves the development of materials and methods to enhance abscission of olives for mechanical harvesting. Research has been done but more is needed on the effects of temperature on flowering and fruit setting under controlled conditions, on the influence of winter chilling, on plant nutrition, and to retardants on vegetation growth as a possible means of stabilizing yields and adapting to mechanical harvesting.

There is also a need for work on crop forecasting. More accurate crop forecasts require a better knowledge of the factors influencing olive yield from year to year.

If the committee determines that production research projects should be undertaken, it should submit each project to the Secretary for approval. The committee should fully consider the cost of any such activities, when developing its budget, both as to additional items of expense and the applicable assessment rate. Committee expenditures for the costs of planning such research should be authorized on the basis of budgetary approval since planning and project development necessarily precede project recommendation to the Secretary for his approval. The committee's financial resources should include another source in addition to current assessments and the financial reserve which is available for the payment of authorized expenditures under the order. The committee should, therefore, be authorized to accept voluntary contributions for the planning, implementation, and evaluation of research. The committee should have complete control over the use of such contributions, i.e., the contributions could only be unconditionally offered and accepted free of all promises and encumbrances. The urgency of authorizing another source of funding research is emphasized by a recent announcement by the State of California that it will shift the costs of agricultural research from the State's general fund to the agricultural industries involved.

In formulating production research projects the committee should be authorized to secure the advice and service of persons knowledgeable in any segment of the field. The committee should be authorized to establish subcommittees to assist it in the efficient and expeditious planning of production research projects or programs. Such subcommittees could explore research methods, develop preliminary projects and programs, and make recommendations with respect to any such activities. Subcommittees could also perform evaluations of activities at any stage of completion. Final decisions on any such recommendation would be the prerogative of the committee subject to approval of the Secretary. In the conduct of any production research projects, the committee should be authorized to conduct the projects itself, or to contract for the conduct of such projects with a person or agency which specializes in this field of activity.

In submitting projects to the Secretary for his approval, the committee should include recommendations as to the funds to be obtained from assessments under the order and contributions and its appraisal of the relative urgency of individual projects whenever several possibilities are involved. The committee should review its production research program annually to appraise its effectiveness. Copies of the annual report on the program should be provided to the Secretary and made available at the committee office for examination by producers, handlers, and other interested persons. The order should be amended accordingly.

(7) The order requires, among other things, that natural condition (incoming) olives to be used in packaged olives shall first be size-graded, either by sample or by lot, into certain prescribed size-designations. These size-designations are the same as those set forth in the U.S. Standards for Grades of Canned Ripe Olives (7 CFR §§ 52.3751–52.3766) plus two additional size-designations—"Petite" and "Subpetite"—which are olives smaller than those included in the size-designations as set forth in said standards. The size-designations are specified, in the standards, in terms of count ranges of olives per pound, e.g. "Small" includes olives ranging in count from 128 through 140 per pound. The ranges for "Petite" and "Subpetite" are described in the order provisions.

For purposes of regulation under the order, olive varieties having similar size characteristics are grouped together in specified variety groups. For each variety group, the order prescribes a minimum size olive that may be used in the production of canned ripe olives. The minimum size is the same for all styles of such olives except that the committee with the approval of the Secretary may annually authorize, within limits prescribed in the order, the use of smaller size olives in the production of the halved, sliced, chopped, and minced styles (limited use). If no such limited use sizes are so authorized any olives for use in such styles must be of the same sizes as those authorized for use in the production of the whole styles of canned ripe olives. The order currently permits the annual authorization for limited use, by the foregoing procedure, of the following: Variety Group 1 olives, except Ascolano, Barouni, and St. Agostino varieties, of sizes not smaller than $\frac{1}{105}$ pound; variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties, of sizes not smaller than $\frac{1}{180}$ pound; variety Group 2 olives, except the Obliza variety, of sizes not smaller than $\frac{1}{225}$ pound; and variety Group 2 olives, of the Obliza variety, of sizes not smaller than $\frac{1}{180}$ pound.

When the foregoing limits were set the inventories of all olives were severely reduced as a result of a near crop failure in the 1967–68 crop year. This situation indicated that it would be desirable to establish limits under which all sizes of small olives that would produce a reasonably satisfactory product could be authorized for use in the halved, sliced, chopped, and minced styles. Since these limits were established two record crops have occurred and this has changed the industry's inventory situation, particularly with respect to such styles. The record indicates that such inventory now equals about 30.5 months supply, a supply substantially in excess of that which is desirable.

The evidence indicates that the limits for minimum sizes should be raised so as to eliminate, to the extent practicable, the least desirable sizes and that provision should be made for optional elimination on a volume basis of a portion of the olives which fall into the limited use category. The need for a provision permitting elimination on a volume basis is related to the fact that within the limited use category the size grading equipment available cannot be operated in a manner that will separate the sizes with the degree of precision necessary. When the crop is of such size that supply should be reduced it is desirable that the least desirable sizes should be eliminated. Due to the difficulty involved in achieving the necessary degree of precision in sizing, however, this does not appear to be practicable. In view of this, the order should establish size limits within which any of the olives would produce a satisfactory product and provide for elimination by authorizing the use, by each handler, of only a specified portion of such olives.

The record indicates that consistent with the foregoing the order should be changed to permit authorization of the use, by the procedure currently provided in the order, of olives in the various variety groups as follows: Variety Group 1 olives, except Ascolano, Barouni, and St. Agostino varieties, of a size not smaller than those which individually weigh less than 1/60 pound; variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties, of a size not smaller than those which individually weigh 1/140 pound; variety Group 2 olives, except the Obliza variety, of a size not smaller than those which individually weigh 1/180 pound; and, variety Group 2 olives of the Obliza variety, of a size not smaller than those which individually weigh 1/140 pound. Amendment of the order in accordance with the foregoing would provide the necessary flexibility to adjust the supply to prevailing demand conditions, in such manner as to recognize the limitations of existing size grading equipment.

One of the current provisions of the order specifies that whenever a handler receives a lot of natural condition olives solely for use in the production of green olives or canned ripe olives of the "tree-ripened" type, he may handle such olives without regard to the incoming requirements of § 932.51 and the outgoing requirements of § 932.52 only if, among other things, the identity of all lots of such olives is maintained by keeping them separate and apart from other olives he receives. These exemptive provisions do not require any action by the handler involved which would make it possible for the committee to verify the exempt nature of the olives so handled. In order to accomplish this purpose the order should include a provision enabling the committee to establish, with the approval of the Secretary, a requirement that handlers notify the committee upon receipt of a lot or creation of a sublot of olives that are destined for use in the production of green or "tree-ripened" olives. Under such a provision it is intended that handlers of such olives would be required to notify the committee upon receipt of natural condition olives at his processing facilities and prior to the creation of exempt sublots. Thus notified, the committee could verify the status of any olives to be so processed. Actual verification would be accomplished by either the Federal or Federal-State Inspection Service or by the Processed Products Standardization and Inspection Branch. Although current requirements in the rules and regulations under the order require notification of the committee whenever any handler receives any such lot of natural condition olives, the order should be amended to set forth the authority as recommended herein for action to assure compliance with the aforesaid exemptive provisions as to lots and sublots.

(8) Several changes were proposed that would apply to "outgoing," i.e. processed, olives used in the production of packaged olives.

As previously related, the order provisions specify certain minimum sizes for natural condition olives of the various variety groups received by handlers for processing into packaged olives and such minimum sizes coincide with the minimum sizes specified for processed olives to be used in the production of "limited use" styles of packaged olives. Furthermore, the order specifies certain larger minimum sizes for processed olives used in the production of canned whole and pitted styles of ripe olives. Processed olives smaller than the applicable minimum size for use in any style of canned ripe olives (undersize olives), together with olives too small to meet incoming size requirements and olives designated as culls, constitute the category of olives which must be disposed of as other than canned ripe olives and are generally referred to as noncanning olives.

The recommended minimum sizes for outgoing olives, as applied to olives used in the production of halved, sliced, chopped, or minced style, are as follows: Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, should individually weigh at least 1/60 pound. Olives of the Ascolano, Barouni, or St. Agostino varieties should individually weigh not less than 1/40 pound. Variety Group 2 olives, except the Obliza variety, should individually weigh not less than 1/80 pound. Obliza variety olives should individually weigh not less than 1/140 pound.

Also recommended is the inclusion of provisions that would modify the language of the order which authorizes annual recommendations and approval of "limited use" olives smaller than the minimum size for whole and pitted styles. Current order language specifies minimum sizes for the various varieties of processed olives used to produce the whole or pitted styles of canned ripe olives and includes a proviso which authorizes the Secretary, on the basis of a committee recommendation or other available information, to change the percentage tolerances applicable to undersize whole or pitted olives. However, current order language merely states that olives smaller than the applicable minimum sizes for whole and pitted styles may be used in the production of halved, sliced, chopped, or minced styles if such smaller size limits are recommended annually by the committee and approved by the Secretary. The current provisions do not specifically authorize inclusion of a size tolerance in the size specifications for olives for "limited use." Therefore, the proposed language, as hereinafter set forth, provides that the minimum sizes for "limited use" olives of the various varieties may include a size tolerance (specified as a percent) if recommended annually by the committee and approved by the Secretary.

The recommended changes in the minimum sizes for outgoing olives include a recommendation that the percentage tolerances for undersize whole and pitted olives be changed to coincide with the liberalized tolerances allowed by the modified regulations for whole and pitted olives during every season except one since the inception of regulations in 1966. For variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, the order presently specifies a minimum individual size of 1/35 pound (Mammoth size) except that olives of the Mammoth size designation may contain not more than 15 percent, by count, of such olives smaller than 1/35 pound each and for all other (larger) size designations not more than 5 percent, by count, may each weigh less than 1/35 pound. The recommended change would increase the 15 percent tolerance to 25 percent for the Mammoth size but include the requirement that not more than 10 percent, by count, of the olives may be smaller than 1/32 pound each which is the approximate weight for olives of the next smaller "single size" designation (Extra Large). Thus there would still be a tolerance of 10 percent, by count, for unlimited undersize among olives of the Mammoth size designation together with the unchanged secondary requirement that olives of any size designation other than (larger than) Mammoth contain not more than 5 percent, by count, of olives smaller than 1/35 pound each.

Similarly, for variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties, the order presently specifies a minimum individual size of 1/38 pound (Extra Large) except that olives of the Extra Large size designation could contain not more than 15 percent, by count, of such olives smaller than 1/38 pound each and, for all other (larger) size designations not more than 5 percent, by count, may each weigh less than 1/38 pound. The recommended change would increase the 15 percent tolerance to 25 percent for the Extra Large size but include the requirement that not more than 10 percent, by count, of the olives could be smaller than 1/38 pound each which is the approximate weight for olives of the next smaller "single size" designation (Large). Thus there would still be a tolerance of 10 percent, by count, for unlimited undersize among olives of the Extra Large size designation together with the unchanged secondary requirement that

olives of any size designation other than (larger than) Extra Large contain not more than 5 percent, by count, of olives smaller than 1/88 pound each.

For variety Group 2 olives, except the Obliza variety, the order presently specifies a minimum individual size of 1/140 pound (Small or Select or Standard size designation) except that olives of the Small, Standard, or Select size designation may contain more than 15 percent, by count, of such olives smaller than 1/140 pound each and for all other (larger) size designations not more than 5 percent, by count, may each weigh less than 1/140 pound. The recommended change would increase the 15 percent tolerance to 35 percent for Small, Standard, or Select size olives but include the requirement that not more than 7 percent, by count, of the olives could be smaller than 1/160 pound each which is the median weight for the next smaller size as described in the order (Petite). Thus there would be a tolerance of 7 percent, by count, for unlimited undersize among olives of the Small, Standard, or Select size designation together with the unchanged secondary requirement that olives of any size designation other than (larger than) Small, Standard, or Select contain not more than 5 percent, by count, of olives smaller than 1/140 pound each.

For variety Group 2 olives of the Obliza variety the order presently specifies a minimum individual size of 1/121 pound (Medium size) except that olives of the Medium size designation may contain not more than 15 percent, by count, of such olives smaller than 1/121 pound each and for all other (larger) size designations not more than 5 percent, by count, may each weigh less than 1/121 pound. Again the recommended change would increase the 15 percent tolerance to 35 percent for the Medium size but include the requirement that not more than 7 percent, by count, of the olives could be smaller than 1/135 pound each which is the approximate weight for olives of the next smaller "single size" designation (Small or Standard or Select). Thus there would be a tolerance of 7 percent, by count, for unlimited undersize among olives of the Medium size designation together with the unchanged secondary requirement that olives of any size designation other than (larger than) Medium contain not more than 5 percent, by count, of olives smaller than 1/121 pound each.

In recommending liberalized tolerances for undersize olives among the various varieties, it should be noted that the order has always contained the existing tolerances with provisions for changing the permissible amount (percentage) of undersize whole or pitted olives as recommended by the committee and approved by the Secretary. As mentioned heretofore, such recommendations have been recommended and approved on a seasonal basis since 1966. If, at the end of any effective period, no superseding requirements have been approved, the tolerance requirements revert to the order provisions.

As for the actual percentages, there are at least two important reasons for allowing percentage tolerance for undersize outgoing olives. One reason involves the mechanical errors and discrepancies that result from sample size grading on incoming olives and production size grading of the whole volume of olives during processing. The other reason involves the fact that although fresh olives meet incoming size requirements which are the same as the outgoing requirements, the shrinkage that sometimes occurs during processing adversely affects the size of the outgoing olives.

Shortly after the regulatory provisions of the order became effective it was found that, in actual size-grading operations, handlers of processed olives could not comply with the order restrictions as to percentage tolerances for undersize olives and workable tolerances were established through recommendation and approval of appropriate administrative rules and regulations. In its efforts to ascertain the proper tolerances for undersize olives, the committee requested the USDA, through its statistical personnel, to conduct size studies to determine the percentage tolerances needed for undersize outgoing olives. The size research was designed to establish the correlation between incoming olives and processed olives within each size designation by comparing the weight of incoming olives of a designated size with the weight of the same olives after processing. The recommendations that emanated from the research were used as the basis for the percentage tolerances effective under the order for the 1969 and 1970 olive crops and were reasonably reflective of normal weight changes. Such tolerances should be specified in the order. Such tolerances, although more liberal than those currently in the order, contain an important limitation on the permissible amounts of undersize olives which limitation is designed to assure a desirable degree of uniformity of size among olives of each designated "single size." For example, the requirement applicable to variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties specifies that such olives of the smallest permissible "single size" (Extra Large) could contain not more than 25 percent, by count, of olives weighing less than 1/88 pound (the minimum for (Extra Large) provided that not more than 10 percent of the olives could be smaller than 1/98 pound which is the minimum weight for the next smaller size (Large). The stated reason for this tolerance within a tolerance is that "if there were no lower limit for olives weighing less than 1/88 pound (1/98 pound in this case) then it would be possible for a handler to add larger olives as part of the large end of the size range and also add many more smaller olives to the small end of the size range while maintaining a mathematical average weight well within the range specified for the Extra Large size." Therefore, authority for changing percentage tolerances should be as hereinafter set forth.

The order also provides that processed olives, smaller than the applicable minimum sizes for whole and pitted styles but not smaller than the absolute minimum sizes specified in the order, may be used in the production of "limited use," i.e., halved, sliced, chopped, or minced styles. However, such ultilization of the smaller sizes must be recommended annually by the committee and approved by the Secretary.

According to the record, it should continue to be necessary for the committee to meet and deliberate before initiating or continuing changes in the minimum size for olives to be used in the production of halved, sliced, chopped, or minced style. Such annual review and considerations has been beneficial in committee deliberations and recommendation as to permissible minimum sizes. Hence, the order provisions should continue in effect until changed, as they have been each season, and any changes will be in effect for the crop year for which established as has been the practice each season.

In connection with the previously discussed burdensome supply of halved, sliced, chopped, and minced styles of canned ripe olives, the record shows that the order should include provisions which would authorize certain further restrictions on the handling of "limited use size olives." Such provisions should specify that the Secretary may, upon recommendation by the committee, restrict the total quantity of "limited use size olives" for "limited use" during any crop year. Such restricted quantity should be apportioned equitably among the handlers by applying a percentage, established annually by the Secretary upon recommendation by the committee, to each handler's total receipts of "limited use size olives" during such crop year. Inclusion of these provisions would greatly expand the authority to control the utilization of "limited use size olives" during any crop year and the situation existing during the 1970 crop year amply demonstrates the need for such authority. Because of the heavy inventory of halved, sliced, chopped, and minced styles of olives, as mentioned heretofore, the committee recommended the establishment under the order of more restrictive minimum sizes for several of the important varieties so as to eliminate to the extent practicable, the use of excessive quantities of limited use olives. It would be simpler and more precise to establish the desired quantity of "limited use size olives," that may be handled each crop year as a percentage of each handler's total receipts of such olives instead of establishing restrictive minimum sizes. One advantage of this method of regulation lies in the committee's opportunity to more accurately determine the quantity of olives to be utilized only for "limited use" because such determinations as a percentage of all eligible olives would not be subject to the variable effects of the different size regulations on the several varieties. From the standpoint of the handlers affected, the new provisions would provide more flexibility in their

operations because each handler could determine which of the olives he receives would be best suited for use as "limited use" olives and which other olives to dispose of in noncanning outlets including disposition to satisfy order requirements. By using the best olives among a restricted supply, a corollary benefit should accrue in the form of the best possible quality of "limited use" olives and the products thereof.

Provisions should be included in the order to the effect that the committee may, with the approval of the Secretary, modify the applicable grade requirements for the halved, sliced, chopped, or minced styles and specify such additional styles, including the requirements with respect thereto, for olives for "limited use." The need for these provisions has arisen from the fact that current order provisions specify not only the size of olives that may be used for "limited use" but also the grade of all canned ripe olives of any style. The U.S. Standards for Grades of Canned Ripe Olives include grade requirements for the common styles which are whole, pitted, broken pitted, halved, sliced, and chopped or minced. Recently a so-called "quartered style" of olives was developed and one firm was ready to produce it. Although no such style and the requirements pertaining thereto exists in the official standards for olives, a "quartered style" was designated and defined pursuant to the exemption provisions of the order. The size requirements applicable to olives used for "limited use" and the grade requirements applicable to pitted style were also made applicable to olives for use in the production of said "quartered style." Inasmuch as current order provisions authorize modifications of the grade requirements as such requirements apply to the official styles, said provisions would be broadened to authorize the committee, with the approval of the Secretary, to designate and define as "limited use" styles any desired styles which are not specified in the official grade standards. Accordingly, there would be authority to specify appropriate requirements for the new styles and for olives used in the production thereof.

Testimony was presented in objection to the existing order provisions which permit modifications of the grade requirements for canned ripe olives. With reference to whole olives, it was contended that modifications of the Grade C requirements should no longer be authorized because it results in a lower quality of canned olives. Specifically, the witness alleged that a prohibition on the packing of Grade C olives results in the inclusion of such olives in Grade A or B olives. It was also contended that a prohibition on the canning of Grade C olives removes no more cull olives than are eliminated when Grade C is canned. It should be pointed out here that the current seasonal regulation is not in the form of prohibiting a certain grade such as Grade C but rather of modifying such minimum grade by including certain grade factors such as uniformity of size, character, and absence of defects that are specified in the higher Grade B. The existing authority for grade modifications provides greater flexibility, whenever needed to achieve marketing objectives in the face of the inherently variable quality of olives, than any regulation limited to the quality factors of a single grade.

The underlying objective of this added authority, relative to "limited use size olives," is to facilitate the expanded marketing of such olives by removing any unnecessary impediments to the development and distribution of new styles produced therefrom and it should, therefore, be adopted.

The Committee proposal, with respect to amendment of outgoing regulations, is to add certain requirements that would regulate the disposition of "limited use size olives." The order provisions, both current and as proposed to be amended, contain certain requirements as to the minimum sizes of olives that may be used in the production of halved, sliced, chopped, or minced styles of canned ripe olives ("limited use"). These sizes, or as modified annually, are also the minimum sizes for incoming olives and handlers are required to dispose of, as other than canned ripe olives, an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown by inspection and certification to be smaller than the specified sizes. Since the modified sizes for "limited use" olives are smaller than the minimum sizes for whole and pitted olives, it has been the intent of the industry that such smaller olives be utilized only in the production of halved, sliced, chopped, or minced styles of canned ripe olives. The order provisions which specify that these smaller sizes of olives may be used only for "limited use" style of canned olives reflect, to a large degree, an assumption that the sizes of olives remain constant during processing, i.e., natural condition olives too small to be processed for eventual canning as whole or pitted styles will continue to be too small throughout the processing operation. However, different methods of processing have different effects upon the size of olives during processing. Specifically, methods using the "fresh cure" and "vacuum" process are known to have increased the weight of individual olives to the extent that the larger natural condition olives "limited use" sizes become heavy enough to meet the size requirements for whole canning use. Such size changes may increase the total available quantity of olives for whole or pitted styles. Furthermore, producers may be paid the lower prevailing price for "limited use" olives which are ultimately sold in the higher price range of whole and pitted olives. Such a situation is inequitable to both the producers and other handlers who have paid the higher prices of olives eligible, at the outset, for use in the whole or pitted styles. The current order provisions merely state that specified sizes of olives smaller than the sizes eligible for use in the whole or pitted styles may be used for "limited use." In order to assure required disposition of olives, as well as use of certain olives in "limited use", the order provisions should, except as hereinafter noted, require that "limited use size olives" be disposed of into "limited use", or noncanning use, under the supervision of the Federal or Federal-State Inspection Service or the Processed Products Standardization and Inspection Branch, USDA. If a quantity of limited use size olives was restricted to "limited use", such quantity could be disposed of into "limited use" and the balance of the limited use size olives could be disposed of only into noncanning uses. In recognition of the similarity in the problems relating to the effect of processing operations on the size of natural condition olives, the amendatory disposition provisions should be somewhat similar to the provisions for incoming olives with respect to the disposition of undersize olives in that a handler should be permitted to meet any deficit in his obligation to dispose of "limited use size olives" into noncanning use by disposing of an equal quantity of olives of any variety of a size larger than the "limited use size olives" of that variety and of a quality better than culls.

In order to ensure compliance with any disposition requirements for "limited use size olives," the amendment should contain provisions requiring handlers to hold, at all times, a quantity of olives that will meet the disposition requirements for such olives (including the quantity needed to satisfy a deficit) minus any quantity previously disposed of in accordance with applicable requirements. As indicated, the existing order provisions which allow the use of olives of different varieties to satisfy dispositions obligations are the result of industry experience which showed that it was extremely difficult to meet undersize and cull obligations established strictly on the basis of separate varieties. A principal complicating factor was the change of size occurring during processing.

As shown by the record, the order should not include authorization to credit any handler for disposing of olives in noncanning use prior to the establishment of such a disposition obligation. The basic reason for not authorizing credit for any "advance" disposition of olives is that the disposition requirements of the order, hereinafter set forth in the amendatory provisions, are intended to require disposal of those olives actually received which are not eligible for canning as ripe olives, i.e. undersize, restricted quantity of "limited use size olives," and olives considered by the handlers to be culls. Thus, if handlers were granted advance credit for discretionary disposal of olives eligible for canning that were received prior to the receipt of ineligible olives it might not be necessary for them to make any disposition of the ineligible olives among later receipts. Therefore handlers should continue to be required to hold at all times a quantity of olives of each variety eligible to meet the applicable disposition requirements for noncanning olives less any quantity of such olives disposed of in noncanning use.

(9) The provisions of the order which govern the transfer of olives between handlers should be amended as hereinafter set forth. Under the order, transfer within the production area of olives between handlers for further processing are permitted under certain conditions. However, "olives acquired and used for fresh shipment" are not included under the existing definition of "handle". Shipments of natural condition olives from the production area have occurred for processing outside the production area which comprises the State of California. Interhandler transfers of natural condition olives within the State for further handling are subject to regulations under the existing provisions of the order. Although regulation of the production of packaged olives outside the State would not be practicable, the order should contain authority for the issuance of such rules and regulations as will insure that natural condition olives shipped out of the State for processing and the production of packaged olives are inspected and certified prior to shipment for conformance with the requirements of § 932.51 (Incoming Regulations) and the applicable holding requirements with respect to olives to be disposed of in noncanning use are met. Thus, the inspection, holding, disposition, and reporting requirements for the shipment of natural condition olives out of the production area could be essentially the same as those applicable to natural condition olives handled (by size grading) within the State under the incoming regulation.

Therefore, the exclusive provisions set forth by the proviso in the definition of "handle" should be amended by substituting the term "for fresh market outlet" in place of the term "for fresh shipment".

(10) One proposal in the notice of hearing related to changing the structure of the committee. Under this proposal four producer representatives would be assigned to the "cooperative" segment of the industry and four to the "independent" segment. Likewise the handler representation would be assigned four to the independents and four to cooperatives. Current provisions of the order contain no stipulations as to the division of producer representation between the two categories. The order currently provides that handler representation shall be evenly divided, as aforesaid, except that whichever category of handlers handled as first handlers thereof, 65 percent or more of the olives during the crop year when nominations are made and in the preceeding crop year shall be entitled to five members and the category of handlers that handled as first handlers thereof 35 percent or less during said year shall be entitled to three handler members. Accordingly, there are currently five cooperative handler members on the committee. Under the proposal the order would retain the provision that other allocations of producer or handler membership, or both, could be made to assure equitable representation on the committee. The proponent contended that the cooperatives, through their majority membership, could materially affect the prices paid to growers for olives of specified sizes according to whether such olives could be utilized in the production of canned ripe olives of the "limited use" styles or in noncanning outlets of low return to producers. The difference in utilization of a certain size of olives allegedly would depend upon the minimum size recommended for "limited use size olives" by the committee and approved by the Secretary.

A similar situation allegedly could occur with regard to olives of such a size that their utilization in the production of whole styles or of "limited use" styles would depend upon the minimum sizes established for whole styles of olives if such authority was included as a part of the order. If the handler category which handles 65 percent or more of the olives was deprived of the fifth handler member on the committee the result would be a serious inequity to those handlers because the representation allowed for them would be greatly disproportionate to the volume handled.

As for producer members of the committee, such persons are freely nominated by all producers participating in the nominations. The record shows that producer nominees are considered individually at nomination meetings according to their competence and concern for the welfare of the whole industry and not according to their marketing affiliation. Furthermore, producers may and do change their handler affiliation so that a person nominated and selected as a representative of either category could subsequently become affiliated with the other category. Accordingly, no such amendatory change in representation on the committee is needed and none is recommended.

(11) In view of the recommended inclusion in the order of the term "noncanning use", conforming changes have been made in the order where reference is had to the disposition of olives as other than canned ripe olives.

Rulings on proposed findings and conclusions. April 14, 1971, was fixed as the latest date for filing proposed findings and conclusions, written arguments or briefs based upon the evidence received at the hearing. Briefs were filed by 37 persons and firms all of which are located in California. All of the briefs were concerned with proposals authorizing changes in the applicable sizes of olives for canned ripe olives in the outgoing regulations for ripe olives so as to prohibit the handling of a percentage or all of the smallest sizes that may be canned as whole style olives. Thirty-five of the briefs supported the proposal and two of them were in opposition.

Each point included in the briefs was fully and carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with the decision.

General findings. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

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

(2) The said marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of olives grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which hearings have been held;

(3) The said marketing agreement and order, as amended, and as hereby proposed to be further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of olives grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of olives grown in the production area, as defined in said marketing agreement and order, as amended and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Further amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Olives Grown in California" and "Order Amending the Order, as Amended, Regulating the Handling of Olives Grown in California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period September 1, 1970, through July 31, 1971 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California, in the production of olives for market, to ascertain whether such producers favor the issuance of the said annexed order

amending the order, as amended, regulating the handling of olives grown in the aforesaid production area. Joe Perrin and Richard P. Van Diest, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.)

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

Reopened hearing. The hearing with respect to that portion of material issue (8) which is not covered by this partial decision is hereby reopened. Tentative date for such hearing is December 8, 1971. Notice of the exact time and place of the hearing will be given by the Department and published in the FEDERAL REGISTER.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: September 3, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Olives Grown in the State of California*

§ 932.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Fresno, Calif., on March 3, 1971, upon proposed amendments to the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in the State of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby further amended, regulates the handling of olives grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in the marketing agreement and order upon which the hearing has been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of olives grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of olives grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of olives grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby further amended, as follows:

1. Section 932.16 is redefined to read as follows:

§ 932.16 Handle.

"Handle" means to: (a) Size-grade olives, (b) process olives, or (c) use processed olives in the production of packaged olives, within the production area, or (d) ship packaged olives from the area to any point outside thereof or within the area: *Provided,* This term shall not include natural condition olives acquired and (1) used for olive oil, salt cured oil coated olives (also variously referred to as "Greek Olives," "Greek Style Olives," or "Oil Cured Olives"), or Silician Style Olives, or (2) shipped to fresh market outlets.

2. A new § 932.22 is added to read as follows:

§ 932.22 Sublot.

"Sublot" means a quantity of olives resulting from the separation by the handler of a lot into two or more parts.

3. A new § 932.23 is added to read as follows:

§ 932.23 Undersize olives and limited use size olives.

"Undersize olives" means olives of a size which, pursuant to § 932.51(a)(2), shall be disposed of in noncanning use; and "limited use size olives" means processed olives of any size which, pursuant to § 932.52(a)(3), is authorized for limited use.

4. A new § 932.23a is added to read as follows:

§ 932.23a Limited use.

"Limited use" means the use of processed olives in the production of packaged olives of the halved, sliced, chopped, or minced styles, as defined in the then current U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title), including modifications of the requirements for such styles pursuant to this part, and such additional styles (and the requirements applicable thereto) as may be specified pursuant to § 932.52(a)(7).

5. A new § 932.24 is added to read as follows:

§ 932.24 Noncanning use.

"Noncanning use" means the use of olives other than in the production of canned ripe olives, and is the authorized outlet for undersize olives and the limited use size olives which, pursuant to § 932.52(b), are not permitted for limited use in any crop year in which limited use is restricted to less than the available quantity of limited use size olives.

6. Section 932.45 is revised to read as follows:

§ 932.45 Production research, and marketing research and development projects.

(a) The Committee may, with the approval of the Secretary, establish or provide for the establishment of production research, and marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of California olives. Such projects may provide for any form of marketing promotion including paid advertising. The expenses of such research and projects shall be paid from funds collected pursuant to § 932.39 or from voluntary contributions. Voluntary contributions may be accepted by the committee only to pay the expenses of such projects: *Provided,* That the committee shall retain complete control over the use of such contributions which shall be free from any encumbrances.

(b) In recommending marketing research and development projects pursuant to this section, the committee shall give consideration to the following factors:

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

(1) The expected supply of olives in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Food Program.

(c) In recommending production research projects pursuant to this section, the committee shall give consideration to the extent and need for assistance to, and improvement of, California olive production.

(d) If the committee should conclude that a program of production research, marketing research, or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 932.39 or voluntary contributions;

(2) Its recommendations as to any production research or marketing research project; and

(3) Its recommendation as to promotion activity and paid advertising.

(e) The committee shall, as soon as practicable after the close of each crop year, prepare and mail an annual report to the Secretary and make a copy available for examination by producers, handlers, or other interested persons at the committee office.

7. Paragraphs (a)(2) and (b) of § 932.51 are revised to read as follows:

§ 932.51 Incoming regulations.

(a) * * *

(2) Each handler shall, under the supervision of any such inspection service, dispose of into noncanning use an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown on the certification for each lot to be:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh less than 1/60 pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties of a size which individually weigh less than 1/140 pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh less than 1/180 pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which individually weigh less than 1/140 pound;

(v) Such other sizes for the foregoing variety groups as are not authorized for limited use pursuant to § 932.52; and

(vi) Olives classified as culls.

(b) Whenever a handler receives a lot of natural condition olives, or makes a separation resulting in a sublot, solely for use in the production of green olives or canned ripe olives of the "tree-ripened" type, he may handle such lot or sublot without regard to the provisions of this section and § 932.52 only if (1) he notifies the committee upon receiving such a lot or making such a separation; (2) the identity of all such lots and sublots of olives is maintained by keeping them separate and apart from other olives he receives; (3) the packaged olives produced from such lots and sublots after processing are canned ripe olives of the "tree-ripened" type or green olives; and (4) there are no outgoing regulations pursuant to § 932.52 then applicable to packaged olives that are canned ripe olives of the "tree-ripened" type or green olives.

8. Section 932.52 is revised to read as follows:

§ 932.52 Outgoing regulations.

(a) *Minimum standards for packaged olives.* No handler shall use processed olives in the production of packaged olives or ship such packaged olives unless they have first been inspected as required pursuant to § 932.53 and meet each of the following applicable requirements:

(1) Canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title), or as modified by the committee, with the approval of the Secretary, for purposes of this part.

(2) Canned whole ripe olives, other than those of the "tree-ripened" type, shall conform to the size designations of "single size" or of the blended sizes "Family," "King," or "Royal," as set forth in said U.S. Standards, and shall be of a size not smaller than the following applicable size requirements and tolerances: *Provided,* That the Secretary, on the basis of a recommendation by the committee or other available information, may change such tolerances:

(i) With respect to Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, the individual fruits shall each weigh not less than 1/75 pound, except that (*a*) for olives of the mammoth size designation, not more than 25 percent, by count, of such olives may weigh less than 1/75 pound each including not more than 10 percent, by count, of such olives that weigh less than 1/82 pound each; and (*b*) for olives of any size designation except the mammoth size, not more than 5 percent, by count, of such olives may weigh less than 1/75 pound each;

(ii) With respect to Variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties, the individual fruits shall each weigh not less than 1/88 pound except that (*a*) for olives of the extra large size designation, not more than 25 percent, by count, of such olives may weigh less than 1/88 pound each including not more than 10 percent, by count, of such olives that weigh less than 1/88 pound each; and (*b*) for olives of any size designation, except the large size, not more than 5 percent, by count, of such olives may weigh less than 1/88 pound each;

(iii) With respect to Variety Group 2 olives, except the Obliza variety, the individual fruits shall each weigh not less than 1/140 pound except that (*a*) for olives of the small, select or standard size designation, not more than 35 percent, by count, of such olives may weigh less than 1/140 pound each including not more than 7 percent, by count, of such olives that weigh less than 1/160 pound each; and (*b*) for olives of any size designations, except the small, select or standard size, not more than 5 percent, by count, of such olives may weigh less than 1/140 pound each; and

(iv) With respect to Variety Group 2 olives of the Obliza variety, the individual fruits shall each weigh not less than 1/121 pound except that (*a*) for olives of the medium size designation, not more than 35 percent, by count, of such olives may weigh less than 1/121 pound each including not more than 7 percent, by count, of such olives that weigh less than 1/135 pound each; and (*b*) for olives of any size designation, except the medium size, not more than 5 percent, by count, of such olives may weigh less than 1/121 pound each.

(3) Subject to the provisions set forth in subparagraph (4) of this paragraph, processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same size requirements as prescribed pursuant to subparagraph (2) of this paragraph: *Provided,* That olives smaller than those so prescribed, as recommended annually by the committee and approved by the Secretary, may be authorized for limited use but any such limited use size olives so used shall be not smaller than the following applicable minimum size: *Provided further,* That each such minimum size may also include a size tolerance (specified as a percent) as recommended by the committee and approved by the Secretary:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh 1/90 pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties, of a size which individually weigh 1/140 pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh 1/180 pound;

(iv) Variety Group 2 olives of the Obliza variety, of a size which individually weigh 1/140 pound.

(4) The Secretary may, upon recommendation of the committee, restrict the total quantity of limited use size olives for limited use during any crop year. Such restricted quantity shall be apportioned among the handlers by applying a percentage, established annually by the Secretary upon recommendation by the committee, to each handler's total receipts of limited use size olives during such crop year.

(5) Canned ripe olives of the "tree-ripened" type and green olives shall meet such grade, size, and pack requirements as may be established by the Secretary based upon the recommendation of the committee or other available information.

(6) The size designations (mammoth, extra large, medium, etc.) used in this section mean the size designations described in paragraph (a)(1)(ii) of § 932.51.

(7) For the purposes of this part the committee may, with the approval of the Secretary, specify the styles of olives, including the requirements with respect thereto, for limited use.

(b) *Disposition requirements for limited use size olives.* (1) The requirements of this paragraph are in addition to and not in substitution of the requirements of § 932.51(a)(4).

(2) Each handler shall, under the supervision of the Processed Products Standardization and Inspection Branch, USDA, or the Federal or Federal-State Inspection Service, dispose of limited use size olives into limited use or into noncanning use: *Provided*, That whenever a handler's use of limited use size olives is restricted pursuant to § 932.52(a)(4), he shall dispose of into noncanning use that quantity of such limited use size olives which is in excess of the quantity permitted for limited use.

(3) Notwithstanding the provisions of subparagraph (2) of this paragraph, a handler may meet any deficit in his obligation to dispose of limited use size olives into noncanning use pursuant to this paragraph by disposing of, under supervision of the inspection service, an equivalent quantity of olives of a size larger than the limited use size and of a quality better than culls.

(4) Each handler shall hold at all times a quantity of olives eligible to meet the disposition requirements of this paragraph less any quantity previously disposed of as specified in subparagraphs (2) and (3) of this paragraph.

9. Section 932.54 is amended by changing the title to read "Transfers" and by adding a new sentence to read as follows:

§ 932.54 Transfers.

* * * Transfers of olives from within the area to any point outside the area shall be subject to such requirements with respect to inspection, holding, disposition, and reporting as may be established by the Secretary on the basis of recommendations by the committee or other available information.

[FR Doc.71-13257 Filed 9-8-71;8:50 am]

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966).

This marketing order program regulates the handling of tomatoes grown in designated counties in the State of Florida, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 966.208 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1971, through July 31, 1972, by the Florida Tomato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $111 million.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-fourths of a cent ($0.0075) per 40-pound container of tomatoes, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1972, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

Dated: September 3, 1971.

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

[FR Doc.71-13251 Filed 9-8-71;8:49 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 7]

MATTRESSES

Proposed Flammability Standard

On June 10, 1970, there was published in the FEDERAL REGISTER (35 F.R. 8944) a notice of finding that a flammability standard or standards, or other regulations, including labeling, may be needed for mattresses, used either alone or as a component of a bedding assembly, and fabrics or related materials intended to be used, or which may reasonably be expected to be used, in these products. This finding informed the public that a standard may be needed to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury or significant property damage from mattress fires and instituted proceedings for the development of an apropriate flammability standard or standards, or other regulation, including labeling, for mattresses.

After review and analysis of the comments received, analysis of information developed through research, and after further review of information cited in the June 10, 1970, FEDERAL REGISTER (35 F.R. 8944), and more recent additions thereto, it is hereby found that a flammability standard for mattresses is needed to protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage arising from such hazards as continuous slow burning or smoldering and the resultant production of smoke or toxic atmospheres.

Proposed standard. It is preliminarily found that the proposed flammability standard DOC PFF 4–71, the Flammability Standard for Mattresses, as set out in full at the end hereof as appendix I:

(a) Is needed for mattresses to protect the public against unreasonable risk of the occurrence of fire arising from such hazards as continuous slow burning or smoldering and the resultant production of smoke or toxic atmosphere leading to death, personal injury, or significant property damage;

(b) Is reasonable, technologically practicable, and appropriate and is stated in objective terms; and

(c) Is limited to mattresses and mattress pads, which have been determined to present such unreasonable risk.

Basis for proposed flammability standard. The finding that a flammability standard or other regulation is needed for mattresses is based on reported accident data and on the results of laboratory research. Data on building fires in recent years dramatically underscore the fact that no national flammability standard now exists for mattresses which affords protection to the general public from unreasonable risks of death, injury, or significant property damage due to fires. Mattresses may be produced and made available for consumer purchase, which, when used alone or in a bedding assembly, present through ordinary use such hazards as continuous slow burning or smoldering with the resultant production of injurious smoke or toxic atmospheres.

Data supporting the foregoing conclusions were contained in the above-cited notice published in the FEDERAL REGISTER on June 10, 1970. In addition to the data contained in that notice, the March 1971 issue of "Fire Journal" contains a report of 1969 Oregon and California fires which states that in cases where the first material to ignite was known, bedding or mattresses ignited first in 13.7 percent of the 3,126 Oregon residential fires and produced 24 percent of the 285 Oregon residential fire casualties. When fires which involved flammable liquids or gases and energized electrical equipment were excluded from this group of 1969 Oregon fires, the initial ignition of bedding or mattresses accounted for over 20 percent of the residential fires and over 34 percent of the residential fire casualties. In the State of California, the initial ignition of bedding or mattresses by smoking occurred in 18.4 percent of the 435 fire deaths.

By June 1, 1971, the Department of Commerce had analyzed data from 1,005 cases involving the burning of products composed of fabrics or related materials

which had been investigated by the Department of Health, Education, and Welfare. Seventy-six were cases in which mattresses were involved. Over 60 percent of these fires, which produced injuries to 28 and death to six, were caused by smoking in bed. In another analysis, data on fires in the city of Washington, D.C., during the period of April through June 1971, showed that 11.7 percent of 915 building fires involved the ignition of mattresses.

All the data cited above and in the June 10, 1970, notice in the FEDERAL REGISTER show the high incidence of fires resulting from mattress or bedding ignitions. Laboratory research indicates that a smoldering mattress is a major source of injurious smoke or toxic atmospheres. It has also been determined that burning cigarettes are the principal ignition source for mattress fires which result in the production of injurious smoke toxic atmospheres. Thus, the proposed standard for mattresses specifies cigarettes as the ignition source. Further laboratory research, using cigarettes as the ignition sources and mattresses representing current production, indicates that the addition of sheets on the mattress increases the probability of ignition of the mattress. Accordingly, sheets are included in the testing procedure in the proposed standard.

Finally, as the result of this research and analysis conducted at the National Bureau of Standards and an interlaboratory evaluation of the test procedures in cooperation with the American Society for Testing and Materials, the National Association of Bedding Manufacturers, and other producers, retailers, and consumer groups, it has been concluded that the test method contained in the proposed standard is reasonable and appropriate.

Participation in proceedings. All interested persons are invited to submit written comments relative to the proposed flammability standard within 30 days after the date of publication of this notice in the FEDERAL REGISTER. Written comments should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, and may include any data or other information pertinent to the subject.

Inspection of relevant documents. The written comments received pursuant to this notice will be available for public inspection at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7046, (Department Library) Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, DC 20230.

Two supporting documents are available for inspection in the above facility. One, "Accident Data and Research on Hazards from Mattress Fires" presents an analysis of accident data on fires involving mattresses, and on the results of research on the hazards from ignition and continuous burning of mattresses and the resultant production of smoke or toxic atmosphere. The second, "Flammability Test: Analysis of Interlaboratory Results," presents the results and a statistical analysis of the interlaboratory evaluation.

Issued: September 3, 1971.

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

MATTRESSES

PROPOSED FLAMMABILITY STANDARD FOR MATTRESSES

[DOC PFF 4-71]

.1 *Definitions.* In addition to the definitions given in section 2 of the Flammable Fabrics Act as amended (sec. 1, 81 Stat. 568; 15 U.S.C. 1191) and § 7.2 of the procedures (33 F.R. 14642, Oct. 1, 1968), the following definitions apply for the purpose of this standard:

(a) "Mattress" means a ticking filled with a resilient material used alone or in combination with other products and intended or promoted for sleeping upon. This definition includes mattress pads and excludes pillows and boxsprings.

(b) "Acceptance criteria" means that set of ignition properties which a mattress must exhibit in order to comply with this standard.

(c) "Ticking" means the outermost layer of fabric or related material, that encloses the mattress core and upholstery materials.

(d) "Core" ("Unit") means the main support system of the mattress, such as springs or foam.

(e) "Upholstery material" means all material, either loose or attached, between the tickings or between the ticking and the core of the mattress, if a core is present.

(f) "Tape edge" ("Edge") means the seam or border edge of a mattress.

(g) "Quilted" means sewn through or otherwise attached to ticking and one or more layers of upholstery material.

(h) "Tufted" means buttoned or laced through the ticking and upholstery materials and/or core.

.2 *Scope and application.* (a) This standard provides a test method to determine the ignition resistance of a mattress when exposed to a lighted cigarette.

(b) All types of mattresses, regardless of their method of fabrication or material content, must meet the acceptance criteria.

.3 *General requirements*—(a) *Summary of test method.* The method. involves the exposure of each type of mattress surface to a lighted cigarette as the standard igniting source in a draft-protected environment and the measurement of the ignition resistance of the mattress in terms of nonignition (N) or ignition (I). These surfaces include smooth, tape, and quilted or tufted locations, if they exist on the mattress surfaces. If nonignition results are obtained for all bare mattress tests, then two-sheet tests are conducted over similar surface locations. In the latter test the burning cigarette is placed between the sheets, and nonignition or ignition results are recorded. Mattresses which contain fire retardant treated components must be wet down with water and dried prior to testing.

(b) *Acceptance criteria.* Testing the mattress in accordance with the testing procedure set forth in ".4 Test Procedure," a mattress meets the acceptance criteria if:

(1) Five minutes after any cigarette has completely burned out on the mattress surface, all smoking has stopped, and examination of the exposed area shows no evidence of ignition or continuing combustion, and

(2) Char length on the mattress surface is not more than one inch in any direction from any cigarette.

.4 *Test procedure*—(a) *Apparatus*—(1) *Test room.* The test room shall be large enough to accommodate a full size mattress in a horizontal position and to allow for free movement of personnel and air (without draft) around the test specimen. The room shall be equipped with a support system (platform, bench, etc.) upon which a mattress may be placed in a horizontal position at a reasonable height for making observations. The test room shall be draft-protected and equipped with a suitable system for exhausting smoke and/or noxious gases produced by testing. The test room atmospheric conditions shall be between 18°–27° C. (65°–80° F.) and at less than 55 percent relative humidity.

(2) *Ignition source.* The ignition source shall be cigarettes without filter tips made from 100 percent natural tobacco, 85±2mm. long with a tobacco packing density of 0.270±0.020 g./cm.^{3}.

(3) *Fire extinguisher.* A pressurized water fire extinguisher, or other suitable fire extinguishing equipment, shall be immediately available.

(4) *Water bottle.* A water bottle fitted with a spray nozzle shall be used to extinguish the ignited portions of the mattress.

(5) *Scale.* A linear scale graduated in millimeters or 0.1-inch divisions shall be used to measure char length.

(6) *Other apparatus.* In addition to the above, a timer, a thermometer, a relative humidity measuring instrument, a knife, and tongs are required to carry out the testing.

(b) *Specimens and sampling*—(1) *Selection of mattress sample.* The mattress selected for test shall be a complete and finished product, representative of such mattresses produced for sale.

(2) *Preparation of mattress samples.* The mattress shall be divided laterally into two sections (see Figure 1), one section for the bare mattress tests and the other for the two-sheet tests. If a mattress contains any fire retardant treated components it shall be soaked with water and dried prior to testing. Uniformly wet the mattress using no less than 2 gallons of water for each foot of width. Prior to conditioning, air dry

the mattress for at least 48 hours at an ambient temperature above 18° C. (65° F.) and a relative humidity below 55 percent.

(3) *Sheet selection.* The sheet shall be white, 100 percent combed cotton percale, with 180 threads per square inch. Size of sheet shall be appropriate for the mattress being tested.

(4) *Sheet preparation.* The sheets shall be laundered before use by the procedure prescribed in Method 124—1967 of the American Association of Textile Chemists and Colorists washing procedure 6.2 (III), with a water temperature of 60°±2.8° C. (140°±5° F.), drying procedure 6.3.2(B). Maximum load shall be 3.64 kg. (8 pounds) and may consist of any combination of sheets and dummy pieces. The hems shall be cut from the sheet and the sheet then cut across the width into two equal parts.

(5) *Cigarettes.* An unopened package of cigarettes shall be selected for each mattress evaluation.

(c) *Conditioning.* The mattresses, sheets, and cigarettes shall be conditioned at a temperature of 18°–27° C. (65°–80° F.) and a relative humidity less than 55 percent for at least 48 hours prior to test. The cigarettes shall be removed from the package and supported in a suitable manner to permit free movement of air around them during conditioning.

(d) *Testing*—(1) *General*—a. Light and place one cigarette at a time on the mattress surface. (If previous experience with the same type of mattress has indicated that rapid spread of combustion is not likely, up to three cigarettes may be lighted and placed on the mattress at one time.) If more than one cigarette is burning at one time, the cigarettes must be positioned no less than 6 inches apart on the mattress surface. The cigarette used as the ignition source shall be well lighted but not burned more than 4mm. (0.16 in.) when placed on the mattress. Fire extinguishing equipment must be readily available at all times.

b. If a cigarette extinguishes before burning its full length, the test is considered "no test" and must be repeated with a freshly lit cigarette on a different portion of the same type of location on the mattress.

c. Three cigarettes shall be burned on each of the different mattress locations: Smooth surface, tape edge, and quilted or tufted areas, if they exist in the particular mattress under test.

d. If, during the testing, the mattress fails at any time to meet the acceptance criteria the testing may be stopped.

(2) *Bare mattress test*—a. *Smooth surfaces.* Each of three burning cigarettes shall be placed directly on a smooth surface location on the test mattress on the half reserved for bare mattress tests. The cigarettes should burn their full lengths on a smooth surface without burning across a tuft or stitching of a quilted area. However, if this is not possible because of mattress design, then the cigarettes shall be positioned on the mattress in a manner which will allow as much of the butt ends as possible to burn on smooth surfaces. Report results for each cigarette as nonignition (N) or ignition (I) as defined in the acceptance criteria.

CAUTION: Even Under the Most Carefully Observed Conditions, Smoldering Combustion Can Progress to the Point Where It Cannot Be Readily Extinguished. It Is Imperative That a Test Be Discontinued as Soon as Ignition Has Definitely Occurred. Immediately Wet the Exposed Area With a Water Spray (From Water Bottle), Cut Around the Burning Material With a Knife and Pull the Material Out of the Mattress With Tongs. Make Sure That All Charred or Burned Material Is Removed. Ventilate the Room.

b. *Tape edge.* Each of three burning cigarettes shall be placed in the depression between the mattress top surface and the tape edge, parallel to the tape edge on the half of the test mattress reserved for bare mattress tests. If there is no depression at the edge, hold the cigarettes in place along the edge and parallel to the edge with straight pins. Three straight pins may be inserted through the edge at a 45° angle such that one pin supports the cigarette at the top, one at the center, and one at the butt. The heads of the pins must be below the upper surface of the cigarette (see Figure 2). Report results for each cigarette as nonignition (N) or ignition (I) as defined in the acceptance criteria.

c. *Quilted location.* If quilting exists on the test mattress, each of three burning cigarettes shall be placed on quilted locations of the test mattress. The cigarettes shall be positioned directly over the thread in the depression created by the quilting process on the half of the test mattress reserved for bare mattress tests. If the quilt design is such that the cigarettes cannot burn their full lengths over the thread, then the cigarettes shall be positioned in a manner which will allow as much of the butt ends as possible to burn on the thread. Report results for each cigarette as nonignition (N) or ignition (I) as defined in the acceptance criteria.

d. *Tufted location.* If tufting exists on the test mattress, each of three burning cigarettes shall be placed on tufted locations of the test mattress. The cigarettes shall be positioned so that they burn down into the depression caused by the tufts and so that the butt ends of the cigarettes burn out over the buttons or laces used in the tufts on the half of the test mattress reserved for bare mattress tests. Report results for each cigarette as nonignition (N) or ignition (I) as defined in the acceptance criteria.

(3) *Two-sheet tests.* Spread a section of sheet material smoothly over the mattress surface and tuck under the mattress on the second half of the test mattress, which has been reserved for the two-sheet test.

a. *Smooth surfaces.* Each of three burning cigarettes shall be placed directly on the sheet covered mattress in a smooth surface location as defined in the bare mattress test. Immediately cover the first sheet and the burning cigarettes loosely with a second, or top, sheet (see Figure 2). Do not raise or lift the top sheet during testing unless obvious ignition has occurred. If ignition occurs, immediately remove the sheets and cigarette and follow the cautionary procedures outlined in the bare mattress test. Report results for each cigarette as nonignition (N) or ignition (I) as defined in the acceptance criteria.

b. *Tape edge.* Each of three burning cigarettes shall be placed in the depression between the top surface and the tape edge on top of the sheet, and immediately covered with a second sheet. In most cases, the cigarettes will remain in place throughout the test; however, if the cigarettes show a marked tendency to roll off the tape edge location, they may be supported with straight pins. Three straight pins may be inserted through the bottom sheet and tape at a 45° angle such that one pin supports the cigarette at the top, one at the center, and one at the butt. The heads of the pins must be below the upper surface of the cigarette (see Figure 2).

Report results for each cigarette as nonignition (N) or ignition (I) as defined in the acceptance criteria.

c. *Quilted locations.* If quilting exists on the test mattress, each of three burning cigarettes shall be placed in a depression caused by quilting, directly over the thread and on the bottom sheet, and immediately covered with the top sheet. If necessary, a thin rod may be used to depress the bottom sheet into a depression. If the quilt design is such that the cigarettes cannot burn their full lengths over the thread, then the cigarettes shall be positioned in a manner which will allow as much of the butt ends as possible to burn on the thread. Report results for each cigarette as nonignition (N) or ignition (I) as defined in the acceptance criteria.

d. *Tufted locations.* If tufting exists on the test mattress, each of three burning cigarettes shall be placed in the depression caused by tufting, directly over the tuft and on the bottom sheet, and immediately covered with the top sheet. If necessary, a thin rod may be used to depress the bottom sheet into a depression. The cigarettes shall be positioned so that they burn down into the depression caused by the tuft and so that the butt ends of the cigarettes burn out over the buttons or laces used in the tufts. Report results for each cigarette as nonignition (N) or ignition (I) as defined in the acceptance criteria.

.5 *Laundering.* Mattress pads shall be tested in accordance with ".4 Test Procedure" in the condition in which they are intended to be sold, and after they have been washed and dried 25 times according to the procedure prescribed in Method 124—1967 of the American Association of Textile Chemists and Colorists washing procedure 6.2 (III), with a water temperature of 60°±2.8° C. (140°±5° F.), and drying procedure 6.3.2(B). Maximum load shall be 3.64 kg. (8 pounds) and may consist of any combination of test items and dummy pieces.

.6 *Sampling plans.* At least one mattress from each production lot shall be tested.

.7 *Labeling.* If a mattress contains any fire retardant treated components, it shall be labeled with the letter "T" pursuant to rules and regulations established by the Federal Trade Commission.

[FR Doc.71-13240 Filed 9-8-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

INGREDIENT STATEMENTS REGARDING OILS AND FATS

Extension of Time for Filing Comments on Proposed Policy Statement

The notice published in the FEDERAL REGISTER of June 15, 1971 (36 F.R. 11521), proposing § 3.83 *Ingredient statements regarding oils and fats,* provided for the filing of comments within 90 days after said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments regarding the subject proposal is extended to November 12, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i), 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343(i), 371(a)) and under authority delegated to the Commission (21 CFR 2.120).

Dated: August 30, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-13223 Filed 9-8-71;8:47 am]

[21 CFR Parts 3, 125]

EDIBLE OILS, FATS, AND FATTY ACIDS

Extension of Time for Filing Comments on Proposed Labeling Requirements

The notice published in the FEDERAL REGISTER of June 15, 1971 (36 F.R. 11521), proposing to amend § 3.41 *Status of articles offered to the general public for the control or reduction of blood cholesterol levels* * * * and proposing to add § 125.12 *Label statements relating to oils, fats, and fatty acids used as a means of regulating intake of fatty acids,* provided for the filing of comments within 90 days after said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments regarding the subject proposal is extended to November 12, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701, 52 Stat. 1047-48, as amended, 1055-56, as amended; 21 U.S.C. 343, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 30, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-13224 Filed 9-8-71;8:47 am]

[21 CFR Parts 27, 31]

CERTAIN ORANGE JUICE PRODUCTS

Proposals Regarding Stayed Identity Standards

In the matter of establishing definitions and standards of identity for lemonade (§ 27.99), colored lemonade (§ 27.100), orange juice drink (§ 27.120), orangeade (§ 27.121), orange drink (§ 27.122), canned pineapple-grapefruit juice drink (§ 27.125), canned fruit nectars (§ 27.126), cranberry juice cocktail—a juice drink (§ 27.127), artificially sweetened cranberry juice cocktail—a juice drink (§ 27.128), and limeade (§ 27.131):

Numerous objections and requests for hearing were filed in response to the orders published in the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5617), and May 7, 1968 (33 F.R. 6862-66), establishing the above identity standards. Accordingly, orders were published July 13, 1968 (33 F.R. 10088), and July 27, 1968 (33 F.R. 10713), staying the effective dates of the subject standards pending resolution of issues at a public hearing to be scheduled later.

Of the objections filed, 53 were from producers of fruit juice beverages, 12 from trade associations, four from State officials, two from ingredient manufacturers, and one from an interested person.

Although a number of objections were filed to provisions of all the standards, most of them were directed to one or more provisions of the identity standards for diluted orange juice beverages. Individuals from the major orange-producing areas as well as the packers of diluted orange juice beverages recognized that their differences would only result in a lengthy and costly hearing and therefore requested a delay in the scheduling of the hearing for the purpose of discussing their differences at informal meetings.

Although industry negotiators were successful in resolving some of their differences, they were unable to reach full agreement on any one set of proposals. Consequently, the Florida Canners Association (FCA) and the National Juice Products Association (NJPA) filed separate petitions proposing to revise the stayed standards for the diluted orange juice beverages (§§ 27.120, 27.121, 27.122) and proposing establishment of additional identity standards for certain related products. Their proposals are set forth below.

The Commissioner of Food and Drugs, based on information presently available, finds that some of the provisions of the industry proposals may not be fully in the interest of consumers, and therefore also proposes, as set forth below, to amend the stayed standards for the diluted orange juice beverages. The Commissioner intends to propose appropriate action on the remaining diluted juice beverages later.

Insofar as the proposals of the FCA, the NJPA, and the Commissioner cover the same class of foods, it is not contemplated that all three will be adopted. On the basis of comments received concerning all three proposals and other available information, the Commissioner will establish definitions and standards of identity for the subject foods.

1. The proposed standards of the Florida Canners Association are as follows:

§ 27.117 Water-extracted soluble orange solids; identity; label statement of optional ingredients.

(a) Water-extracted soluble orange solids is the food prepared for further manufacturing use from the unfermented excess pulp removed during the production of one or more of the orange juice products provided for in § 27.105 through § 27.115. The orange juice adhering to the excess pulp is extracted from the excess pulp in the presence of water. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) and part of the spent pulp are removed. Water may be removed. The amount of orange oil may be adjusted in accordance with good manufacturing practice. Orange essence may be added. The food may be preserved by freezing, by refrigeration, by adding a safe and suitable optional preservative ingredient, by being so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms, or by being so treated by heat, either before or after sealing in containers, as to prevent spoilage.

(b) An optional ingredient is considered to be safe:

(1) If it is neither a food additive nor a color additive as defined in section 201(s) and section 201(t) of the Federal Food, Drug, and Cosmetic Act; or

(2) When it is used in conformity with regulations established pursuant to section 409 of the act if it is a food additive as defined in section 201(s) of the act; or

(3) When it is used in conformity with regulations established pursuant to section 706 of the act if it is a color additive as defined in section 201(t) of the act.

(c) The name of the food is "water-extracted soluble orange solids _____° Brix," the blank being filled in with the figure showing the percent by weight of total soluble orange solids in the food expressed in degrees Brix.

(d) If one or more of the optional preservative ingredients are added, the label shall bear the statement "_____ added as a preservative," the blank being filled in with the percentage by weight of the preservative used and the name of the preservative.

(e) For the purpose of calculating the percentage of orange juice in a beverage to which this food is added as an optional orange constituent, the weight of the orange juice soluble solids contributed to the beverage by this food is calculated by multiplying 90 percent of the weight of this food by the percent by weight of total soluble orange solids in this food as shown in the name of this food.

§ 27.118 Dehydrated water-extracted soluble orange solids; identity; label statement of optional ingredients.

(a) Dehydrated water-extracted soluble orange solids is the dehydrated food for further manufacturing use prepared by removing water from water-extracted soluble orange solids as defined in § 27.117. Orange essence and orange oil may be added. It may contain one or more of the safe and optional ingredients specified in paragraph (b) of this section. The moisture content is not greater than 7 percent of the weight of the finished food. It may be refrigerated or frozen.

(b) The optional ingredients suitable for use in the dehydrated beverages are the following:

(1) Anticaking agents.
(2) Antioxidants.
(3) Foaming agents.
(4) Browning inhibitors.
(5) Drying agents.

(c) For the purposes of this section, an optional ingredient is considered to be safe when it complies with the requirements of § 27.117(b).

(d) The optional ingredients added shall all be declared together in order of predominance in a statement of ingredients on at least one uncrimped panel of the label without obscuring design, vignettes, or crowding in the same nonmetallic color and style of type, and on the same nonmetallic color-contrasting background, in bold condensed caps in letters all of the same size the height of which shall not be less than one-third of that required by Part I of this chapter for the statement of net quantity of contents.

(e) The name of the food is "dehydrated water-extracted soluble orange solids."

(f) For the purpose of calculating the percentage of orange juice in a beverage to which this food is added as an optional orange constituent, the weight of the orange juice soluble solids contributed to the beverage by this food is calculated by multiplying the weight of the total soluble orange solids in this food by 90 percent.

§ 27.119 Comminuted oranges; identity; label statement of optional ingredients.

(a) Comminuted oranges is the food puree for further manufacturing use prepared by comminuting whole mature oranges of the species citrus sinensis. The amount of orange oil may be adjusted in accordance with good manufacturing practice. Orange essence may be added. The food may be preserved by freezing, by refrigeration, by adding a safe and suitable preservative, by being so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms, or by being so treated by heat, either before or after sealing in containers, as to prevent spoilage.

(b) For the purposes of this section, a preservative is considered to be safe when it complies with the requirements of § 27.117(b).

(c) The name of the food is "comminuted oranges _____ percent Brix," the blank being filled in with the figure showing the percent by weight of total soluble orange solids in the food expressed in degrees Brix.

(d) The label shall bear the statement "_____ added as a preservative," the blank being filled in with the percentage by weight of the preservative used and the name of the preservative.

(e) For the purpose of calculating the percentage of orange juice in a beverage to which this food is added as an optional orange constituent, the weight of the orange juice soluble solids contributed to the beverage by this food is calculated by multiplying 58 percent of the weight of this food by the percent by weight of total soluble orange solids in this food as shown in the name of this food.

§ 27.120 Dehydrated comminuted oranges; identity; label statement of optional ingredients.

(a) Dehydrated comminuted oranges is the dehydrated food for further manufacturing use prepared by removing water from comminuted oranges as defined in § 27.119. The food complies with the requirements for composition and labeling of optional ingredients prescribed for dehydrated water-extracted soluble orange solids by § 27.118, except that it is made from comminuted oranges as defined in § 27.119 and except that the moisture content is not greater than 10 percent of the weight of the finished food.

(b) The name of the food is "dehydrated comminuted oranges."

(c) For the purpose of calculating the percentage of orange juice in a beverage to which this food is added as an optional orange constituent, the weight of the orange juice soluble solids contributed to the beverage by this food is calculated by multiplying 58 percent of the weight of this food by the percent by weight of total soluble orange solids in this food.

§ 27.121 Extract of comminuted oranges; identity; label statement of optional ingredients.

(a) Extract of comminuted oranges is the liquid food prepared for further manufacturing use from the fluids obtained from comminuted oranges as defined in § 27.119. Water may be used in the extraction process. Excess peel, pulp, flavido, and seed fragments are removed. Water may be removed. The amount of orange oil may be adjusted in accordance with good manufacturing practice. Orange essence may be added. The food may be preserved by freezing, by refrigeration, by adding a safe and suitable preservative, by being so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms, or by being so treated by heat, either before or after sealing in containers, as to prevent spoilage.

(b) For the purposes of this section, a preservative is considered to be safe if it complies with the requirements of § 27.117(b).

(c) The name of the food is "extract of comminuted oranges, _____° Brix," the blank being filled in with the figure showing the percent by weight of total soluble solids in the food expressed in degrees Brix.

(d) The label shall bear the statement "_____ added as a preservative," the blank being filled in with the percentage by weight of the preservative used and the name of the preservative.

(e) For the purpose of calculating the percentage of orange juice in a beverage to which this food is added as an optional orange constituent, the weight of the orange juice soluble solids contributed to the beverage by this food is calculated by multiplying the weight of the total soluble orange solids in this food by 80 percent.

§ 27.122 Dehydrated extract of comminuted oranges; identity; label statement of optional ingredients.

(a) Dehydrated extract of comminuted oranges is the dehydrated food for further manufacturing use prepared by removing water from extract of comminuted oranges as defined in § 27.121. The food complies with the requirements for composition and labeling of optional ingredients prescribed for dehydrated water-extracted soluble orange solids by § 27.118, except that it is made from extract of comminuted oranges as defined in § 27.121.

(b) The name of the food is "dehydrated extract of comminuted oranges."

(c) For the purpose of calculating the percentage of orange juice in a beverage to which this food is added as an optional orange constituent, the weight of the orange juice soluble solids contributed to the beverage by this food is calculated by multiplying the weight of the total soluble orange solids in this food by 80 percent.

§ 27.123 Juicy orange pulp for manufacturing, pulpy orange juice for manufacturing; identity; label statement of optional ingredients.

(a) Juicy orange pulp for manufacturing and pulpy orange juice for manufacturing is the class of pulpy moist foods or pulpy liquid foods prepared for further manufacturing use from the unfermented juice and the pulp of mature oranges of the species *Citrus sinensis*. The pulp has not been washed. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed. Orange juice, orange pulp, and

orange oil may be adjusted in accordance with good manufacturing practice. Orange essence and orange juice products as defined in §§ 27.105 through 27.115 may be added. The food may be preserved by freezing, by refrigeration, by adding a preservative, by being so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms, or by being so treated by heat, either before or after sealing in containers, as to prevent spoilage.

(b) For the purposes of this section, a preservative is considered to be safe if it complies with the requirements of § 27.117(b).

(c) The name of the food is "juicy orange pulp for manufacturing," if the percentage of pulp exceeds 50 percent or the name of the food is "pulpy orange juice for manufacturing," if the percentage of pulp is 50 percent or less.

§ 27.124 Dehydrated juicy orange pulp for manufacturing, dehydrated pulpy orange juice for manufacturing; identity; label statement of optional ingredients.

(a) Dehydrated juicy orange pulp for manufacturing and dehydrated pulpy orange juice for manufacturing is the class of dehydrated foods for further manufacturing use prepared by removing water from juicy orange pulp for manufacturing or pulpy orange juice for manufacturing as defined in § 27.123. The food complies with the requirements for composition and labeling of optional ingredients prescribed for dehydrated water-extracted soluble orange solids by § 27.118, except that it is made from juicy orange pulp or pulpy orange juice rather than from dehydrated water extracted soluble orange solids and except that the moisture content is not greater than 10 percent of the weight of the finished food.

(b) The name of the food is "dehydrated juicy orange pulp for manufacturing," if it is made from juicy orange pulp for manufacturing, or the name of the food is "dehydrated pulpy orange juice for manufacturing," if it is made from pulpy orange juice for manufacturing, both as defined in § 27.123.

§ 31.2 Noncarbonated flavored beverage; identity; label statement of optional ingredients.

(a) Noncarbonated flavored beverage is the class of beverage made from one or more of the safe and suitable optional sweetening ingredients specified in paragraph (b)(1) of this section, one or more of the safe and suitable optional flavoring ingredients specified in paragraph (b)(2) of this section, and one or more of the other safe and suitable optional ingredients specified in paragraph (b)(3) of this section and the beverage of fruit or vegetable juice. Noncarbonated flavored beverage may be preserved nated flavored beverage may be preserved by freezing, by refrigeration, by being so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms, by adding a preservative, or by being sealed in containers and, either before or after sealing, so treated by heat as to prevent spoilage. The weight of the total soluble solids is not less than 10 percent of the weight of the finished noncarbonated flavored beverage.

(b) The classes of optional ingredients suitable for use in the beverage are:

(1) Nutritive sweeteners; and

(2) Natural or artificial flavors; for the purpose of this section, natural flavors shall mean fruit juice, vegetable juice, and other natural flavors derived from fruits, vegetables, bark, buds, roots, leaves, and similar plant material; and

(3) Other ingredients of the following classes:

(i) Water.
(ii) Acidifiers.
(iii) Clouding agents.
(iv) Stabilizers.
(v) Thickeners.
(vi) Buffers.
(vii) Natural or artificial colors.
(viii) Preservatives.
(ix) Vitamins.
(x) Fruit or vegetable pulp or peel.
(xi) Emulsifiers.

(c) An optional ingredient is considered to be safe:

(1) If it is neither a food additive nor a color additive as defined in section 201(s) and section 201(t) of the Federal Food, Drug, and Cosmetic Act; or

(2) When it is used in conformity with regulations established pursuant to section 409 of the act if it is a food additive as defined in section 201(s) of the act; or

(3) When it is used in conformity with regulations established pursuant to section 706 of the act if it is a color additive as defined in section 201(t) of the act.

(d) (1) The name of the beverage is "noncarbonated flavored beverage." If the food does not purport to be carbonated, the word "noncarbonated" may be omitted from the name. A proprietary name may be used in lieu of the generic name.

(e) The optional ingredients added shall all be declared together in order of predominance in a statement of ingredients on at least one uncrimped panel of the label without obscuring design, vignettes, or crowding in the same nonmetallic color and style of type, and on the same nonmetallic color-contrasting background, in bold condensed caps in letters all of the same size the height of which shall not be less than one-third of that required by Part I of this chapter for the statement of net quantity of contents but in no case less than one-sixteenth of an inch in height. Each of the optional ingredients shall be declared by its common name except that:

(1) Artificial color shall be described by a statement such as "artificial color."

(2) Preservatives shall be described by a statement such as "preserved with _____," the blank being filled in with the common name of the preservative used.

(3) Artificial flavors shall be described by the statement "artificial flavor" or "artificial _____ flavor," the blank being filled in with the name of the principal fruit, vegetable, or other flavor which is imitated.

(4) Natural flavors shall be described by the statement "natural flavor" or "natural _____ flavor," the blank being filled in with the name of the principal fruit, vegetable, or other source of the juice or other natural flavor contained in the finished beverage.

(5) If the natural flavors include fruit juice or vegetable juice, that juice shall be described either in the manner prescribed in subparagraph (4) of this paragraph or by the statement "less than one percent _____ juice," the blank being filled in with the name of that fruit or vegetable if the volume of juice is less than 1 percent of the volume of the finished beverage, or by the statement "_____ percent _____ juice," the first blank being filled in with the word "one" or a multiple thereof which describes to the lowest whole number (neither decimals nor fractions may be used) the percentage by volume of that juice in the finished beverage and the second blank being filled in with the name of that fruit or vegetable if the volume of juice is equal to or greater than 1 percent of the volume of the finished beverage.

(6) Vitamins may be described by a statement such as "vitamin _____," the blank being filled in with the letter identifying the added vitamins, and the declaration shall be accompanied by labeling conforming to the requirements prescribed in the regulations established pursuant to section 403(j) of the act.

(f) (1) The percentage or absence of fruit or vegetable juice in the beverage shall be declared on the label if the composition or labeling of the beverage falls within the provisions of one or more of the following:

(i) If the beverage contains natural or artificial color and other ingredients which, together, impart to the beverage a semblance of a fruit juice or vegetable juice which is produced in substantial volume; or

(ii) If, other than as prescribed by paragraph (e)(5) of this section, the word "juice" appears anywhere on the labeling either directly or indirectly, such as by appearing as another form or derivative of the word "juice," or by the word "juice" or any form or derivative thereof appearing as a part of a compound or fanciful word or name, or otherwise; or

(iii) If, other than as prescribed by either paragraph (e) (4) or (5) of this section, the name of a fruit or vegetable appears anywhere on the labeling either directly or indirectly, such as by appearing as another form or derivative of the name of a fruit or vegetable, or by the name of a fruit or vegetable or any form or derivative thereof appearing as a part of a compound or fanciful word or name, or otherwise, by the statement described in paragraph (f)(2) of this section which shall be printed on a single line parallel to, immediately below, and on the same plane as the generic or proprietary name of the beverage each place it appears on

the labeling without intervening written, printed, or graphic matter in the same nonmetallic color, and on the same nonmetallic color-contrasting background, as the name of the beverage in bold, condensed caps in letters all of the same size, the height of which are not less than 12-point type if the container in which it is sold contains less than 16 ounces of the finished beverage, and 14-point type if the container in which it is sold contains 16 ounces or more of the finished beverage, or in type equal to the height of the largest letters in which any of the words or names referred to in subdivisions (ii) or (iii) of this subparagraph appear, whichever is the larger.

(2) If, by reason of its composition or labeling, the percentage or absence of juice is required by paragraph (f)(1) of this section to be declared on the labeling, such percentage or absence of juice shall be described by the statement:

(i) "Contains _____ percent _____ juice," if the beverage contains the juice of one or more fruits or vegetables, the second blank being filled in with the name of the fruit or vegetable from which the juice was obtained and the first blank being filled in with the words "less than one percent," if the volume of juice is less than one percent of the volume of the finished beverage, or by the word "one" or a multiple thereof which describes to the lowest whole number (neither decimals nor fractions may be used) the percent by volume of that juice contained in the finished beverage if the volume of juice so contained is equal to or greater than one percent of the volume of the finished beverage.

(ii) "Does not contain juice," if the beverage does not contain any fruit or vegetable juice.

(iii) "Does not contain _____ juice, does contain _____ percent _____ juice," if the beverage contains the juice of one or more fruits or vegetables and if the name of a fruit or vegetable not so contained appears directly or indirectly on the labeling, the first blank being filled in with the fruit or vegetable which so appears on the labeling and which is not so contained in the beverage and the second and third blanks being filled in as provided by paragraph (f)(2)(i) of this section.

(3) No pictorial representation of a fruit or vegetable may appear on the labeling.

(g) No tag, sticker, or other device shall be affixed at any time in such a way as to obscure any part of the name, the declaration of the percentage or absence of juice, or the statement of ingredients.

§ 31.3 Concentrate for flavored beverage; identity; label statement of optional ingredients.

(a) Concentrate for flavored beverage is the class of beverage concentrates which, when diluted according to label directions, conform to the requirements for composition and labeling prescribed by § 31.2 for noncarbonated flavored beverages. The dilution ratio of the food shall be not less than 3 plus 1. For the purposes of this section, the term "dilution ratio" means the whole number of volumes of water per volume of concentrate for flavored beverage required to produce noncarbonated flavored beverage conforming to the requirements for composition prescribed in § 31.2.

(b) The name of the beverage concentrate is "concentrate for flavored beverage." A proprietary name may be used in lieu of either of the generic names.

§ 31.4 Powdered flavored beverage, flavored beverage crystals; identity; label statement of optional ingredients.

(a) Powdered noncarbonated flavored beverage or noncarbonated flavored beverage crystals is the class of dehydrated beverage bases which, when reconstituted according to label directions, conform to the requirements for composition and labeling prescribed by § 31.2 for noncarbonated flavored beverages, except that (1) safe and suitable anticaking agents, foaming agents, browning inhibitors, drying agents, and antioxidants may be added and (2) the moisture content is not greater than 7 percent of the weight of the dehydrated beverage base.

(b) The name of the dehydrated beverage base is "powdered flavored beverage" or "flavored beverage crystals." A proprietary name may be used in lieu of either of the generic names.

§ 31.5 Orange drinks, diluted orange juice drinks; identity; label statement of optional ingredients.

(a) Orange drinks, diluted orange juice drinks are the beverages prepared from one or more of the safe and suitable optional ingredients referred to as orange constituents in paragraph (b)(1) of this section and one or more of the other safe and suitable optional ingredients referred to in paragraph (b)(2) of this section. Orange drinks are preserved either by freezing, by refrigeration, by being so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms, by adding a preservative, or by being sealed in containers and, either before or after sealing, so treated by heat as to prevent spoilage. The weight of the orange juice soluble solids (exclusive of the weight of soluble solids other than orange juice soluble solids) is not less than 1.18 percent (this is the equivalent of 10 percent orange juice of average maturity) nor more than 8.9 percent (this is the equivalent of 75 percent orange juice of average maturity) of the weight of the finished orange drink. The weight of the total soluble solids is not less than 12 percent of the weight of the finished orange drink.

(b) The classes of optional ingredients suitable for use in these beverages are:

(1) Unfermented orange constituents of the following classes:

(i) Orange juice products as defined in §§ 27.105 through 27.115.

(ii) Dehydrated orange juice made from oranges of the species *Citrus sinensis*.

(iii) Water-extracted soluble orange solids as defined in § 27.117.

(iv) Dehydrated water-extracted soluble orange solids as defined in § 27.118.

(v) Comminuted oranges as defined in § 27.119.

(vi) Dehydrated comminuted oranges as defined in § 27.120.

(vii) Extract of comminuted oranges as defined in § 27.121.

(viii) Dehydrated extract of comminuted oranges as defined in § 27.122.

(ix) Pulpy orange juice for manufacturing or juicy orange pulp for manufacturing as defined in § 27.123.

(x) Dehydrated pulpy orange juice for manufacturing or dehydrated juicy orange pulp for manufacturing as defined in § 27.124.

(xi) Orange constituents which conform to the compositional requirements of any one of the classes of orange constituents described in subdivisions (i) through (x) of this subparagraph, except that the oranges from which they are made are oranges of the species *Citrus reticulata*, *Citrus aurantium*, hybrids thereof, or hybrids of the species *Citrus sinensis*.

(2) Other ingredients of the following classes:

(i) Water.
(ii) Nutritive sweeteners.
(iii) Acidifiers.
(iv) Thickeners.
(v) Stabilizers.
(vi) Clouding agents.
(vii) Emulsifiers.
(viii) Buffers.
(ix) Orange pulp and dehydrated orange pulp.
(x) Orange peel and dehydrated orange peel.
(xi) Natural or artificial flavors.
(xii) Natural or artificial colors.
(xiii) Preservatives.
(xiv) Vitamins.

(c) An optional ingredient is considered to be safe:

(1) If it is neither a food additive nor a color additive as defined in section 201(s) and section 201(t) of the Federal Food, Drug, and Cosmetic Act; or

(2) When it is used in conformity with regulations established pursuant to section 409 of the act if it is a food additive as defined in section 201(s) of the act; or

(3) When it is used in conformity with regulations established pursuant to section 706 of the act if it is a color additive as defined in section 201(t) of the act.

(d)(1) The name of the beverage is "orange drink—contains _____ percent orange juice" or "diluted orange juice drink—contains _____ percent orange juice" the bank being filled in with the number 10 or a number which is 10 or a multiple of 10 whole numbers higher than 10 and not greater than the percentage of orange juice contained in the finished beverage. The words "orange drink" or "diluted orange juice drink" shall all be on a single line in the same size and style of type. The words "contain _____ percent orange juice" shall all be on the next line in bold condensed caps in letters all of the same size the height of which are not less than:

(i) 12-point type if the container in which it is sold contains less than 16 ounces of the finished beverage and 14-point type if the container in which it is

sold contains 16 ounces or more of the finished beverage; or

(ii) One-third the height of the largest letters in which the words "juice" or "orange" appear anywhere on the labeling either directly or indirectly, such as by appearing as another form or derivative thereof or by the words "juice" or "orange" or any form or derivative thereof appearing as a part of a compound or fanciful word or name, or otherwise; whichever is the larger. All of the words in the name shall be in the same color type and on the same color-contrasting background.

(2) The percentage of orange juice in the finished beverage is determined by adding the weight of orange juice soluble solids (exclusive of the weight of soluble solids other than orange juice soluble solids) contributed to the finished beverage by each of the added orange constituents and dividing the sum of those weights by the product obtained by multiplying 11.8 percent by the total weight of the finished beverage. For the purpose of calculating the percentage of orange juice that shall be declared on the label, if the sum of the weights of the orange juice soluble solids contributed to the finished beverage by the orange constituents described in paragraph (b)(1)(iii) through (ix) of this section exceeds 1.18 percent of the weight of the finished beverage, then only so much of the sum of those weights as equals 1.18 percent of the weight of the finished beverage shall be counted as orange juice. (If the weight of the orange juice soluble solids is 1.18 percent of the weight of the finished orange drink, the minimum orange juice soluble solids requirement of 1.18 percent may be contributed solely by one or more of the orange constituents described in paragraph (b)(1)(iii) through (xi) of this section.) The remaining orange juice soluble solids declared on the label, if more than 10 percent is declared, must be contributed by one or more of the orange constituents described in paragraph (b)(1)(i) or (ii) of this section.

(e)(1) The optional ingredients added shall all be declared together in order of predominance in a statement of ingredients on at least one uncrimped panel of the label without obscuring design, vignettes, or crowding in the same nonmetallic color and style of type, and on the same nonmetallic color-contrasting background, in bold condensed caps in letters all of the same size the height of which are not less than one-third of that required by Part I of this chapter for the statement of net quantity of contents.

(2) Each optional ingredient shall be declared by its common name except that:

(i) Artificial color shall be described by a statement such as "artificial color."

(ii) Preservatives shall be described by a statement such as "preserved with _____," the blank being filled in with the common name of the preservative used.

(iii) Vitamins may be described by a statement such as "vitamin _____," the blank being filled in with the letter identifying the added vitamins and the declaration shall be accompanied by labeling conforming to the requirements prescribed in the regulations established pursuant to section 403(j) of the act.

(iv) Artificial flavors shall be described by a statement such as "artificial flavor."

(v) Orange constituents may be described either by name or by the term "orange juice."

(f) No tag, sticker, or other device shall be affixed at any time in such a way as to obscure any part of the name, the declaration of the percentage of orange juice, or the statement of ingredients.

§ 31.6 Concentrates for orange drinks, concentrates for diluted orange juice drinks; identity; label statement of optional ingredients.

(a) Concentrates for orange drinks, concentrates for diluted orange juice drinks are the beverage concentrates which, when diluted according to label directions, conform to the requirements for composition and labeling prescribed by § 31.5 for orange drinks. The dilution ratio of the beverage shall be not less than 3 plus 1. For the purposes of this section, the term "dilution ratio" means the whole number of volumes of water per volume of concentrate for orange drink required to produce orange drink conforming to the requirements for composition prescribed by § 31.5.

(b) The name of the beverage is "concentrate for orange drink—contains _____ percent orange juice when diluted as directed" or "concentrate for diluted orange juice drinks—contains _____ percent orange juice when diluted as directed," the blank being filled in with the number 10 or a number which is 10 or a multiple of 10 whole numbers higher than 10 and not greater than the percentage of orange juice in a beverage made by diluting the beverage concentrate as directed on the label. The manner in which the name appears on the labeling complies with the requirements of § 31.5 except that the type size and same line requirements shall not apply to the phrases "concentrate for" or "when diluted as directed."

§ 31.7 Powdered orange drinks, orange drink crystals; identity; label statement of optional ingredients.

(a) Powdered orange drinks, orange drink crystals are the dehydrated beverage bases which, when reconstituted according to label directions, conform to the requirements for composition and labeling prescribed by § 31.5 for orange drinks, except that (1) safe and suitable anticaking agents, foaming agents, browning inhibitors, drying agents and antioxidants may be added and (2) the moisture content is not greater than 7 percent of the weight of the dehydrated beverage base.

(b) The name of the beverage base is "powdered orange drink—contains _____ percent orange juice when reconstituted as directed" or "orange drink crystals—contains _____ percent orange juice when reconstituted as directed," the blank being filled in with the number 10 or a number which is 10 or a multiple of 10 whole numbers higher than 10 and not greater than the percentage of orange juice in a beverage made by diluting the beverage base as directed on the label. The manner in which the name appears on the labeling complies with the requirement of § 31.5 except that the type size and same line requirements shall not apply to the phrase "when reconstituted as directed."

§ 31.8 Orange flavored drinks; identity; label statement of optional ingredients.

(a) Orange flavored drinks are the beverages that conform to the requirements for composition and labeling prescribed by § 31.5 for orange drinks except that (1) the weight of the orange juice soluble solids (exclusive of the weight of soluble solids other than orange juice soluble solids) is not less than 0.236 percent (this is the equivalent of 2 percent orange juice of average maturity) of the weight of the finished orange flavored drink. (The minimum orange juice soluble solids requirement of 0.236 percent may be contributed solely by one or more of the orange constituents described in paragraph (b)(1)(iii) through (xi) of § 31.5) and (2) no pictorial representations of an orange may appear on the labeling.

(b) The name of the beverage is "orange flavored drink—contains _____ percent orange juice," the blank being filled in with the number 2 or a number which is one or a multiple of one whole number higher than 2 and not greater than the percentage of orange juice in the finished beverage (neither fractions nor decimals shall be used). The manner in which the name appears on the labeling complies with the requirements of § 31.5.

§ 31.9 Concentrates for orange flavored drinks; identity; label statement of optional ingredients.

(a) Concentrates for orange flavored drinks are the beverage concentrates which, when diluted according to label directions, conform to the requirements for composition and labeling prescribed by § 31.8 for orange flavored beverage. The dilution ratio of the beverage shall be not less than 3 plus 1. For the purposes of this section, the term "dilution ratio" means the whole number of volumes of water per volume of concentrate for orange flavored drink required to produce orange flavored drink conforming to the requirements for composition prescribed by § 31.8.

(b) The name of the beverage is "concentrate for orange flavored drink—contains _____ percent orange juice when diluted as directed," the blank being filled in with the number 2 or a number which is one or a multiple of one whole number higher than 2 and not greater than the percentage of orange juice in a beverage made by diluting the beverage concentrate as directed on the label. The manner in which the name appears on the labeling complies with the requirements of § 31.5, except that the type size and

same line requirements shall not apply to the phrases "concentrate for" or "when diluted as directed."

§ 31.10 Powdered orange flavored drinks, orange flavored drink crystals; identity; label statement of optional ingredients.

(a) Powdered orange flavored drinks, or orange flavored drink crystals are the dehydrated beverage bases which, when reconstituted according to label directions, conform to the requirements for composition and labeling prescribed by § 31.8 for orange flavored drinks, except that (1) safe and suitable anticaking agents, foaming agents, browning inhibitors, drying agents, and antioxidants may be added and (2) the moisture content is not greater than 7 percent of the weight of the dehydrated beverage base.

(b) The name of the beverage is "powdered orange flavored drink—contains _____ percent orange juice when reconstituted as directed" or "orange flavored drink crystals—contains _____ percent orange juice when reconstituted as directed," the blank being filled in with the number 2 or a number which is one or a multiple of one whole number higher than 2 and not greater than the percentage of orange juice in a beverage made by reconstituting the beverage base as directed on the label. The manner in which the name appears on the labeling complies with the requirements of § 31.5, except that the type size and same line requirements shall not apply to the phrase "when reconstituted as directed."

The proposed standards of the National Juice Products Association are as follows (NJPA proposal does not include the products covered by §§ 27.118 through 27.124 of the FCA proposal):

§ 27.117 Concentrated water-extracted orange juice; identity; label statement of optional ingredients.

(a) Concentrated water extracted orange juice is the food prepared for further manufacturing use. It is prepared by introducing water into the pulp which is discharged from the finisher where freshly extracted juice-pulp is screened for the manufacture of orange juice. Water may be added at several stages and the aqueous extract is screened through a series of finishers in a counter-current flow technique to gently separate the remaining orange juice from the pulp. The extract recovered by this technique is then concentrated to not less than 20° Brix. The resulting product, when reconstituted to the soluble solids content of orange juice from concentrate as defined in § 27.111, is considered to be composed of 90 percent orange juice, which can be utilized within established regulatory limits to provide the orange juice content of diluted orange juice beverages as described in §§ 27.126–27.129. In its preparation, seeds (except embryonic seeds and small fragments of seeds that cannot be separated in good manufacturing practice) and excess pulp are removed. Orange oil and orange essence may be added. The food may be preserved by freezing, by refrigeration, by adding a preservative ingredient which has been approved for use in foods, by being so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms, or by being so treated by heat, either before or after sealing in containers, as to prevent spoilage.

(b) The name of the food is "Concentrated water-extracted orange juice _____° Brix," the blank being filled in with the figure showing the concentration of soluble solids in degrees Brix.

(c) If one or more optional preservative ingredients are added, the label shall bear the statement "_____ _____ added as a preservative," or "preserved with _____ _____," the first blank being filled in with the percentage by weight of the preservatives used and the second blank with their names.

§ 27.125 Orange blend; identity; label statement of optional ingredients.

(a) Orange blend is the beverage prepared by blending the orange juices derived from fruit grown in two or more geographical producing regions with a minimum of 20 percent orange solids derived from fruit grown in any one producing region, and containing not less than a total of 70 percent orange juice (single strength basis). This requirement is considered to have been met if the amount of total orange juice soluble solids, excluding optional ingredients, is less than 100 percent but not less than 70 percent of the amount of orange juice soluble solids contained in orange juice from concentrate as defined in § 27.111. It is prepared by blending the orange juice ingredients set forth in paragraph (b) of this section with water to adjust the juice soluble solids in the blend to the specified level. There may be added one or more of the optional ingredients specified in paragraph (c) of this section.

(b) The orange juice constituents referred to in paragraph (a) of this section are the orange juice products defined in §§ 27.105, 27.106, 27.107, 27.109, 27.111, and 27.114.

(c) The optional ingredients referred to in paragraph (a) of this section are:

(1) Nutritive sweeteners: Any nutritive sweetener or combination of sweeteners approved for use in foods.

(2) Acidulants: Citric acid, malic acid, and fumaric acid or a combination of these not to exceed a total acidity of 1.0 gram of acid per 100 milliliters of beverage.

(3) Ascorbic acid added to assure the retention of at least 30 milligrams of vitamin C per 100 grams of product at the time of consumption.

(4) Orange pulp other than washed or spent pulp, not to exceed a total insoluble solids content of 7 percent by volume.

(5) Orange oil or orange oil emulsion in an amount such that the total oil does not exceed 0.035 milliliter of recoverable oil per 100 milliliters of finished product.

(d) The name of the food is:

Orange blend. Contains not less than _____ percent orange juice. The blank is filled in with the juice content expressed to the next lower whole percentage value ending in 0 or 5; for example, 70, 75, 80, etc. That part of the name consisting of the statement "Contains not less than _____ percent orange juice" shall immediately follow the words "Orange Blend" and shall be shown in the same color and on the same background, without intervening written, printed, or graphic matter. The symbol "%" may be substituted for "percent." The minimum type size for the numerals and the words "orange juice" in the percentage declaration shall be 10 point, or such numerals and words shall be one-third the size of the largest letters in the name of the food, whichever is the larger declaration.

(e) The common names of optional ingredients used shall be shown on the principal display panel or panels of the label with such prominence and conspicuousness that they are likely to be read and understood by ordinary individuals under customary conditions of purchase. The term "sweetener" may be used in lieu of the name or names of the sweetening ingredient. The term "flavor" may be used in lieu of the names orange oil, concentrated orange oil, or orange essence. When ascorbic acid (vitamin C) is added, it shall be declared on the label as "vitamin C added" or "with added vitamin C" and this declaration shall be accompanied by labeling conforming to the requirements prescribed in the regulations established pursuant to section 403(j) of the act.

(f) Orange blend shall contain no artificial color. It shall not be lighter in color than the color represented by U.S. Department of Agriculture Color Tube No. OJ4.

§ 27.126 Orange juice drink; identity; label statement of optional ingredients.

(a) Orange juice drink is the beverage food prepared from one or more of the orange juice constituents specified in paragraph (b) of this section, water, and one or more of the sweetening ingredients specified in paragraph (c) of this section. It may contain one or more of the optional ingredients as provided for in paragraph (d) of this section, and any optional ingredients contained in the orange juice products used are considered to be optional ingredients of the finished food. Orange juice drink may be preserved by freezing, by refrigeration, or by adding a preservative ingredient as provided for by paragraph (d)(4) of this section; or when it is to be labeled to conform to the requirements of paragraph (e) of this section for canned orange juice drink, it is sealed in containers and, either before or after sealing, so processed by heat as to prevent spoilage. Orange juice drink contains less than 100 percent but not less than 35 percent orange juice (single strength basis). This requirement is considered to have been met if the amount of orange juice soluble solids, excluding optional ingredients, is less than 100 percent but not less than 35 percent

of the amount of orange juice soluble solids contained in orange juice from concentrate as defined in § 27.111.

(b) The orange juice constituents referred to in paragraph (a) of this section are the orange juice products defined in §§ 27.105 through 27.115 and in 27.117, subject to the restriction that those defined in §§ 27.113 and 27.115 are used only in preparing orange juice drink with an added preservative as provided for in paragraph (d)(4) of this section, that orange juice products so processed by heat as to prevent spoilage are used only in canned orange juice drink, and that water-extracted orange juice soluble solids as described in §27.117 may be added subject to the limitation that only 90 percent of such solids may be credited in any calculation of juice content and that the credited water-extracted solids may not exceed 1.23 percent of the weight of the beverage.

(c) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar, invert sugar sirup, dextrose, fructose, corn sirup, dried corn sirup, glucose sirup, fructose sirup, and dried glucose sirup.

(d) Optional ingredients that may be added in making orange juice drink are one or more of the following:

(1) Natural or artificial flavors: For the purposes of this section, natural flavors shall mean orange oil, concentrated orange oil, orange essence, and other natural flavorings derived from fruits, vegetables, bark, buds, roots, leaves, and similar plant material.

(2) Acidulants: Any acid or combination of acids approved for use in foods.

(3) Ascorbic acid (vitamin C), added in such quantity that the total ascorbic acid in each 4 fluid ounces of the finished orange juice drink amounts to not less than 30 milligrams and not more than 60 milligrams.

(4) Chemical preservatives: Any preservative or combination of preservatives approved for use in foods.

(5) Safe and suitable colors, buffering salts, stabilizers, thickeners, emulsifying agents, and weighting oils (the emulsifying agents and weighting oils may be used only when an oil as provided for by subparagraph (1) of this paragraph is added and in a quantity not greater than required to facilitate dispersion of such oil). Such ingredients are deemed safe:

(i) If they are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, when they are used in conformity with regulations established pursuant to section 409 of the act.

(ii) If they are color additives as defined in section 210(t) of the act and are used in conformity with regulations pursuant to section 706 of the act.

(e) Name of the food is:

Orange juice drink. Contains not less than _____ percent orange juice.

The bank is filled in with the juice content expressed to the next lower whole percentage value ending in 0 or 5; for example 35, 40, 45, etc. That part of the name consisting of the statement "Contains not less than _____ percent orange juice" shall immediately follow the words "Orange Juice Drink" and shall be shown in the same color and on the same background, without intervening written, printed, or graphic matter. The symbol "%" may be substituted for "percent." The minimum type size for the numerals and the words "orange juice" in the percentage declaration shall be 10 point, or such numerals and words shall be one-third the size of the largest letters in the name of the food, whichever is the larger declaration. If the food is preserved by freezing, the name shall be preceded by the word "frozen." If it is canned and processed by heat to prevent spoilage, the name shall be preceded by the word "canned." The word "canned" may be omitted, however, if the food does not purport to be frozen or preserved by refrigeration.

(f) The common names of optional ingredients used shall be shown on the label with such prominence and conspicuousness that they are likely to be read and understood by ordinary individuals under customary conditions of purchase. The term "sweetener added" may be used in lieu of the name or names of the sweetening ingredient. When ascorbic acid (vitamin C) is added, it shall be declared on the label as "vitamin C added" or "with added vitamin C" and this declaration shall be accompanied by labeling conforming to the requirements prescribed in the regulations established pursuant to section 403(j) of the act. The name of the preservative ingredient used shall be accompanied by words showing that it is a preservative; for example, "preserved with sodium benzoate." If a color additive is used to artificially color the food, the label shall bear the statement "artificial color added" or "artificially colored."

§ 27.127 Orange drink; identity; label statement of optional ingredients.

(a) Orange drink is the beverage food that conforms to the requirements for composition and for label declaration of optional ingredients prescribed by § 27.126 for orange juice drink, except that it contains less than 100 percent but not less than 10 percent of orange juice (single strength basis). This requirement is considered to have been met if the amount of orange juice soluble solids, excluding optional ingredients, is less than 100 percent but not less than 10 percent of the orange juice soluble solids contained in orange juice from concentrate as defined in § 27.111.

(b) The name of the food is:

Orange drink. Contains not less than _____ percent orange juice.

(c) If the food contains not less than 15 percent of orange juice (single strength basis), the food may be called:

Orangeade. Contains not less than _____ percent orange juice.

Other labeling requirements concerning the name of the food as prescribed in § 27.126(e) are applicable to this section.

§ 27.128 Orange flavored drink; identity; label statement of optional ingredients.

(a) Orange flavored drink is the beverage food that conforms to the requirements for composition and for label declaration of optional ingredients prescribed by § 27.126 for orange juice drink, except that it contains less than 10 percent but not less than 2 percent orange juice (single strength basis). This requirement is considered to have been met if the amount of orange juice soluble solids, excluding optional ingredients, is less than 10 percent but not less than 2 percent of the amount of orange juice soluble solids contained in orange juice from concentrate as defined in § 27.111.

(b) The name of the food is:

Orange flavored drink. Contains not less than 2 percent orange juice.

Other labeling requirements concerning the name of the food as prescribed in § 27.126(e) are applicable to this section.

§ 27.129 Noncarbonated flavored beverage; identity; label statement of optional ingredients.

(a) Noncarbonated flavored beverage is the beverage food that conforms to the requirements for composition and for label declaration of optional ingredients prescribed by § 27.126 for orange juice drink except that it contains less than 2 percent orange juice (single strength basis). This requirement is considered to have been met if orange juice soluble solids, excluding optional ingredients, is less than 2 percent of the amount of orange juice soluble solids contained in orange juice from concentrate as defined in § 27.111.

(b) The name of the food is:

Noncarbonated flavored beverage. Contains less than 2 percent orange juice.

Other labeling requirements concerning the name of the food as prescribed in § 27.126(e) are applicable to this section.

§ 27.130 Concentrate for diluted orange juice beverages; identity.

(a) Any of the beverages defined in §§ 27.126 through 27.129 may be offered in concentrate form, except that concentrate for orange blend may not be offered in consumer size packages. Such concentrate when diluted according to label directions, conforms to the requirement for composition of the respective beverage; for example, concentrate for orange juice drink when diluted according to label directions conforms to the requirements of § 27.126 for orange juice drink.

(b) The dilution ratio shall not be less than 3 plus 1. For the purposes of this section, the term "dilution ratio" means the number of volumes of water per volume of concentrate required to produce a beverage conforming to the composition prescribed in the applicable standard.

(c) The name of the food is "Concentrate for _____ when diluted as directed" or "Concentrated _____ when diluted as directed," the blank

being filled in with the full name of the food as prescribed in the applicable standard for the diluted beverage; for example, "Concentrate for orange juice drink. Contains not less than 35 percent orange juice when diluted as directed."

The proposed standards of the Commissioner of Food and Drugs are as follows:

§ 27.120 Orange juice drink and blended orange juice drink; identity; label statement of optional ingredients.

(a) Orange juice drink is the beverage food prepared by adding water to one or more of the orange juice constituents specified in paragraph (b) of this section to which may be added one or more of the safe and suitable ingredients specified in paragraph (c) of this section. Ascorbic acid (vitamin C) shall be added in such a quantity that the total ascorbic acid in each 6 fluid ounces of the finished beverage amounts to 60 milligrams. Orange juice drink may be preserved by freezing, by refrigeration, by being so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms, or by being sealed in containers and, either before or after sealing, being so processed by heat as to prevent spoilage. Orange juice drink not heat treated to prevent spoilage may be preserved by adding a preservative. For the purposes of this section, the minimum percent orange juice requirement for this food is calculated on the basis of 35 percent of the minimum orange juice soluble solids requirement as set forth in §27.109(a) of this chapter. The weight of the total soluble solids is not less than 12 percent of the weight of the finished beverage.

(b) The orange juice constituents referred to in paragraph (a) of this section are the orange juice products defined in §§ 27.105 through 27.115 subject to the restriction that those defined in §§ 27.113 and 27.115 are used only in preparing orange juice drink which contains an added preservative as provided for in paragraph (a) of this section and that orange juice products so processed by heat as to prevent spoilage are used only in the canned form of the orange juice drink.

(c) The safe and suitable ingredients provided for in paragraph (a) of this section that may be added to orange juice drink are one or more of the following:

(1) Nutritive sweeteners.
(2) Organic acids.
(3) Thickeners.
(4) Stabilizers.
(5) Clouding agents.
(6) Emulsifiers.
(7) Buffers.
(8) Orange pulp.
(9) Orange peel.
(10) Natural and artificial orange flavors.
(11) Natural and artificial orange colors.
(12) Preservatives.

For the purposes of this paragraph, an ingredient may be used in orange juice drink in such proportion as reasonably necessary to accomplish its intended effect. The ingredients of this paragraph are considered safe if they are not food additives or color additives within the meaning of section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act or if they are food additives or color additives as so defined they are used in conformity with regulations established pursuant to section 409 or 706 of the act.

(d) The name of the food is:

Orange juice drink. Contains not less than 35 percent orange juice.

That part of the name consisting of the statement "Contains not less than 35 percent orange juice" shall immediately folow the words "Orange Juice Drink" and shall be shown in the same color, on the same background and in uniform letters not less than one-half the height of the largest letter in the preceding words in the name or in 10-point type, whichever is the larger declaration. If the beverage, however, is prepared by blending the orange juices derived from fruit grown in two or more geographical producing areas with a minimum of 20 percent orange soluble solids derived from fruit grown in any one producing region and the beverage contains not less than 70 percent orange juice (single strength basis) calculated as provided for in paragraph (a), of this section, the name of the food is:

Blended orange juice-drink. Contains not less than 70 percent orange juice.

The size of the letters and placement of the words in the percentage statement shall conform to the requirements set forth above in this paragraph. If the food is preserved by freezing, the name shall be preceded by the word "frozen." If it is so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms, the words "keep refrigerated" shall be declared on the principal display panel.

(e) The common or usual name of the ingredients used shall be listed together in the order of predominance on the principal display panel or panels or any appropriate information panel without obscuring design, vignettes, or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print or type the size of which shall be not less than one-half of that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label. When a preservative, artificial flavor, or artificial color is added, the statement "preservative added" or "artificial _____ added" or "artificially _____," the blank being filled in with the word(s) "flavor," "flavored," "color," or "colored," as the case may be, shall immediately precede or follow the name of the food. The name of the preservative ingredient used shall appear in the ingredient statement and shall be accompanied by words showing that it is a preservative; for example, "preserved with sodium benzoate." Ascorbic acid (vitamin C) shall be declared on the label as "vitamin C added" or "with added vitamin C" and this declaration shall be accompanied by labeling conforming to the requirements prescribed in the regulations established pursuant to section 403(j) of the act.

§ 27.121 Concentrate for orange juice-drink and concentrate for blended orange juice-drink; identity; label statement of optional ingredients.

Concentrate for orange juice drink is the beverage concentrate which, when diluted according to label directions, conforms to the requirements for composition and labeling prescribed by § 27.120 for orange juice drink except that:

(a) The name of the food is:

Concentrate for orange juice drink. Contains not less than 35 percent orange juice, when diluted as directed.

If the food, however, is concentrated so that when diluted as directed it contains not less than 70 percent orange juice (single strength basis), then the name of the food is:

Concentrate for blended orange juice drink. Contains not less than 70 percent orange juice, when diluted as directed.

(b) The type size and single line requirements shall not apply to the phrase "when diluted as directed."

(c) The dilution ratio of the beverage shall not be less than 3 plus 1. For the purposes of this section, the "dilution ratio" means the whole number of volumes of water per volume of concentrate for orange juice drink required to produce orange juice drink conforming to the requirements for composition prescribed by § 27.120.

§ 27.122 Powdered orange juice drink and powdered blended orange juice drink; identity; label statement of optional ingredients.

Powdered orange juice drink is the class of dehydrated beverage bases which, when reconstituted according to label directions, conform to the requirements for composition and labeling prescribed by § 27.120 for orange juice drink except that:

(a) The name of the beverage base is:

Powdered orange juice drink. Contains not less than 35 percent orange juice, when reconstituted as directed.

If the food, however, is dehydrated so that when reconstituted as directed it contains not less than 70 percent orange juice (single strength basis), then the name of the food is:

Powdered blended orange juice drink. Contains not less than 70 percent orange juice, when reconstituted as directed.

(b) The type size and single line requirements shall not apply to the phrase "when reconstituted as directed."

(c) Safe and suitable anticaking agents and foaming agents may be added.

§ 27.123 Orange drink, orangeade; identity; label statement of optional ingredients.

Orange drink, orangeade is the beverage food that conforms to the requirements for composition and for label declaration of optional ingredients prescribed by § 27.120 for orange juice-drink except that:

(a) It contains less than 35 percent but not less than 10 percent orange juice (single strength basis). The minimum percent orange juice requirement for this beverage is calculated on the same basis as that set forth in § 27.120 for orange juice-drink.

(b) The weight of total soluble solids is not less than 10 percent of the weight of the finished beverage.

(c) The name of the food is:

Orange drink. Contains not less than 10 percent orange juice.

(or)

Orangeade. Contains not less than 10 percent orange juice.

Other labeling requirements concerning the name of the food as prescribed in § 27.120(d) are applicable to this section.

§ 27.124 Concentrate for orange drink, orangeade; identity; label statement of optional ingredients.

Concentrate for orange drink or orangeade is the beverage concentrate which, when diluted according to label directions, conforms to the requirements for composition and labeling prescribed by § 27.123 for orange drink or orangeade except that:

(a) The name of the food is:

Concentrate for orange drink. Contains not less than 10 percent orange juice when diluted as directed.

(or)

Concentrate for orangeade. Contains not less than 10 percent orange juice when diluted as directed.

(b) The type size and single line requirements shall not apply to the phrase "when diluted as directed."

(c) The dilution ratio of the beverage shall not be less than 3 plus 1. For the purpose of this section the "dilution ratio" means the whole number of volumes of water per volume of concentrate for orange drink or orangeade required to produce orange drink or orangeade conforming to the requirements for composition prescribed by § 27.123.

§ 27.125 Powdered orange drink, orangeade; identity; label statement of optional ingredients.

Powdered orange drink or orangeade is the class of dehydrated beverage bases which, when reconstituted according to label directions, conform to the requirements for composition and labeling prescribed by § 27.123 for orange drink or orangeade except that:

(a) The name of the beverage base is:

Powdered orange drink. Contains not less than 10 percent orange juice, when reconstituted as directed.

(or)

Powdered orangeade. Contains not less than 10 percent orange juice, when reconstituted as directed.

(b) The type size and single line requirements shall not apply to the phrase "when reconstituted as directed."

(c) Safe and suitable anticaking agents and foaming agents may be added.

§ 27.126 Orange flavored drink; identity; label statement of optional ingredients.

Orange flavored drink is the beverage food that conforms to the requirements for composition and for label declaration of optional ingredients prescribed by § 27.120 for orange juice drink except that:

(a) It contains less than 10 percent but not less than 2 percent orange juice (single strength basis). The minimum percent orange juice requirement for this beverage is calculated on the same basis as that set forth in § 27.120 for orange juice drink.

(b) The weight of the total soluble solids is not less than 10 percent by weight of the finished product.

(c) The name of the food is:

Orange flavored drink. Contains not less than 2 percent orange juice.

Other labeling requirements concerning the name of the food as prescribed in § 27.120(d) are applicable to this section.

§ 27.127 Concentrate for orange flavored drink; identity; label statement of optional ingredients.

Concentrate for orange flavored drink is the beverage concentrate which, when diluted according to label directions, conforms to the requirements for composition and labeling prescribed by § 27.126 for orange flavored drink except that:

(a) The name of the food is:

Concentrate for orange flavored drink. Contains not less than 2 percent orange juice, when diluted as directed.

(b) The type size and single line requirements shall not apply to the phrase "when diluted as directed."

(c) The dilution ratio of the beverage shall not be less than 3 plus 1. For the purposes of this section the "dilution ratio" means the whole number of volumes of water per volume of concentrate for orange flavored drink required to produce orange flavored drink conforming to the requirements for composition prescribed by § 27.126.

§ 27.128 Powdered orange flavored drink; identity; label statement of optional ingredients.

Powdered orange flavored drink is the class of dehydrated beverage bases which, when reconstituted according to label directions, conform to the requirements for composition and labeling prescribed by § 27.126 for orange flavored drink except that:

(a) The name of the beverage base is:

Powdered orange flavored drink. Contains not less than 2 percent orange juice, when reconstituted as directed.

(b) The type size and single line requirements shall not apply to the phrase "when reconstituted as directed."

(c) Safe and suitable anticaking agents and foaming agents may be added.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 30, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-13225 Filed 9-8-71;8:47 am]

Social and Rehabilitation Service

[45 CFR Part 252]

NURSING HOME ADMINISTRATION

Proposed Licensing, Training, and Instruction Programs

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations amend regulations prescribing interim policies and requirements for medical assistance programs with respect to establishment of State programs to license nursing home administrators and the training of nursing home administrators to whom waivers have been granted. The interim regulations were published in the FEDERAL REGISTER on February 28, 1970 (35 F.R. 3968).

The views of interested persons were requested, received, and considered, and in light thereof, certain changes are proposed as follows:

(1) Paragraph (b) of § 252.40 (renumbered 252.10) is amended to clarify and broaden the definition of "nursing home" and clarify the circumstances in which a "distinct part" of a hospital shall be required to be in the charge of a licensed nursing home administrator.

(2) In the same paragraph the definition of "board" is amended to prohibit representatives of a single profession or type of institution from constituting a majority of membership, and to prohibit an individual with a financial interest in a nursing home from being a non-institutional member.

(3) Paragraph (c) of § 252.40 (§ 252.-10) is amended to provide that provisional licenses may also be issued to persons temporarily filling the position of nursing home administrator unexpectedly vacated by reason of death, illness, or similar cause.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in

writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m.

The proposed regulation is to be issued under section 1102, 49 Stat. 647, 42 U.S.C. 1302.

Dated: July 27, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: August 30, 1971.

ELLIOTT L. RICHARDSON,
Secretary.

1. Section 252.40 is renumbered as § 252.10 and is revised to read as follows:

§ 252.10 State programs for licensing administrators of nursing homes.

(a) *Purpose.* This section establishes the procedures for States to follow to comply with the requirement for States participating in a title XIX program to establish programs for the licensure of administrators of nursing homes.

(b) *Definitions.* When used in this section: "Nursing home," for purposes of requiring supervision by a licensed administrator, means any institution or facility, or distinct part of a hospital, which, regardless of its designation, is licensed or formally recognized as meeting State nursing home standards under State law. In those States that do not employ the term "nursing home" in their licensing statutes, "nursing home" means the equivalent term or terms as determined by the Administrator, Social and Rehabilitation Service. For purposes of obtaining such determination, the single State agency responsible for the administration of the title XIX program in such State shall submit to the Regional Commissioner, Social and Rehabilitation Service, copies of current State statutes which define for licensure purposes institutional health care facilities. Not included in this definition is a distinct part of a hospital, which hospital meets the definition in § 249.10(b) (1) or (14) (iv) of this chapter, that is designated or certified as an extended care facility or skilled nursing home but is not licensed separately or formally approved as a nursing home by the State.

(2) "Nursing home administrator" means any individual who is charged with the general administration of a nursing home, whether or not such individual has an ownership interest in such home, and whether or not his functions and duties are shared with one or more other individuals.

(3) "Board" means a duly appointed State board established for the purpose of carrying out a State program for licensure of administrators of nursing homes, and which is assigned all the duties, functions, and responsibilities prescribed in paragraph (c) (2) of this section. Said board shall be composed of individuals representative of the professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients; provided that less than a majority of the board membership shall be representative of a single profession or institutional category, and provided further that the noninstitutional members shall have no direct financial interest in nursing homes. For purposes of this definition, nursing home administrators are considered representatives of institutions. This definition is effective July 1, 1973, or earlier at the option of the State.

(4) "Agency," unless otherwise indicated, means the agency of the State responsible for licensing individual practitioners under the healing arts licensing act of the State.

(5) "License" means a certificate or other written evidence issued by a State agency or board to indicate that the bearer has been certified by that body to meet all the standards required of a licensed nursing home administrator under this section.

(6) "Provisional license" means a temporary license issued by the State agency or board to an individual who does not meet all the qualifications for licensure.

(7) "Calendar year" means the period from January 1 through December 31.

(c) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must include a State program for the licensure of administrators of nursing homes which:

(1) Provides that no nursing home within the State may operate except under the supervision of an administrator licensed in the manner provided in this section.

(2) Provides for licensing of nursing home administrators by the single agency of the State responsible for licensing individual practitioners under the healing arts act of the State, or, in the absence of such an act or agency, a State licensing board representative of the professions and institutions concerned with the care of chronically ill and infirm aged patients and established to carry out the purposes of section 1908 of the Social Security Act. It shall be the function and duty of such agency or board to:

(i) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(ii) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(iii) Issue licenses to individuals determined, after the application of such techniques to meet such standards, and revoke or suspend licenses previously issued by the agency or board in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards. Provisional licenses may be issued to an individual who meets the conditions for waiver under paragraph (d) of this section, or, for a single period not to exceed 6 months, to a qualified individual for the purpose of enabling him to fill the position of nursing home administrator which has been unexpectedly vacated. Qualifications for the latter type of provisional license shall include good character, suitability, and the ability to meet such other standards as are established by the State agency or board;

(iv) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

(v) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the agency or board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards; and

(vi) Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the State with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

(d) *Waivers.* The agency or board may waive any of the standards referred to in paragraph (c) (2) (i) of this section, other than the standards relating to good character and suitability, with respect to any individual who, during all of the calendar year immediately preceding the calendar year in which the requirements prescribed in paragraph (c) of this section are first met by the State, has served in the capacity of a nursing home administrator provided that:

(1) The agency or board issues to such an individual a provisional license to indicate that the bearer has been certified to meet the conditions specified in this paragraph, which provisional license may be valid only for a period of 2 years, or until July 1, 1972, or until the individual meets the qualifications of a fully licensed nursing home administrator, whichever is earlier; and

(2) There is provided in the State, during all of the period for which the waiver is in effect, a program of training and instruction designed to enable all individuals, with respect to whom any such waiver is granted, to attain the qualifications necessary to meet the standards referred to in paragraph (c) (2) (i) of this section.

(e) *Federal financial participation.* Federal financial participation is not available in the costs incurred by the licensing board in establishing and maintaining standards for the licensing of nursing home administrators.

2. Section 252.44 is renumbered as § 252.20 and is revised to read as follows:

§ 252.20 Grants to States for training and instruction programs for waivered nursing home administrators.

(a) *Purpose.* The purpose of this section is to provide for making grants available to the States to assist them in instituting and conducting programs of training and instruction to enable all individuals who have been granted provisional licenses under § 252.10(d) to attain the minimum qualifications necessary to meet the State standards for licensure as nursing home administrators.

(b) *Definitions.* When used in this section:

(1) "Nursing home," "nursing home administrator," "board," "agency," and "license" and "provisional license" have the same meaning as in § 252.10.

(2) "Core of knowledge" means the group of basic subject areas in the field of nursing home administration, of which an individual should be well informed and have a working understanding, to qualify as a licensed administrator of a nursing home.

(c) *Eligibility and program content.* (1) Grants, not to exceed 75 percent of the cost to the State of instituting and conducting training and instruction programs to carry out the provisions of this section, may be made to the single State agency responsible for the administration of the State's title XIX program subject to the requirements of subparagraphs (2) through (5) of this paragraph.

(2) Such programs of training and instruction must provide valid preparation for the specific level of knowledge and proficiency necessary to meet the standards of the State for licensure as nursing home administrators.

(3) The program must include approximately 100 classroom hours of training and instruction.

(4) The program must be limited to:

(i) Credit granting courses offered by an accredited university or college,

(ii) Noncredit courses offered by identifiable academic departments of accredited universities or colleges,

(iii) Nondegree courses, offered by extension divisions or programs associated with accredited universities or colleges independent of identifiable academic departments,

(iv) Courses, jointly sponsored by accredited universities or colleges, offered by recognized State associations or national professional societies, or

(v) Other courses, jointly sponsored by an accredited university or college.

(5) Course content may not be modified subsequent to approval for Federal grant without approval of the Regional Commissioner, Social and Rehabilitation Service.

(d) *Application.* With the assistance of the State agency or board, the single State agency responsible for the administration of the State's title XIX program shall file an application for a grant under this section with the Regional Commissioner, Social and Rehabilitation Service. The application must contain the following information:

(1) Identification of sponsoring institution(s) or organization(s).

(2) Identification of faculty responsible for the course and the instructor(s) presenting the training and instruction.

(3) Identification of the mode of instruction to be followed.

(4) An outline of the courses included in the program of training and instruction.

(5) An estimate of the cost of training and educational materials, personnel, and other items necessary to present the program of training and instuction, together with an estimate of the total costs per classroom hour per student; and the estimated number of students taking the course.

(6) Certification by the State agency or board indicating that the course content provides adequate preparation to meet the standards required by the State for licensure of nursing home administrators.

(7) Such other information as may be required by the Administrator, Social and Rehabilitation Service.

(e) *Approvable program expenditures.* The following types of costs will be recognized:

(1) Necessary "tooling-up" costs, including loan of personnel and purchase of educational media.

(2) Salaries of instructors.

(3) Travel and related expenses for instructors incidental to presenting the program to eligible trainees.

(4) Supplies and materials necessary to the presentation of the program of training and instruction.

(5) Such other items as may be included in the approved application.

The costs of furniture and durable equipment, including durable office equipment, may not be included.

(f) *Grant approval.* All grant approvals shall be made in writing by the Regional Commissioner, Social and Rehabilitation Service, after consultation with the regional representatives of the Community Health Service and of other appropriate units of the Department of Health, Education, and Welfare, and shall specify the amount of funds to be granted and the extent of Federal financial participation.

(g) *Termination.* A grant may be terminated in whole or in part at any time at the discretion of the Regional Commissioner, Social and Rehabilitation Service. Noncancellable obligations properly incurred prior to the receipt of the notice of cancellation will be honored. The single State agency shall be promptly notified of such termination in writing and given the reasons therefor.

(h) *Reports.* (1) The single State agency responsible for the administration of the State's title XIX program shall make reports to the Administrator, Social and Rehabilitation Service through the Regional Commissioner, Social and Rehabilitation Service in such form and containing such information as may be specified.

(2) Records of all costs related to courses provided, and persons trained, shall be retained by the sponsoring institution for 5 years following the end of the budget period unless audit by or on behalf of the Department of Health, Education, and Welfare has occurred, in which case records may be destroyed 3 years after the end of the budget period.

In all cases, records shall be retained until resolution of any audit questions.

(3) A certificate or other evidence of satisfactory completion of training and instruction for each eligible trainee receiving such instruction shall be filed with the State agency or board.

(i) *Development of program of training and instruction.* To provide a basis for future licensure reciprocity between States, and to provide that the content of examinations and programs of training and instruction contain sufficient amounts of appropriate information relating to the proper and efficient administration of nursing homes, the following detailed guideline categorization of nine basic areas of the core of knowledge which it is deemed an administrator should possess are set forth as recommendations for appropriate use by State agencies and boards.

(1) Applicable standards of environmental health and safety:

(i) Hygiene and sanitation.

(ii) Communicable diseases.

(iii) Management of isolation.

(iv) The total environment (noise, color, orientation, stimulation, temperature, lighting, air circulation).

(v) Elements of accident prevention.

(vi) Special architectural needs of nursing home patients.

(vii) Drug handling and control.

(viii) Safety factors in oxygen usage.

(2) Local health and safety regulations: Guidelines vary according to local provisions.

(3) General administration:

(i) Institutional administration.

(ii) Planning, organizing, directing, controlling, staffing, coordinating, and budgeting.

(iii) Human relations:

(*a*) Management/employee interrelationships.

(*b*) Employee/employee interrelationships.

(*c*) Employee/patient interrelationships.

(*d*) Employee/family interrelationships.

(iv) Training of personnel:

(*a*) Training of employees to become sensitive to patient needs.

(*b*) Ongoing in-service training/education.

(4) Psychology of patient care:

(i) Anxiety.

(ii) Depression.

(iii) Drugs, alcohol, and their effect.

(iv) Motivation.

(v) Separation reaction.

(5) Principles of medical care:

(i) Anatomy and physiology.

(ii) Psychology.

(iii) Disease recognition.

(iv) Disease process.

(v) Nutrition.
(vi) Aging processes.
(vii) Medical terminology.
(viii) Materia Medica.
(ix) Medical Social Service.
(x) Utilization review.
(xi) Professional and medical ethics.
(6) Personal and social care:
(i) Resident and patient care planning.
(ii) Activity programing:
(a) Patient participation.
(b) Recreation.
(iii) Environmental adjustment:
Interrelationships between patient and:
(a) Patient.
(b) Staff (staff sensitivity to patient needs as a therapeutic function).
(c) Family and friends.
(d) Administrator.
(e) Management (self-government/patient council).
(iv) Rehabilitation and restorative activities:
(a) Training in activities of daily living.
(b) Techniques of group therapy.
(v) Interdisciplinary interpretation of patient care to:
(a) The patient.
(b) The staff.
(c) The family.
(7) Therapeutic and supportive care and services in long-term care:
(i) Individual care planning as it embraces all therapeutic care and supportive services.
(ii) Meaningful observations of patient behavior as related to total patient care.
(iii) Interdisciplinary evaluation and revision of patient care plans and procedures.
(iv) Unique aspects and requirements of geriatric patient care.
(v) Professional staff interrelationships with patient's physician.
(vi) Professional ethics and conduct.
(vii) Rehabilitative and remotivational role of individual therapeutic and supportive services.
(viii) Psychological, social, and religious needs, in addition to physical needs of patient.
(ix) Needs for dental service.
(8) Departmental organization and management:
(i) Criteria for coordinating establishment of departmental and unit objectives.
(ii) Reporting and accountability of individual departments to administrator.
(iii) Criteria for departmental evaluation (nursing, food service, therapeutic services, maintenance, housekeeping).
(iv) Techniques of providing adequate professional, therapeutic, supportive, and administrative services.
(v) The following departments may be used in relating matters of organization and management:
(a) Nursing.
(b) Housekeeping.
(c) Dietary.
(d) Laundry.
(e) Pharmaceutical services.
(f) Social service.
(g) Business office.
(h) Recreation.
(i) Medical records.
(j) Admitting.
(k) Physical therapy.
(l) Occupational therapy.
(m) Medical and dental services.
(n) Laboratories.
(o) X-ray.
(p) Maintenance.
(9) Community interrelationships:
(i) Community medical care, rehabilitative and social services resources.
(ii) Other community resources:
(a) Religious institutions.
(b) Schools.
(c) Service agencies.
(d) Government agencies.
(iii) Third party payment organizations.
(iv) Comprehensive health planning agencies.
(v) Volunteers and auxiliaries.

[FR Doc.71-13213 Filed 9-8-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-RM-17]

CONTROL ZONE AND TRANSITION AREA

Proposed Establishment

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish the Dillon, Mont. (Dillon Airport), control zone and the Dillon, Mont., transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. 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 public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10255 East 25th Avenue, Aurora, CO 80010.

The airspace requirements for Dillon, Mont., have been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERP's). As a result of the review, it has been determined that a control zone and a transition area must be established to provide controlled airspace protection for the instrument procedures.

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

DILLON, MONT.

Within a 6-mile radius of the Dillon Airport, Dillon, Mont. (latitude 45°15'20" N., longitude 112°33'10" W.), and within 3 miles each side of the Dillon VORTAC 025° radial, extending from the 6-mile-radius zone to 8.5 miles northeast of the VORTAC.

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

DILLON, MONT.

That airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Dillon VORTAC 025° radial, extending from the VORTAC to 24 miles northeast; and that airspace extending upward from 11,700 feet MSL within 7.5 miles west and 10.5 miles east of the Dillon VORTAC 168° and 348° radials extending from 4.5 miles north to 19.5 miles south of the VORTAC.

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

Issued in Aurora, Colo., on August 31, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.71-13212 Filed 9-8-71;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-51]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Breckenridge, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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 the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

BRECKENRIDGE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stephens County Airport (latitude 32°43'-01" N., longitude 98°53'34" W.) and within 3.5 miles each side of the 004° bearing from the Breckenridge RBN (latitude 32°44'50" N., longitude 98°53'27" W.) extending from the 5-mile-radius area to 11.5 miles north of the RBN.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed for Calhoun County Airport, Breckenridge, Tex.

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

Issued in Fort Worth, Tex., on August 31, 1971.

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

[FR Doc.71-13209 Filed 9-8-71;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-66]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Baudette, Minn., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communication should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106. 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 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to redesignate the Baudette, Minn., transition area as:

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Baudette International Airport, Baudette, Minn. (latitude 48°43'15" N., longitude 94°36'00" W.); within 3 miles each side of the 106° bearing from the Baudette International Airport extending from the 5½-mile-radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 106° and 286° bearing from the Baudette International Airport, extending from 6 miles west to 18½ miles east of the airport; and within 5 miles each side of the 286° bearing from Baudette International Airport, extending from the airport to 12 miles west of the airport, excluding the portion outside the United States.

The proposed redesignation would provide controlled airspace for aircraft conducting revised instrument approach procedures designed for the Baudette International 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 section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 1, 1971.

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

[FR Doc.71-13208 Filed 9-8-71;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-102]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Coshocton, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Richard Downing Airport, Coshocton, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Coshocton, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

COSHOCTON, OHIO

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Richard Downing Airport (latitude 40°18'37" N., longitude 81°51'17" W.)

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

Issued in Kansas City, Mo., on August 23, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-13211 Filed 9-8-71;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-106]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Rockton, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of

the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by intersted persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Wagon Wheel Airport, Rockton, Ill. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Rockton, Ill. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

ROCKTON, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wagon Wheel Airport (latitude 42°26'15" N., longitude 89°04'00" W.) and within 1½ miles each side of the Janesville VORTAC 172 radial extending from the 5-mile radius to the Janesville VORTAC, excluding the portion that overlies the Janesville, Wis., transition area.

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

Issued in Kansas City, Mo., on August 23, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-13210 Filed 9-8-71;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 202]

[Docket No. 23792]

TERMS, CONDITIONS, AND LIMITATIONS OF SCHEDULED STOPS

Notice of Proposed Rule Making

SEPTEMBER 2, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 202 of its Economic Regulations (14 CFR Part 202) which would increase the maximum layover time for passenger flights at restricted intermediate points, classified as "large hub" cities by the Federal Aviation Administration, to 1 hour.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a) and 401 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, and 754, as amended by 76 Stat. 143, 49 U.S.C. 1324 and 1371).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before October 11, 1971, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

Section 202.6(a) of Part 202 of the Economic Regulations (14 CFR Part 202) provides that scheduled stops at points within the continental United States shall not be scheduled to exceed 45 minutes on any flight if the origination or termination of such flight at such point is prohibited by any restrictions in the certificate.[1] This regulation is designed to deter scheduled carriers from scheduling long stops at restricted intermediate points for the purpose of engaging in purely local service in the terminal-to-intermediate and intermediate-to-terminal markets. In other words, the restriction is intended to insure that through service is in substance through service.

Delta Air Lines, Inc. has filed a petition for rule making wherein Delta requests that § 202.6(a) be amended to increase the permissible layover time at restricted intermediate points from 45 minutes to 1 hour and 15 minutes, or alternatively to limit such increase to airports in cities classified as "large hubs" by the Federal Aviation Administration. In support of this request Delta asserts that with the advent of wide-bodied jet aircraft, increased airport congestion, and overall increase in the aircraft operating capacity of trunk and local service carriers, the 45-minute limitation is not a realistic time frame in which to perform necessary ground servicing operations at restricted intermediate points (e.g., refueling, offloading, onloading, and baggage handling). Specifically, it asserts that: (1) Since the early 1940's, when § 202.6(a) was adopted, aircraft capacity has increased tremendously and enlarged the scope and complexity of ground servicing operations; (2) as the route structure has become more complex, air terminal traffic congestion has increased; and (3) with the introduction of wide-bodied jet aircraft, configured to seat 350–490 passengers, onloading, and offloading times at major terminals will become longer. In sum, Delta claims that the permissible layover time at larger cities must be increased if efficient operations are to be maintained and fully adequate service is to be rendered for the traveling and shipping public.

Trans World Airlines, Inc. filed an answer in support of Delta's petition. Eastern Air Lines, Inc. filed an answer in which it substantially concurs with Delta's request, but would limit the increase to 1 hour and apply the increase only to "large hub" cities. Eastern also urges that any increase in the maximum layover time be expressly limited to through-service flights performed by a single aircraft. It is Eastern's contention that although layover times at major air terminals such as Chicago O'Hare and Atlanta may exceed 45 minutes, the instance of stops exceeding 1 hour are rare. Furthermore, Eastern claims that the single aircraft limitation it proposes is necessary to avoid a practice whereby the carriers illegally operate a two-plane connection service, but call it a "through flight," by use of a single flight number.

While we are in tentative agreement with the general views set forth in the petition of Delta, a recent survey[2] indicates that the instance of layovers at restricted intermediate points in excess of 50 minutes are infrequent and confined to the large, highly congested air terminals. Further, only two flights out of a sample of 125 required more than a 1-hour layover period. We also note that: (1) Improvements in ground servicing facilities and techniques would appear to discount the effect of the increased logistic problems caused by the use of wide-bodied jet aircraft; and (2) it is seldom necessary to offload and onload the entire aircraft at the intermediate point. Accordingly, we propose to amend § 202.6(a) to increase the permissible layover time at restricted intermediate points, on passenger flights, to 1 hour and apply the increase only to "large hub" cities as defined by the FAA. The proposed rule should provide the scheduled carriers with adequate time flexibility, where such flexibility is most needed, without eroding the through-plane concept. Although it may be argued that the proposed time increased could encourage scheduling by the carriers effectively to originate traffic at the intermediate point, the economic incentive of attracting as much through traffic as possible should serve to minimize carrier layover times at these points.

Finally, we have tentatively decided to limit the proposed increase in layover time to through flights performed with a single aircraft. We do not here pass on Eastern's contention that aircraft cannot be substituted at intermediate points on flights denominated as through

[1] Section 202.6(a) applies only to passenger flights. Under § 202.6(b), however, all-cargo flights may be scheduled to lay over for up to 2 hours at restricted intermediate points.

[2] This survey consists of comparison of the layover time scheduled at selected intermediate points by Delta, TWA, Eastern, United Air Lines, Inc., and American Airlines, Inc.

flights. However, the justification advanced by Delta for increasing the permissible layover time—the increased time required for ground servicing—does not appear to have the same force where a substitute aircraft is to be employed on the continuation flight. However, we are prepared to reconsider the matter in the light of comment received.

PROPOSED RULE

It is proposed to amend Part 202 of the Board's Regulations (14 CFR Part 202), as follows:

1. Amend § 201.6(a) to read as follows:

§ 202.6 Provisions as to scheduled stops.

(a) With respect to a flight carrying any passengers in addition to crew members, a scheduled stop at a point within the continental United States shall not be scheduled to exceed 45 minutes on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate, *Provided*, That, where the scheduled stop is at a point which is specified as a "large hub" city in the most recent edition of "Airport Activity Statistics of Certificated Route Carriers," and where the same aircraft is used on the incoming and outgoing portions of the flight, the scheduled stop shall not be scheduled to exceed 1 hour.

* * * * *

[FR Doc.71-13236 Filed 9-8-71;8:48 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 4564]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 31, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial No. S4564, for the withdrawal of national forest lands described below, subject to valid existing rights, from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The lands are located in Colusa County within the Mendocino National Forest and as such have been open to entry under the general mining laws.

The lands have been established as a research natural area and any disturbance of the area would adversely affect its value for scientific purposes. The Forest Service has made application to withdraw the lands from mining in order to protect the natural condition of the area for present and future research.

On or before October 10, 1971, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

MENDOCINO NATIONAL FOREST

Frenzel Creek Research Natural Area

T. 16 N., R. 6 W.,
Sec. 5, lots 2, 3, and 4, S½NW¼, and W½SW¼;
Sec. 6, lot 1, SE¼NE¼, and E½SE¼.
T. 17 N., R. 6 W.,
Sec. 29, S½SW¼;
Sec. 31, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 32, NE¼, W½, N½SE¼, and SW¼SE¼.

The area described aggregates 1,282.12 acres.

ELIZABETH H. MIDTBY,
Chief,
Lands Adjudication Section.

[FR Doc.71-13233 Filed 9-8-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GENERAL FOODS CORP.

Enriched Macaroni Product Deviating From Identity Standard; Notice of Modification of Temporary Permit for Market Testing and Extension of Expiration Date of Permit

Notice was given in the FEDERAL REGISTER of June 20, 1969 (34 F.R. 9684), that a temporary permit had been issued to General Foods Corp., 250 North Street, White Plains, NY 10602, to cover interstate marketing tests of an enriched macaroni product that deviated from the standards of identity for macaroni and noodle products (21 CFR Part 16). The permits was extended from April 28, 1970, to April 28, 1971, by a notice published in the FEDERAL REGISTER of April 7, 1970 (35 F.R. 5639). A modification of the nutrient levels was published in the FEDERAL REGISTER of June 9, 1970 (35 F.R. 8897). The product subject to this permit through April 28, 1971, contains yellow corn flour in a quantity not less than 50 percent, soy flour in a quantity not less than 27 percent, and hard wheat flour in a quantity not less than 10 percent by weight of the farinaceous ingredients. Nutrients are added as specified in § 16.9(a) (21 CFR 16.9(a)) except that calcium is added in such quantity that each pound of the finished food contains 2,111 milligrams of calcium (Ca) and 35 milligrams of iron (Fe). The product is labeled "enriched yellow corn-soy-wheat macaroni." The labels of the product declare by common name the ingredients used.

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that, at the request of General Foods Corp., the subject permit has been modified to provide for different proportions of the three farinaceous ingredients and the expiration date of the permit has been extended. The product is to have a composition with the following approximate percentages by weight of the farinaceous ingredients: 38 percent of yellow corn flour, 30 percent of soy flour, and 30 percent of hard wheat flour. The other terms and conditions of the permit are not changed, and its expiration date has been extended to April 28, 1972.

Dated: August 27, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-13226 Filed 9-8-71;8:47 am]

[DESI 8336]

NEOMYCIN SULFATE ORAL PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation Follow-Up Notice

In a notice (DESI 8336) published in the FEDERAL REGISTER of June 23, 1970 (35 F.R. 10241), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following neomycin sulfate preparations for oral use:

1. Mycifradin tablets; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 8-336).

2. Neobiotic tablets; Chas Pfizer and Co., Inc., 235 East 42nd St., New York, N.Y. 10017 (NDA-9-579).

3. Neomycin sulfate tablets; Biocraft Laboratories, Inc., 92 Route 46, East Paterson, N.J. 07407 (NDA 60-304).

4. Neomycin sulfate tablets; Bryant Pharmaceutical Corp., 70 MacQuesten Parkway South, Mount Vernon, N.Y. 10550 (NDA 60-331).

5. Neomycin sulfate tablets; Richlyn Laboratories, Inc., Castor Avenue at Kensington Avenue, Philadelphia, Pa. 19124.

6. Neomycin sulfate tablets; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 60-385).

7. Neomycin sulfate tablets; American Pharmaceutical Co., 120 Bruckner Boulevard, Bronx, N.Y. 10454 (NDA 60-389).

8. Neomycin sulfate tablets; Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114 (NDA 60-349).

9. Neomycin sulfate tablets; E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 60-365).

10. Neomycin sulfate tablets; Vitamix Pharmaceuticals, Inc., Division of Wynn Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, Pa. 19132 (NDA 60-353).

11. Neomycin sulfate tablets; Nysco Laboratories, Inc., 32-24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 10-385).

12. Mycifradin Oral Solution; Upjohn Co. (NDA 50-285).

The notice stated that the drugs were regarded as effective, probably effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications.

Based upon a reevaluation of these preparations, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of June 23, 1970 by:

1. Changing the effectiveness classification of the following probably effective indication to effective: Preoperative sterilization of the bowel.

2. Rewording of the Indications section.

3. Adding labeling guidelines.

The labeling guidelines are as follows:

NEOMYCIN SULFATE ORAL PREPARATIONS

DESCRIPTION

Neomycin is an antibiotic obtained from the metabolic products of the actinomycete *Streptomyces fradiae.*

ACTIONS

Neomycin is poorly absorbed from the normal gastrointestinal tract. The small absorbed fraction is rapidly excreted with normal kidney function. The unabsorbed portion of the drug (approximately 97 percent) is eliminated unchanged in the feces.

Growth of most intestinal bacteria is rapidly suppressed following oral administration of neomycin, with the suppression persisting for 48-72 hours. Nonpathogenic yeasts and occasionally resistant strains of *Enterobacter aerogenes* (formerly *Aerobacter aerogenes*) replace the intestinal bacteria.

INDICATIONS

Suppression of intestinal bacteria. Neomycin may be indicated when suppression of the normal bacterial flora of the bowel is desirable for either short or long term adjunctive therapy.

Hepatic Coma. Prolonged administration has been shown to be effective adjunctive therapy in *Hepatic Coma* by reduction of the ammonia-forming bacteria in the intestinal tract. The subsequent reduction in blood ammonia has resulted in neurologic improvement.

Diarrhea due to Enteropathogenic Escherichia coli. Diarrhea due to enteropathogenic *E. coli* may be effectively treated with neomycin sulfate. When this diarrhea occurs in epidemic form, all patients and carriers should be treated concurrently.

CONTRAINDICATIONS

Neomycin sulfate tablets are contraindicated in the presence of intestinal obstruction and in individuals with a history of hypersensitivity to the drug.

WARNING

Patients treated with oral neomycin should be under close clinical observation because of the potential nephrotoxic and ototoxic effects. Patients with renal insufficiency may develop toxic blood levels of the drug unless doses are properly regulated. If renal insufficiency develops during treatment, the dosage should be reduced or the antibiotic discontinued. Urine and blood examinations and audiometric tests should be given prior to and during extended therapy in individuals with hepatic and/or renal disease to avoid nephrotoxicity and eighth nerve damage from improper dosage.

USAGE IN PREGNANCY

Safety for use in pregnancy has not been established.

PRECAUTIONS

Caution should be taken in concurrent use of other ototoxic and/or nephrotoxic antimicrobial drugs while neomycin is administered orally. These include streptomycin, kanamycin, polymyxin B, colistin, viomycin, gentamicin, and cephaloridine.

The concurrent use of potent diuretics such as ethacrinic acid, furosemide, urea and mannitol (particularly when the diuretics are given intravenously) should be avoided. They may cause cumulative adverse effects of the neomycin on the kidney and auditory nerve.

Prolonged use of oral neomycin may result in overgrowth of nonsusceptible organisms, particularly fungi. If this occurs, appropriate therapy should be instituted.

ADVERSE REACTIONS

The most common adverse reactions to oral neomycin are nausea, vomiting, and diarrhea. The "Malabsorption Syndrome" characterized by increased fecal fat, decreased serum carotine and fall in xylose absorption has been reported with prolonged therapy. Nephrotoxicity and ototoxicity have been reported following prolonged and high dosage therapy in hepatic coma.

DOSAGE AND ADMINISTRATION

(Complete dosage instructions to be added by the firm.)

1. As an adjunct in treatment of hepatic coma for extended therapy. A 1 percent solution of neomycin powder may be administered as a retention enema to patients who are unable to take oral medication.

2. As an adjunct to mechanical cleansing of the large bowel in short term therapy.

3. Treatment of enteropathogenic *E. coli:* 50 mg./kg./day in divided doses for 2-3 days.

Batches of such drugs for which certification is requested should provide for labeling information in accord with the labeling guidelines developed on the basis of this reevaluation of the drug.

The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of this drug has been submitted pursuant to the notice of June 23, 1970.

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

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

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

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

Dated: August 25, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-13218 Filed 9-8-71;8:47 am]

[Docket No. FDC-D-193; NADA 4-173V]

PITMAN-MOORE, INC.

Amfetasul 5 Percent; Order Vacating Opportunity for Hearing

A notice of opportunity for hearing proposing to withdraw approval of NADA (new animal drug application) No. 4-173V for Amfetasul 5 percent (amphetamine sulfate injection) was published in the FEDERAL REGISTER of August 18, 1970 (35 F.R. 13162).

Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034, holder of NADA No. 4-173V, has submitted a supplemental new animal drug application with revised labeling. The Commissioner of Food and Drugs, having evaluated the proposed labeling together with the evidence available when the application was approved, concludes that said drug is effective for animals under the conditions of use prescribed, recommended, or suggested in the revised labeling.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), the notice of opportunity for hearing proposing to withdraw approval of NADA No. 4-173V for Amfetasul 5 percent is vacated.

Dated: August 26, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-13216 Filed 9-8-71;8:47 am]

[DESI 9238; Docket No. FDC-D-296; NDA 9238 etc.]

PROGESTERONE; NORETHINDRONE; NORETHINDRONE ACETATE; DYDROGESTERONE AND HYDROXYPROGESTERONE CAPROATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Progesterone Injection; Eli Lilly and Co., Box 618, Indianapolis, Indiana 46206 (NDA 9-238).

2. Norlutin Tablets, containing norethindrone; Parke, Davis and Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 10-895).

3. Norlutate Tablets, containing norethindrone acetate; Parke, Davis and Co. (NDA 12-184).

4. Duphaston Tablets, containing dydrogesterone; Philips Roxane Laboratories, Division of Philips Roxane, Inc., 330 Oak Street, Columbus, Ohio 53216 (NDA 12-985).

5. Delalutin Injection, containing hydroxyprogesterone caproate; E. R. Squibb & Sons, Inc., 909 Third Avenue, New York, N.Y. 10022 (NDA 10-347).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new drug applications under conditions described in this announcement.

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

1. a. Preparations containing norethindrone, norethindrone acetate, progesterone, dydrogesterone, or hydroxyprogesterone caproate are effective for use in amenorrhea and abnormal uterine bleeding due to hormonal imbalance in the absence of organic pathology, such as submucous fibroids or uterine cancer.

b. Preparations containing norethindrone or norethindrone acetate are also effective for endometriosis.

c. Hydroxyprogesterone caproate is also effective as a presumptive test for pregnancy, as a test for continuous endogenous progesterone production; for production of secretory endometrium and desquamation—as a test for endogenous estrogen production (medical D and C).

2.a. Preparations containing dydrogesterone, progesterone, or hydroxyprogesterone caproate are probably effective for habitual and threatened abortion.

b. Dydrogesterone is also probably effective for endometriosis and as a presumptive test for pregnancy.

c. Hydroxyprogesterone caproate is also probably effective for cyclomastopathies (mastodynia, adenosis, chronic cystic mastitis).

3.a. Norethindrone and norethindrone acetate preparations are possibly effective for use in premenstrual tension and dysmenorrhea.

b. Progesterone is possibly effective for use in dysmenorrhea and pregnancy complicating diabetes.

c. Dydrogesterone is possibly effective for use in dysmenorrhea, premenstrual tension, and infertility.

d. Hydroxyprogesterone caproate is possibly effective for use in premenstrual tension and dysmenorrhea and disturbances of the menstrual cycle (hypomenorrhea, oligomenorrhea, irregular cycles).

4. Hydroxyprogesterone caproate lacks substantial evidence of effectiveness for use in postpartum afterpains and, when used alone, in deficiency syndromes (castration, primary ovarian failure, menopause, senile vaginitis, and pruritis vulvae).

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* These drug preparations are in tablet or sterile solution form as listed above suitable for oral or parenteral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guideline for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

INDICATIONS

NORETHINDRONE OR NORETHINDRONE ACETATE

This drug is indicated in amenorrhea; abnormal uterine bleeding due to hormonal imbalance in the absence of organic pathology, such as submucous fibroids or uterine cancer; and endometriosis.

PROGESTERONE

This drug is indicated in amenorrhea; abnormal uterine bleeding due to hormonal imbalance in the absence of organic pathology, such as submucous fibroids or uterine cancer, and habitual and threatened abortion.

DYDROGESTERONE

This drug is indicated in amenorrhea; abnormal uterine bleeding due to hormonal imbalance in the absence of organic pathology, such as submucous fibroids or uterine cancer; habitual and threatened abortion; endometriosis; and as a presumptive test for pregnancy.

HYDROXYPROGESTERONE CAPROATE

This drug is indicated in amenorrhea; abnormal uterine bleeding due to hormonal imbalance in the absence of organic pathology, such as submucous fibroids or uterine cancer; as a test for continuous endogenous progesterone production (a presumptive test for pregnancy); for habitual and threatened abortion; for production of secretory endometrium and desquamation; as a test for endogenous estrogen production ("Medical D & C"); and for cyclomastopathies (mastodynia, adenosis, chronic cystic mastitis).

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273) as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety, prior to October 10, 1962), the submission of a supplement for revised labeling and a supplement for updating information as described in paragraph (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new-drug application, the submission of a full new-drug application as described in paragraph (a)(3)(iii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as probably effective (included in the "Indications" section above) and possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (c), (d), (e), and (f) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order may cause any related drug for human use offered for the indications for which substantial evidence of effectiveness is lacking to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing

to show why such indications should not be deleted from the labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 9238, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for the Academy's reports: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
Request for hearing (identify with docket number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-62, Parklawn Building.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

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

Dated: August 16, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-13228 Filed 9-8-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23675]

AERONAVES DE MEXICO, S.A.

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 October 12, 1971, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner F. Merritt Ruhlen.

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 October 5, 1971.

Dated at Washington, D.C., September 2, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-13238 Filed 9-8-71;8:48 am]

[Docket No. 23716]

AEROTRANSPORTES ENTRE RIOS S.R.L.

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 October 6, 1971, at 10:00 a.m., local time, in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Edward T. Stodola.

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 29, 1971.

Dated at Washington, D.C., September 2, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-13239 Filed 9-8-71;8:48 am]

[Docket No. 23345, etc.]

MODERN AIR TRANSPORT, INC., ET AL.

Notice of Hearing

Modern Air Transport, Inc., and Hugh B. Mitchell, Trustee of Standard Airways, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 23, 1971, at 10:00 a.m., e.d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on August 23, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 2, 1971.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[FR Doc.71-13237 Filed 9-8-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

TRW/HAZLETON LABORATORIES

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2H2665) has been filed by TRW/Hazelton Laboratories, 9200 Leesburg Pike, Vienna, VA 22180, on behalf of Hollywood Termite Control Co., Inc., Post Office Box 469, Alhambra, CA 91802, proposing that § 121.281 Aluminum phosphide (21 CFR 121.281) be amended (1) to permit direct contact, by fumigation, of the formulation containing aluminum phosphide with processed animal feeds, and (2) to increase the tolerance for phosphine in or on animal feeds resulting from the fumigation of these feeds with aluminum phosphide from 0.01 to 0.1 part per million.

Dated: September 2, 1971.

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

[FR Doc.71-13261 Filed 9-8-71;8:46 am]

UPJOHN CO.

2,6-Dichloro-4-Nitroaniline; Notice of Establishment of Temporary Tolerance

The Upjohn Co., Kalamazoo, Mich. 49001, submitted a petition requesting a temporary tolerance for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity plums (fresh prunes) at 20 parts per million from postharvest application. This temporary tolerance is in addition to the presently established tolerance for preharvest usage on plums (fresh prunes).

It has been determined that a temporary tolerance of 20 parts per million for residues of the fungicide in or on plums (fresh prunes) from combined preharvest and postharvest application is safe and will protect the public health. It is therefore established as requested on condition that the fungicide be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under The Upjohn Co. name.

This temporary tolerance expires September 2, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038).

Dated: September 2, 1971.

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

[FR Doc.71-13260 Filed 9-8-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19260; FCC 71-889]

FAIRNESS DOCTRINE AND PUBLIC INTEREST STANDARDS

Order Extending Time

In the matter of the handling of public issues under the Fairness Doctrine and the Public Interest Standards of the Communications Act.

1. The following pleadings have been filed in the above-captioned proceeding:

(a) A Motion for Extension of Time, filed by the American Civil Liberties Union on July 28, 1971.

(b) A Petition for Extension of Time, filed by the National Association of Broadcasters on August 4, 1971.

(c) A Request for Separation of Proceeding, filed by the Democratic National Committee on July 27, 1971.

2. The Democratic National Committee asks that questions raised in the notice of inquiry and notice of proposed rule making in Docket No. 18859 (FCC 70-507, 23 FCC 2d 27, 35 F.R. 7820) be separated from the Commission's inquiry into the fairness doctrine in Docket No. 19260 (FCC 71-623, 30 FCC 2d 26, 36 F.R. 11825). Docket 18859 concerns procedures that licensees may be required to follow to obtain the expression of other points of view on a controversial issue of public importance when one point of view has been broadcast over their facilities. Docket No. 19260 is a far-ranging inquiry into the fairness doctrine and the licensee's public interest obligation in the area of controversial public issue programing. The Democratic National Committee notes that Docket No. 18859 is limited in scope, and urges that prompt decision is of particular importance in light of the ongoing presidential election campaign. While we agree that the scope of Docket 18859 is comparatively narrow, we do not consider it appropriate to decide the issues raised there apart from the overall review of Commission fairness policies in Docket 19260. All matters at issue in both proceedings will be decided in as timely a manner as the Commission's resources and the nature of the subjects permit.

3. The National Association of Broadcasters asks that the time for filing comments in Docket No. 19260 be extended from September 10 to December 10, 1971. The American Civil Liberties Union asks for an extension of from 4 to 6 months.

4. In support of its petition, NAB states that the 90-day comment period originally allowed fell during the summer vacation period, that an unusually large number of FCC proceedings have fallen due for comment during that period, and that the task of preparing comments in a proceeding so broad in scope is formidable. The American Civil Liberties Union cites the summer vacation period, the complexity of the task, the decentralized nature of its operations, and its dependence on volunteer effort.

5. We appreciate that the inquiry is broad in scope and that the task of mastering historical materials and preparing cogent comments is one of some magnitude. In light of these circumstances, we would in ordinary times consider a 3-month extension to be in order, and we are granting such an extension for those matters under headings II and V in the Notice of Inquiry—the fairness doctrine generally and application of the fairness doctrine to political broadcasts. A 4- to 6-month extension would be excessive. However, recent court decisions dealing with product commercials and the general question of access to the broadcast media—headings III and IV of the Notice—create a pressing need for policy judments by the Commission in these areas; with regard to these parts of the inquiry, we are prepared to grant only a 30-day extension.

6. In view of the foregoing: *It is ordered*, That the time for filing comments and reply comments on headings II and V of this Inquiry is extended to December 10, 1971 and January 24, 1972, respectively; that the time for filing comments and reply comments on headings III and IV of this Inquiry is extended to October 11 and November 24, 1971, respectively; that the Democratic National Committee's request for separation of proceedings is denied; and that the two motions for extension of time are granted to the extent indicated above and are in other respects denied.

Adopted: August 26, 1971.

Released: August 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-13231 Filed 9-8-71;8:46 am]

[Docket No. 13341 etc.; FCC 71R-266]

CREEK COUNTY BROADCASTING CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of T. M. Raburn, Jr., trading as Creek County Broadcasting Co., Sapulpa, Okla., Docket No. 13341, File No. BP-11605; Tinker Area Broadcasting Co., Midwest City, Okla., Docket No. 13342, File No. BP-12410; M. W. Cooper, Midwest City, Okla., Docket No. 13344, File No. BP-12887, for construction permits.

1. The instant proceeding was originally designated for hearing under various qualifying and comparative issues by order of the Commission, FCC 60-13, released January 11, 1960. On March 15, 1961, the Hearing Examiner released an initial decision, FCC 61D-29, recommending a grant of the application of Tinker Area Broadcasting Co. (Tinker). By memorandum opinion and order, FCC 61-913, released July 24, 1961, the Commission remanded the proceeding to the Examiner for the adduction of additional evidence and the preparation of a supplemental initial decision. Shortly thereafter, action in the proceeding was continued sine die pending the possible allocation of a new Class II-A facility on 1210 kHz. Nearly 10 years later, the proceeding was reactivated by order of the Examiner, FCC 69M-858, released July 11, 1969.[1] Presently before the Review Board are the following: (1) Appeal from Examiner's adverse ruling, filed January 14, 1971, by M. W. Cooper;[2] (2) petition to enlarge issues, filed January 4, 1971, by Cooper;[3] and (3) petition to enlarge issues, refiled January 4, 1971, by the Broadcast Bureau.[4] The Board will first dispose of Cooper's appeal and will thereafter consider the two petitions to enlarge issues.

APPEAL FROM EXAMINER'S ADVERSE RULING

2. Cooper's appeal is from the Hearing Examiner's memorandum opinion and order (FCC 70M-1754, released December 23, 1970) allowing Tinker to amend its application to reflect a change in ownership. Prior to the amendment, which was filed on November 18, 1970, Tinker's stock was owned equally by Oscar Rose and R. Lewis Barton. Rose died in 1969 or 1970 (the date is not disclosed), and Tinker's amendment accordingly

[1] Commissioners Bartley, Johnson, and H. Rex Lee absent.

[1] A more fully documented history of this proceeding may be found in the Review Board's memorandum opinion and order, 20 FCC 2d 227, 17 RR 2d 713 (1969).

[2] Also before the Board are: (a) Opposition, filed Feb. 5, 1971, by Tinker; (b) comments, filed Feb. 5, 1971, by the Broadcast Bureau; and (c) reply, filed Feb. 18, 1971, by Cooper. By order, FCC 71M-29, released Jan. 7, 1971, the Examiner granted Cooper permission to file an appeal with the Review Board. The Examiner acted pursuant to § 1.301(b) of the Commission's rules, as amended by report and order of the Commission, Hearing Proceedings—Presiding Officer Authority, 26 FCC 2d 331, 20 RR 2d 1613 (1970).

[3] Related pleadings before the Board are: (a) Opposition, filed Jan. 18, 1971, by Tinker; (b) comments, filed Jan. 19, 1971, by the Broadcast Bureau; and (c) reply, filed Jan. 29, 1971, by Cooper.

[4] Associated pleadings before the Board are: (a) Opposition, filed Feb. 8, 1971, by Cooper; (b) financial data supplementary to his opposition, filed Feb. 19, 1971, by Cooper; (c) comments re: opposition of M. W. Cooper, filed Mar. 5, 1971, by the Broadcast Bureau; and (d) comments, filed Mar. 5, 1971, by Tinker.

deleted him as an owner, and in his place added his widow as a 25 percent stockholder[5] and Barton's son, Gerald, as a 10 percent stockholder.[6] The elder Barton's stock interest was increased by 15 percent from 50 percent to 65 percent. Cooper opposed the Tinker amendment on the grounds that "the usual elements of 'good cause' are lacking." FCC 70M–1754, supra at paragraph 4. The Examiner concluded that while he was:

> * * * sympathetic to Mr. Cooper's point of view in this matter, and wishe[d] devoutly that there could be an easy and prompt solution to this litigation, he is unable, in view of the tangled history and current status of this drawn-out proceeding, to find, on the merits, that [Tinker] has been actionably remiss in submitting the present amendment to its application * * *. Indeed, in view of the time element, including the presently scheduled date for the commencement of the hearing, in addition to the complexities stemming from the revival of this proceeding after a lapse of some eight (8) years due to the removal of the so-called "clear channel freeze", the Examiner cannot in good conscience hold [Tinker] in default for lack of "due diligence".

Accordingly, the Examiner granted Tinker's petition to amend, and invited an appeal from his ruling.

3. In support of his appeal to the Board, Cooper argues that the Examiner failed to hold Tinker's amendment to any of the following "good cause" requirements of Commission rule 1.522(b): Due diligence; voluntariness of the act of the applicant; necessity for modification or addition of hearing issues; disruption of the hearing process; and unfair prejudice and comparative advantage. Specifically, appellant contends that Tinker's amendment was not filed with due diligence since it was not filed until Tinker had exhausted its appeals on another amendment which was denied by the Examiner;[7] that the amendment resulted from voluntary actions on Tinker's part; that further issues may be required; that the hearing process will be disrupted; and that, by approving the amendment, the Examiner afforded Tinker a comparative advantage over Cooper. In view of these alleged defects, Cooper urges the Board to reverse the Examiner's ruling and to reject the amendment.

4. Both Tinker and the Broadcast Bureau oppose Cooper's appeal. Tinker argues that its application is essentially the same one as was filed 10 years ago and that its realined stock ownership does not confer on it a comparative advantage. Respondent contends that the stock rearrangement was dictated by mortality,[8] but that, in any event, no newcomer is represented in the revamped Tinker application. Respondent asserts that the participation of T. M. Raburn, Jr., in the prosecution of its application (see note 7, supra) is wholly independent of Raburn's decision to dismiss his Sapulpa application and does not constitute prejudice to Cooper; nor, submits respondent, does the new financial and engineering data contained in the amendment. Tinker further argues that it claims no superiority by virtue of Raburn's association with its application, and that, in any case, all parties are free to cross-examine its principals in this regard at the hearing. Owing to the exceptional history of this proceeding, argues Tinker, the Commission's usual criteria for accepting postdesignation amendments and the precedent cited by Cooper are equally inapplicable. Finally, Tinker claims that all rights of the other parties have been carefully safeguarded by the Examiner, and pleads that its application is entitled to fresh consideration at the renewed hearings.

5. In its comments, the Broadcast Bureau observes initially that the instant proceeding is presently defined by the Commission's remand order, FCC 61–913, supra, and its memorandum opinion and order granting Tinker's petition for declaratory ruling, 22 FCC 2d 438, 18 RR 2d 1005 (1970).[9] Consequently, submits the Bureau, the only issues to be determined are those affected by the 1960 U.S. census showing and those occasioned by the parties' responses to the "rules and policies which now obtain." 22 FCC 2d at 439, 18 RR 2d at 1007. No other comparative dimension remains in this remaineded case, urges the Bureau, and Cooper's argument that grant of Tinker's amendment will work a comparative disadvantage must necessarily fail. The Bureau further argues that while the date of the amendment may give rise to timeliness questions, it was properly received by the Examiner. The Bureau submits that, while the amendment may have been untimely, the Examiner was nonetheless correct in accepting it so that Tinker's application would be kept current and in compliance with § 1.65 of the Commission's rules. The Bureau contends also that the change in ownership was not voluntary as it was necessitated by human mortality.[10] Lastly, the Bureau contends that Cooper's assertion that the amendment may require the addition of other issues does not, of itself, necessitate disallowing the amendment.

6. In reply, Cooper controverts the Bureau's assurance that the Examiner's 1961 initial decision has removed the comparative aspect from this case. Cooper insists that the Commission cannot ignore the comparative impact of such facts as the death of Tinker's only principal residing or working in Midwest City[11] and let stand a final decision bottomed on a decade-old set of facts now patently no longer obtaining. Appellant alleges that the Bureau would countenance only the exploration of updated engineering data when substantial innovations occurring in other areas of Tinker's application necessitate the adduction of such evidence as will make possible a truthful comparative evaluation. Appellant contends further that Tinker has used the void created by the death of Oscar Rose to strengthen its comparative case.[12] Moreover, avers Cooper, Tinker's present ownership structure is not the result of natural succession to the estates of Mr. and Mrs. Rose. Cooper submits that the amended ownership showing represents a voluntary postmortem reorganization which suggests the need for nondisclosure and character qualifications issues. In conclusion, Cooper reaffirms Tinker's alleged lack of diligence and overreaching intent in having submitted the complained-of amendment.

7. In light of the unusual circumstances and unduly prolonged history of this proceeding, the Review Board will sustain the Hearing Examiner and deny the appeal taken from his ruling by Cooper. Thus, like the Examiner, the Board is aware of the many complexities, both procedural and equitable, which characterize the instant proceeding. The Board is further mindful of the protracted length of this case and the Commission's expressed desire that the mutually exclusive applications be made contemporary. See the Commission's memorandum opinion and order, supra, 22 FCC 2d at 440, 18 RR 2d at 1007–08. In this regard, the spirit of the Commission's ruling, as well as the precise lan-

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[5] A Tinker amendment reporting Mrs. Rose's passing on Dec. 23, 1970, was accepted, unopposed, by the Examiner, FCC 71M–152, released Jan. 28, 1971. Her estate holds her stock interest.

[6] Gerald Barton has been Secretary-Treasurer and a director, but not a stockholder, of Tinker since its incorporation in the 1950's.

[7] See 70M–1104, released Aug. 11, 1970, affirmed 26 FCC 2d 88, 20 RR 2d 451 (1970). In the cited order, the Examiner denied a proposed amendment filed on July 21, 1970, by Tinker which would have, among other things, added T. M. Raburn, Jr., as a 15 percent stockholder of Tinker. Raburn is the sole principal of Creek County Broadcasting Co. (Creek County), one of the applicants herein, and is seeking to withdraw his application from the proceeding. A petition to dismiss his application is now pending before the Examiner, having been held in abeyance by the order now under appeal (FCC 70M–1754). Raburn prepared the Tinker amendment which was rejected by the Examiner in August 1970. The amendment now under consideration is virtually identical to the earlier one.

[8] Tinker contends that the deaths of Oscar Rose and his wife were reported to the Commission.

[9] In its memorandum opinion and order, the Commission permitted the applicants to amend their applications in order to bring them up to date and in compliance with now existing Commission policies (e.g., the Suburban Community Policy).

[10] In this respect, the Bureau maintains that no additional comparative advantage can accrue to Tinker as a result of the ownership changes resulting from the deaths of Mr. and Mrs. Rose. The Bureau cites The Young People's Church of the Air, Inc., FCC 61–401, 21 RR 476 (1961).

[11] Cooper notes that the only two viable applications now competing for the mutually-exclusive facilities are those prosecuted by the two Midwest City entities. One Sapulpa application (Sapulpa Broadcasting Corp.) has been dismissed and the other (Raburn) has a dismissal request pending. See note 7, supra.

[12] Cooper asserts that the death of Oscar Rose, not that of his wife in December 1970, prompted the proposal of Gerald Barton as a stockholder in November 1970.

guage therein,[13] prompts the Board to support the Examiner's determination to accept Tinker's amendment. The Board is persuaded that however untimely be the information contained in the amendment, Tinker has not, in the words of the Examiner, been "actionably remiss in submitting the present amendment to its application." Appellant has not persuaded us that the chronology involved in Tinker's submission of its amendment has, per se, invoked prejudice.[14] And, while it is true that the circumstances surrounding the amendment necessitate the addition of an issue (see paragraphs 17–18, infra), that issue would be specified whether or not the amendment is accepted, and we agree with the Bureau that this fact is not, of itself, an adequate basis for rejecting the amendment under the circumstances of this case. In addition, and in spite of less than seemingly full disclosure by Tinker of its revamped ownership structure, the Review Board cannot accept appellant's contention that the amendment was voluntary. Appellant has questioned the circumstances surrounding, but not the fact of Oscar Rose's death; that of Mrs. Rose has not been disputed. Redistribution of the Rose interests,[15] therefore, cannot be said to derive from a voluntary act of Tinker.[16]

8. As renewed hearings in the instant proceeding are still in progress, the Review Board does not feel that acceptance of the amendment would unduly disrupt their pace. Appellant has not so contended in more than passing, and the Examiner has indicated by his acceptance of the amendment that it would not disrupt the hearing. Compare Erwin O'Connor Broadcasting Co., supra. Furthermore, Cooper has not shown that acceptance of the amendment would afford Tinker a comparative advantage. The fact that Tinker's ownership would be realigned somewhat does not have any decisional significance in the absence of a credible integration proposal. Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965). Except for the allegation that the Examiner "praised" Gerald Barton in the 1961 initial decision, supra, Cooper has alleged no specific facts to support his vague and general contention of prejudice. Significantly, none of Tinker's principals, including Gerald Barton, propose to spend full time or even substantial time at the station, and the part-time participation envisioned (initial decision, FCC 61D–29, supra, paragraphs 72–75) is not of substantial value under the Policy Statement. In our view then, the ownership changes effected by Tinker's amendment do not result in "a prima facie improvement of [Tinker's] comparative position." Triple C Broadcasting Corp., 12 FCC 2d 503, 507, 12 RR 2d 1008, 1014 (1968). See also Great River Broadcasting, Inc., 12 FCC 2d 35, 12 RR 2d 659 (1968). The Board, in sum, feels that the extenuating circumstances of this unique case justify acceptance of the amendment. Compare Chapman Radio and Television Co., 26 FCC 2d 891, 20 RR 2d 977 (1970).

9. Finally, we believe that both applicants should be afforded the opportunity to update their applications in all pertinent respects. Considerable and involuntary changes may have occurred during the 10 years since the Hearing Examiner issued his initial decision in this proceeding. We have therefore concluded that the applications involved in this proceeding should be amended to reflect material changes, e.g., ownership alterations owing to the death of principals and devolution of property; results of the 1970 U.S. census; and recent developments in Commission policies. Cf. WORZ, Inc. v. FCC, 120 U.S. App. D.C. 191, 345 F. 2d 85, 4 RR 2d 2015 (1965).[17] The applicants herein will therefore be given a period of ninety (90) days from the release date of this memorandum opinion and order in which to file appropriate items of information updating their applications.[18]

COOPER'S PETITION TO ENLARGE ISSUES[19]

10. Real party-in-interest issue: In its petition,[20] Cooper first requests a real part-in-interest issue against Tinker, contending that the amendment appealed from above was first submitted in July 1970 (see note 7, supra), and was patently the work of T. M. Raburn, Jr., with whose application that of Tinker's was and is mutually exclusive. Cooper alleges that although the amendment was resubmitted in November 1970, and was represented to have been prepared under the direction of, but not directly by, R. Lewis Barton, the resubmitted amendment is virtually identical with its July predecessor. Petitioner therefore urges that an issue be added to determine whether Tinker's amended application is actually the product of another party, and, if so, whether such authorship represents a conflict of interest disqualifying Tinker as an applicant before the Commission.

11. In opposition, Tinker pleads that both its submitted amendments were prepared by Raburn under the direction of R. Lewis Barton and that no other representation of their authorship was ever intended. Both amendments, affirms respondent, were essentially identical, despite the changed status of Raburn. In its comments, the Broadcast Bureau argues that Cooper's threshold showing is insufficient to warrant a real party-in-interest issue. Tinker's pleadings, contends the Bureau, recite the altered relationship between Messrs. Raburn and Barton, but hearings are already scheduled to explore the change more fully. The Bureau's conclusion is that no useful purpose would be served by inclusion of the requested issue. In reply, Cooper stresses again that, regardless of the ultimate disposition of Raburn's dismissal request, Tinker permitted amendment of its own application by the principal of a viable and mutually exclusive applicant. Petitioner concludes that an appropriate issue would determine whether Tinker abdicated its responsibility as an applicant and indulged in a conflict of interest.

12. Cooper's request for a real party-in-interest issue will be denied. "[T]he test for determining whether a third person is a real party in interest is whether that person has an ownership interest, or is or will be in a position to actually or potentially control the operation of the station." Sumiton Broadcasting Co., Inc., 15 FCC 2d 400, 405, 14 RR 2d 1000, 1007 (1968). See WLOX Broadcasting Co. v. FCC, 104 U.S. App. D.C. 194, 260 F. 2d 712, 17 RR 2d 2120 (1958). In this case,

[13] See paragraphs 6 and 7 of the Commission's memorandum opinion and order.

[14] Erwin O'Connor Broadcasting Co., 22 FCC 2d 140, 18 RR 2d 820 (1970), cited by appellant, is inapposite owing to the factual dissimilarities of that case and to the appreciably greater and unexplained length of delay there obtaining. Due diligence was not, moreover, of exclusive decisional significance in Erwin O'Connor and discussion of it could there be most appropriately labeled dicta. The Review Board acknowledged, lastly, that "the factor of due diligence has not necessarily been controlling in determining whether good cause exists for postdesignation amendments relating to an applicant's basic qualifications." Erwin O'Connor, supra, 22 FCC 2d at 143, 18 RR 2d at 824.

[15] Stock held by Mrs. Rose at the time of her death was apparently included in her estate. According to respondent, Mrs. Rose's will has yet to be probated. See note 5, supra.

[16] Cleveland Telecasting Corp., 4 RR 2d 325 (1965), also cited by Cooper, dealt with a distinguishable situation where stockholders were inexplicably and massively reorganized. Appellant in Cleveland, tellingly, pleaded only that the occurrences precipitating need of amendment were not "unduly" voluntary. Flower City Television Corp., 4 FCC 2d 384, 8 RR 2d 209 (1966), is likewise inapposite as the Board there determined that the proposed amendment did not deal with "involuntary changes resulting from the death or disability of the principals * * *." 4 FCC 2d at 384, 8 RR 2d at 210.

[17] In this connection, we believe that the comparative issue must be reevaluated by the Examiner on the basis of the applicants' proposals as updated, rather than on the basis of a stale record over 10 years old.

[18] The Board's action here is in recognition of the Commission's memorandum opinion and order, supra, permitting the applicants the right to amend their applications "in light of existing policies and requirements." 22 FCC 2d at 439, 18 RR 2d at 1007. The Board acknowledges that its own directives are in consequence of the Commission's above action and are issued by way of complement to it. Hence, the Board directs the applicants to consider the Commission's rationale in allowing selective amendment of the instant applications.

[19] Cooper's request for a Suburban Community issue against Tinker will be considered in paragraph 19, et seq., infra, together with the Broadcast Bureau's request for the same issue against both Tinker and Cooper.

[20] Cooper asserts by way of preface to its petition that the pleading will provisionally assume our acceptance of Tinker's amendment reflecting changes in ownership.

Cooper has clearly failed to make the necessary threshold showing to support the addition of a real party-in-interest issue against Tinker. Thus, the Board is not persuaded by Cooper that Tinker or its principals have attempted to conceal or misrepresent the nature of the relationship between Raburn and Boston. In fact, Tinker discloses in its opposition pleading that Raburn's changed position (from stockholder to proposed employee) was the result of its decision not to include him as a stockholder and thus to avoid the question of a possible comparative advantage. Respondent also does not fail to disclose that Raburn will continue to participate actively in the prosecution of Tinker's application and will help get the station established. It is not shown, however, that Raburn will have "an ownership interest, or is or will be in a position to actually or potentially control" Tinker and/or its station. Sumiton, supra. In sum, all of the pertinent facts have been disclosed; since 1969, when this proceeding was reactivated, Raburn has been actively seeking to dismiss his Sapulpa application and to associate himself with one or both of the remaining applicants. Under all of the circumstances, the Board agrees with the Bureau that Cooper has not shown that Raburn and Tinker have participated in a conflict of interest affecting the public interest or that further investigation of their relationship would be appropriate at this time. Cf. Lamar Life Broadcasting Co., 26 FCC 2d 112, 121, 20 RR 2d 509, 521 (1970). However, should it develop at further hearing sessions that an issue inquiring into the Raburn-Tinker relationship is warranted, a request for such an issue will be entertained by the Board.[31]

13. Suburban programing issue: Cooper also seeks an issue to determine what efforts Tinker made to ascertain community needs prior to submission of its July and November amendments. Petitioner contends that Tinker's silence in this regard raises a question as to whether any preamendment attempt to ascertain needs has shaped Tinker's programing proposal. In opposition, Tinker maintains that its proposed programing and programing policies were derived from surveys made periodically in and around Midwest City by Raburn and others. Respondent disclaims knowledge of any responsibility to describe its survey efforts in detail. The Bureau, referring to the Commission's declaratory ruling in its memorandum opinion and order, supra, 22 FCC 2d 438, 18 RR 2d 1005, submits that Tinker need not have made an ascertainment showing prior to submission of its amendment inasmuch as the Commission specifically directed all showings delayed until after publication of its Primer on Ascertainment of Community Problems by Broadcast Applicants, now published at 27 FCC 2d 650, 21 RR 2d 1507 (1971). In reply, Cooper notes that Tinker's opposition merely mentions ascertainment efforts without presenting any sworn affirmation by principals with personal knowledge. Cooper seemingly assents, however, to the Bureau's suggestion that requests for relief be postponed until after the Commission's Policy Study (Primer) has been completed.

14. More than 90 days have elapsed since publication of the Commission's Primer which sets forth with particularity the standards to be observed by applicants in ascertaining community needs and problems. According to an examination of the Commission's public files, Tinker has failed to amend its application to conform with the Primer. Tinker's failure to amend is particularly significant for the following reasons: First, the detailed provisions of the Primer are a direct reflection of Commission "rules and policies which now obtain" and which were directly adverted to by the Commission in its memorandum opinion and order, supra, granting the applicants herein leave to amend their proposals "to comply with current policies and requirements in accordance with this opinion." 22 FCC 2d at 440 n. 7, 18 RR 2d at 1008 n. 7. Second, Tinker, in its November 1970 amendment, expressly represented to the Commission that information pertinent to its ascertainment of community needs would "be supplied later on order of Commission." (FCC Form 301, § IV–A.) The "order of [the] Commission" (i.e., the Primer) has been released and Tinker has failed to supply the necessary information. Furthermore, the present programing information in Tinker's application is woefully out of date. Therefore, the Board will grant Cooper's request and add a Suburban issue against Tinker.

15. Financial qualifications issue: In support of the request for a financial qualifications issue against Tinker, Cooper avers that Tinker earmarks only $48,000 for first-year salaries, yet there are to be eight employees and T. M. Rayburn, Jr., is to receive an annual salary of $12,000 in addition to expenses. Furthermore, argues Cooper, Tinker's entire financial showing was out of date by more than 90 days prior to November 1970. In opposition, Tinker argues that it will have sufficient funds for construction and operation because of the personal financial responsibility pledged by R. Lewis Barton for prosecution of the application, construction of the proposed station, and 1 year's operation. Respondent also adverts to Barton's $3 million worth of assets. The Bureau concurs with petitioner that Tinker's balance sheet was out of date when filed and submits that the liquidity of certain of Barton's assets—for example, his bank stock—has not been demonstrated so as to assure the Commission of their ready availability. The Bureau supports the addition of a financial issue to determine Tinker's source—though not its sufficiency — of funds. In reply, Cooper reiterates its requests for a financial issue owing to "certain expense discrepancies" and the thin liquidity of an "outdated" Tinker financial proposal.

16. The Review Board agrees with Cooper and will therefore add an issue to determine whether Tinker will have available sufficient funds to ensure construction and operation of its proposed facility. As Cooper points out, Tinker's amended financial showing was outdated when filed and numerous of the principals' assets were not readily available as catalogued, e.g., realty, interfamily note, Barton Theatre Co. stock and debentures. Cf. Lamar Life Broadcasting Co., supra. We do not, however, believe that Cooper's allegations are sufficient to warrant the addition of a cost estimates issue.

17. Nondisclosure issues: Lastly, Cooper requests nondisclosure issues against Tinker to determine the circumstances surrounding Tinker's failure to inform the Commission of Oscar Rose's death in timely fashion. See paragraph 2, supra.[32] Numerous queries are posed by the demise of Oscar Rose and the disposition of his estate, asserts petitioner, but the requested issue is warranted simply by Tinker's having participated in a reactivated proceeding for over 7 months without having disclosed the antecedent death of a 50 percent stockholder. In opposition, Tinker submits that it has always been a "closed" corporation and that at no time have the real parties in interest been unknown to the Commission. Notably, recites respondent, R. Lewis Barton has always held at least 50 percent of the stock. The Bureau supports Cooper's request. In reply, petitioner styles evasive and unresponsive Tinker's explanations of its stockholders' identities and their acquisition of shares.

18. The Board will add a rule 1.65 issue against Tinker. It is beyond dispute that Tinker did not inform the Commission of Oscar Rose's death until July 1970, which was about 17 months late. Tinker offers no excuse whatsoever for this delay; and the fact that the proceeding was lying dormant because of the "clear channel freeze" is not sufficient reason for failing to comply with rule 1.65. Folkways Broadcasting Co., Inc., 26 FCC 2d 175, 177, 20 RR 2d 528, 532 (1970). In our view then, the circumstances surrounding the failure to timely disclose Rose's death to the Commission require further investigation at the hearing. It is noteworthy that, despite Tinker's general

[31] It is noted that the relationship between Raburn and Tinker was explored at hearing sessions held on Feb. 8 and 9, 1971. Raburn and R. Lewis Barton testified; however, the Board finds nothing in the testimony to support Cooper's instant request for a real party-in-interest issue against Tinker.

[32] In neither of its two petitions for leave to amend, filed in July and November 1970, did Tinker ever reveal the date of Oscar Rose's death. However, it was disclosed at the February 8, 1971, hearing that Rose died on January 29, 1969. Tr. 2414.

disclaimer of an intention to deceive the Commission. Cooper's allegations concerning Tinker's nondisclosure are virtually uncontested and his suggested conclusions are unanswered.

BROADCAST BUREAU'S REFILING OF PETITION TO ENLARGE ISSUES [22]

19. Suburban community issue: [24] The Bureau insists that both Tinker's and Cooper's proposed service raise an unrebutted presumption that each applicant realistically intends service for Oklahoma City, Okla., rather than for Midwest City, Okla., the community of license of each. The Bureau submits that the Commission's Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), is controlling because both applicants demonstrate a substantial (50 percent or more) 5 mv/m contour penetration of Oklahoma City (1960 population 324,253), a city many times larger than Midwest City (1960 population 36,058).

20. In a detailed opposition, Cooper argues that the Suburban Community presumption is effectively rebutted by the facts of his proposed service to Midwest City. Respondent cites three factors in support of his contention that his application cannot be considered a surreptitious attempt to serve Oklahoma City: First, Cooper proposes the lowest possible power (250 watts); second, Cooper's directionalized antenna system suppresses radiation towards the densely populated center of Oklahoma City; and third, Cooper's proposed facility is to be located within the city limits of Oklahoma City only because of interference considerations and the expansionist annexation policy of Oklahoma City.[25] In this regard, Cooper insists that his transmitter site is "well removed" from the "built-up" area of the city. Cooper also alleges that in the Policy Statement, supra, the Commission recognized that proposed power, antenna directionalization, coverage, and protection of existing stations are all factors to be considered in rebutting the service presumption. Cooper also cites Goodman Broadcasting Co., 10 FCC 2d 141, 143 n. 2, 11 RR 2d 331, 334 n. 2 (1967), to illustrate the Board's recognition of the above technical factors in its resolution of requests for a Suburban Community issue. Cooper stresses also that Midwest City is the fourth largest city in the State of Oklahoma and is economically viable as well as independent of Oklahoma City in schooling, government, services, and commerce. Respondent contends that denial of a Suburban Community issue is here precedented by Childress Broadcasting Corporation of West Jefferson (WKSK), FCC 70-1032, 20 RR 2d 335, and, for similar reasons (though in particular because Midwest City has its own distinct community needs, but not local broadcast facility), by Howard L. Burris, 27 FCC 2d 290, 20 RR 2d 1087 (1971).[26] Cooper pleads that Midwest City identifies itself more closely with Tinker Air Force Base than with Oklahoma City and shares many of the Base's needs and interests. Finally, Cooper submits that Midwest City's annual retail sales total $58.7 million which, at the industry-accepted percentage of 0.0035, yields over $200,000 in radio billing potential, although Cooper has estimated a more modest $120,000 in advertising revenues.

21. Cooper does, however, support the Bureau's request for a Suburban Community issue against Tinker in view of Tinker's proposal for high power (1,000 watts) and directionalized service (a 5 mv/m signal would cover larger and neighboring Oklahoma City). Petitioner submits that the two cited elements raise a presumption that Tinker realistically intends to serve Oklahoma City and its environs. In support, Cooper cites: Miners Broadcasting Service, Inc. v. FCC, 121 U.S. App. D.C. 222, 349 F. 2d 199, 5 RR 2d 2086 (1965); KEZY Radio, Inc., 3 FCC 2d 407, 7 RR 2d 294 (1966); and Goodman Broadcasting Co., supra. Tinker itself remarks only that if a Suburban Community issue is added by the Review Board in this proceeding, it should apply to Cooper as well as to it inasmuch as Cooper would also penetrate Oklahoma City with a 5 mv/m contour.

22. In its comments, which are in the nature of a reply, the Bureau relies on Howard L. Burris, supra, to detail numerous factual considerations which it regards as significant in determining whether Cooper has rebutted the 307(b) Policy Statement presumption. The Bureau discerns many important similarities between the instant applications and those in Burris which were adjudged to have rebutted the 307(b) service presumption. It is also noted by the Bureau that, in spite of Tinker's not having filed an opposition to its request, Tinker's application is so like Cooper's in its proposed penetration of Oklahoma City that the Board may want to accord both applications similar disposition. The Bureau therefore invites the Board to consider whether Cooper has overcome the 307(b) service presumption.

23. From the substantial amount of information submitted by Cooper, the Board has concluded that any presumption of his realistically intending service for Oklahoma City rather than for Midwest City has been effectively rebutted. Cf. Edward G. Atsinger, III, —— FCC 2d ——, 22 RR 2d 236 (1971). First, Cooper has adequately documented the autonomy of Midwest City and the distinctive needs of that community. Respondent has submitted considerable data attesting to the economic, political, educational, and commercial independence of Midwest City, as well as substantial information demonstrating a relative neglect of Midwest City and its peculiar needs by the media. In view of this showing, the Board is persuaded that Midwest City, Okla., is a viable and distinct community having its own needs. Second, and perhaps most importantly, the Board is convinced that the technical aspects of Cooper's proposal indicate a clear intention to direct his service to his specified community, and not to adjacent Oklahoma City. Thus, Cooper has demonstrated that his directional pattern and proposed power are consistent with his avowed intent to provide Midwest City with its first local transmission service. Protection requirements vis-a-vis adjacent frequencies and the exigencies of requisite coverage explain the choice of transmitter site and the directional antenna pattern, both of which would otherwise be irregular. Cf. Policy Statement, supra. The 307(b) community service presumption has therefore been rebutted by Cooper and no issue is warranted to determine whether he realistically proposes a local transmission service for his specified community.

24. A Suburban Community issue will be specified against Tinker, however, because, unlike Cooper, it has failed to make any showing, let alone an adequate one, that it realistically proposes a local transmission service for Midwest City. Tinker proposes high power and a directionalized antenna system and, in the past, the Commission has recognized the significance of these factors. See Goodman Broadcasting Co., supra, 10 FCC 2d at 143 n. 2, and cases cited therein. Moreover, unlike Cooper, it has failed to expressly disclaim an intention to render primary service to Oklahoma City. Cf. Howard L. Burris, supra.

25. Financial qualifications issue. In support of its request for a financial issue against Cooper, the Bureau argues that Cooper does not show sufficient funds to construct and operate his proposed station for 1 year. The Bureau estimates that Cooper's proposed facility will require $96,059 in cash,[27] exclusive of realty costs.[28] According to the Bureau, however, the only current and liquid assets available to Cooper are $71,253.63 in

[22] The instant petition represents the refiling of a pleading first submitted to the Review Board on November 5, 1969, in request of substantially the same relief, i.e., addition of a Suburban Community issue against Tinker and Cooper. For the first time, however, the Bureau also suggests that a financial issue be added against Cooper. Petitioner explains that its original filing was dismissed without prejudice to refiling at an appropriate time by Order of the Board, FCC 70R-179, 23 FCC 2d 172.

[24] At this juncture, the Board will also consider Cooper's request for a Suburban Community issue against Tinker. See note 19, supra.

[25] Cooper attaches an affidavit and statement from his consulting engineer in support of his assertions.

[26] Cooper appends voluminous matter in definition of a composite profile for Midwest City.

[27] The Bureau's computation includes: Down payment on equipment (Gates' letter of Jan. 13, 1970, specifies $31,515 with 25 percent down and balance payable over 36 months): $7,879; first-year payments on equipment: $7,878; first-year interest on equipment balance (at an estimated 6 percent): $1,418; miscellaneous expenses: $10,800; and first-year's cost of operation: $68,084.

[28] The Bureau notes that Cooper has earmarked $2,106 per annum for rent, but submits that the figure is unreasonably low for a radio station building and tower space.

securities, less $3,000 in liabilities, or an inadequate sum total of $68,251.63. Moreover, indicates the Bureau, Cooper's list of liquid assets represents their value as of April 15, 1968. The Bureau is also skeptical of Cooper's assurances that he can generate funds from sale of his personal property (valued at $21,500) and his realty holdings (an asserted equity of $42,000 in property with encumbrances of $37,500). The Bureau claims that Cooper has demonstrated neither the alienability of his real estate holdings nor their projected sales value of $35,000. In the Bureau's opinion, Cooper should provide verified realty appraisals and sworn statements of real estate agents concerning the ready marketability of Cooper's holdings. The Bureau also apparently discounts Cooper's statement that bank financing is available in the amount of $20,000 in addition to his personal finances. Therefore, in the absence of a pleading responsive to the Bureau's allegations of financial uncertainty, petitioner would have the Board add a financial issue against Cooper.

26. In opposition, Cooper contends that in addition to the $68,000 credited to him by the Bureau, a loan of up to $100,000 has been made available to Cooper by a personal friend, one M. A. Eichhorn.[29] If more money were to be needed,[30] argues Cooper, he is prepared to dispose of any and all of his assets, the total net value of which allegedly exceeds $130,000.[31]

27. In its comments regarding Cooper's opposition, Tinker echoes the Bureau's request for a financial issue. Tinker finds Cooper's report of his "current financial status" to be stale and incomplete. Tinker contends, for example, that security values are listed as of April 14 and 15, 1968, and are thus outdated and unreflective of current worth. Tinker also disparages the financial credentials submitted by Eichhorn insofar as they purport to establish his ability to lend Cooper up to $100,000. For instance, submits Tinker, Eichhorn specifies an investment of $909,761 in Furniture Fair, Inc., and Horn Brothers Furniture Co. of Tulsa, Inc., but does not disclose his interest therein beyond signing the attached balance sheet as "President". Moreover, adds Tinker, the only quick liquid assets cataloged by Eichhorn are a note receivable for $20,000; cash-on-hand and bank deposits totaling $9,900; a cash amount of $3,768 listed on the balance sheet of his half-owned Flying H. Ranch; and a checking account balance of $300 noted in the financial statement of Combined Properties, Inc. Tinker concludes that the data submitted by Cooper pose many questions which now more than ever warrant a financial issue.

28. In reply, the Bureau renews its plea for a financial issue against Cooper. The Bureau is unpersuaded that Eichhorn's letter of credit assures Cooper of adequate funds for the construction and first-year operation of its proposed facility. The Bureau questions whether Eichhorn's assets are liquid enough to support the tendered loan without regard to current liabilities.

29. In the Board's opinion, Cooper's financial showing offers insufficient assurance that respondent's assets are current enough, or substantial enough, to provide reasonable assurance of the construction and first-year operation of his proposed facility. The financial statement of Cooper is hardly current—particularly in regard to values for securities—and does not demonstrate sufficient liquidity (e.g., cash accounts, notes payable, surrender value of insurance policies), or the ready alienability of fixed assets and personal property (e.g., real estate, improvements, furnishings). The financial information supplied by Eichhorn to support his ability to make a $100,000 loan to Cooper is subject to the same infirmities. In particular, Eichhorn has not demonstrated the availability of his fixed assets and investments for conversion into cash or credit to the use of Cooper. An issue must therefore be framed to determine the availability to Cooper of funds for construction and maintenance of his facility during the first year of operation.

30. *Accordingly, it is ordered*, That the appeal from Examiner's adverse ruling, filed January 14, 1971, by M. W. Cooper, is denied;

31. *It is further ordered*, That the petition to enlarge issues, filed January 4, 1971, by M. W. Cooper, is granted to the extent indicated below and is denied in all other respects; and

32. *It is further ordered*, That the petition to enlarge issues, refiled January 4, 1971, by the Broadcast Bureau, is granted to the extent indicated below and is denied in all other respects; and

33. *It is further ordered*, That the issues in this proceeding are enlarged so as to include the following issues:

(1) To determine the efforts made by Tinker Area Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests; and

(2) To determine whether Tinker Area Broadcasting Co. has available sufficient additional funds, without reliance on revenue, to construct and operate its proposed station for 1 year; and, in light thereof, whether Tinker Area Broadcasting Co. is financially qualified; and

(3) To determine whether Tinker Area Broadcasting Co. has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of the substantial change in the matter specifically referred to in this memorandum opinion and order; and, if not, to determine the effect of such noncompliance on the basic and comparative qualifications of Tinker Area Broadcasting Co. to be a Commission permittee; and

(4) To determine whether the proposal of Tinker Area Broadcasting Co. will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not limited to, evidence showing:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

(5) To determine, in the event it is concluded pursuant to the foregoing issue (4) that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the Rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service; and

(6) To determine whether M. W. Cooper has available sufficient additional funds, without reliance on revenue, to construct and operate his proposed station for 1 year; and, in light thereof, whether M. W. Cooper is financially qualified.

34. *It is further ordered*, That the burden of proceeding with the introduction of evidence and proof under issues (1), (2), (4), and (5) added herein shall be on Tinker Area Broadcasting Co.; that the burden of proceeding under issue (3) added herein shall be on M. W. Cooper; that the burden of proof under issue (3) shall be on Tinker Area Broadcasting Co.; and that the burdens of proceeding with the introduction of evidence and proof under issue (6) added herein shall be on M. W. Cooper; and

35. *It is further ordered*, That the applicants herein shall, within ninety (90) days from release of this memorandum opinion and order, submit appropriate information updating their applications so as to reflect all material changes.

Adopted: September 1, 1971.

Released: September 2, 1971.

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

[FR Doc.71-13232 Filed 9-8-71;8:46 am]

[29] Cooper attaches to his opposition a letter of credit from Eichhorn, together with a detailed (but, in part, almost wholly indecipherable) financial statement from the latter.

[30] Cooper estimates the cost of land and a cinder block transmitter building to be $11,500.

[31] Respondent also attaches a copy of his "Current Financial Status" (dated January 2, 1970, but with stock values as of April 15, 1968) and an affidavit in testimony thereof, dated February 8, 1971.

FEDERAL MARITIME COMMISSION

STATE OF HAWAII AND MATSON NAVIGATION CO.

Notice of Agreement Filed

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

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

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

Notice of Agreement Filed by:

Mr. Fujio Matsuda, Director, Department of Transportation, State of Hawaii, 869 Punchbowl Street, Honolulu, Hawaii 96813.

Agreement No. T-2171-2, between the State of Hawaii (State) and Matson Navigation Co. (Matson), modifies the Agreement No. T-2171, as amended, which provides for the lease of marine terminal space to Matson for use as a container facility. The purpose of the modification is to remove a certain parcel of land, known as Parcel 1-A, from the premises and to add an easement for the use of an area upon which a gatehouse, truck scale, and inspection catwalk are located. For the surrender of Parcel 1-A, Matson's rental to the State will be abated by $2,947.15 annually, for the addition of the above easement, Matson's rental will be increased by $948.87 annually, for a net effective decrease of $1,998.28 in annual rental for the premises.

Dated: September 2, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-13254 Filed 9-8-71;8:49 am]

MED-GULF CONFERENCE

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. G. Ravera, Secretary, Med-Gulf Conference, Post Office Box 1070, Genoa, Italy 16100.

Agreement No. 9522-18, between the member lines of the Med-Gulf Conference modifies subparagraph c of Article 6 of the basic agreement to provide that member lines represented by proxy at Principals Meetings will contribute to form the prescribed quorum.

Dated: September 2, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-13255 Filed 9-8-71;8:49 am]

SMALL BUSINESS ADMINISTRATION

[License Application 09/14-5086]

LA RAZA INVESTMENT CORP.

Notice of Application for a License as a 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 La Raza 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:

Henry Santiestevan, 2716 Colt Run Road, Oakton, VA 22124, President and Director.
Miguel F. Barragan, 416 Jefferson Street, Phoenix, AZ 85004, Vice President, Secretary, and Director.
Edward R. Lucero, 10370 West 18th Place, Denver, CO 80215, Vice President and Director.
Louis P. Ramirez, 3538 Bryant Street, Denver, CO 80211, Vice President and Director.
Alexandro P. Mercure, 828 Guadalupe Circle NW., Albuquerque, NM 87114, Vice President, Treasurer, and Director.
Roldan C. Trujillo, Post Office Box 246, Tijeras, NM 87059, Vice President and Director.
Armando de Leon, 6245 West Wolf, Phoenix, AZ 85033, Vice President and Director.

The applicant, an Arizona corporation, with its principal place of business located at 132 South Central Avenue, Phoenix, AZ 85004, will begin operations with $210,000 of paid-in capital, consisting of 210,000 shares of common stock. All of the issued and outstanding stock will be owned by Southwest Council of La Raza, with a place of business located at 132 South Central Avenue, Phoenix, AZ 85004.

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 the acquisition, ownership, or maintenance of 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 Phoenix, Ariz.

Dated: August 27, 1971.

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

[FR Doc.71-13222 Filed 9-8-71;8:46 am]

DEPARTMENT OF LABOR

Manpower Administration

EMERGENCY EMPLOYMENT ASSISTANCE

Notice of Determination of Apportionments

Listed below, as required by section 9(c) of the Emergency Employment Act of 1971, are the apportionments made by the Secretary of Labor of the $600 million appropriated by Public Law 92-72 approved August 9, 1971, pursuant to sections 9(a)(1) and 9(b) of the Emergency Employment Act.

The money has been apportioned among the States based on (1) the proportion the number of unemployed persons in the State bears to the national total of unemployed persons and (2) the proportion the number of unemployed persons in excess of 4.5 percent within a State bears to the number of unemployed persons in excess of 4.5 percent within the United States. No State has been allocated less than $1,500,000.

The amount apportioned to each State has been further apportioned within the States to (1) cities with a population of 75,000 or more, (2) counties with a population of 75,000 or more exclusive of cities with a population of 75,000 or more, and (3) the balance of the State. Funds intended for the balance of the State have been allocated to the State government. Apportionment among cities, counties, and the State government for the balance of the State were made in accordance with (1) the proportion the number of unemployed persons within the area bears to the total number of unemployed persons in the State, and (2) the proportion the number of unemployed persons in excess of 4.5 percent within the area bears to the number of unemployed persons in excess of 4.5 percent within the State. In addition, the State governments were allocated funds for expenditures in the cities and counties of 75,000 or more in an amount which is proportionate to the State government's share of public employment within the city or county.

A total of $1,500,000 was apportioned among the Virgin Island, Guam, American Samoa, and the Trust Territory of the Pacific in accordance with the total populations of each.

In addition to the above, $3,420,000 has been apportioned to Indian tribes on Federal or State reservations.

The apportionments for the various States, cities, and counties are set forth below.

Dated at Washington, D.C., this 30th day of August 1971.

J. D. HODGSON,
Secretary of Labor.

ALABAMA

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Birmingham	$355.2	$248.2	$107.0
Huntsville	139.5	139.5	0.0
Mobile	330.9	260.8	70.1
Montgomery	96.6	58.0	38.7
Calhoun County	104.5	76.3	28.1
Etowah County	212.5	92.9	119.6
Jefferson County	354.2	354.2	0.0
Mobile County	292.4	230.4	62.0
Morgan County	117.7	117.7	0.0
Tuscaloosa County	96.6	39.5	57.1
Subtotal	2,100.2	1,617.6	[1] 482.6
Balance of Alabama	2,899.8		[2] 2,899.8
Total	5,000.0	1,617.6	3,382.4

ALASKA

Greater Anchorage Area Burrough	$1,055.9	$865.7	$190.2
Subtotal	1,055.9	865.7	[1] 190.2
Balance of Alaska	2,094.1		[2] 2,094.1
Total	3,150.0	865.7	2,284.3

ARIZONA

Phoenix	$1,021.9	$768.8	$253.1
Tucson	385.8	223.2	162.6
Maricopa County	552.7	347.6	205.1
Pima County	52.1	52.1	0.0
Subtotal	2,012.6	1,391.8	[1] 620.8
Balance of Arizona	667.4		[2] 667.4
Total	2,680.0	1,391.8	1,288.2

ARKANSAS

Jefferson County	$245.3	$182.0	$63.3
Little Rock	101.0	54.8	46.1
Pulaski County	154.8	129.7	25.1
Sebastian County	216.7	216.7	0.0
Washington County	94.2	42.3	51.9
Subtotal	812.0	625.5	[1] 186.5
Balance of Arkansas	4,538.0		[2] 4,538.0
Total	5,350.0	625.5	4,724.5

CALIFORNIA

Anaheim	$1,018.2	$1,018.2	0.0
Berkeley	206.2	55.5	$150.7
Burbank	520.6	520.6	0.0
Concord	103.4	103.4	0.0
Compton	534.8	534.8	0.0
Downey	151.7	151.7	0.0
Fremont	186.9	186.9	0.0
Fresno	718.4	562.4	156.0
Fullerton	323.6	231.8	91.8
Garden Grove	502.4	502.4	0.0
Glendale	278.1	278.1	0.0
Hayward	843.0	816.4	26.6
Huntington Beach	481.4	481.4	0.0
Inglewood	583.3	546.9	36.5
Lakewood	114.5	114.5	0.0
Long Beach	1,402.2	1,204.9	197.2
Los Angeles	19,812.9	16,438.9	3,374.0
Norwalk	303.9	186.7	117.2
Oakland	1,980.6	1,890.5	90.0
Orange City	332.2	332.2	0.0
Pasadena	397.1	397.1	0.0
Pomona	432.1	233.9	198.1
Richmond	770.6	738.5	32.1
Riverside	889.7	659.2	230.6
Sacramento	1,012.2	430.1	582.0
San Bernardino	942.1	823.7	118.4
San Diego	2,357.2	1,888.3	468.9
San Francisco (same as San Francisco County)	4,837.0	3,950.9	886.1
San Jose	2,677.4	2,029.3	648.1
San Mateo	237.8	237.8	0.0
Santa Ana	694.2	548.0	146.1
Santa Clara	176.3	176.3	0.0
Santa Monica	634.5	602.3	32.1
Stockton	615.0	482.4	132.5
Sunnyvale	103.4	103.4	0.0
Torrance	523.7	523.7	0.0
Alameda County	1,003.6	807.3	196.3
Butte County	971.7	587.0	384.6
Contra Costa County	504.3	504.3	0.0
Fresno County	1,937.2	1,768.1	169.1
Humboldt County	691.5	475.4	216.1
Kern County	1,133.1	1,069.2	63.9
Los Angeles County	17,313.4	16,539.8	773.6
Marin County	252.1	252.1	0.0
Merced County	1,062.2	996.8	65.4
Monterey County	900.5	840.8	59.7
Napa County	130.9	76.6	54.2
Orange County	2,891.6	2,891.6	0.0
Placer County	301.8	244.0	57.8
Riverside County	739.3	673.4	65.8
Sacramento County	1,088.8	1,088.8	0.0
San Bernardino County	1,499.4	1,316.0	183.4
San Diego County	1,840.1	1,715.0	125.1
San Joaquin County	1,696.2	1,567.7	128.5
San Luis Obispo County	143.6	105.2	38.4
San Mateo County	568.9	568.9	0.0
Santa Barbara County	811.6	694.1	117.5
Santa Clara County	1,324.5	1,324.5	0.0
Santa Cruz County	1,028.0	767.9	260.1
Shasta County	522.8	424.2	98.6
Solano County	606.7	572.4	34.3
Sonoma County	1,276.1	923.1	353.0
Stanislaus County	3,271.1	3,059.0	212.0
Tulare County	706.7	585.3	121.5
Ventura County	1,625.5	1,467.8	157.7
Yolo County	381.2	121.6	259.6
Subtotal	95,922.9	84,011.5	[1] 11,911.4
Balance of California	4,527.1		[2] 4,527.1
Total	100,450.0	84,011.5	16,438.5

COLORADO

Colorado Springs	$124.5	$124.5	0.0
Denver (same as Denver County)	688.8	541.7	$147.2
Lakewood City	91.3	91.3	0.0
Pueblo City	134.5	76.7	47.8
Adams County	207.5	207.5	0.0
Arapahoe County	166.0	140.2	25.8
Boulder County	166.0	93.4	72.6
El Paso County	83.0	83.0	0.0
Jefferson County	124.5	91.2	33.3
Larimer County	124.5	43.5	81.0
Weld County	91.3	52.7	38.6
Subtotal	1,991.8	1,545.5	[1] 446.3
Balance of Colorado	448.2		[2] 448.2
Total	2,440.0	1,545.5	894.5

CONNECTICUT

Bridgeport	$1,852.6	$1,466.2	$386.4
Hartford	1,728.7	927.5	801.3
New Britain	1,013.6	513.9	499.8
New Haven	1,197.8	783.9	413.9
Norwalk	520.5	427.0	93.5
Stamford	618.9	548.3	70.5
Waterbury	1,166.6	900.3	266.3
Subtotal	8,098.7	5,567.0	[1] 2,531.7
Balance of Connecticut	9,991.3		[2] 9,991.3
Total	18,090.0	5,567.0	12,523.0

See footnotes at end of document.

DELAWARE

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Wilmington	$695.3	$647.8	$47.5
Kent County	196.8	112.5	84.3
New Castle County	341.5	169.6	171.9
Sussex County	266.4	226.1	40.4
Subtotal	1,500.0	1,155.9	[1] 344.1
Balance of Delaware	0.0		[2] 0.0
Total	1,500.0	1,155.9	344.1

DISTRICT OF COLUMBIA

District of Columbia	$2,680.0	$2,680.0	0.0
Subtotal	2,680.0	2,680.0	[1] 0.0
Balance of District of Columbia	0.0		[2] 0.0
Total	2,680.0	2,680.0	0.0

FLORIDA

Hialeah	$104.8	$104.8	0.0
Fort Lauderdale	131.0	131.0	0.0
Hollywood	52.4	52.4	0.0
Jacksonville (same as Duval County)	288.1	262.3	$25.8
Orlando	406.0	356.1	49.9
Miami Beach	205.5	205.5	0.0
Miami	1,139.4	949.5	189.9
St. Petersburg	124.4	124.4	0.0
Tampa	314.3	268.5	45.8
Alachua County	52.4	17.0	35.4
Bay County	113.2	113.2	0.0
Brevard County	443.7	443.7	0.0
Broward County	406.0	406.0	0.0
Dade County	1,275.5	1,275.5	0.0
Escambia County	124.4	124.4	0.0
Hillsborough County	104.8	104.8	0.0
Lee County	104.8	104.8	0.0
Leon County	32.7	32.7	0.0
Manatee County	52.4	52.4	0.0
Okaloosa County	58.9	58.9	0.0
Orange County	327.4	284.5	42.9
Palm Beach County	399.4	336.2	63.2
Pasco County	64.5	64.5	0.0
Pinellas County	170.2	170.2	0.0
Polk County	496.2	442.0	54.1
Sarasota County	58.9	58.9	0.0
Seminole County	89.6	89.6	0.0
Volusia County	124.4	124.4	0.0
Subtotal	7,265.1	6,758.0	[1] 507.1
Balance of Florida	464.9		[2] 464.9
Total	7,730.0	6,758.0	972.0

GEORGIA

Atlanta	$767.0	$584.6	$182.4
Columbus	375.6	348.5	27.1
Macon	129.2	129.2	0.0
Savannah	113.7	113.7	0.0
Clayton County	67.2	67.2	0.0
Cobb County	369.7	369.7	0.0
De Kalb County	206.7	206.7	0.0
Dougherty County	105.7	105.7	0.0
Fulton County	51.7	51.7	0.0
Richmond County	496.2	365.3	130.9
Subtotal	2,682.7	2,342.2	[1] 340.5
Balance of Georgia	2,077.3		[2] 2,077.3
Total	4,760.0	2,342.2	2,417.8

HAWAII

Honolulu (same as Honolulu County)	$744.2	$425.5	$318.7
Subtotal	744.2	425.5	[1] 318.7
Balance of Hawaii	925.8		[2] 925.8
Total	1,670.0	425.5	1,244.5

IDAHO

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Ada County	$147.5	$99.2	$48.3
Subtotal	147.5	99.2	[1] 48.3
Balance of Idaho	2,292.5		[2] 2,292.5
Total	2,440.0	99.2	2,340.8

ILLINOIS

Decatur City	$113.1	$113.1	0.0
Chicago	7,527.0	6,804.1	$722.9
Evanston	53.6	53.6	0.0
Joliet	207.1	207.1	0.0
Peoria	296.1	261.5	34.6
Springfield	113.1	39.9	73.2
Rockford	709.2	674.5	34.8
Champaign County	125.0	34.7	90.3
Cook County	1,637.6	1,470.8	166.8
Du Page County	208.4	208.4	0.0
Kane County	609.1	562.3	46.9
Kankakee County	128.9	128.9	0.0
Lake County	285.8	257.2	28.6
La Salle County	216.2	216.2	0.0
McHenry County	125.0	125.0	0.0
McLean County	101.2	41.2	60.0
Madison County	496.5	396.9	99.6
Rock Island County	431.5	397.8	33.7
St. Clair County	936.0	748.2	187.8
Tazewell County	95.3	95.3	0.0
Vermillion County	386.3	386.3	0.0
Will County	398.3	359.3	39.0
Winnebago County	71.5	71.5	0.0
Subtotal	15,272.0	13,653.8	[1] 1,618.2
Balance of Illinois	2,638.0		[2] 2,638.0
Total	17,910.0	13,653.8	4,256.2

INDIANA

Evansville	$179.9	$179.9	0.0
Fort Wayne	509.2	399.8	$109.5
Gary	258.9	258.9	0.0
Hammond	113.3	113.3	0.0
Indianapolis (same as Marion County)	2,227.1	1,695.1	532.0
South Bend	511.0	466.4	44.6
Allen County	119.9	119.9	0.0
Clark County	634.3	607.8	26.4
Delaware County	477.9	187.6	290.4
Elkhart County	166.6	166.6	0.0
Grant County	146.6	146.6	0.0
Howard County	93.3	93.3	0.0
Lake County	239.8	239.8	0.0
La Porte County	437.4	320.5	117.0
Madison County	159.9	159.9	0.0
Monroe County	60.0	7.4	52.5
Porter County	73.3	73.3	0.0
St. Joseph County	547.9	547.9	0.0
Tippecanoe County	99.9	15.5	84.4
Vigo County	113.3	54.6	58.6
Wayne County	582.3	451.5	130.8
Subtotal	7,751.7	6,305.5	[1] 1,446.2
Balance of Indiana	7,478.3		[2] 7,478.3
Total	15,230.0	6,305.5	8,924.5

IOWA

Cedar Rapids	$448.8	$448.8	0.0
Davenport	336.1	336.1	0.0
Des Moines	261.6	194.6	$67.0
Sioux City	103.3	103.3	0.0
Waterloo	528.7	323.5	205.3
Dubuque County	194.1	194.1	0.0
Polk County	82.6	82.6	0.0
Pottawattami County	68.8	68.8	0.0
Subtotal	2,024.0	1,751.7	[1] 272.3
Balance of Iowa	2,196.0		[2] 2,196.0
Total	4,220.0	1,751.7	2,468.3

KANSAS

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Kansas City	$753.6	$426.0	$327.7
Overland Park City	24.9	24.9	0.0
Topeka	143.2	83.8	59.5
Wichita	2,855.7	2,445.5	410.2
Johnson County	99.6	99.6	0.0
Subtotal	3,877.1	3,079.8	[1] 797.3
Balance of Kansas	2,962.9		[2] 2,962.9
Total	6,840.0	3,079.8	3,760.2

KENTUCKY

Lexington	$170.2	$139.5	$30.7
Louisville	1,098.9	885.2	213.7
Campbell County	26.2	26.2	0.0
Daviess County	230.5	230.5	0.0
Hardin County	39.3	39.3	0.0
Jefferson County	432.0	353.5	78.6
Kenton County	39.3	39.3	0.0
Subtotal	2,036.4	1,713.5	[1] 322.9
Balance of Kentucky	6,713.6		[2] 6,713.6
Total	8,750.0	1,713.5	7,036.5

LOUISIANA

Baton Rouge/East Baton Rouge Parish	$1,105.6	$674.3	$431.3
Lake Charles	644.4	537.0	107.4
New Orleans	3,857.2	2,872.9	984.3
Shreveport	600.2	510.6	89.6
Jefferson Parish	253.7	253.7	0.0
Lafayette Parish	118.7	91.3	27.5
Ouachita Parish	356.6	281.6	75.1
Rapides Parish	393.3	215.6	177.8
St. Landry Parish	373.2	311.6	61.7
Terrebonne Parish	59.4	59.4	0.0
Subtotal	7,762.5	5,807.9	[1] 1,954.6
Balance of Louisiana	3,247.5		[2] 3,247.5
Total	11,010.0	5,807.9	5,202.1

MAINE

Subtotal	0.0	0.0	[1] 0.0
Balance of Maine	$4,580.0		[2] $4,580.0
Total	4,580.0	0.0	4,580.0

MARYLAND

Baltimore	$1,921.7	$1,618.3	$303.4
Allegany County	123.9	72.5	51.4
Anne Arundel County	183.0	134.5	48.5
Baltimore County	537.3	452.2	85.1
Frederick County	117.0	117.0	0.0
Harford County	94.5	94.5	0.0
Montgomery County	248.0	248.0	0.0
Prince Georges County	271.6	228.5	43.1
Washington County	202.0	199.2	92.8
Subtotal	3,788.9	3,164.6	[1] 624.3
Balance of Maryland	911.1		[2] 911.1
Total	4,700.0	3,164.6	1,535.4

MASSACHUSETTS

Boston	$3,435.9	$2,393.7	$1,042.2
Brockton	571.5	535.4	36.1
Cambridge	343.1	317.5	25.5
Fall River	306.6	306.6	0.0
Lowell	818.4	737.9	80.5
Lynn	613.9	584.6	29.2
New Bedford	718.4	661.7	56.7
Newton	216.9	216.9	0.0
Quincy	526.6	470.6	56.0
Somerville	527.8	479.1	48.7
Springfield	1,254.5	1,175.3	79.2
Worcester	832.2	699.1	133.2
Subtotal	10,165.9	8,578.5	[1] 1,587.4
Balance of Massachusetts	14,354.1		[2] 14,354.1
Total	24,520.0	8,578.5	15,941.5

See footnotes at end of document.

MICHIGAN

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Ann Arbor	$101.2	$19.2	$82.0
Dearborn	113.1	113.1	0.0
Dearborn Heights	238.7	167.4	69.3
Detroit	12,803.5	11,006.2	1,797.3
Flint	713.8	677.2	36.6
Grand Rapids	1,573.7	1,442.6	131.1
Kalamazoo	441.7	187.8	253.8
Lansing	731.2	354.4	376.8
Livonia	250.0	221.8	28.1
Pontiac	744.6	635.7	108.9
Royal Oak	426.0	400.2	25.8
Saginaw	449.8	382.8	67.0
St. Clair Shores	269.9	269.9	0.0
Warren	949.7	949.7	0.0
Westland	247.8	211.0	36.8
Bay County	853.9	818.3	35.6
Berrien County	906.4	856.7	49.7
Calhoun County	910.4	881.4	29.1
Genesee County	565.6	565.6	0.0
Ingham County	235.0	40.2	194.8
Jackson County	895.1	740.4	154.7
Kalamazoo County	494.3	395.5	98.9
Kent County	691.3	654.9	36.4
Lenawee County	625.9	556.3	69.5
Macomb County	2,343.3	2,279.1	64.1
Monroe County	644.8	595.2	49.6
Muskegon County	1,111.2	1,013.1	98.0
Oakland County	2,251.9	2,013.9	238.0
Ottawa County	747.8	691.3	56.4
Saginaw County	249.6	249.6	0.0
St. Clair County	916.1	881.5	34.6
Washtenaw County	1,091.3	535.7	555.5
Wayne County	797.7	739.8	57.9
Subtotal	36,384.0	31,547.6	[1] 4,836.4
Balance of Michigan	8,306.0		[2] 8,306.0
Total	44,690.0	31,547.6	13,142.4

MINNESOTA

Bloomington	$79.4	$79.4	0.0
Duluth	310.9	246.6	$64.3
Minneapolis	2,107.2	1,118.9	988.3
St. Paul	1,371.0	873.0	497.9
Anoka County	500.9	369.5	131.4
Dakota County	122.2	122.2	0.0
Hennepin County	421.5	361.6	59.8
Olmsted County	109.9	74.0	35.0
Ramsey County	85.5	85.5	0.0
Stearns County	172.8	125.9	46.9
St. Louis County	283.3	283.3	0.0
Washington County	73.3	73.3	0.0
Subtotal	5,637.8	3,813.1	[1] 1,824.7
Balance of Minnesota	5,432.2		[2] 5,432.2
Total	11,070.0	3,813.1	7,256.9

MISSISSIPPI

Jackson	$148.3	$85.2	$63.1
Harrison County	174.5	174.5	0.0
Jackson County	94.9	94.9	0.0
Subtotal	417.7	354.6	[1] 63.1
Balance of Mississippi	3,742.3		[2] 3,742.3
Total	4,160.0	354.6	3,805.4

MISSOURI

Independence	$503.3	$454.0	$49.3
Kansas	3,118.5	2,924.7	193.8
Springfield	179.3	127.5	51.8
St. Louis	4,321.5	4,012.2	309.2
Boone County	79.7	17.6	62.1
Buchanan County	321.1	223.4	97.7
Jackson County	581.7	532.2	49.5
Jasper County	290.0	229.0	61.1
Jefferson County	446.6	412.2	34.4
St. Charles County	407.2	370.2	37.0
St. Louis County	923.1	840.3	82.8
Subtotal	11,172.0	10,143.2	[1] 1,028.8
Balance of Missouri	2,338.0		[2] 2,338.0
Total	13,510.0	10,143.3	3,366.0

MONTANA

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Cascade County	$380.9	$350.7	$30.3
Yellowstone County	267.6	204.2	63.4
Subtotal	648.6	554.9	[1] 93.7
Balance of Montana	3,341.4		[2] 3,341.4
Total	3,990.0	554.9	3,435.1

NEBRASKA

Lincoln	$262.1	$106.3	$155.8
Omaha	674.0	543.7	130.4
Subtotal	936.2	650.0	[1] 286.2
Balance of Nebraska	1,263.8		[2] 1,263.8
Total	2,200.0	650.0	1,550.0

NEVADA

Las Vegas	$981.1	$885.8	$95.4
Clark County	134.2	134.2	0.0
Washoe County	333.6	223.5	110.1
Subtotal	1,448.9	1,243.4	[1] 205.5
Balance of Nevada	391.1		[2] 391.1
Total	1,840.0	1,243.4	596.6

NEW HAMPSHIRE

Manchester	$122.9	$122.9	0.0
Subtotal	122.9	122.9	[1] 0.0
Balance of New Hampshire	1,487.1		[2] $1,487.1
Total	1,610.0	122.9	1,487.1

NEW JERSEY

Camden	$646.9	$578.8	$68.1
Clifton	485.5	455.2	30.3
East Orange	262.7	234.5	28.1
Elizabeth	684.5	578.3	106.2
Jersey City	2,054.3	1,897.5	156.8
Newark	4,683.1	4,074.1	609.0
Paterson	1,767.5	1,645.6	121.9
Trenton	576.3	293.7	282.6
Atlantic County	730.1	687.3	42.8
Bergen County	2,590.7	2,417.0	173.7
Burlington County	1,458.3	1,316.0	142.3
Camden County	919.9	784.1	135.8
Cumberland County	652.9	494.6	158.3
Essex County	463.1	387.2	75.9
Gloucester County	856.9	734.5	122.4
Hudson County	2,436.1	2,224.2	211.8
Mercer County	110.0	52.2	57.8
Middlesex County	2,488.6	1,777.6	711.0
Monmouth County	1,540.5	1,396.4	144.1
Morris County	492.0	432.4	59.6
Ocean County	692.7	643.2	49.5
Passaic County	621.0	579.1	41.9
Somerset County	676.0	489.1	186.9
Sussex County	208.1	208.1	0.0
Union County	549.9	465.5	84.4
Woodbridge Township	463.5	323.6	139.9
Hamilton Township	92.6	39.7	52.9
Subtotal	29,203.7	25,209.6	[1] 3,994.1
Balance of New Jersey	1,026.3		[2] 1,026.3
Total	30,230.0	25,209.6	5,020.4

NEW MEXICO

Albuquerque	$565.0	$431.0	$134.0
Subtotal	565.0	431.0	[1] 134.0
Balance of New Mexico	2,885.0		[2] 2,885.0
Total	3,450.0	431.0	3,019.0

NEW YORK

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Albany	$104.4	$16.3	$88.1
Buffalo City	2,235.9	1,371.0	864.9
New York	17,047.7	15,811.0	1,236.7
New Rochelle	114.6	114.6	0.0
Niagara Falls	426.7	400.6	26.1
Rochester	1,271.0	958.7	312.3
Schenectady	87.0	87.0	0.0
Syracuse	486.2	308.3	178.0
Utica	420.6	235.3	185.4
Yonkers	368.1	368.1	0.0
Albany County	145.1	119.6	25.4
Broome County	609.9	489.1	120.8
Cattaraugus County	399.4	358.1	41.3
Cayuga County	292.9	248.3	44.6
Chautauqua County	703.4	593.5	109.9
Chemung County	513.9	439.1	74.7
Dutchess County	191.5	96.3	95.2
Erie County	890.2	724.9	165.3
Jefferson County	429.8	374.3	55.5
Monroe County	417.8	417.8	0.0
Nassau County	3,807.8	3,596.8	211.0
Niagara County	601.7	576.6	25.1
Ontario County	93.7	93.7	0.0
Oneida County	565.8	435.5	130.3
Onondaga County	402.9	402.9	0.0
Orange County	464.9	373.6	91.3
Oswego County	452.0	335.1	116.9
Rensselaer County	150.9	150.9	0.0
Rockland County	116.0	60.8	55.3
St. Lawrence County	492.6	330.3	162.3
Saratoga County	330.8	272.8	58.0
Schenectady County	63.8	63.8	0.0
Steuben County	242.7	242.7	0.0
Suffolk County	648.6	648.6	0.0
Tompkins County	92.8	48.4	44.5
Ulster County	584.7	406.5	178.2
Wayne County	522.3	344.7	177.6
Westchester County	510.6	469.2	41.4
Amherst Town	69.6	69.6	0.0
Babylon Town	708.2	663.9	104.3
Brookhaven Town	1,020.8	731.7	289.1
Cheektowaga Town	191.6	191.6	0.0
Greece Town	63.8	63.8	0.0
Greenburgh Town	69.6	69.6	0.0
Huntington Town	174.1	174.1	0.0
Islip Town	935.1	503.9	431.2
Ramapo Town	109.0	109.0	0.0
Smithtown Town	98.6	42.1	56.5
Tonawanda Town	121.8	121.8	0.0
Subtotal	40,983.0	35,125.7	[1] 5,857.2
Balance of New York	5,967.0		[2] 5,967.0
Total	46,950.0	35,125.7	11,824.3

NORTH CAROLINA

Charlotte	$239.6	$239.6	0.0
Durham	125.8	88.0	$37.8
Greensboro	125.8	69.4	56.5
Raleigh	83.9	25.5	58.4
Winston Salem	520.6	399.8	120.9
Alamance County	149.3	149.3	0.0
Buncombe County	131.8	131.8	0.0
Catawba County	113.8	113.8	0.0
Cumberland County	282.7	282.7	0.0
Forsyth County	47.9	47.9	0.0
Davidson County	222.5	222.5	0.0
Gaston County	101.8	101.8	0.0
Guilford County	137.8	137.8	0.0
Mecklenburg County	83.9	83.9	0.0
New Hanover County	83.9	83.9	0.0
Onslow County	142.1	142.1	0.0
Randolph County	71.9	71.9	0.0
Robeson County	315.7	252.6	63.1
Rowan County	53.9	53.9	0.0
Wake County	83.9	83.9	0.0
Wayne County	111.7	74.5	37.2
Subtotal	3,230.3	2,856.5	[1] 373.8
Balance of North Carolina	2,899.7		[2] 2,899.7
Total	6,130.0	2,856.5	3,273.5

See footnotes at end of document.

North Dakota

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Subtotal	0.0	0.0	[1] 0.0
Balance of North Dakota	$1,900.0		[2] $1,900.0
Total	1,900.0	0.0	1,900.0

Ohio

Akron	$573.1	$377.7	$193.4
Canton	357.9	331.3	26.7
Cincinnati	1,182.0	1,135.5	46.5
Cleveland	2,682.5	2,459.1	223.3
Columbus	641.1	247.4	393.7
Dayton	1,019.9	930.2	89.7
Lorain	206.4	206.4	0.0
Parma	80.1	80.1	0.0
Springfield	202.2	202.2	0.0
Toledo	667.4	477.3	190.1
Youngstown	113.7	81.4	32.4
Allen County	692.6	568.0	124.7
Ashtabula County	206.0	206.0	0.0
Belmont County	55.5	55.5	0.0
Butler County	868.7	555.4	313.3
Clark County	79.9	79.9	0.0
Clermont County	736.6	736.6	0.0
Columbiana County	192.2	192.2	0.0
Cuyahoga County	838.3	810.7	27.6
Erie County	92.5	92.5	0.0
Franklin County	197.2	170.5	26.7
Greene County	406.2	372.1	34.1
Hamilton County	554.8	554.8	0.0
Jefferson County	61.6	61.6	0.0
Lake County	383.8	383.8	0.0
Licking County	128.8	128.8	0.0
Lorain County	269.1	269.1	0.0
Lucas County	74.0	74.0	0.0
Mahoning County	234.2	234.2	0.0
Medina County	152.9	152.9	0.0
Miami County	224.4	224.4	0.0
Montgomery County	622.9	622.9	0.0
Muskingum County	80.1	80.1	0.0
Portage County	259.4	100.1	159.3
Richland County	224.9	224.9	0.0
Scioto County	412.0	358.8	53.2
Stark County	326.1	293.9	32.2
Summit County	295.9	295.9	0.0
Trumbull County	258.9	258.9	0.0
Tuscarawas County	166.7	140.7	26.1
Warren County	587.2	407.8	179.4
Wayne County	80.1	80.1	0.0
Wood County	86.3	29.4	56.9
Subtotal	17,576.1	15,344.8	[1] 2,231.2
Balance of Ohio	2,243.9		[2] 2,243.9
Total	19,820.0	15,344.8	4,475.2

Oklahoma

Oklahoma City	$383.9	$308.7	$75.2
Tulsa	582.7	521.1	61.6
Cleveland County	55.6	15.8	39.8
Comanche County	141.5	141.5	0.0
Oklahoma County	261.5	178.6	82.9
Subtotal	1,425.2	1,165.7	[1] 259.5
Balance of Oklahoma	2,624.8		[2] 2,624.8
Total	4,050.0	1,165.7	2,884.3

Oregon

Portland	$1,756.9	$1,285.9	$471.0
Eugene	237.9	109.3	128.6
Clackamas County	578.8	503.7	75.2
Jackson County	741.4	536.3	205.1
Lane County	1,140.2	1,140.2	0.0
Marion County	1,114.5	461.6	652.8
Multnomah County	731.0	731.0	0.0
Washington County	341.1	341.1	0.0
Subtotal	6,641.8	5,109.1	[1] 1,532.7
Balance of Oregon	3,298.2		[2] 3,298.2
Total	9,940.0	5,109.1	4,830.9

Pennsylvania

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Allentown	$131.9	$82.1	$49.8
Erie	294.0	294.0	0.0
Philadelphia	8,209.8	7,663.7	537.1
Pittsburgh	1,014.7	943.8	70.9
Reading	94.2	94.2	0.0
Scranton	327.0	256.4	70.5
Upper Darby	131.9	33.9	98.0
Allegheny County	954.4	820.7	133.7
Armstrong County	356.7	307.5	49.2
Beaver County	200.9	200.9	0.0
Berks County	175.8	126.8	49.0
Blair County	157.0	119.6	37.4
Bucks County	594.8	541.1	53.7
Butler County	204.4	127.2	77.1
Cambria County	194.6	137.9	56.8
Centre County	100.5	13.0	87.4
Chester County	213.5	154.7	58.8
Crawford County	200.9	253.4	37.5
Cumberland County	125.6	125.6	0.0
Dauphin County	282.6	89.3	193.2
Delaware County	1,527.1	1,389.1	138.0
Erie County	163.3	113.7	49.6
Fayette County	702.0	537.4	164.5
Franklin County	317.5	278.2	39.2
Indiana County	183.2	91.6	91.6
Lackawanna County	611.0	386.5	224.4
Lancaster County	326.5	243.4	83.1
Lawrence County	315.4	283.0	32.3
Lebanon County	87.9	87.9	0.0
Lehigh County	113.0	84.0	29.0
Luzerne County	653.2	453.7	199.4
Lycoming County	455.6	341.7	113.9
Mercer County	424.4	380.8	43.5
Montgomery County	659.3	548.5	110.8
Northampton County	335.2	335.2	0.0
Northumberland County	456.5	365.2	91.3
Schuylkill County	407.7	291.2	116.5
Somerset County	116.6	80.0	36.6
Washington County	223.9	156.5	67.4
Westmoreland County	1,011.5	822.8	188.7
York County	391.4	391.4	0.0
Subtotal	23,437.9	19,938.0	[1] 3,500.0
Balance of Pennsylvania	722.1		[2] 722.1
Total	24,160.0	19,938.0	4,222.0

Rhode Island

Pawtucket	$317.5	$317.5	0.0
Providence	485.8	226.2	$259.7
Warwick	355.7	355.7	0.0
Subtotal	1,159.0	899.3	[1] 259.7
Balance of Rhode Island	3,061.0		[2] 3,061.0
Total	4,220.0	899.3	3,320.7

South Carolina

Columbia	$173.2	$81.4	$91.8
Aiken County	76.6	76.6	0.0
Anderson County	102.1	102.1	0.0
Charleston County	383.6	338.7	44.8
Florence County	103.8	103.8	0.0
Greenville County	255.3	230.1	25.3
Lexington County	192.5	192.5	0.0
Richland County	97.0	45.8	51.2
Spartanburg County	153.2	153.2	0.0
Sumter County	108.7	108.7	0.0
York County	174.9	120.8	54.1
Subtotal	1,820.8	1,553.7	[1] 267.2
Balance of South Carolina	2,699.2		[2] 2,699.2
Total	4,520.0	1,553.7	2,966.3

South Dakota

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Minnehaha County	$209.3	$209.3	0.0
Subtotal	209.3	209.3	[1] 0.0
Balance of South Dakota	1,290.7		[2] $1,290.7
Total	1,500.0	209.3	1,290.7

Tennessee

Chattanooga	$198.7	$161.9	$36.8
Knoxville	181.8	106.3	75.5
Memphis	745.4	638.8	106.6
Nashville (Same as Davidson County)	545.4	378.1	167.3
Hamilton County	121.2	121.2	0.0
Knox County	66.7	35.6	31.1
Shelby County	42.4	42.4	0.0
Sullivan County	145.4	145.4	0.0
Subtotal	2,047.0	1,629.7	[1] 417.3
Balance of Tennessee	5,393.0		[2] 5,393.0
Total	7,440.0	1,629.7	5,810.3

Texas

Abilene	$84.2	$84.2	0.0
Amarillo	112.3	85.6	$26.6
Arlington	67.4	67.4	0.0
Austin	185.2	64.7	120.5
Beaumont	207.8	168.1	39.7
Corpus Christi	256.4	229.4	27.0
Dallas	875.7	724.9	150.7
El Paso	357.9	292.9	64.9
Ft. Worth	548.1	500.7	47.4
Garland	84.2	84.2	0.0
Houston	965.5	806.1	159.4
Irving	101.0	101.0	0.0
Lubbock	145.9	43.0	102.9
Odessa	78.6	78.6	0.0
Pasadena	56.1	56.1	0.0
San Antonio	1,033.6	974.7	58.9
Waco	143.0	117.0	26.0
Wichita Falls	73.0	73.0	0.0
Bell County	50.5	50.5	0.0
Bexar County	44.9	44.9	0.0
Brazoria County	56.1	56.1	0.0
Cameron County	313.1	278.7	34.4
Dallas County	376.1	376.1	0.0
Denton County	39.3	39.3	0.0
Galveston County	190.1	99.8	90.2
Grayson County	92.1	92.1	0.0
Gregg County	89.8	89.8	0.0
Harris County	404.2	404.2	0.0
Hidalgo County	307.9	276.0	31.9
Jefferson County	140.3	113.6	26.7
Smith County	78.6	78.6	0.0
Tarrant County	516.5	471.8	44.7
Subtotal	8,075.3	7,023.4	[1] 1,051.9
Balance of Texas	3,704.7		[2] 3,704.7
Total	11,780.0	7,023.4	4,756.6

Utah

Salt Lake City	$845.3	$382.9	$462.4
Davis County	163.9	163.9	0.0
Salt Lake County	420.4	393.3	27.1
Utah County	704.6	546.8	157.8
Weber County	817.4	693.1	124.3
Subtotal	2,951.6	2,180.0	[1] 771.6
Balance of Utah	1,038.4		[2] 1,038.4
Total	3,990.0	2,180.0	1,810.0

See footnotes at end of document.

VERMONT

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Subtotal	0.0	0.0	[1] 0.0
Balance of Vermont	$1,780.0		[2] $1,780.0
Total	1,780.0	0.0	1,780.0

VIRGINIA

Alexandria	$82.5	$82.5	0.0
Chesapeake	76.1	76.1	0.0
Hampton	101.5	101.5	0.0
Newport News	133.2	133.2	0.0
Norfolk	253.8	226.3	$27.5
Portsmouth	101.5	101.5	0.0
Richmond	304.5	130.8	173.7
Roanoke	82.5	82.5	0.0
Virginia Beach	114.2	114.2	0.0
Arlington County	76.1	76.1	0.0
Chesterfield County	63.4	63.4	0.0
Fairfax County	260.1	260.1	0.0
Henrico County	88.8	88.8	0.0
Prince William County	101.5	101.5	0.0
Subtotal	1,839.8	1,638.6	[1] 201.2
Balance of Virginia	2,620.2		[2] 2,620.2
Total	4,460.0	1,638.6	2,821.4

WASHINGTON

Seattle	$6,638.8	$4,066.0	$2,572.8
Spokane	1,014.2	881.6	132.6
Tacoma	1,177.7	1,078.7	99.0
Clark County	700.7	562.3	138.4
King County	7,008.4	5,953.0	1,055.3
Kitsap County	783.2	735.4	47.7
Pierce County	1,651.5	1,310.2	341.3
Snohomish County	3,360.1	2,771.3	507.7
Spokane County	558.2	153.2	405.0
Thurston County	397.0	105.1	291.9
Whatcom County	651.1	359.8	291.8
Yakima County	1,189.0	903.1	285.9
Subtotal	25,138.7	18,879.8	[1] 6,258.9
Balance of Washington	4,731.3		[2] 4,731.3
Total	29,870.0	18,879.8	10,990.2

WEST VIRGINIA

Cabell County	$578.4	$512.0	$266.4
Kanawha County	475.7	232.9	242.7
Wood County	428.4	399.3	29.1
Subtotal	1,482.5	944.2	[1] 538.3
Balance of West Virginia	5,537.5		[2] 5,537.5
Total	7,020.0	944.2	6,075.8

WISCONSIN

Green Bay City	$702.2	$546.6	$155.6
Kenosha City	121.1	121.1	0.0
Madison	183.6	50.9	132.6
Milwaukee	4,211.2	3,529.8	681.4
Racine	568.1	568.1	0.0
Dane County	148.3	148.3	0.0
Fond du Lac County	265.8	265.8	0.0
La Crosse County	564.3	352.5	211.8
Manitowoc County	153.6	153.6	0.0
Marathon County	383.2	357.4	25.7
Milwaukee County	388.3	388.3	0.0
Outagamie County	452.8	452.8	0.0
Racine County	503.7	310.0	193.7
Rock County	682.4	648.7	33.8
Waukesha County	986.2	917.8	68.3
Winnebago County	357.3	203.4	153.9
Sheboygan County	127.1	127.1	0.0
Subtotal	10,799.1	9,142.2	[1] 1,656.9
Balance of Wisconsin	2,230.9		[2] 2,230.9
Total	13,030.0	9,142.2	3,887.8

WYOMING

	Apportionment (In thousands)		
	Total	To program agents for local jobs	To State government
Subtotal	0.0	0.0	[1] 0.0
Balance of Wyoming	$1,500.0		[2] $1,500.0
Total	1,500.0	0.0	1,500.0

PUERTO RICO

Cayugas Municipio	$1,318.9	$261.9	$1,056.9
Mayaguez Municipio	606.0	93.8	512.2
Bayamon	823.3	194.3	629.0
Carolina	117.9	64.0	53.9
Ponce	1,217.5	217.0	1,000.5
San Juan	786.9	122.5	664.4
Subtotal	4,870.5	953.5	[1] 3,916.9
Balance of Puerto Rico	13,699.5		[2] 13,699.5
Total	18,570.0	953.5	17,616.5

OTHER AREAS

American Samoa	$167.0	000.0	$167.0
Guam	506.9	000.0	506.9
Trust Territory	529.8	000.0	529.8
Virgin Island	296.3	000.0	296.3
Subtotal			
Balance of Other Areas	$1,500.0	000.0	$1,500.0
Total		000.0	

[1] To be spent for State government jobs in designated program agent area.
[2] To be apportioned by State between State government jobs in nonprogram agent areas and local jobs.

[FR Doc.71-13056 Filed 9-8-71;8:45 am]

Occupational Safety and Health Administration

AMERICAN IRON AND STEEL INSTITUTE AND UNITED STEELWORKERS OF AMERICA

Petitions for Commencement of Rule-making Proceedings and Related Relief

The American Iron and Steel Institute (hereinafter "AISI") on June 8, 1971, petitioned the Secretary under section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 for relief from the occupational health standard for coal tar pitch volatiles (29 CFR 1910.93, 36 F.R. 10503, May 29, 1971). Specifically, AISI requests that the standard be revoked insofar as it applies to coke oven operations; that the Secretary appoint an advisory committee as provided for in sections 6 and 7 of the Act to develop a new occupational health standard limited in scope to airborne contaminants omitted from coke ovens; and, as an interim measure that the Secretary require the use of certain controls including the use of respirators in coke oven operations recommended in a letter signed by the Director of the National Institute for Occupational Safety and Health (hereinafter "NIOSH"), a copy of which is appended as exhibit F to the petition.

A second petition concerning the standard for coal tar pitch volatiles was filed on July 12, 1971, by the International Union of the United Steelworkers of America (hereinafter "Steelworkers"). A number of letters supporting the said petition have been received from Steelworker locals. Specifically, the petition requests the Secretary "to develop and promulgate standards of sufficient stringency for exposure to coal tar pitch in and around coke ovens, refineries and smelters."

I. The AISI petition asserts as a first reason for revocation that the standard was illegally promulgated in that it is a proprietary standard developed by the American Conference of Governmental Industrial Hygienists (hereinafter "ACGIH"). According to petitioner AISI the standard having been so developed is not a "national consensus standard" or an "established Federal standard" within the meaning of the terms as defined in sections 3(9) and 3(10) and therefore was not legally promulgated under section 6(a) of the Act.

Section 6(a) requires the Secretary to "as soon as practicable during the period beginning with the effective date of this Act and ending 2 years after such date, by rule promulgate as an occupational safety or health standard any national consensus standard, and any established Federal standard * * *".

The term "established Federal standard" is defined in section 3(10) of the Act to mean, among other things, "any operative occupational safety and health standard established by any agency of the United States and presently in effect * * *." In its petition AISI quotes from the Senate report regarding the meaning of the term "established Federal standard" as follows:

> The bill also provides for the issuance in similar fashion of those standards which have been issued under other Federal statutes * * * Such standards have already been subjected to the procedural scrutiny mandated by the law under which they were issued * * *.

The standard for coal tar pitch volatiles was promulgated by the Secretary of Labor under the Walsh-Healey Public Contracts Act on January 17, 1969 (34 F.R. 788-796), and was therefore in effect on the effective date of the Williams-Steiger Occupational Safety and Health Act. Petitioner AISI does not contend that the standard was improperly promulgated under the Walsh-Healey Act, and it cannot be so contended. The "procedural scrutiny" mandated by that Act was followed since the standard was adopted by the Secretary only after interested persons had been given the opportunity to comment (34 F.R., supra). I conclude, therefore, that the standard for coal tar pitch volatiles is an "established Federal standard" and was legally promulgated under section 6(a) of the Act.

II. As a second ground for revocation the AISI petition asserts that occupational health standards promulgated under section 6(a) of the Act must meet the requirements of section 6(b)(5) of the Act. According to petitioner AISI section 6(b)(5) requires that standards relating to occupational health must be adopted as the result of a "specified scientific or engineering course". In addition, petitioner argues that a valid health standard "should be established with basic epidemiological procedures wherein the safe level is determined by correlations of exposure levels with health effects." Petitioner AISI therefore asserts that since the standard for coal tar pitch volatiles was not developed according to such "courses" or "procedures" it was promulgated illegally under section 6(a).

A fundamental error in petitioner AISI's position is its assumption that the requirements of section 6(b)(5) apply to standards promulgated under section 6(a) of the Act. This assumption ignores both the language of section 6(b)(5) and the purpose and scope of section 6(a).

Section 6(b)(5) imposes certain requirements for standards dealing with toxic materials or harmful physical agents promulgated "under this subsection", that is, section 6(b). Since the standard relating to coal tar pitch volatiles was promulgated under section 6(a), section 6(b)(5), by its terms, is not applicable to such standard.

Moreover, under section 6(a), the Secretary is required to promulgate, with limited exceptions, all existing national consensus and established Federal standards. Section 6(b), on the other hand, authorizes the Secretary to develop standards other than those which he is required to promulgate under section 6(a). In the development of standards under section 6(b), the Secretary is required to observe the procedural and substantive requirements of that section, including those of section 6(b)(5). Since the responsibility of the Secretary under section 6(a) is limited to the promulgation of existing standards, plainly the standards-development requirements of section 6(b)(5) are not applicable. Indeed, to construe section 6(b)(5) in accordance with petitioner's contention would undermine the stated intent of Congress to provide for the expeditious promulgation of section 6(a) standards.

I conclude, therefore, that the standard for coal tar pitch issued under section 6(a) does not have to be developed according to the requirements of section 6(b)(5).

III. Both the AISI and the Steelworkers in their respective petitions request that the Secretary institute a rule making proceeding under section 6(b) of the Act having as its purpose the development of a new standard for coal tar pitch volatiles as it applies to coke oven operations. In requesting the institution of rule-making both petitioners state that emissions from coke ovens create a health hazard to employees. They cite a study by J. William Lloyd, Sc.D., in which he concludes that the "excess of respiratory cancer" for coke oven workers is two and one-half times greater than it is for other steelworkers; that the "greatest part of this excess is accounted for by an almost five-fold risk of lung cancer in men working on the top of coke ovens"; and that a "10-fold risk is observed for men employed 5 or more years at full-time topside jobs." (Lloyd, Long Term Mortality Study of Steelworkers v. Respiratory Cancer in Coke Plant Workers. Journal of Occupational Medicine, Vol. 13, No. 2, February 1971).

Petitioners disagree, however, as to whether the present standard for coal tar pitch volatiles is a proper standard for airborne contaminants in coke oven emissions. AISI requests that the standard be revoked insofar as it applies to coke oven emissions; and that a new standard be developed for such emissions. Steelworkers request the development of standards of "sufficient stringency for exposure to coal tar pitch in and around coke ovens, refineries and smelters." On the other hand, the Director of NIOSH in his letter referred to above, which letter is dated March 9, 1971, concluded that "the best available limit for coal tar pitch volatiles is 0.2 mg./m.^{3}". This is the limit specified in the standard.

After examining the petitions, I conclude that further research should be undertaken before a rule-making proceeding under section 6(b) may usefully be commenced to develop a standard differing from the present standard for coal tar pitch volatiles. Because I am persuaded that the matter should be the subject of further research and study, I am transmitting a copy of this decision together with copies of the petitions and appendices thereto to the Director of NIOSH with a recommendation that the Institute expedite its research in this matter.

IV. There remains the question as to whether it is possible for coke oven operators to meet the present standard. The AISI petition asserts that: "While * * * changes in charging methods and the use of respiratory equipment have combined to reduce emissions and exposures the level of coal tar pitch volatiles has not been and cannot be under existing technology reduced to the level of the standard in question."

However, information supplied by exhibit J (Smith Evaluation of Coke Oven Emissions) to the AISI petition and information supplied through informal consultation with the U.S. Department of Health, Education, and Welfare indicate, contrary to petitioner's assertion, that coke oven operators can comply with the present standard for coal tar pitch volatiles.

Compliance can be achieved by utilizing all of the following protective measures in combination:

(1) The employer should require coke oven employees to use high efficiency respirators of a type developed by Burgess of the Harvard School of Public Health (exhibit J) or equivalent respirators of an efficiency adequate to protect coke oven employees against exposure to coal tar pitch volatiles. The requirements of 29 CFR Part 1910, Subpart I should be consulted regarding the selection and use of respirators.

(2) The employer should require that coke oven employees use protective skin creams of a type designated by the establishment medical advisor.

(3) The employer should provide for the medical examination by a licensed physician of all persons considered for employment in or about coke oven operations. Examinations should include such tests as the establishment medical advisor deems necessary. Persons with skin, lung, or liver disorders should be excluded from employment in or about coke oven operations at the discretion of the establishment medical advisor.

(4) The employer should provide for the periodic examination by a licensed physician of all employees engaged in or exposed to coke oven operations. The examination should be at least on an annual basis and the examining physician should give particular attention to the skin and lungs of employees. Chest X-ray examinations should be given at least once annually.

Compliance by coke oven operators with these protective measures will satisfy the requirements of the Act and of § 1910.93. Pending completion of NIOSH research and its recommendation, and pending any rulemaking proceedings, it is expected that coke oven operators will continue to implement and develop feasible engineering controls and other administrative controls whereby emissions in coke oven operations will be brought within the value stated by the standard for coal tar pitch volatiles.

(Sec. 6(e), 84 Stat. 1597; 29 U.S.C. 655(e))

Dated: September 1, 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71-13235 Filed 9-8-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

SEPTEMBER 3, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133496, Sub 3, Diehl Lumber Transportation Co., assigned September 29, 1971, at Salt Lake City, Utah, has been postponed indefinitely.

MC-21060 Sub 11, Iowa Parcel Service, Inc., now being assigned for continued hearing on November 1, 1971, in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 110525 Sub 998, Chemical Leaman Tank Lines, Inc., assigned September 21, 1971, at Louisville, Ky., is canceled and this application is reassigned for hearing on September 27, 1971, in Room 829 Federal Plaza, 600 Federal Place, Louisville, KY.

MC-107295 Sub 419, Pre-Fab Transit Co., now being assigned for hearing on November 8, 1971, in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-108859 (Sub-No. 53) Clairmont Transfer Co., now being assigned for hearing on November 3, 1971, in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 115891 Sub 4, Inter-County Motor Coach, Inc., now assigned September 13, 1971, at New York, N.Y., is canceled and reassigned for hearing on November 8, 1971, in Room E-2222, 26 Federal Plaza, New York, NY.

MC-35835 Sub 24, Jensen Transport, Inc., MC-64932 Subs 490 and 493, Rogers Cartage Co., MC-67450 Subs 36, 37, 38, and 39, Peterlin Cartage Co., MC-110420 Subs 626 and 630, Quality Carriers, Inc., MC-112801 Subs 116 and 120, Transport Service Co. MC-114019 Sub 212, Midwest Emery Freight System, Inc., MC-114194 Sub 158, Kreider Truck Service, Inc., MC-115331 Sub 299, Truck Transport, Inc., MC-119226 Sub 79, Liquid Transport Corp., MC-124078 Sub 488, Schwerman Trucking Co., now being assigned for hearing on November 10, 1971, in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 78400 Sub 26, Beaufort Transfer Co., now being assigned September 13, 1971, at Jefferson City, Mo., is canceled and reassigned for hearing September 13, 1971, in the Circuit Courtroom, Barton County Courthouse, Lamar, Mo.

MC 118831 Sub 79, Central Transport, Inc., now assigned October 12, 1971, at Louisville, Ky., is canceled and reassigned on September 27, 1971, in Room 829 Federal Plaza, 600 Federal Place, Louisville, KY.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13243 Filed 9-8-71;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 3, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42272—*Salt to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-254), for interested rail carriers. Rates on salt, common (sodium chloride), in carloads, as described in the application, from Cleveland, Ohio, also Penn Yan and Seneca Lake, N.Y., to points in southwestern territory.

Grounds for relief—Market competition, rate relationship, shortline distance formula and grouping.

Tariff—Supplement 129 to Southwestern Freight Bureau, agent, tariff ICC 4785. Rates are published to become effective on October 10, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13242 Filed 9-8-71;8:48 am]

[Notice 25]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 3, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-29623 (Deviation No. 4), SOUTHEASTERN STAGES, INC., 226 Alexander Street NW., Atlanta, GA 30313, filed August 4, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Charleston, S.C., over Interstate Highway 26 to junction South Carolina Highway 27, thence over South Carolina Highway 27 (an access road) to junction U.S. Highway 78, with the following access route, from junction Interstate Highway 26 and Alternate U.S. Highway 17 over Alternate U.S. Highway 17 to Summerville, S.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Charleston, S.C., over U.S. Highway 78 to Aiken, S.C., thence over U.S. Highway 1 to Augusta, Ga., and return over the same route.

No. MC-34319 (Deviation No. 1), A.B.C. COACH LINES, INC., 116 West Rudisill Boulevard, Fort Wayne, IN 46807, filed July 13, 1971, amended August 11, 1971. Carrier's representative: Paul F. Brady, 114 South Liberty Street, Muncie, IN 47305. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Muncie, Ind., over Indiana Highway 32 (an access road) to junction Interstate Highway 69, thence over Interstate Highway 69 to junction Indiana Highway 37, thence over Indiana Highway 37 (an access road) to Indianapolis, Ind.; (2) from Muncie, Ind., over Indiana Highway 32 (an access road) to Anderson, Ind., thence over Indiana Highway 9 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction Indiana Highway 37 (an access road) thence over Indiana Highway 37 to Indianapolis, Ind.; and (3) from Muncie, Ind., over Indiana Highway 67 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction Indiana Highway 37 (an access road), thence over Indiana Highway 37 to Indianapolis, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Muncie, Ind., over Indiana Highway 32 via Anderson to Noblesville, Ind., thence over Indiana Highway 37 to Indianapolis, Ind., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13244 Filed 9-8-71;8:48 am]

[Notice 30]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 3, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-263 (Deviation No. 11), GARRETT FREIGHTLINES, INC., Post Office Box 4048, Pocatello, ID 83201, filed August 27, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Denver, Colo., over U.S. Highway 87 (Interstate Highway 25) to junction Interstate Highway 90 near Buffalo, Wyo., thence over U.S. Highway 87 (Interstate Highway 90) to Billings, Mont., thence over Montana Highway 3 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction U.S. Highway 191 at Harlowton, Mont., thence over U.S. Highway 191 to junction U.S. Highway 87 near Moore, Mont., thence over U.S. Highway 87 to Great Falls, Mont.; and (2) from Denver, Colo., over the route described in (1) above to Harlowton, Mont., thence over U.S. Highway 12 to junction U.S. Highway 287 at Townsend, Mont., thence over U.S. Highway 287 to Helena, Mont., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Denver, Colo., over U.S. Highway 40 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 91 at Spanish Fork, Utah, thence over U.S. Highway 91 to junction U.S. Highway 191 near Brigham City, Utah, thence over U.S. Highway 191 to junction U.S. Highway 91 at Downey, Idaho, thence over U.S. Highway 91 via Helena, Mont., to Great Falls, Mont., and return over the same route.

No. MC-44605 (Deviation No. 8), MILNE TRUCK LINES, INC., 2200 South Third West, Salt Lake City, UT 84115, filed August 4, 1971. Carrier's representative: Henry A. Dahn, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Quartzsite, Ariz., over Arizona Highway 95 to junction Arizona Highway 72; and (2) from Blythe, Calif., over U.S. Highway 95 to Vidal Junction, Calif., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Las Vegas, Nev., over U.S. Highway 95 to Vidal Junction, Calif., thence over unnumbered highway to Earp, Calif., thence across the Colorado River to Parker, Ariz., thence over Arizona Highway 72 to Hope, Ariz., thence over U.S. Highway 60 to Phoenix, Ariz.; and (2) from Los Angeles, Calif., over U.S. Highway 99 via Indio, Calif., to El Centro, Calif. (also from Los Angeles over U.S. Highway 66 to junction U.S. Highway 99, thence over U.S. Highway 99 to El Centro), thence over U.S. Highway 80 to Gila Bend, Ariz., thence over Arizona Highway 84 via Casa Grande, Ariz., to Tucson, Ariz. (also from Los Angeles to El Centro as specified above, thence over U.S. Highway 80 to Phoenix, Ariz.; also from Los Angeles to Casa Grande as specified above, thence over unnumbered highway to junction Arizona Highway 87, near Randolph, thence over Arizona Highway 87 to junction Arizona Highway 287, thence over Arizona Highway 287 to Florence, Ariz.; and also from Los Angeles to Indio as specified above, thence over U.S. Highway 60 to junction Arizona Highway 87, thence over Arizona Highway 87 to junction Arizona Highway 84, thence over Arizona Highway 84 to Tucson, Ariz.), and return over the same routes.

No. MC-48958 (Deviation No. 30), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, TX 79105, filed August 13, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 20 (U.S. Highway 80) to junction U.S. Highway 87 at or near Big Spring, Tex., thence over U.S. Highway 87 to junction U.S. Highway 180 at or near Lamesa, Tex., thence over U.S. Highway 180 to Carlsbad, N. Mex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (a) From Amarillo, Tex., over U.S. Highway 287 via Wichita Falls, Tex., to Rhome, Tex., thence over Texas Highway 114 to Dallas, Tex.; (2) from Albuquerque, N. Mex., over U.S. Highway 66 to Moriarty, N. Mex., thence over New Mexico Highway 41 to junction U.S. Highway 60, thence over U.S. Highway 60 to Vaughn, N. Mex., thence over U.S. Highway 285 to Carlsbad, N. Mex., thence over U.S. Highway 62 to El Paso, Tex.; (3) from Albuquerque, N. Mex., over the route described in (2) above to Vaughn, N. Mex., thence over U.S. Highway 60 via Clovis, N. Mex., to Amarillo, Tex.; and (4) from Roswell, N. Mex., over U.S. Highway 70 to Clovis, N. Mex., and return over the same routes.

No. MC-72140 (Deviation No. 6), SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, IN 46624, filed August 17, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Findlay, Ohio, over U.S. Highway 224 to junction U.S. Highway 127, thence over U.S. Highway 127 to junction U.S. Highway 30, thence over U.S. Highway 30 to Fort Wayne, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Findlay, Ohio, over Interstate Highway 75 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 24, thence over U.S. Highway 24 to Fort Wayne, Ind., and return over the same route.

No. MC-75320 (Deviation No. 33), CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, MO 65801, filed August 24, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over U.S. Highway 50 to junction U.S. Highway 460, thence over U.S. Highway 460 to junction U.S. Highway 41 near Evansville, Ind., thence over U.S. Highway 41 to junction Alternate U.S. Highway 41 at or near Hopkinsville, Ky., thence over Alternate U.S. Highway 41 to junction Interstate Highway 65 near Nashville, Tenn., thence over Interstate Highway 65 to junction Tennessee Highway 7 near Elkton, Tenn., thence over Tennessee Highway 7 to the Tennessee-Alabama State line, near Ardmore, Tenn., thence over Alabama Highway 53 to junction U.S. Highway 431 near Huntsville, Ala., thence over U.S. Highway 431 to Anniston, Ala., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 61 to Memphis, Tenn.; (2) from Memphis, Tenn., over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., and (3) from Memphis, Tenn., over U.S. Highway 78 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Alternate U.S. Highway 45W, thence over Alternate U.S. Highway 45W to junction U.S. Highway 82, thence over U.S. Highway 82 to junction U.S. Highway 11, thence over U.S. Highway 11 to Birmingham, Ala., thence over U.S. Highway 78 to Anniston, Ala., and return over the same routes.

By the Commission.

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

[FR Doc.71-13245 Filed 9-8-71;8:49 am]

[Notice 70]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 3, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth

in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 52657 (Sub-No. 674) (Republication), filed December 21, 1970, published in the FEDERAL REGISTER issue of January 28, 1971, and republished this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703. An order of the Commission, Operating Rights Board, dated July 30, 1971, and served August 30, 1971, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1)(a) trailers and trailer chassis (except those designed to be drawn by passenger automobiles), and trailer converter dollies, in initial movements, in truckaway service, from Elizabeth and Parkersburg, W. Va., to points in the United States (except Alaska and Hawaii); and (b) of returned shipments on return of the commodities in 1(a), in secondary movements, in truckaway service; (2) of trailer bodies, and cargo containers, between Elizabeth and Parkersburg, W. Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (3) materials, supplies, and parts (except commodities in bulk or in bags) used in the manufacture, assembly, and servicing of the commodities in (1) and (2) above, when moving in mixed loads with such commodities, between Elizabeth and Parkersburg, W. Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). That since it it possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 52657 (Sub-No. 675) (Republication), filed January 5, 1971, published in the FEDERAL REGISTER issue of January 28, 1971, and republished this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 79th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703, and S. J. Zangri (same address as applicant). An order of the Commission, Operating Rights Board, dated July 30, 1971, and served August 26, 1971, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of A(1) trailers and trailer chassis (except those designed to be drawn by passenger automobiles), and trailer converter dollies, in initial movements, in truckaway and driveaway service; and (2) materials, supplies, and parts (except commodities in bulk or in bags), used in the manufacture, assembly, and servicing of the commodities in (1) above, when moving in mixed loads with such commodities, from Albion, Pa., to points in Alaska, Arizona, California, Colorado, Idaho, Maine, Montana, Nevada, New Hampshire, New Mexico, Oregon, Utah, Vermont, Washington, and Wyoming; B(1) trailers (except those designed to be drawn by passenger automobiles), in initial movements, in driveaway service; (2) trailer chassis (except those designed to be drawn by passenger automobiles), and trailer converter dollies, in initial movements; and

(3) Materials, supplies, and parts (except commodities in bulk or in bags), used in the manufacture, assembly, and servicing of the commodities in B (1) and (2) above, when moving in mixed loads with such commodities, from Albion, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; C(1) trailers and trailer chassis (except those designed to be drawn by passenger automobiles), and trailer converter dollies, in initial movements, in truckaway and driveaway service; and (2) materials, supplies, and parts (except commodities in bulk or in bags), used in the manufacture, assembly, and servicing of the commodities in C(1) above, when moving in mixed loads with such commodities, from Delta, Ohio, to points in the United States (including Alaska but excluding Hawaii); D(1) trailer and trailer chassis (except those designed to be drawn by passenger automobiles), and trailer converter dollies, in secondary movements, in truckaway service; and (2) materials supplies, and parts (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of the commodities in (D(1) above, when moving in mixed loads with such commodities, from points in the United States (including Alaska but excluding Hawaii), to Albion, Pa., and Delta, Ohio; and (E) tractors, in secondary movements, in driveaway service, only when drawing trailers and trailer chassis (except those designed to be drawn by passenger automobiles), and trailer converter dollies, in initial movements, from Albion, Pa., and Delta, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition for leave to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 67118 (Sub-No. 20) (Republication), filed March 2, 1971, published in the FEDERAL REGISTER issue of April 8, 1971, and republished this issue. Applicant: STRONG MOTOR LINES, INCORPORATED, Post Office Box 8821, Richmond, VA 23225. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, VA 23220. An order of the Commission, Operating Rights Board, dated July 30, 1971, and served August 26, 1971, finds: that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of meats, meat products, meat byproducts, and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Hygrade Food Products Corp., at Philadelphia, Pa., to Baltimore, Md., under a continuing contract with Hygrade Food Products Corp., of Detroit, Mich., will be consistent with the public interest and the national transportation policy. Since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the permit in this proceeding will be withheld for a period of 30 days from the date of publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 120120 (Sub-No. 5) (Republication), filed June 29, 1970, published in the FEDERAL REGISTER issue of November 13, 1970, and republished this issue. Applicant: GERALD E. CANNING, 1105 East 23d Street, Post Office Box 595, Fairbury, NE 68352. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, NE 68508. A supplemental order of the Commission, Operating Rights Board, dated August 5, 1971, and served September 1, 1971, finds: that

the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Jewell, Republic, Washington, and Marshall Counties, and Concordia, Clyde, and Clifton (Cloud County), Kans., and those points in Adams, York, Fillmore, Clay, Saline, Lancaster, Gage, Jefferson, Nuckolls, Webster, Thayer, and Seward Counties, Nebr., subject to the condition that applicant submit to this Commission a written request for the coincidental cancellation of its certificate of registration, No. MC–120120 (Sub-No. 1) dated November 22, 1963. That because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 127567 (Sub-No. 1), (Notice of Filing of Petition for Modification of Permit), filed August 5, 1971. Petitioner: SMITH & WEEKS, INC., Mars Hill, Maine. Petition states that it holds a permit in MC 127567 (Sub-No. 1) authorizing the transportation of rock salt, in bulk, in seasonal operations between September 15 and April 1 of each year, from port of entry on the United States-Canada boundary line near Bridgewater, Maine, to points in Aroostook and Washington Counties, Maine, under a continuing contract or contracts with the Morton Salt Co., a division of Morton-Norwich Products, Inc., Chicago, Ill. By the instant petition, petitioner seeks the elimination of the present seasonal restriction, or, in the alternative, change such restriction to read between July 15 and April 1 of each year. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134060 (Sub-No. 1) (Notice of Filing of Petition To Remove Restriction), filed August 23, 1971. Petitioner: DAVINDER FREIGHTWAYS LIMITED, Chemainus, British Columbia, Canada. Petitioner's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Petitioner states that it holds authority to operate as a motor common carrier, over irregular routes, transporting: Lumber, between ports of entry on the United States-Canada boundary line, located in Washington, on the one hand, and, on the other, points in those parts of Washington and Oregon on and west of U.S. Highway 97, restricted to the transportation of traffic originating at or destined to points on Vancouver Island, British Columbia, Canada. By the instant petition, petitioner seeks to remove such restriction. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 13027 (Sub-No. 25), filed August 6, 1971. Applicant: SHORT WAY LINES, INC., 49 North Erie Street, Toledo, OH 43604. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers and *passengers and their baggage*, in special and charter operations, (1) between Ann Arbor, Mich., and the Detroit Metropolitan Airport at Romulus, Mich., from Ann Arbor, Mich., over Michigan Highway 17 to intersection Wiard Road, thence over Willow Run Expressway to intersection Interstate Highway 94, thence over Interstate Highway 94 to Merriman Road, thence over Merriman Road to Detroit Metropolitan Airport, with return over the same route, serving all intermediate points; (2) between Adrian, Mich., and the intersection of Michigan Highway 52 and Valley Road (in Adrian Township, Lenawee County), from Adrian, Mich., to the intersection of Michigan Highway 52 and Valley Road (located in Adrian Township, Lenawee County), over Michigan Highway 52, with return over the same route, serving all intermediate points; (3) from the intersection of Interstate Highway 94 and U.S. Highway 23 (located in Pittsfield Township, Washtenaw County), and the intersection of Michigan Highway 17 and U.S. Highway 23 (located in Pittsfield Township, Washtenaw County), from intersection of Interstate Highway 94 and U.S. Highway 23 (located in Pittsfield Township, Washtenaw County), over U.S. Highway 23 to intersection of Michigan Highway 17 and U.S. Highway 23 (located in Pittsfield Township, Washtenaw County), with return over the same route, serving all intermediate points; (4) between Toledo, Ohio, and the junction of U.S. Highway 23 and U.S. Highway 223, from Toledo over U.S. Highway 223 to junction of U.S. Highway 23 and U.S. Highway 223, with return over the same route, serving all intermediate points; and (5) incidental charter operations in interstate or foreign commerce originating at or adjacent to the above-described routes, pursuant to section 208(c) of the Interstate Commerce Act. NOTE: The instant application is a matter directly related to MC–F 11261 published in the FEDERAL REGISTER, issue of August 19, 1971. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1100.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11287. Authority sought for control by R. L. WINSKY, Taney and Levee, North Kansas City, MO 64116, of J & N INVESTMENT COMPANY, 901 East 13th Street, North Kansas City, MO. Applicants' attorney: D. S. Hults, Post Office Box 225, Lawrence, KS 66044. Operating rights sought to be controlled: *Wrecked, disabled, or repossessed motor vehicles*, by use of wrecker equipment only, and *replacement motor vehicles* for wrecked or disabled motor vehicles, in secondary movements, by use of wrecker equipment only, as a *common carrier* over irregular routes between Kansas City, Mo., on the one hand, and, on the other, points in Iowa, Missouri, Nebraska, and Oklahoma; *wrecked, disabled, or repossessed motor vehicles*, by use of wrecker equipment only, and *replacement vehicles* for wrecked or disabled motor vehicles, in secondary movements, in truckaway service, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas, Arkansas, Illinois, Colorado, Indiana, Kentucky, New Mexico, Ohio, Tennessee, and Texas. R. L. WINSKY, holds no authority from this Commission. However, he is affiliated with (1) B. O. W. EXPRESS, INC., 1251 Taney Road, North Kansas City, MO 64116, and (2) CONSOLIDATED TRANSFER AND WAREHOUSE CO., INC., Taney and Levee Road, North Kansas City, MO 64116, which are authorized to operate as *common carriers* in (1) Kansas and Missouri; and (2) Kansas and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11289. Authority sought for purchase by THE HALL TRUCK LINE, INC., Route 2, Olathe, KS 66061, of a portion of the operating rights of BEST TRUCK LINES, INC., Ninth and Walnut Streets, Kansas City, MO 64106, and for acquisition by RICHARD A. HALL, also of Olathe, Kans. 66061, of control of such rights through the purchase. Applicants' attorney and representatives: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105, and Charles W. Hess, Sr., Ninth and Walnut, Kansas City, MO 64106. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B

explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Ottawa, Kans., and Kansas City, Mo., serving the intermediate and off-route points of North Kansas City, Mo., Kansas City, Kans., and those within 10 miles of Ottawa, from Kansas City, Mo., to Gardner, Kans., serving all intermediate points on said route, all intermediate and off-route points in the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission, and the off-route point of U.S. Naval Air Base, approximately 2.5 miles northeast of Gardner, between Ottawa, Kans., and Kansas City, Mo., serving the intermediate point of Kansas City, Kans., and the off-route point of North Kansas City, Mo.; *livestock and feed*, from Ottawa, Kans., to Kansas City, Mo., serving intermediate and off-route points within 20 miles of Ottawa restricted to pickup only; and the off-route point of North Kansas City, Mo., unrestricted;

Livestock, from Kansas City, Mo., to Ottawa, Kans., serving intermediate and off-route points within 20 miles of Ottawa restricted to delivery only; and the off-route point of North Kansas City, Mo., unrestricted, from Gardner, Kans., to Kansas City, Mo., serving intermediate and off-route points within 10 miles of Gardner for pickup only, and all intermediate and off-route points in the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission; *petroleum products* in containers, *hardware, seeds, agricultural implements and parts, and fencing materials*, from Kansas City, Mo., to Ottawa, Kans., serving no intermediate points but serving the off-route point of North Kansas City, Mo.; *household goods*, as defined by the Commission, over irregular routes, between Ottawa, Kans., and points within 10 miles of Ottawa, on the one hand, and, on the other, Kansas City, and North Kansas City, Mo., and Kansas City, Kans.; *building materials, roofing, hardware, and twine*, from Kansas City and North Kansas City, Mo., and Kansas City, Kans., to Ottawa, Kans.; *nursery stock, feed, poultry remedies, poultry, hatchery supplies, motor oil in containers, agricultural machinery, eggs, and egg cases*, between Kansas City, and North Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, Ottawa, Kans.; *tractors, agricultural machinery, and twine*, between Kansas City, and North Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, Baldwin, and Wellsville, Kans.; *livestock*, between certain specified points in Kansas and Missouri; *livestock, farm seeds, and soya beans*, from Ottawa, Kans., and points within 20 miles of Ottawa, to St. Joseph, Mo.; and *livestock, feed, grain, farm seeds, and soya beans*, from St. Joseph, Mo., to Ottawa, Kans., and points within 20 miles of Ottawa. Vendee is authorized to operate as a *common carrier* in Missouri and Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11290. Authority sought for control by GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38102, of J. B. REED MOTOR EXPRESS, INC., 712 North Farnsworth Avenue, Aurora, IL 60507, and for acquisition by M. M. GORDON, 4005 Grandview Avenue, Memphis, TN, A. W. GORDON, JR., 4679 Walnut Grove, Memphis, TN, J. K. GORDON, 3910 Paula Drive, Memphis, TN, ESTHER G. CATO, 329 Clawson Cove, Memphis, TN, and MARY G. CONAWAY, 3925 South Galloway, Memphis, TN, of control of J. B. REED MOTOR EXPRESS, INC., through the acquisition by GORDONS TRANSPORTS, INC. Applicants' attorney and representative: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103, and Charles H. Atwell, 403 West Galena Boulevard, Aurora, IL 60506. Operating rights sought to be controlled: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, restricted against service under Ex Parte No. MC–37 to or from points in Indiana, as a *common carrier*, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in that part of Illinois bounded by a line beginning at Chicago and extending along alternate U.S. Highway 30 to Geneva, Ill., thence along Illinois Highway 31 to Oswego, Ill., and thence along U.S. Highway 34 to Chicago, including points on the indicated portions of Illinois Highway 31 and U.S. Highway 34; and under a certificate of registration, in Docket No. MC–98913 Sub-1, covering the transportation of commodities general, as a common carrier, in interstate commerce, within the State of Illinois. GORDONS TRANSPORTS, INC., is authorized to operate as a *common carrier*, in Illinois, Tennessee, Missouri, Indiana, Mississippi, Louisiana, Alabama, Kentucky, Arkansas, Georgia, Oklahoma, Texas, Minnesota, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11291. Authority sought for purchase by AMERICAN VAN & STORAGE, INC., 2125 Northwest First Court, Miami, FL 33127, of the operating rights of TRANS UNIVERSAL VAN LINES, INC., 7240 South Chicago, Chicago, IL 60619, and for acquisition by A. J. LERETTE, also of Miami, Fla. 33127, of control of such rights through the purchase. Applicants' attorney: Bernard C. Pestcoe, 511 Biscayne Building, 19 West Flagler Street, Miami, FL 33130. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes, between points in Illinois, on the one hand, and, on the other, points in Indiana, Michigan, Ohio, Missouri, Wisconsin, Kentucky, West Virginia, Kansas, North Dakota, Minnesota, New York, New Jersey, Maryland, Pennsylvania, Georgia, Florida, Colorado, and Iowa; *household goods* as defined by the Commission, between certain specified points in Illinois, Indiana, Michigan, Wisconsin, on the one hand, and, on the other points in Colorado, Connecticut, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and the District of Columbia; and *household goods* as defined by the Commission, and *emigrant movables*, between points in Iowa, Illinois, and Minnesota. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, New Hampshire, Michigan, Minnesota, Missouri, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Vermont, West Virginia, Wisconsin, Louisiana, Texas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11292. Authority sought for purchase by TRANSWORLD MOVERS, INC., 3722 Chestnut Place, Denver, CO 80216, of a portion of the operating rights of R. M. ORMES TRANSPORTATION, INC., 232 Ash Street, Reading, MA 01867, and for acquisition by WALTER R. PLANKINTON, 3722 Chestnut Place, Denver, CO 80216, and MAXINE L. FOLSOM, 2575 South Meade Street, Denver, CO 80219, of control of such rights through the purchase. Applicants' attorney and representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108, and John H. Lewis, 1650 Grant Street Building, Denver, CO 80203. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between Boston, Mass., and points in Massachusetts within 10 miles of Boston, on the one hand, and, on the other, points in New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, and New Jersey. Vendee is authorized to operate as a *common carrier* in Illinois, Nebraska, Oklahoma, Michigan, Delaware, Kansas, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, West Virginia, Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Texas, Pennsylvania, Tennessee, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11293. Authority sought for purchase by WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, OH 45223, of a portion of the operating rights of MILLER TRANSFER AND RIGGING CO., Post Office Box 6077, Akron, OH 44312, and for acquisition by DAVID M. GANTZ, JOHN E. SHORE—Trustee, S. DAVID SHORE, and JOSEPH M. GANTZ, all also of Cincinnati, Ohio, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, 744 Broad Street, Newark, NJ 07102, John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219, and Milton

H. Bortz, 3636 Follett Avenue, Cincinnati, OH 45223. Operating rights sought to be transferred: *Such commodities* as required specialized handling or rigging because of size or weight, as a *common carrier* over irregular routes, between Pittsburgh, Pa., and points within 10 miles of Pittsburgh, on the one hand, and, on the other, points in that part of Pennsylvania beginning at the Pennsylvania-Ohio State line, and extending along U.S. Highway 422 to Indiana, thence along U.S. Highway 119 to New Alexandria, thence along U.S. Highway 22 to junction Pennsylvania Turnpike at Exit 6, thence along said turnpike to junction Exit 8 thereof, thence along U.S. Highway 119 to Uniontown, thence along U.S. Highway 40 to Washington, thence along Pennsylvania Highway 844 (formerly Pennsylvania Highway 31) to the Pennsylvania-West Virginia State line, including points on the indicated portions of the highways specified, with restriction. Vendee is authorized to operate as a *common carrier* in Connecticut, New York, New Jersey, Pennsylvania, Ohio, Maryland, Massachusetts, North Carolina, Virginia, West Virginia, Indiana, Kentucky, Minnesota, Tennessee, Wisconsin, Iowa, Illinois, Delaware, Maine, New Hampshire, Vermont, Rhode Island, Kansas, Missouri, Arkansas, Oklahoma, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11294. Authority sought for purchase by JOHN R. LOOMIS, INC., Star Route, Pawlett, VT 05761, of a portion of the operating rights of SAVAGE TRUCKING COMPANY, INC., Chester Depot, Vt. 05114, and for acquisition by JOHN R. LOOMIS, also of Pawlett, Vt. 05761, of control of such rights through the purchase. Applicants' attorney and representative: Martin Werner, 2 West 45th Street, New York, NY 10036, and Cranston H. Howe, 37 Main Street, Fair Haven, VT 07543. Operating rights sought to be transferred: *Wood chips*, in bulk, as a *common carrier*, over irregular routes, from Chester and Hartland, Vt., to Lawrence, Mass., from points in Vermont, to points in that part of New York on and north of Interstate Highway 90 and east of Interstate Highway 81, from points in Windsor and Bennington Counties, Vt., to Mechanicville and Ticonderoga, N.Y., Berlin and Groveton, N.H., and Westbrook, Maine, from Hartland, Vt., to Ticonderoga, N.Y., and Rumford, Maine. Vendee holds no authority from this Commission. However, its controlling stockholder, JOHN R. LOOMIS, R.F.D. No. 1, Granville, NY 12832, is authorized to operate as a *common carrier* in Massachusetts, Vermont, New York, Maryland, Pennsylvania, Connecticut, Rhode Island, New Jersey, New Hampshire, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11295. Authority sought for purchase by BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560, of a portion of the operating rights of MID-STATES TRAILER TRANSPORT INC., Post Office Box 243, Lansing, IL, and for acquisition by JOHN C. BARRETT, River Oaks, Moorhead, Minn., of control of such rights through the purchase. Applicants' attorney and representative: Robert G. Tessar, 1819 Fourth Avenue, South Kegel Plaza, Moorhead, MN 56560, and W. W. Flint, Post Office Box 243, Lansing, IL. Operating rights sought to be transferred: *Coach, house, display, cabin and laboratory trailers*, restricted to initial movements, in towaway service, as a *common carrier* over irregular routes, from places of manufacture in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, to points in the United States; *trailers* designed to be drawn by passenger automobiles, in initial movements, in driveaway and truckaway service, from points in Rowman County, N.C., to points in the United States, including Alaska, but excluding Hawaii; and *trailers* designed to be drawn by passenger automobiles in initial movement, by driveaway and truckaway method, from Bourbon, Ind., to all points in the United States, including the District of Columbia. Vendee is authorized to operate as a *common carrier* in all points in the United States (including Alaska, but excluding Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11296. Authority sought for purchase by WERCH TRUCKING COMPANY, INC., 519 East Huron Street, Berlin, WI 54923, of a portion of the operating rights of ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301, and for acquisition by E. A. WERCH, also of Berlin, Wis., of control of such rights through the purchase. Applicants' attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Operating rights sought to be transferred: *Cucumbers*, in brine, in barrels, as a *common carrier* over irregular routes, from Galloway and Manawa, Wis., to points in Illinois, Iowa, and Minnesota; *animal feed, and poultry feed*, from Bartonville, Ill., to certain specified points; *condensed milk*, from New London, Wis., to certain specified points in Illinois; *canned goods and preserves*, from New London, Wis., to points in Illinois and Minnesota; *glassware*, from Alton, Ill., and Lapel, Ind., to New London, Wis.; *household goods*, between New London, Wis., and points within 35 miles of New London (not including Appleton and Oshkosh, Wis.), on the one hand, and, on the other, points in Illinois, Michigan, Minnesota, and Indiana; and *fertilizer*, from Plymouth and Indianapolis, Ind., to certain specified points in Wisconsin, with restriction. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois, Minnesota, and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11297. Authority sought for purchase by THE DAVIDSON TRANSFER & STORAGE CO., 6201 Pulaski Highway, Post Office Box 58, Baltimore, MD 21203, of the operating rights of EASTON MOTOR FREIGHT, INC., 2100 Wood Avenue, Post Office Box 349, Easton, PA 18042, and for acquisition by JOSEPH DAVIDSON, 3900 North Charles Street, Baltimore, MD 21218, H. A. DAVIDSON, 4300 North Charles Street, Baltimore, MD 21218, DAVID DAVIDSON, 3737 Clarks Lane, Baltimore, MD 21215 and JAY I. DAVIDSON, 4005 Eldorado Avenue, Baltimore, MD 21215, of control of such rights through the purchase. Applicants' attorney: Roland Rice, 1111 E Street NW., Washington, DC 20004. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, as a *common carrier* over regular routes, between Easton, Pa., and New York, N.Y., serving the intermediate points of Newark, Harrison, Jersey City, and Hoboken, N.J., and serving those off-route points in New Jersey on and north of New Jersey Highway 28 and within 15 miles of Newark, and those in Lehigh and Northampton Counties, Pa., over one alternate route for operating convenience only, with restriction. Vendee is authorized to operate as a *common carrier* in Maryland, New York, New Jersey, Delaware, Pennsylvania, Virginia, Rhode Island, Massachusetts, Maine, Connecticut, New Hampshire, Ohio, Vermont, Illinois, Indiana, Michigan, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Kentucky, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11298. Authority sought for continuance in control by SECURITY STORAGE & VAN COMPANY OF NEWPORT NEWS, VA., INC., 5713 Jefferson Avenue, Newport News, VA 23608, of SECURITY STORAGE AND VAN COMPANY OF NORFOLK, VA., INC., doing business as SECURITY STORAGE AND VAN COMPANY, 5786 Sellger Drive, Norfolk, VA 23502, upon issuance to it of a certificate applied for in No. MC–128699 Sub-No. 1. Applicants' attorney: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Operating rights sought to be controlled: *Used household goods*, as a *common carrier*, over irregular routes, between Chesapeake, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach, and Williamsburg, Va., and points in Isle of Wight, Nansemond, Southampton, Surry, Sussex, and York Counties, Va., with restriction. SECURITY STORAGE & VAN COMPANY OF NEWPORT NEWS, VA., INC., holds no authority from this Commission. However, it has applied for authority in pending docket No. MC–134119 Sub-No. 1, certificate not yet issued. Application has not been filed for temporary authority under section 210a(b). NOTE: Applicants request that this application be dismissed.

No. MC–F–11299. Authority sought for purchase by ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237, of the operating rights and property of

GAINEY TRUCK LINES, INC., 1510 Yeamans Hall Road, Post Office Box 9274, Charleston, SC 29410, and for acquisition by CLIFTON E. WELDON, Box 440, Route No. 3, Martin, TN 38237, of control of such rights and property through the purchase. Applicants' representative: Tom D. Copeland, Post Office Box 440, Fulton Highway, Martin, TN 38237. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes, from Charleston, S.C., to Greenville, Elizabeth City, and Raleigh, N.C., Richmond, Norfolk, Roanoke, and Newport News, Va., Atlanta, Ga., Chicago, Ill., and Indianapolis, Ind., from Miami and Tampa, Fla., and Charleston, S.C., to Columbia, S.C. Vendee is authorized to operate as a *common carrier* in Tennessee, Illinois, Kentucky, Missouri, Georgia, Alabama, Mississippi, Louisiana, Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, Arkansas, Florida, Minnesota, Oklahoma, Texas, Iowa, Kansas, South Carolina, North Carolina, Nebraska, South Dakota, and North Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11300. Authority sought for merge by NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223, of the operating rights and properties of GENERAL EXPRESSWAYS, INC., also of Denver, Colo. 80223, and for acquisition by UNITED TRANSPORTATION INVESTMENT COMPANY, and in turn by DAVID H. RATNER, all of 310 South Michigan Avenue, Chicago, IL 60604, of control of GENERAL EXPRESSWAYS, INC., through the acquisition by NAVAJO FREIGHT LINES, INC. Applicants' attorney: Jack Goodman, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Illinois, Massachusetts, District of Columbia, New York, Connecticut, Rhode Island, Indiana, Ohio, Iowa, Wisconsin, Missouri, Pennsylvania, Michigan, Delaware, Maine, New Jersey, Vermont, Virginia, and West Virginia, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–3560 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purpose of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. NAVAJO FREIGHT LINES, INC., is authorized to operate as a *common carrier* in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Nebraska, Nevada, Indiana, Oklahoma, Iowa, Kansas, Utah, Louisiana, Maryland, Arkansas, Florida, New York, Tennessee, Wyoming, Connecticut New Jersey, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11301. Authority sought for control and merger by F–B TRUCK LINE COMPANY, 1891 West 2100 South, Salt Lake City, UT 84119, of the operating rights and property of UTAH PACIFIC TRANSPORT CO., 1891 West 2100 South, Salt Lake City, UT 84119, and for acquisition by MERLIN J. NORTON, also of Salt Lake City, Utah, of control of such rights and property through the transaction. Applicants' attorney: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Operating rights sought to be controlled and merged: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Columbia and Clatsop Counties, Oreg., on the one hand, and, on the other, Seattle, Wash., and certain specified points; *forest products*, between points in Clatsop and Columbia Counties, Oreg.; *lumber*, between points in Clatsop and Columbia Counties, Oreg., on the one hand and, on the other, Seattle and Aberdeen, Wash., and certain specified points, from points in Oregon, to points in Arizona, Colorado, Idaho, Montana, Utah, and Wyoming; *machinery*, between points within 1 mile of U.S. Highway 30 and 101 in Clatsop and Columbia Counties, Oreg., on the one hand, and, on the other, Seattle and Aberdeen, Wash., and certain specified points, between points in Clatsop and Columbia Counties, Oreg., except points within 1 mile of the above highways, on the one hand, and, on the other, certain specified points in Washington; *boats and boat equipment*, between points in Columbia and Clatsop Counties, Oreg., on the one hand, and, on the other, certain specified points in Washington; *cedar floats*, from points in the Oregon Counties specified above to points in the Washington Counties specified above; *salt and salt products*, from Flux and Saltair, Utah, to points in Oregon and Washington, from Lake Point, Utah, to points in Oregon and Washington; and *brick and building tile*, from Denver, Colo., to points in Oregon and Washington. F–B TRUCK LINE COMPANY is authorized to operate as a *common carrier* in Montana, Idaho, California, Utah, Oregon, and Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11302. Authority sought for purchase by INTERSTATE VAN LINES, INC., 821 Howard Road SE., Washington, DC 20020, of a portion of the operating of GEORGE O. SLATER, INC., 87 Central Drive, Stoughton, MA, and for acquisition by ARTHUR E. MORRISSETTE, also of Washington, D.C. 20020, of control of such rights through the purchase. Applicants' attorney: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between points in Massachusetts, on the one hand, and, on the other, points in New Hampshire, Maine, Vermont, and Rhode Island. Vendee is authorized to operate as a *common carrier* in Louisiana, Mississippi, Arkansas, Kentucky, Ohio, Michigan, West Virginia, Maryland, Pennsylvania, New York, New Jersey, Delaware, Illinois, Indiana, Connecticut, Massachusetts, Alabama, Georgia, Tennessee, North Carolina, South Carolina, Virginia, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11303. Authority sought for continuance in control by MERCHANTS STORAGE COMPANY OF VIRGINIA, 520 South Van Dorn Street, Alexandria, VA 22304, of AMERICAN STORAGE COMPANY, 1616 First Street SW., Washington, DC 20024. Applicants' attorney: Alan F. Wohlstetter, 1700 K Street NW., Washington DC 20006. Operating rights sought to be controlled: *Household goods*, as a *common carrier* over irregular routes, between Washington, D.C., on the one hand, and, on the other, points in Illinois, Ohio, Connecticut, Kentucky, Massachusetts, West Virginia, Vermont, and Maine, with restriction. MERCHANTS STORAGE COMPANY OF VIRGINIA is authorized to operate as a *common carrier* in New York, New Jersey, Maryland, Virginia, Pennsylvania, Delaware, Georgia, South Carolina, North Carolina, Florida, Rhode Island, Tennessee, and the District of Columbia, and MERCHANTS STORAGE COMPANY OF VIRGINIA is authorized to operate as a *contract carrier* in the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11304. Authority sought for purchase by GLEASON TRANSPORTATION CO., INC., Rockingham Road, Bellows Falls, VT 05101, of the operating rights and property of J. J. MINNEHAN, INC., Post Office Box 433, Scarborough, ME, and for acquisition by MULTIVISIONS CORPORATION, 1790 Broadway, NY 10019, and in turn by ELLIS S. ROUSE, Saxtons River Road, Bellows Falls, VT 05101, STEWART A. ROUSE, Chellis Street, White River Junction, VT, and RICHARD W. ROUSE, Country Club Estates, South Burlington, Vt., of control of such rights and property through the purchase. Applicants' attorney: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, MA 02186. Operating rights sought to be transferred: *Sugar*, as a *contract carrier* over irregular routes, from Boston, Mass., to points in Massachusetts, Rhode Island, those in that part of Connecticut on and east of Alternate U.S. Highway 5, and certain specified points in Maine, from Boston, Mass., and points within 5 miles thereof, to points in New Hampshire and Vermont; *liquid sugar, sugar syrup, and invert sugar*, in bulk, in tank trucks, from Boston, Mass., to points in New Hampshire and Vermont; *hides*, from points in that part of Vermont on and north of U.S. Highway 4, to Nashua,

N.H., and Boston, Mass., and points in Massachusetts within 20 miles of Boston; *dairy products*, as defined by the Commission, from points in that part of Vermont on and north of U.S. Highway 2, to certain specified points in Massachusetts and points in Massachusetts within 20 miles of Boston; *empty milk and cream containers*, from certain specified points in Massachusetts and points in Massachusetts within 20 miles of Boston, to points in that part of Vermont on and north of U.S. Highway 2; *veneer*, from North Troy and Newport, Vt., to Boston and Springfield, Mass.

Fresh meats, from points in that part of Vermont on and north of U.S. Highway 2, to Boston, Mass.; *canned goods and syrup*, from St. Albans, Vt., to certain specified points and points in Massachusetts within 25 miles of Boston; *paper*, from Madison, Maine, to points in Massachusetts on and east of Massachusetts Highway 12; *cotton and cotton waste*, between points in New Haven, Conn., Mount Tom, Mass., certain specified points in New Hampshire and certain specified points in Maine; *Navy Yard equipment, materials and supplies*, consisting of such equipment, materials, and supplies as are necessary to the maintenance and operation of U.S. Government Navy Yards, between the U.S. Navy Yard at Boston, Mass., on the one hand, and, on the other, the U.S. Navy Yards at Newport, R.I., and Portsmouth, N.H.-Kittery, Maine; *meat, fish, agricultural commodities, packinghouse products*, as defined by the Commission; *groceries, grocery supplies, and such other commodities* as are dealt in by retail and chain grocery and food business houses; and *materials, supplies, and equipment* used or useful in the sale and distribution of the above commodities, from Boston, Mass., and points within 5 miles thereof, to points in New Hampshire, and those in Vermont on and north of U.S. Highway 4; and *paper place mats and sugar service kits* (consisting of paper napkins, plastic or wood stirrers, and individual sugar service packets) overwrapped in transparent materials, from Boston, Mass., to points in Massachusetts, Rhode Island, New Hampshire, Vermont, Connecticut, and certain specified points in Maine, with restriction; Vendee is authorized to operate as a *common carrier* in Vermont, New York, Massachusetts, and New Hampshire. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.71-13246 Filed 9-8-71;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 3, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 25117—Extension, filed August 11, 1971. Applicant: L & E FREIGHT LINES, INC., Post Office Box AN, Limon, CO 80828. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Certificate of public convenience and necessity sought to extend PUC Certificates Nos. 4693 and I to operate a freight service as follows: Transportation of *General commodities* excepting commodities in bulk, in tank vehicles: (a) Between Limon and Burlington, Colo., via U.S. Highway 24, serving all intermediate points, including the off-route point of Hugo, with the privilege of tacking with all present authority so as to perform a through service between presently authorized points and points herein sought to be served; and (b) between Falcon and Limon, Colo., via U.S. Highway 24, including all intermediate points and off-route points in that part of El Paso County lying on and east of unnumbered highway known as the Ellicott Road, extending northerly from Ellicott to U.S. Highway 24, with the right to tack with all present authority so as to perform a through service between presently authorized points and points herein sought to be served. Both intrastate and interstate authority sought.

HEARING: 10 a.m., November 2, 1971, at the District Courtroom, Kit Carson County Courthouse, Burlington, Colo., and at 10 a.m., November 4, 1971, 500 Columbine Building, 1845 Sherman Street, Denver, CO. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission of the State of Colorado, 500 Columbine Building, 1845 Sherman Street, Denver, CO 80203 and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.71-13249 Filed 9-8-71;8:49 am]

[Notice 360]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 3, 1971.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub-No. 164 TA), filed August 26, 1971. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, 75207, Dallas, TX 75247. Applicant's representative: Jerry C. Prestridge, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading): (1) Between Memphis, Tenn., and Jackson, Miss., from Memphis, over U.S. Highway 51 and Interstate Highway 55 to Jackson, serving no intermediate points, and return over the same route; (2) between Memphis, Tenn., and New Orleans, La., from Memphis, over U.S. Highway 51 and Interstate Highway 55 to junction with U.S. Highway 61, thence over U.S. Highway 61 to New Orleans, serving no intermediate points, but serving Jackson, Miss., Hammond, La., and the junction of U.S. Highways 84 and 51 for the purpose of joinder only, and return over the same route; (3) between Natchez, Miss., and the junction U.S. Highways 84 and 51, from Natchez, over U.S. Highway 84 to its junction with U.S. Highway 51, and return over the same route; (4) between Memphis, Tenn., and Vicksburg, Miss., from Memphis, over U.S. Highway 61 to Vicksburg, serving no intermediate points, and return over the same route;

(5) Between Memphis, Tenn., and Hamburg, Ark., from Memphis, over U.S. Highway 61 to its junction with U.S. Highway 82, thence over U.S. Highway 82 to Hamburg, serving no intermediate points, and return over the same route; (6) between Jackson, Miss., and Mobile, Ala., from Jackson, over U.S. Highway 49 to its junction with U.S. Highway 98, thence over U.S. Highway 98 to Mobile, serving no intermediate

points, but serving the junction of U.S. Highways 49 and 98 for the purpose of joinder only, and return over the same route; and (7) between the junction U.S. Highways 49 and 98 and Gulf Port, Miss., from the junction of U.S. Highways 49 and 98 over U.S. Highway 49 to Gulf Port, serving no intermediate points. Restriction: The authority granted herein is restricted against the transportation of traffic moving between Memphis, Tenn., and points in its commercial zone, on the one hand, and, on the other, Mobile, Ala., and Gulf Port, Miss., and their respectively commercial zones, for 180 days. NOTE: Carrier intends to tack all authority presently contained in MC-2229 and subs thereof; interchange or interline with all common carrier motor carriers at common termini involved in this application. Supported by: There are approximately 20 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor, E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 15735 (Sub-No. 22 TA), filed August 20, 1971. Applicant: ALLIED VAN LINES, INC., Post Office Box 4403, Chicago, IL 60680, 25th Avenue at Roosevelt Road, Broadview, IL 60153. Applicant's representative: Patrick H. Smyth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling boxes uncrated*, from Orange, Calif., to Denver, Colo., for 180 days. Supporting shipper: Thermco Products Corp., 1465 North Batavia Street, Post Office Box 1875, Orange, CA 92668. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 107983 (Sub-No. 12 TA), filed August 26, 1971. Applicant: COLD-WAY EXPRESS, INC., Post Office Box 26, 1069 Johnson Street, Morton, IL 61550. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Grain dryers, and related parts*, for the account of M & W Gear Co., between Gibson City, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin; and (b) *gravity flow boxes, running gear and related parts; lawn mowers, sweepers, garden tillers, manure forks and scoops, and related parts*, for the account of Edko Manufacturing, Inc., between Des Moines, Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shippers: Edko Manufacturing, Inc., 2725 Second Avenue, Des Moines, IA 50313; M & W Gear Co., Route 47 South, Gibson City, IL 60936. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 108380 (Sub-No. 81 TA), filed August 24, 1971. Applicant: JOHNSTON'S FUEL LINERS, INC., 808 Birch Street, Post Office Box 100, Newcastle, WY 82701. Applicant's representative: T. Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, from the plantsite of Little American Refining Co., at or near Casper, Wis., to points in Keya Paha County, Nebr., for 180 days. Supporting shipper: Knight Brothers Construction Co., Chapman, Nebr. 68827. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1006 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 109689 (Sub-No. 226 TA), filed August 23, 1971. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, UT 84087, Mail: Post Office Box 1825, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boiler cleaning compound*, in bulk, from Hawthorne, Calif., to Sand Springs, Okla., Houston, Dallas, Odessa, and Texas City, Tex., for 150 days. Supporting shipper: Textilana Corp., Los Angeles, Calif. (B. B. Westbrook, Executive Vice President). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 113024 (Sub-No. 117 TA), filed August 23, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South DuPont Highway, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tire cord yarn*, on beams, in specially equipped rack trailers, from Chattanooga and North Chattanooga, Tenn., to the plantsite of Firestone Tire & Rubber Co., Bowling Green, Ky., for the account of E. I. du Pont de Nemours & Co., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 113024 (Sub-No. 118 TA), filed August 23, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Dupont Highway, Smyrna, DE 19977. Applicant's representative: Samuel W. Barnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Rubber hose*, between Wilmington, Del., McCook, Nebr., and Los Angeles, Calif., for the account of Electric Hose & Rubber Co., Wilmington, Del., for 180 days. Supporting shipper: Electric Hose & Rubber Co., Post Office Box 910, Wilmington, DE 19899. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 114457 (Sub-No. 116 TA), filed August 23, 1971. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and foodstuffs* (except commodities in bulk), from Shakopee, Minn., to points in Iowa, North Dakota, South Dakota, Wisconsin, Minnesota, and the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., Fullerton, Calif. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 116763 (Sub-No. 206 TA), filed August 24, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailes, Ohio 45380. Applicant's representative: H. M. Richters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, and lubricating oils*, from the plantsite of Southwest Grease and Oil Co., Inc., Wichita, Kans., to Malone, N.Y.; Lee, Mass.; and Lancaster, N.H., for 180 days. Supporting Shipper: Southwest Grease and Oil Co., Inc., 220 West Waterman Street, Wichita, KS 67202. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 118989 (Sub-No. 66 TA), filed August 25, 1971. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plantsite of the American Can Co. at Milwaukee, Wis., to Memphis, Tenn., for 150 days. Supporting shipper: American Can Co., 200 South Michigan Avenue, Chicago, IL 60604, W. A. Frazier, Transportation Coordinator. Send protests to:

District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 119777 (Sub-No. 218 TA), filed August 26, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative or protective materials, and accessories and supplies* used in the installation thereof, from the plantsite and warehouse facilities of the Prestile Corp., Chicago, Ill., to points in Alabama, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: Mr. Frank Skrip, Purchasing Agent, The Prestile Corp., 5850 West Ogden, Chicago, IL 60650. Send protests to: Mr. Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 119908 (Sub-No. 16 TA), filed August 25, 1971. Applicant: WESTERN LINES, INC., 3523 North McCarty, Post Office Box 1145, Houston, TX 77001. Applicant's representative: Paul E. Robertson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and building boards*, from Galveston, Tex., to points in Texas, on traffic having a prior movement by water, for 180 days. Supporting shipper: Georgia-Pacific Corp. (Homer A. Bollard, Transportation Claims & Services Manager), 900 Southwest Fifth Avenue, Portland, OR 97204. Send protests to: District Supervisor, John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 120800 (Sub-No. 40 TA), filed August 25, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gaseous helium*, in specially designed vacuum jacketed trailers, from Navajo, Ariz., to Los Angeles and Mountain View, Calif., for 150 days. Supporting shipper: Air Products and Chemicals, Inc., Allentown, Pa. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 123640 (Sub-No. 6 TA), filed August 26, 1971. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, IN 46803. Applicant's representative: Joseph R. Higi, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold or dealt in by wholesale hardware houses, between points in the commercial zone of Cape Girardeau, Mo., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Alabama, Mississippi, Arkansas, Missouri, Kansas, and Iowa, for 180 days. Supporting shipper: Hardware Wholesalers, Inc. of Nash Road, Cape Girardeau, Mo. Send protests to: Acting District Supervisor Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 124190 (Sub-No. 2 TA), filed August 24, 1971. Applicant: GRIFFIN MOBILE HOME TRANSPORTING CO., 9000 Southeast 29th Street, Oklahoma City, OK 73110. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, OK, 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite and storage facilities of Redman Industries, Tulsa, Okla., to points in Texas, Louisiana, New Mexico, Colorado, Arkansas, Missouri, and Kansas, for 180 days. Supporting shipper: Kenneth E. Olson, General Manager, Redman Industries, Inc., 12539 East Skelly Drive, Tulsa, OK. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 125497 (Sub-No. 12 TA), filed August 26, 1971. Applicant: L. WOODS & SON TRANSPORT LTD., 5005 Irwin Avenue, La Salle, PQ, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete panels and structural members*, from ports of entry on the United States-Canada boundary line at Norton, Derby Line, and Highgate Springs, Vt., and Rouses Point, Champlain, and Trout River, N.Y., to Newark, N.J., and points within 50 miles thereof in Pennsylvania and New Jersey, including Newark, with no transportation for compensation on return except as otherwise authorized. Restriction: The transportation authorized herein is restricted to shipments originating in Canada and destined to points and places in the United States, for 180 days. Supporting shippers: Prefac Concrete Co. Ltd., 8501 Ray Lawson Boulevard, Ville d'Anjou, PQ, Canada, and Creaghan & Archibald Ltd., Post Office Box 26, St. Rose, City of Laval, PQ, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 126276 (Sub-No. 56 TA), filed August 26, 1971. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Robert Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container components and ends* when moving in mixed loads with containers, from Delaware, Ohio, to Fort Wayne, Ind., for 150 days. Supporting shipper: American Can Co., American Lane, Greenwich, Conn. 06830. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 127791 (Sub-No. 2 TA), filed August 24, 1971. Applicant: WELLS CARTAGE LIMITED, 726 Powell Street, Vancouver, BC, Canada. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solvents* (chemicals), bulk liquid, from Vancouver, Wash., to the international boundary line between the United States and Canada, at or near Blaine, Lynden, and Sumas, Wash., for 180 days. Supporting shipper: Emchem Sales Ltd., 1551 Pemberton Avenue, North Vancouver, BC, Canada. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 133276 (Sub-No. 2 TA), filed August 25, 1971. Applicant: BERRY TRANSPORT, INC., 5315 Northwest St. Helens Road, Portland, OR 97210. Applicant's representative: Nick I. Goyak, 404 Oregon Nat. Building, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities including containers*, between the point of entry on the United States-Canada boundary line at or near Blaine, Wash., on the one hand, and points in Oregon and Washington, on the other, and from points in Oregon to Vancouver, Longview, Tacoma, and Seattle, Wash., for 180 days. Supporting shipper: American Mail Line, 522 Pacific Building, Portland, Oreg. 97204. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street Portland, OR 97204.

No. MC 134238 (Sub-No. 1 TA), filed August 26, 1971. Applicant: GENE'S, INC., 302 Maple Lane, Arcanum, OH 45304. Applicant's representatives: Keith D. Henley and Paul F. Berry, 88 Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Milk, ice cream, and cottage cheese* in refrigerated equipment, for the account of The Kroger, Co., from Cincinnati, Ohio, to Charleston, W. Va.,

and Glenvar, Va.; and (2) *milk and cottage cheese*, in refrigerated equipment, for the account of The Kroger Co., from Cincinnati, Ohio, to Alcoa, Athens, Knoxville, and Oak Ridge, Tenn., for 180 days. Supporting shipper: The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 135553 (Sub-No. 3 TA), filed August 27, 1971. Applicant: HENRY ANDERSEN, INC., 1618 College Avenue, Post Office Box 3427, Fredericksburg, VA 22401. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh and frozen bacon, bacon ends, and skins*, from Dogue, Va., to Jacksonville, Miami, Tampa, and Lakeland, Fla.; Raleigh, Charlotte, Ashville, and Garner, NC.; Greenville and Columbia, S.C.; Vidalia and Atlanta, Ga.; Montgomery and Birmingham, Ala.; Knoxville, Memphis, Nashville, and Chattanooga, Tenn.; Chicago, Ill.; Grand Rapids, Mich.; and Louisville, Ky.; and (2) *fresh and frozen pork bellies*, from Cudahy, Wis.; Ottumwa and Sioux City, Iowa; St. Louis, Mo.; and Greenfield, Ohio, to Dogue, Va., for 180 days. Supporting shipper: White Packing Co., Inc., 201 Eight Street, North Bergen, NJ 07047. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 135599 (Sub-No. 2 TA), filed August 23, 1971. Applicant: GLENN WITTENBURG, doing business as WITTENBURG TRUCK LINES, Readlyn, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic agricultural drain tile and affiliated plastic drainage material for drainage of farms, septic tanks*, from Oelwein, Iowa, to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Wisconsin, and in Ohio to the city of Findlay, Ohio, only, for 180 days. Supporting shipper: Hancor of Iowa, Inc., Oelwein, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 135694 (Sub-No. 1 TA), filed August 23, 1971. Applicant: ROBERT E. SHREWSBURY, Post Office Box 111, Leckie, WV 24856. Applicant's representative: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston, W. Va. 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, crushed limestone, sand, and gravel*, from Stone Quarries in Tazewell County, Va., to points in Mercer, McDowell, and Wyoming Counties, W. Va., for 180 days. Supporting shippers: Corte Construction Co., Kimball, W. Va. 24853, Attention: Stello Corte, Secretary-Treasurer; W–H Contracting Co., Bluefield, W. Va. 24701, Attention: John Wilkerson, Secretary-Treasurer; United Transit Mix Concrete Corp., Princeton, W. Va. 24740, Attention: M. A. Corte, President. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 135798 TA, filed August 20, 1971. Applicant: GEORGE GILCH, doing business as GILCH'S SERVICE, 2961 Davis Road, Runnemede, NJ 08078. Applicant's representative: Jordan S. Himelfarb, 1025 Vermont Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled motor vehicles*, between Camden, Gloucester, Burlington, and Salem Counties, N.J., on the one hand, and, on the other, points in Connecticut, Virginia, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, for 180 days. Supporting shippers: Boyle Brothers, Inc.; Pywara Motor Co.; Paul Goodman; Camden Mack Service Co., 7460 Crescent Boulevard, Route 130, Pennsauken, Camden County, NJ; Campbell Chevrolet, Inc. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 135928 (Sub-No. 1 TA), filed August 26, 1971. Applicant: K R S TRUCKING CORPORATION, 1355 West Front Street, Plainfield, NJ 07063. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Leaders, gutters, elbows, corner ends, downspouts, and materials and supplies used in connection therewith*, from the plantsite of Royal-Apex Manufacturing Co., Inc., Plainfield, N.J., to points in the United States east of the Mississippi River under a continuing contract with Royal-Apex Manufacturing Co., Inc., *damaged, refused, and rejected shipments on return*, for 180 days. Supporting shipper: Royal-Apex Manufacturing Co., Inc., 1355 West Front Street, Plainfield, NJ 07063. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135935 TA, filed August 24, 1971. Applicant: CHRIS HERMAN, 515 Shady Lane, Sheboygan, WI 53081. Applicant's representative: Arthur J. Olsen, 602 North Sixth Street, Sheboygan, WI 53081. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such articles manufactured by Plymouth Plastics*, Division of Ametek, Inc., from Sheboygan, Wis., to Phoenix, Ariz., and Fountain Valley, Calif., for 180 days. Supporting shipper: Ametek/Plymouth Plastics, 502 Indiana Avenue, Sheboygan, WI 53081 (John H. Thornton, Sr., General Sales Manager). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 135936 TA, filed August 26, 1971. Applicant: LIEBMANN TRANSPORTATION CO., INC., Post Office Box 1022, Iowa Falls, IA 50126. Applicant's representative: Robert R. Rydell, 900 Savings and Loan Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plant and storage sites serving Iowa Beef Processors, Inc., located at or near Denison, Fort Dodge, Le Mars, and Mason City, Iowa; Dakota City and West Point, Nebr., Emporia, Kans., and Lu Verne, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

By the Commission.

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

[FR Doc.71-13247 Filed 9-8-71;8:49 am]

[Notice 746]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 3, 1971.

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

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

No. MC-FC-72908. By order of August 31, 1971, the Motor Carrier Board approved the transfer to Sunflower Stages, Inc., Emporia, Kans., of certificate No. MC-134240 issued June 24, 1971, to Elmer McNish and Arthur W. Ward, a partnership, doing business as Northeast Kansas Bus Service, authorizing the transportation of: Passengers and their baggage and express,

mail and newspapers, when transported in the same vehicle with passengers and their baggage between Horton and Topeka, Kans., serving all intermediate points that are on the rail lines of the Chicago, Rock Island and Pacific Railroad Co., and between Hiawatha and Horton, Kans. Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603, attorney for applicants.

No. MC–FC–72999. By order of August 31, 1971, the Motor Carrier Board approved the transfer to John Brennan and Robert Kane, doing business as B. K. Trucking Co., 42 Mase Avenue, Dover, NJ 07801 of certificate No. MC–1366 issued to John W. Washington, doing business as J. D. Trucking (above address), authorizing the transportation of: Various commodities, including household goods, between points in New Jersey, Connecticut, Delaware, Massachusetts, New York, Pennsylvania, Virginia, Rhode Island, and Maryland.

No. MC–FC–73022. By order of August 31, 1971, the Motor Carrier Board approved the transfer to Bob Hildebrandt, Prescott, Wis., of a portion of the operating rights in certificate No. MC–115295 (Sub-No. 10) issued December 10, 1969, to Bob Utgard doing business as Utgard Trucking, New Richmond, Wis. authorizing the transportation of animal and poultry feed and animal and poultry feed concentrates in bulk, from Minneapolis and St. Paul, Minn., to points in Douglas, Bayfield, Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, Pierce, Pepin, Eau Claire, Clark, Buffalo, Jackson, Trempealeau, Monroe and La Crosse Counties, Wis. Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402, attorney for transferor.

No. MC–FC–73086. By order of August 31, 1971, the Motor Carrier Board approved the transfer to Duncan Truck Service, Inc., 100 Park Avenue, Flandreau, SD, of certificate No. MC–37490 and subs thereunder, issued to Kenneth G. Duncan, William J. Duncan, and Lloyd G. Duncan, doing business as Duncan Truck Service, 100 Park Avenue, Flandreau, SD, authorizing the transportation of: General commodities, including household goods and other specified commodities, but, with certain exceptions, between points in Iowa, Minnesota, and South Dakota.

No. MC–FC–73107. By order of August 31 1971, the Motor Carrier Board approved the transfer to James F. Mollenhauer, doing business as City Transport Co., Cherry Hill, N.J., of the operating rights in certificate No. MC–100318 issued September 21, 1951, to E. Bruce McDowell, Philadelphia, Pa., authorizing the transportation of specified commodities from Philadelphia, Pa., to Baltimore, Md., and to points in New Jersey, Delaware, and the District of Columbia and those in the New York, N.Y., commercial zone. Raymond A. Thistle, Jr., Suite 1012, 4 Penn Center Plaza, Philadelphia, Pa. 19103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–13248 Filed 9–8–71;8:49 am]

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federal register

THURSDAY, SEPTEMBER 9, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 175

PART II

DEPARTMENT OF TRANSPORTATION

■

Federal Aviation Administration

■

Advisory Circular Checklist and Status of Federal Aviation Regulations

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2S—Effective June 11, 1971]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of June 11, 1971.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars and now includes information concerning the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the subchapter titles and correspond to the Parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number	*Subject Matter*
00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

Number	*Subject*
150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series sequential numbers omitted are missing numbers, e.g., 00-8 through 00-11 have not been used although 00-7 and 00-12 have been used. These numbers are assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

Department of Transportation, Distribution Unit, TAD 484.3, Washington, D.C. 20590.

NOTE: Persons who want to be placed on FAA's mailing list for future circulars should write to the above address. Be sure to identify the subject matter desired by the subject numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

c. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following bookstores located throughout the United States:

GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

GPO Bookstore, Federal Office Building, Room 1463, 14th Floor, 219 South Dearborn Street, Chicago, Ill. 60604.

GPO Bookstore, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

GPO Bookstore, Federal Building, Room 135, 601 East 12th Street, Kansas City, Mo. 64106.

GPO Bookstore, Room G25, John F. Kennedy Federal Building, Sudbury Street, Boston, Mass. 02203.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional amount of 25 percent of the total price to cover postage. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2R Advisory Circular Checklist, 2-12-71. Canceled by AC 00-2S, Advisory Circular Checklist, 6-11-71.

AC 20-6N U.S. Civil Aircraft Register, 7-1-70. Canceled by AC 20-6P, U.S. Civil Aircraft Register, 1-1-71.

AC 20-23C Interchange of Service Experience—Mechanical Difficulties, 5-9-69. Canceled by AC 20-23D, Interchange of Service Experience—Mechanical Difficulties, 2-17-71.

AC 20-57 Automatic Landing Systems, 1-29-68. Canceled by AC 20-57A, Automatic Landing Systems (ALS), 1-12-71.

AC 20-70 Final Announcement—The Sixth Annual FAA International Aviation Maintenance Symposium, 8-19-70. Canceled.

AC 21-5A Summary of Supplemental Type Certificates, 2-16-70. Canceled by AC 21-5B, Summary of Supplemental Type Certificates (Announcement of Availability), 2-10-71.

AC 60-2G Annual Aviation Mechanic Safety Awards Program, 3-5-70. Canceled by AC 60-2H, Annual Aviation Mechanic Safety Awards Program, 3-7-71.

AC 63-1A Flight Engineer Written Test Guide, 5-10-68. Canceled by AC 63-1B, Flight Engineer Written Test Guide, 10-22-70.

AC 90-8 Radio Identification of Student Pilots, 8-15-63. Canceled.

AC 90-11A Air Traffic Control Radio Frequency Assignment Plan, 6-7-68. Canceled by AC 90-50, Air Traffic Control Radio Frequency Assignment Plan for VFR and IFR Communications, 9-29-70.

AC 90-22B Automatic Terminal Information Service (ATIS), 1-30-70. Canceled by AC 90-22C, Automatic Terminal Information Service (ATIS), 2-2-71.

AC 90-23A Wake Turbulence, 12-31-65. Canceled by AC 90-23B, Wake Turbulence, 5-17-71.

AC 90-33 VFR Communications for General Aviation, 11-20-67. Canceled by AC 90-50, Air Traffic Control Radio Frequency Assignment Plan for VFR and IFR Communications, 9-29-70.

AC 90-40 Intersection Takeoffs, 9-5-68. Canceled.

AC 90-41 Standard Terminal Arrival Routes, 9-6-68. Canceled by AC 90-41A, Standard Instrument Departure/Arrival Procedures, 2-18-71.

AC 90-43A Operations Reservations for High-Density Traffic Airports, 12-23-69. Canceled by AC 90-43B, Operations Reservations for High-Density Traffic Airports, 1-20-71.

AC 90-46 Depiction of Holding Patterns, 8-19-69. Canceled.

AC 91-14 Altimeter Setting Sources, 2-15-67. Canceled by AC 91-14A, Altimeter Setting Sources, 4-19-71.

AC 91-27 Systemsworthiness Analysis Program, 10-30-69. Canceled by AC 91-27A, Systemsworthiness Analysis Program—General Aviation, 12-16-70.

AC 150/5060-2 Airport Site Selection, 7-19-67. Canceled by AC 150/5070-6, Airport Master Plans, 2-5-71.

AC 150/5100-4 Airport Advance Planning, 1-12-68. Canceled by AC 150/5070-6, Airport Master Plans, 2-5-71.

AC 150/5310-2 Airport Planning and Airport Layout Plans, 9-19-68. Canceled by AC 150/5070-6, Airport Master Plans, 2-5-71.

AC 150/5340-17 Standby Power for Non-FAA Airport Lighting Systems, 1-25-68. Canceled by AC 150/5340-17A, Standby Power for Non-FAA Airport Lighting Systems, 3-19-71.

AC 150/5345-7A Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits, 10-1-70. Canceled by AC 150/5345-7B, Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits, 3-18-71.

8. *Additions.* The following advisory circulars are added to the list:

AC 00-2S Advisory Circular Checklist (6-11-71).

AC 00-2S Advisory Circular Checklist (6-11-71).

AC 20-6P U.S. Civil Aircraft Register (1-1-71).

AC 20-7G Supplement 7, General Aviation Inspection Aids (March 1971).

AC 20-7G Supplement 8, General Aviation Inspection Aids (April 1971).

AC 20-7G Supplement 9, General Aviation Inspection Aids (May 1971).

AC 20-7G Supplement 10, General Aviation Inspection Aids (June 1971).

AC 20-23D Interchange of Service Experience—Mechanical Difficulties (2-12-71).

AC 20-57A Automatic Landing Systems (ALS) (1-12-71).

AC 21-2B Ch-2 Export Airworthiness Approval Procedures (2-8-71).

AC 21-5B Summary of Supplemental Type Certificates (Announcement of Availability) (2-10-71).

AC 21-10 Flight Recorder Underwater Locating Device (5-20-71).

AC 43.13-2 Ch. 10 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (1-20-71).

AC 60-2H Annual Aviation Mechanic Safety Awards Program (3-7-71).

AC 63-1B Flight Engineer Written Test (10-22-70).

AC 65-13 FAA Inspection Authorization Directory (12-14-70).

AC 65-14 The Seventh Annual FAA International Aviation Maintenance Symposium (4-19-71).

AC 70/7460-1 Ch-3 Obstruction Marking and Lighting (3-1-71).

AC 90-22C Automatic Terminal Information Service (ATIS) (2-2-71).

AC 90-23B Wake Turbulence (5-17-71).

AC 90-41 Standard Instrument Departure/Arrival Procedures (2-18-71).

AC 90-43B Operations Reservations for High-Density Traffic Airports (1-20-71).

AC 90-53 FAA Symposium on Turbulence—Extension of Response Time for Registration (2-8-71).

AC 91-14A Altimeter Setting Sources (4-19-71).

AC 91-27A Systemsworthiness Analysis Program—General Aviation (12-16-70).

AC 147-3 Phase III, A National Study of the Aviation Mechanics Occupation (3-22-71).

AC 150/5070-6 Airport Master Plans (2-5-71).

AC 150/5100-8 Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1-19-71).

AC 150/5200-16 Announcement of Report AS-71-1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4-13-71).

AC 150/5340-17A Standby Power for Non-FAA Airport Lighting Systems (3-19-71).

AC 150/5340-21 Airport Miscellaneous Lighting Visual Aids (3-25-71).

AC 150/5340-22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4-20-71).

AC 150/5345-7B Specifications for L-824 Underground Electrical Cables for Airport Lighting Circuits (3-18-71).

AC 150/5345-12A Ch-1 Specification for L-801 Beacon (3-19-71).

AC 150/5370-7 Airport Construction Controls to Prevent Air and Water Pollution (4-26-71).

AC 150/5370-8 Grooving of Runway Pavements (3-16-71).

AC 150/5380-5 Debris Hazards at Civil Airports (3-8-71).

ADVISORY CIRCULAR CHECKLIST

NOTICE

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents.

General

SUBJECT NO. 00

00-1 The Advisory Circular System (12-4-62).

Describes the FAA Advisory Circular System.

00-2S Advisory Circular Checklist (6-11-71).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 6-11-71.

00-6 Aviation Weather (5-20-65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Reprinted 1969. ($4 GPO.) FAA 5.8/2: W 37.

00-7 State and Regional Defense Airlift Planning (4-30-64).

Provides guidance for the development of plans by the FAA and other Federal and State agencies for the use of non-air-carrier aircraft during an emergency.

00-7 CH 1 State and Regional Defense Airlift Planning (1-5-65).

Provides an example of a State Plan for the Emergency Management of Resources in Appendix 4, and adds new Appendix 9.

00-7 CH 2 State and Regional Defense Airlift Planning (2-20-67).

Revises Appendix 6, SCATANA.

00-14 Flights by U.S. Pilots Into and Within Canada (4-16-65).

Provides information concerning flights into and within Canada.

00-15 Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices (8-20-65).

Advises aircraft operators, crewmembers, and others who are responsible for flight safety, of a possible hazard to flight should a passenger inadvertently or otherwise discharge a device commonly known as an "anti-mugger" spray device in the cabin of an aircraft.

00-17 Turbulence in Clear Air (12-16-65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00-21 Shoulder Harness (10-5-66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00-23B Near Midair Collision Reporting (12-4-69).

Advises that the FAA will continue through December 31, 1971, to handle reports of near midair collisions in accordance with the policy established January 1, 1968.

00–24 Thunderstorms (6–12–68).

Contains information concerning flights in or near thunderstorms.

00–25 Forming and Operating a Flying Club (3–24–69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club. ($0.35 GPO.) TD 4.8:F 67.

00–26 Definition of "U.S. National Aviation Standards" (1–22–69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00–27 U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System Characteristics (ATCRBS) (1–24–69).

Informs the aviation community of the approval by the FAA Administrator of the U.S. National Aviation Standard for the ATCRBS.

00–28 Communications Interference Caused by Sticking Microphone Buttons (8–6–69).

Alerts the industry of communications interference from undesired radiofrequency transmissions.

00–29 Airborne Automatic Altitude Reporting Systems (12–9–69).

Provides information regarding the nature and extent of erroneous altitude reporting systems.

00–30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3–5–70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulance (CAT).

00–31 U.S. National Aviation Standard for the VORTAC System (6–10–70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR–TACAN–DME) System.

00–32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7–2–70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

Procedural

SUBJECT NO. 10

11–1 Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (10–28–64).

Emphasizes the need for the early submission of proposals involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT NO. 20

20–3B Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (5–12–69).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA.

20–5B Plane Sense (1970).

Provides general aviation information for the private aircraft owner.

20–6P U.S. Civil Aircraft Register (1–1–71).

Lists all active U.S. civil aircraft by registration number. ($11.75 GPO.) TD 4.18/2:970.

20–7G General Aviation Inspection Aids, Summary (August 1970).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. ($3, $3.75 foreign—Sub. GPO.) TD 4.409:970.

20–7G Supplement 1 (September 1970).

20–7G Supplement 2 (October 1970).

20–7G Supplement 3 (November 1970).

20–7G Supplement 4 (December 1970).

20–7G Supplement 5 (January 1971).

20–7G Supplement 6 (February 1971).

20–7G Supplement 7 (March 1971).

20–7G Supplement 8 (April 1971).

20–7G Supplement 9 (May 1971).

20–7G Supplement 10 (June 1971).

20–7G Supplement 11 (July 1971).

20–9 Personal Aircraft Inspection Handbook (12–2–64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1967. ($1 GPO.) FAA 5.8/2:Ai 7/2.

20–10 Approved Airplane Flight Manuals for Transport Category Airplanes (7–30–63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20–13A Surface-Effect Vehicles (8–28–64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20–15A Qualification of Type Certificated Engines and Propellers for Aircraft Installations (3–24–66).

Calls attention to the relationship between both Federal Aviation Regulations, Parts 33 (Aircraft Engine Airworthiness) and 35 (Propeller Airworthiness), and various aircraft airworthiness parts.

20–17 Surplus Military Aircraft (1–6–64).

Informs how to obtain copies of regulations required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

20–20A Flammability of Jet Fuels (4–9–65).

Gives information on the possibility of combustion of fuel in aircraft fuel tanks.

20–23D Interchange of Service Experience—Mechanical Difficulties (2–12–71).

Provides information on the voluntary exchange service experience data used in improving durability and safety of aeronautical products.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–25A Identification of Technical Standard Order (TSO) Safety Belts (3–14–69).

Describes the markings which indicate that a safety belt has been manufactured under the FAA TSO system and approved for use in certificated aircraft.

20–27A Certification and Operation of Amateur-Build Aircraft (8–12–68).

Provides information and guidance material for amateur aircraft builders.

20–28 Nationally Advertised Aircraft Construction Kits (8–7–64).

Explains that using certain kits could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29A Use of Anti-Icing Additive PFA–55MB (6–19–67).

Provides information on the use of anti-icing additive for jet fuels to assure compliance with FAR's that require assurance of continuous fuel flow under icing conditions.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32A Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (9–13–68).

Informs aircraft owners, operators, maintenance personnel, and pilots of the potential dangers of carbon monoxide contamination and discusses means of detection and procedures to follow when contamination is suspected.

20–33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13, and 14 (2–8–65).

Advises the public that policy information contained in the subject Civil

Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34A Prevention of Retractable Landing Gear Failures (4–21–69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35A Tie-Down Sense (10–29–68).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36A Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—March 1, 1966 (4–8–66).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of March 1, 1966. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37A Aircraft Metal Propeller Blade Failure (4–4–69).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7–15–65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b), as applicable.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41 Replacement TSO Radio Equipment in Transport Aircraft (8–30–65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20–43A Aircraft Fuel Contamination (6–12–70).

Informs the aviation community of the potential hazards of fuel contamination, its control, and recommended fuel servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–65).

Provides information on turnbuckle safetying methods that have been found acceptable by the FAA during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–8–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–49 Analysis of Bird Strike Reports on Transport Category Airplanes (7–27–66).

Provides the results of a statistical study on the frequency of collisions of birds with transport aircraft and the resulting damages.

20–50 Ultrasonic Nondestructive Testing (11–9–66).

Provides FAA personnel and the general aviation public with some of the theory and processes of ultrasonic testing which will assist them in the more advanced uses of this system for the inspection of aircraft and aircraft components during manufacture or maintenance. ($0.70 GPO.) TD 4.8:Ul 8.

20–51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4–12–67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificated products.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC–6/7 series aircraft.

20–53 Protection of Aircraft Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56 Marking of TSO–C72a Individual Flotation Devices (1–19–68).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20–57A Automatic Landing Systems (ALS) (1–12–71).

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations. Approval of these aircraft for use under such conditions will permit the accumulation of data for systems which may be approved for Category IIIa in the future.

20–58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b) (4–28–69).

Title is self-explanatory.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–60 Accessibility to Excess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–61 Nondestructive Testing for Aircraft (May 1969).

Reviews the basic principles underlying nondestructive testing.

20–62A Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (6–16–70).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

20–63 Airborne Automatitc Direction Finder Installations (Low and Medium Frequency) (7–7–69).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

20–64 Maintenance Inspection Notes for Lockheed L–188 Series Aircraft (8–1–69).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L–188 series aircraft.

20–65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8–11–69).

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

20–66 Vibration Evaluation of Aircraft Propellers (1–29–70).

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

20–67 Airborne VHF Communication System Installations (3–6–70).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

20–68 Recommended Radiation Safety Precautions for Airborne Weather Radar (3–11–70).

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

20–69 Conspicuity of Aircraft Instrument Malfunction Indicators (5–14–70).

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

20–71 Dual Locking Devices on Fasteners (12–8–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotocraft and transport category airplanes.

21–1 Production Certificates (6–15–65).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2B Export Airworthiness Approval Procedures (10–2–69).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21–2B Ch. 1 (11–13–70).

21–2B Ch. 2 (2–8–71).

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1969. ($1 GPO.) FAA 5.8/2:G49/962.

21–4B Special Flight Permits for Operation of Overweight Aircraft (7–30–69).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5B Summary of Supplemental Type Certificates (Announcement of Availability) (2–10–71).

Announces the availability to the public of a new edition of the Summary of Supplemental Type Certificates (SSTC), dated January 1971.

21–6 Production Under Type Certificate Only (5–26–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21–7A Certification and Approval of Import Products (11–24–69).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an ageement for the acceptance of those products for export and import.

21–8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5–21–69).

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

21–9 Manufacturers Reporting Failures, Malfunctions, or Defects (12–30–70).

Provides information to assist manufactures of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

21–10 Flight Recorder Underwater Locating Device (5–20–71).

Provides one acceptable means (not the only means) of showing compliance with the underwater locating device requirements of FAR 25.1459 and FAR 121.343.

21.25–1 Use of Restricted Category Airplanes for Glider Towing (4–20–65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303–1 Replacement and Modification Parts (3–2–66).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and sets forth examples of acceptable means of compliance with its requirements.

23–1 Type Certification Spin Test Procedures (4–1–64).

Sets forth an acceptable means by which compliance may be shown with the one-turn spinning requirement in Part 3 of the CAR's.

23.1329–1 Automatic Pilot Systems Approval (Non-Transport) (12–23–65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B.

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25–5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6–3–70).

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

25.253–1 High-Speed Characteristics (11–24–65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253–1 CH 1 (1–10–66).

Provides amended information for the basic advisory circular.

25.981–1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1–20–71).

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards, section 25.981.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457–1A Cockpit Voice Recorder Installations (11–3–69).

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH 1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4–22–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

33–2 Aircraft Engine Type Certification Handbook (3–30–66).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–2 CH 1 (9–13–67).

Transmits revised material to the basic advisory circular.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

37–2 Test Procedures for Maximum Allowable Airspeed Indicators (12–9–68).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3 Radio Technical Commission for Aeronautics Document DO–138 (1–10–69).

This circular announces RTCA Document DO–138 and discusses how it may be used in connection with technical standard order authorizations.

39–1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft Airworthiness Directive 66–18–2 (3–5–70).

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66–18–2.

39–6B Summary of Airworthiness Directives (5–20–70).

Announces the availability of a new Summary of Airworthiness Directives dated January 1, 1970.

43–1 Matching VHF Navigation Receiver Outputs With Display Indicators (8–2–65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43–2 Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (9–10–65).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

43.9–1B Instruction for Completion of FAA Form 337 (6–27–66).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller or Appliance).

43.13–1 Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (5–16–66).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1965. ($3—Sub. GPO.) FAA 5.15:965.

Subscription now includes: Ch. 1 (5–1–67); Ch. 2 (8–9–67); Ch. 3 (1–24–68); Ch. 4 (1–29–68); Ch. 5 (9–20–68); Ch. 6 (5–1–69); Ch. 7 (6–12–69); Ch. 8 (6–11–70 and 10–22–70).

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($2—Sub. GPO.) FAA 5.16:965.

Subscription now includes: Ch. 1 (1–12–67); Ch. 2 (5–26–67); Ch. 3 (6–26–67); Ch. 4 (9–12–67); Ch. 5 (11–9–67); Ch. 6 (4–12–68); Ch. 7 (5–12–69); Ch. 8 (10–29–69); Ch. 9 (10–19–70); Ch. 10 (1–20–71).

43–202 Maintenance of Weather Radar Radomes (6–11–65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

47–1 Aircraft Registration Eligibility, Identification and Activity Report (2–25–70).

Advises owners and operators of U.S. civil aircraft of recent regulatory changes that require the annual submission of current information related to aircraft registration eligibility, and requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used in complying with this regulatory change.

Airmen

SUBJECT NO. 60

60–1 Know Your Aircraft (6–12–63).

Describes potential hazards associated with operation of unfamiliar aircraft and recommends good operating practices.

60–2H Annual Aviation Mechanic Safety Awards Program (3–7–71).

Provides the details of the annual Aviation Mechanic Safety Awards Program.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–5 Advisory Information on Written Test Questions Missed (4–24–67).

Announces a new automated method of reporting written test results to airmen applicants. The applicant will be provided information concerning the subject matter areas in which one or more questions were answered incorrectly on the test.

60–6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12–13–68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

61–1C Aircraft Type Ratings (5–8–70).

Announces new designators adopted by the Federal Aviation Administration for

aircraft type ratings issued with pilot certificates.

61–2A Private Pilot (Airplane) Flight Training Guide (9–1–64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Published in 1964. ($1 GPO.) FAA 5.8/2:P 64/4/964.

61–3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4–2–68).

Assists the private pilot applicant in preparing for his certification flight test. Reprinted in 1969. ($0.25 GPO.) TD 4.408:P 64/2.

61–4B Flight Test Guide—Multiengine Airplane Class or Type Rating (4–1–68).

Assists the private pilot applicant in preparing for certification or rating flight tests. Reprinted in 1969. ($0.25 GPO.) TD 4.408:M 91.

61–5A Helicopter Pilot Written Test Guide—Private—Commercial (8–14–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61–8B Instrument Rating (Airplane) Written Test Guide (4–24–69).

Outlines the scope of the written test and directs applicants to appropriate study materials. Details subject areas covered in the test and indicates areas of aviation knowledge in which instrument pilots must be well informed. ($0.70 GPO.) TD 4.8:In 7/4.

61–9 Pilot Transition Courses for Complex Single-Engine and Light Twin-Engine Airplanes (6–16–64).

Provides training syllabuses and checkout standards for pilots who seek to qualify on additional types of airplanes. Published in 1964. ($0.15 GPO.) FAA 5.8/2:P 64/7.

61–10 Private and Commercial Pilots Refresher Courses (9–1–64).

Provides a syllabus of ground instruction periods and training lessons. Reprinted in 1969. ($0.25 GPO.) FAA 5.8/2:P 64/9.

61–11A Airplane Flight Instructor Written Test Guide (9–5–67).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. Reprinted in 1969. ($0.70 GPO.) TD 4.408:In 7.

61–12D Student Pilot Guide (7–16–70).

Serves as a guide for prospective student pilots and presents general procedures for obtaining student and private pilot certificates. ($0.20 GPO.) TD 4.8:P 64/3/970.

61–13 Basic Helicopter Handbook (1–20–66).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. Published in 1965. ($0.75 GPO.) FAA 5.8/2:H 36.

61–14A Flight Instructor Practical Test Guide (10–23–69).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. ($0.15 GPO.) TD 4.408:In 7/4.

61–16A Flight Instructor's Handbook (10–14–69).

Gives guidance and information to pilots preparing to apply for flight instructor certificates, and for use as a reference by flight instructors. ($1.25 GPO.) TD 4.408:In 7/3.

61–17A Flight Test Guide—Instrument Pilot Airplane (6–6–67).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Published in 1967. ($0.15 GPO.) TD 4.408:In 7/2.

61–18B Airline Transport Pilot (Airplane) Written Test Guide (7–1–68).

Describes the type and scope of aeronautical knowledge covered by the written examination, lists appropriate references for study, and presents sample examination questions. Published in 1968. ($0.55 GPO.) TD 4.408:P 64/3.

61–19 Safety Hazard Associated With Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–21 Flight Training Handbook (1–11–66).

Provides information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. ($1.25 GPO.) FAA 1.8:F 64/4.

61–23 Private Pilot's Handbook of Aeronautical Knowledge (5–27–66).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. Reprinted in 1969. ($2.75 GPO.) FAA 5.8/2:P 64/5/965.

61–25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12–7–65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. ($0.10 GPO.) FAA 1.8:H 36/2.

61–27A Instrument Flying Handbook (4–30–68).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Private Pilot's Handbook of Aeronautical Knowledge." Published in 1969. ($2.50 GPO.) TD 4.408:In 7/3.

61–28A Commercial Pilot Written Test Guide (4–28–70).

Reflects current operating procedures and techniques for the use of applicants in preparing for the Commercial Pilot-Airplane Written Test. ($1.50 GPO.) TD 4.408:P 64/4.

61–29 Instrument Flight Instructor Written Examination Guide (9–28–66).

Designed to aid those preparing for the Instrument Flight Instructor Written Examination, this guide outlines basic knowledge necessary to an instrument flight instructor, indicates sources helpful in acquiring this knowledge, and provides sample questions and answers for practice. Reprinted 1969. ($1.00 GPO.) FAA 1.8:In 7.

61–30 Flight Test Guide—Gyroplane, Commercial Pilot (2–8–66).

Assists commercial pilot operator in preparing for certification test. Revised in 1966. ($0.15 GPO.) FAA 5.8/2:G 99/2/966.

61–31 Gyroplane Pilot Examination Guide, Private and Commercial (2–9–66).

Outlines information basic to a gyroplane pilot, lists sources useful in acquiring this knowledge, and presents sample examination questions.

61–32 Private Pilot Written Examination Guide (8–15–67).

A combination workbook, written test guide. Includes 71 exercises covering every section of the Private Pilot's Handbook of Aeronautical Knowledge plus a sample written test presented in a fashion similar to the current Private Pilot Written Examination. Reprinted in 1969. ($1.75 GPO.) TD 4.408:P64.

61–33 Gyroplane Flight Instructor Examination Guide (3–25–66).

Assists applicants who are preparing for the Flight Instructor Rotorcraft Gyroplane Written Examination. Revised in 1966.

61–34A Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (6–18–70).

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the

certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. ($0.40 GPO.) TD 4.8:P 64.

61–38 Rotorcraft Helicopter Written Test Guide (8–16–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61–39 Flight Test Guide, Private and Commercial Pilot—Glider (8–28–67).

Assists applicants for private and commercial pilot flight tests in gliders.

61–41 Glider Flight Instructor Written Test Guide (11–7–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider flight instructor; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–42 Airline Transport Pilot (Helicopter) Written Test Guide (11–7–67).

Provides guidance to applicants preparing for the Airline Transport Pilot Rotorcraft/Helicopter (VFR and/or IFR) Written Tests. Describes the type and scope of required aeronautical knowledge covered by the written test. ($0.35 GPO.) TD 4.408:H 36.

61–43 Glider Pilot Written Test Guide—Private and Commercial (11–30–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider pilot; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

61–46 Flight Instructor Procedures (6–4–69).

Informs flight instructors of the procedures involved in the renewal or reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

61–47 Use of Approach Slope Indicators for Pilot Training (9–16–70).

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

61.117–1C Flight Test Guide—Commercial Pilot, Airplane (2–7–69).

Assists the commercial applicant in preparing for his certification flight test. ($0.20 GPO.) TD 4.8:P 64/3.

63–1B Flight Engineer Written Test Guide (10–22–70).

Provides information to prospective flight engineers and others interested in this certification area. Contains information about certification requirements and describes the type and scope of the written test. Lists appropriate study and reference material and presents sample questions similar to those found in the official written tests. ($0.50 GPO.) TD 4.408:En 3.

63–2A Flight Navigator Written Test Guide (4–4–69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. ($.40 GPO.) TD 4.8:F 64/2.

65–2A Airframe and Powerplant Mechanics Certification Guide (10–12–67).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. Reprinted in 1969. ($0.65 GPO.) TD 4.8:Ai 7/6.

65–4A Aircraft Dispatcher Written Test Guide (8–16–68).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. Published in 1969. ($0.50 GPO.) TD 4.8:Ai 7/12.

65–5 Parachute Rigger Certification Guide (6–19–67).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. Reprint in 1970. ($0.25 GPO.) TD 4.8:P 21.

65–9 Airframe and Powerplant Mechanics—General Handbook (8–26–70).

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. ($4 GPO.) TD 4.408:AI 7/2.

65–11 Airframe and Powerplant Mechanics Certification Information (5–22–70).

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics. ($0.20 GPO.) TD 4.8:A:7/21.

65–13 FAA Inspection Authorization Directory (12–14–70).

Provides a new directory of all FAA certificated mechanics who hold an inspection authorization as of the effective date shown above.

65–14 The Seventh Annual FAA International Aviation Maintenance Symposium (4–19–71).

Informs the aviation community that the Maintenance Division will hold the seventh annual maintenance symposium.

65.95–2B Handbook and Study Guide for Aviation Mechanics Inspection Authorization (10–9–70).

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

Airspace

SUBJECT No. 70

70/7460–1 Obstruction Marking and Lighting (2–29–68). (Consolidated reprint includes change 1, 1969.)

Describes the agency standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types as official FAA policy. ($0.60 GPO.) TD 4.8:Ob 7/968.

70/7460–1 CH 2 (7–2–70).

Specifies an increase in the maximum width of the aviation surface orange and white painted bands for display on towers, smokestacks and similar structures.

70/7460–1 CH–3 (3–1–71).

Contains the standard for marking and lighting catenaries and their support structures.

70/7460–2B Proposed Construction or Alterations of Objects That May Affect the Navigable Airspace (11–4–70).

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. It also stresses the important role they have in air safety. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

Air Traffic Control and General Operations

SUBJECT No. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–12 Severe Weather Avoidance (4–15–64).

Provides information regarding air traffic control assistance in avoiding severe weather conditions.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–26–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–19 Use of Radar for the Provision of Air Traffic Control Services (10–29–64).

Advises the aviation community of FAA practice in the use of radar information to provide air traffic control services.

90–20 Weather Radar Radomes (11–12–64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90–22C Automatic Terminal Information Service (ATIS) (2–2–71).

Provides updated information concerning the operation of Automatic Terminal Information Service.

90–23B Wake Turbulence (5–17–71).

Alerts pilots to the hazards of trailing vortex wake turbulence and related operational problems.

90–31 Retention of Flight Service Station (FSS) Civil Flight Plans and Related Records (7–1–67).

Establishes new retention periods for flight plans, preflight briefing logs, visual flight rule flight progress strips, and related records with FSSs.

90–32 Radar Capabilities and Limitations (8–15–67).

Advises the aviation community of the inherent capabilities and limitations of radar systems and the effect of these factors on the service provided by air traffic control (ATC) facilities.

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–35 Frequency Discipline (5–17–68).

Reemphasizes the need for pilots to be constantly aware of the importance of practicing frequency discipline in normal conduct of operations.

90–36 The Use of Chaff as an In-Flight Emergency Signal (5–22–68).

Advises of the value and proper usage of chaff to alert radar controllers to the presence of an aircraft in distress which has a two-way radio failure.

90–38A Use of Preferred IFR Routes (12–29–69).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90–39 Identification of Civil Aircraft in Radio Communications (8–5–68).

Outlines an important change in the Federal Communications Commission (FCC) rules for the aviation services concerning the methods of identifying aircraft in radio transmissions.

90–41A Standard Instrument Departure/Arrival Procedures (2–18–71).

Describes the revised and combined Standard Instrument Departure (SID) and Standard Terminal Arrival Route (STAR) program.

90–42 Traffic Advisory Practices at Nontower Airports (12–9–68).

This circular establishes, as good operating practices, procedures for pilots to exchange traffic information when operating to or from nontower airports.

90–43B Operations Reservations for High-Density Traffic Airports (1–20–71).

Advises the aviation community of the means for all aircraft operators, except helicopters, scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

90–44 Airport Ground Operations During Low Visibility Conditions (4–25–69).

Alerts the aviation community to potential problem areas which may exist on airport movement areas during periods of extremely low visibility.

90–45 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (8–18–69).

Provides guidelines for implementation of area navigation (RNAV) within the National Airspace System (NAS).

90–45 CH–1 (10–20–70).

Deletes certain items found to be in excess of minimum requirements and clarifies certain other items.

90–47 Abbreviated Instrument Flight Rules Departure Clearance (3–18–70).

Provides guidance to pilots and operators for participation in the Abbreviated IFR Departure Clearance Program.

90–48 Pilots' Role in Collision Avoidance (3–20–70).

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human causal factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

90–49 The Airman's Information Manual (7–31–70).

Serves as a reminder of the importance of pilot familiarity with Rules, Practices, and Procedures for safe flight operations.

90–50 Air Traffic Control Radio Frequency Assignment Plan for VFR and IFR Communications (9–29–70).

Describes the civil air traffic control assignment of frequencies in the very high frequency (118–136 MHz) band.

90–51 FAA Motion Picture—"Caution—Wake Turbulence" (11–17–70).

Announces the availability of a new wake turbulence film and encourages its viewing.

90–52 FAA Symposium on Turbulence (12–15–70).

Announces to the public where and when "FAA Symposium on Wake Turbulence" will convene.

90–53 FAA Symposium on Turbulence—Extension of Response Time for Registration (2–8–71).

Announces an extension in time for registration for FAA Symposium on Turbulence, March 22–24, 1971, and includes Provisional Agenda Digest.

91–3 Acrobatic Flight (9–30–63).

Sets safe operating practices for the conduct of acrobatic flight operations.

91–5A Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (5–6–69).

Provides updated information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3–16–65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91–8A Use of Oxygen by General Aviation Pilots/Passengers (8–11–70).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10–8–65).

Provides general aviation operators of turbojet airplanes with information on

practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91–11A Annual Inspection Reminder (12–3–69).

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a)(1) of the FARs.)

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. ($0.50 GPO.) FAA 7.9:D 84.

91–12B Required Inspection for Aircraft Operating Under FAR 121, 123, 127, or 135 and Reverting to General Operation Under FAR 91 (12–9–70).

Describes acceptable methods for complying with the required inspections set forth in FAR Part 91.

91–13A Cold Weather Operation of Aircraft (1–2–70).

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

91–14A Altimeter Setting Sources (4–19–71).

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($0.55 GPO.) TD 4.2:T 27.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–19 Emergency Locator Beacons—Crash, Survival, Personnel (3–17–69).

Provides information concerning recent activities relating to emergency locator radio beacons. Describes for users the means by which such signals will be monitored or heard.

91–20 Inspection Schedule—for Beech Model B–99 (3–14–69).

Provides information for use by persons planning to develop an inspection schedule for Beech Model B–99.

91–21 Inspection Schedule—for Handley-Page Model HP–137 (4–24–69).

Provides information for use by persons planning to develop an inspection schedule for the Handley-Page Model HP–137 aircraft.

91–22 Altitude Alerting Devices/Systems (7–7–69).

Provides guidelines for installing and evaluating altitude alerting systems.

91–23 Pilot's Weight and Balance Handbook (5–6–69)

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. ($0.70 GPO.) TD 4.408: P 64/3.

91–24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9–4–69).

Provides information to the problem of aircraft tires hydroplaning on wet runways.

91–25 Loss of Visual Cues During Low Visibility Landings (9–22–69).

Provides information regarding the importance to the pilot of maintaining unbroken visual cues during the final stages of an instrument approach when reaching the DH or MDA and continuing further descent.

91–26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10–29–69).

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

91–27A Systemsworthiness Analysis Program—General Aviation (12–16–70).

Explains the purpose and applicability of the Systemsworthiness Analysis Program (SWAP) to certificated air taxis, repair stations, pilot and aviation maintenance technician schools that are operated under the privileges of certificates issued by the Federal Aviation Administration.

91–28 Unexpected Opening of Cabin Doors (12–23–69).

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

91–29 Radar Transponder Requirements (3–30–70).

Describes certain aspects of the planned operation of the Air Traffic Control Radar Beacon System (ATCRBS) which will be of interest to aircraft operators who expect to use radar transponders in their aircraft.

91–30 Terminal Control Areas (TCA) (6–11–70).

Explains the TCA concept and answers some of the most frequently asked questions pertaining to TCA.

91–31 FAR Requirement for the Filing of Flight Plans for Flights Between Mexico and the United States (2–1–71).

Informs pilots of the requirements of section 91.12(c) of Part 91 of the Federal Aviation Regulations.

91.29–1 Special Structural Inspections (1–8–68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83–1 Canceling or Closing Flight Plans (3–12–64).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83–2 IFR Flight Plan Route Information (2–16–66).

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

95–1 Airway and Route Obstruction Clearance (6–17–65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEAs) for publication in FAR Part 95.

99.11–1 Flight Plan Requirements: Coastal or Domestic ADIZ (11–15–63).

Provides recommended flight plan filing procedures for operation within or into an Air Defense Identification Zone (ADIZ).

99.27–1 Flight Plan Tolerances for Air Defense Identification Zones (9–30–63).

Provides recommended flight plan tolerances for operations within or into the ADIZ.

101–1 Waivers of Part 101, Federal Aviation Regulations (1–13–64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103–1 Hazard Associated With Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (12–16–63).

Discusses potential hazards of dry ice and gives precautionary measures.

103–2 Information Guide for Air Carrier Handling of Radioactive Materials (7–23–70).

Acquaints air carrier industry and in particular, air freight handling personnel, with the essential requirements and practical application of the various regulations pertaining to the handling and transportation of radioactive materials.

105–2 Sport Parachute Jumping (9–6–68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

Air Carrier and Commercial Operators and Helicopters

SUBJECT NO. 120

120–1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs (4–24–69).

Advises of the mechanical reliability reporting requirements contained in FAR Parts 121 and 127 and the accident and incident reporting requirements of NTSB Part 430, Rules Pertaining to Aircraft Accidents, Incidents, Overdue Aircraft, and Safety Investigations.

120–2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8–20–63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120–5 High Altitude Operations in Areas of Turbulence (8–26–63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120–7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7–27–70).

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

120–12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6–24–64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120–13 Jet Transport Aircraft Attitude Instrument Systems (6–26–64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120–16A Continuous Airworthiness Program (9–11–69).

Provide air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

120–17 Handbook for Maintenance Control by Reliability Methods (12–31–64).

Provides information and guidance material which may be used to design or develop maintenance reliability programs which include a standard for determining time limitations.

120–17 CH 1 (6–24–66).

120–17 CH 2 (5–6–68).

120–18 Preservation of Maintenance Records (5–10–65).

Provides information and guidance relative to the microfilming of maintenance records.

120–21 Aircraft Maintenance Time Limitations (6–24–66).

Provides methods and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

120–24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (2–25–69).

Describes methods and procedures used by the FAA in the establishment and revision of aircraft engine overhaul periods.

120–26A Civil Aircraft Operator Designators (5–11–70).

Revises the criteria and states the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120–27 Aircraft Weight and Balance Control (10–15–68).

Provides a method and procedures for weight and balance control.

120–28 Concepts of Airborne Systems for Category IIIA Operations (9–5–69).

Assist the aviation industry with initial preparations for Category IIIA operations.

120–29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9–25–70).

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300–¾ or RVR 4,000 (Category I) and Category II minima for all aircraft.

121–1 Standard Maintenance Specifications Handbook (12–15–62).

Consolidated reprint 5–15–69, includes Changes 1 through 18.

Provides procedures acceptable to FAA which may be used by operators when establishing inspection intervals and overhaul times.

121–1 CH 19 (12–19–69).

Revises existing material in the subject handbook.

121–1 CH 20 (7–17–70).

Changes existing and includes new material in the subject handbook.

121–1 CH 21 (12–14–70).

Revises existing and includes new material in the subject handbook.

121–3L Maintenance Review Board Reports (1–29–71).

Revises the list of Maintenance Review Board Reports that are currently in effect (January 1971).

121–6 Portable Battery-Powered Megaphones (1–5–66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121–7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7–14–66).

Concerned with the prevention of injury due to air turbulence.

121–9 Maintenance of Evacuation Slides (9–22–66).

Provides information and guidance to air carriers and commercial operators in the maintenance of emergency evacuation slides.

121–12 Wet or Slippery Runways (8–17–67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

121–13 Self-Contained Navigation Systems (Long Range) (10–14–69).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

121–13 CH–1 (7–31–70).

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

121–13 CH–2 (12–21–70).

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

121–14 Aircraft Simulator Evaluation and Approval (12–19–69).

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under 121.407.

121–16 Maintenance Certification Procedures (11–9–70).

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

121.195(d)–1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11–19–65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123–1 Air Travel Clubs (10–17–68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

135.155–1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2–16–65).

Sets forth an acceptable means of compliance with provisions in FAR Part 135 and Part 23 dealing with alternate static sources.

135–1A Air Taxi Aircraft Weight and Balance Control (9–26–69).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

135–2 Air Taxi Operators of Large Aircraft (10–14–69).

Provides guidelines and procedures for use by air taxi operators or applicants for Air Taxi Operator certificates who desire to obtain FAA authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

135–3 Air Taxi Operators of Small Aircraft (2–17–70).

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

135.60–1 Aircraft Inspection Programs (5–1–70).

Provides information for use by air taxi operators and commercial operators of small aircraft developing an aircraft inspection program for FAA approval.

137–1 Agricultural Aircraft Operations (11–29–65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this part.

Schools and Other Certificated Agencies

SUBJECT NO. 140

140–1E Consolidated Listing of FAA Certificated Repair Stations (12–9–70).

Provides a revised directory of all FAA certificated repair stations as of October 1970.

140–2E List of Certificated Pilot Flight and Ground Schools (1–1–69).

Lists FAA certificated pilot schools as of January 1969.

140–3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1–8–70).

The title is self-explanatory.

140–4 Use of Audio-Visual Courses in Approved Pilot Ground Schools Certificated Under Part 141 (8–7–68).

Informs operators of certificated pilot schools on the use of audio-visual training aids for instruction in approved ground school courses conducted under the FARs.

143–1B Ground Instructor Examination Guide—Basic—Advanced (4–18–67).

Designed to assist applicants preparing for the Basic or Advanced Ground Instructor Written Examination by outlining the required knowledge and by providing sample questions for practice. Revised in 1967. ($1 GPO.) TD 4.408: G 91.

143–2B Ground Instructor—Instrument—Written Test Guide (6–25–70).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. ($0.65 GPO.) TD 4.8: G 91.

145.101–1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3–10–69).

Explains how to obtain a repair station certificate.

147–2G Directory of FAA Certificated Aviation Maintenance Technician Schools (10–27–70).

Provides a revised directory of all FAA certificated aviation maintenance technician schools (formerly mechanic schools) as of the effective date.

147–3 Phase III, A National Study of the Aviation Mechanics Occupation (3–22–71).

Announces the availability for purchase by the public of a reprint of a report of Phase III, A National Study of the Aviation Mechanics Occupation.

149–2E Listing of Federal Aviation Administration Certificated Parachute Lofts (12–9–70).

Describes acceptable methods for complying with the required inspections set forth in Federal Aviation Regulations, Part 91.

Airports

SUBJECT NO. 150

DEFENSE READINESS PROGRAM

150/1930–1 Radiological Decontamination of Civil Airports (8–19–66).

Offers guidance in preattack preparations, emergency action and decontamination methods.

AIRPORT PLANNING

150/5000–1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4–17–70).

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

150/5000–2 Index of Publications, Airport Service, Standards Division (9–28–70).

Transmits the first Airports Service, Standards Division, index of advisory circulars and related publications.

150/5040–1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980 (3–27–69).

Announces the availability of the new report and where to obtain it.

150/5040–2 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Medium Air Transportation Hubs Through 1980 (5–22–69).

Announces the availability to the public, Federal Aviation Administration personnel, airport and local government planning officials, the aviation industry, and the interested public with forecasts of aviation demand and selected airport facility requirements for medium hubs through 1980.

150/5040–3 Announcement of Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (6–19–69).

Announces the availability of the report to the public which identifies and analyzes the possible improvements leading to reduced aircraft delays at 18 of the Nation's highest density airports.

150/5040–4 Announcement of Supplementary Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (3–31–70).

Announces the availability of the report to the public which identifies and analyzes possible improvements needed to prevent delays at 10 additional airports where demand compared to capacity indicates serious congestion will become a problem. This report is supplementary to the report announced by AC 150/5040–3.

150/5050–2 Compatible Land Use Planning in the Vicinity of Airports (4–13–67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050–3 Announcement of a Report Entitled "Planning the State Airport System" (1–31–69).

Advises of the availability of the report and how to obtain it.

150/5060–1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7–8–68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060–3A Airport Capacity Criteria used in Long-Range Planning (12–24–69).

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

150/5070–1 Rapid Transit Service for Metropolitan Airports (8–26–65).

Informs airport officials of a Federal assistance program for rapid transit.

150/5070–2 Planning the Metropolitan Airport (9–17–65). (Consolidated reprint 6–30–66 includes change 1.)

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

150/5070–3 Planning the Airport Industrial Park (9–30–65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070–4 Planning for Rapid Urbanization Around Major Metropolitan Airports (3–31–66).

Alerts planning agencies to the need for developing appropriate planning programs to guide rapid urbanization in the vicinity of major metropolitan airports and suggests procedures for such planning programs.

150/5070–5 Planning the Metropolitan Airport System (5–22–70).

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. ($1.25 GPO) TD 4.108:M56/2.

150/5070–6 Airport Master Plans (2–5–71).

Provides guidance for the preparation of individual airport master plans as provided for under the Airport Airway Development Act of 1970. ($1.25 GPO) TD 4.108: P 69.

150/5090–1 Regional Air Carrier Airport Planning (2–2–67).

This circular: (1) Informs local and State governments, airport operators, and area planners of a Federal policy concerning the development of a single airport to serve two or more cities and their environs; and (2) provides such planners with guidance for evaluating the feasibility of establishing such regional airports.

FEDERAL-AID AIRPORT PROGRAMS

150/5100–3A Federal-aid Airport Program-Procedures Guide for Sponsors (9–20–68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100–3A CH 1 (11–28–69).

Transmits revised pages to subject advisory circular.

150/5100–5 Land Acquisition in the Federal-aid Airport Program (1–30–69).

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

150/5100–6 Labor Requirements in Federal-aid Airport Program Contracts (6–6–69).

Covers the basic labor requirements applicable to the Federal-aid Airport Program (FAAP). Intended primarily for the guidance of those public agencies sponsoring projects under the program and the contractors and subcontractors engaged in work under a project.

150/5100–7 Requirement for Public Hearing in the Airport Development Aid Program (1–4–71).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

150/5100–8 Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1–19–71).

Provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150–2 Federal Surplus Personal Property for Public Airport Purposes (6–27–68).

Outlines policies and procedures for State and local agencies applying for and acquiring surplus Federal personal property for public airport purposes.

150/5150–2 CH 1 (4–22–69).

Revises the flow of copies of the SF 123 to provide for more accurate review of donated property.

AIRPORT COMPLIANCE PROGRAM

150/5190–1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8–18–66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190–2 Exclusive Rights at Airports (9–2–66).

Provides basic information and guidance on FAA policy concerning exclusive rights at public airports on which Federal funds, administered by the FAA, have been expended.

150/5190–3 Model Airport Zoning Ordinance (1–16–67).

Provides a guide to be used in preparing airport zoning ordinances. This model will require modification and revision to suit circumstances and fulfill State and local law.

AIRPORT SAFETY—GENERAL

150/5200–1 Bird Hazards to Aviation (3–1–65).

Discusses certain steps that can be taken toward reducing or solving the bird strike problem on and near airports.

150/5200–2A Bird Strike/Incident Report Form (1–9–70).

Informs military and civil aviation organizations that FAA Form 3830, "Bird Strike/Incident Report Form," (BOB: 04–R136) is available for use in reporting bird hazards and accidents/incidents to aircraft resulting from bird strikes.

150/5200–3 Bird Hazards to Aircraft (10–7–66).

Transmits the latest published information concerning the reduction of bird strikes on aircraft.

150/5200–4 Foaming of Runways (12–21–66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200–5 Considerations for the Improvement of Airport Safety (2–2–67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200–6A Security of Aircraft at Airports (6–28–68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200–7 Safety on Airport During Maintenance of Runway Lighting (1–24–68).

Points the possibility of an accident occurring to airport employees caused by electrocution.

150/5200–8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5–2–68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200–9 Bird Reactions and Scaring Devices (6–26–68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200–10 Airport Emergency Operations Planning (7–26–68).

Provides guidance to airport management and disaster control personnel in the preparation of plans for emergency actions at civil airports.

150/5200–10 CH 1 (9–15–70).

Transmits additional guidance regarding post accident passenger accommodations, crowd control, a regional telephone list for requesting radiological assistance from the Atomic Energy Commission, and other items related to these subjects.

150/5200–11 Airport Terminals and the Physically Handicapped (11–27–68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5200–12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8–7–69).

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper preservation of evidence.

150/5200–13 Removal of Disabled Aircraft (8–27–70).

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

150/5200–14 Results of 90–Day Trial Exercise on Fire Department Activity (9–8–70).

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

150/5200–15 Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (9–11–70).

Announces the availability of the subject manual.

150/5200–16 Announcement of Report AS–71–1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4–13–71).

Announces the availability of the subject report and describes how to get it.

150/5210–2 Airport Emergency Medical Facilities and Services (9–3–64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210–4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10–27–65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210–5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8–31–66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210–6A Aircraft Fire and Rescue Facilities and Extinguishing Agents (1–14–70).

Furnishes general guidance for estimating the aircraft fire and rescue facilities needed at civil airports.

150/5210–7 Aircraft Fire and Rescue Communications (10–28–66).

Provides airport management with information helpful in the establishment of communication and alarm facilities. Such facilities alert and guide those personnel who must deal with aircraft ground emergencies.

150/5210–8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1–13–67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210–9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10–27–67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210–10 Airport Fire and Rescue Equipment Building Guide (12–7–67).

This title is self-explanatory.

150/5210–11 Response to Aircraft Emergencies (4–15–69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5220–1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7–24–64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220–2 Guide Specification for 1,800-Gallon Aircraft Fire and Rescue Truck (7–24–64).

Describes a vehicle possessing the minimum performance capabilities recommended for an acceptable aircraft fire and rescue truck.

150/5220–3 Guide Specification for 1,000-Gallon Aircraft Fire and Rescue Truck (3–9–67).

The title is self-explanatory.

150/5220–4 Water Supply Systems for Aircraft Fire and Rescue Protection (12–7–67).

The title is self-explanatory.

150/5220–5 Guide Specification for a Combination Foam and Dry Chemical Aircraft Fire and Rescue Truck (12–29–67).

Specification requirements developed by FAA to assist airport management in developing local procurement specifications for fire and rescue trucks.

150/5220–6 Guide Specification for 1,000-Gallon Tank Truck (4–10–68).

Assists airport management in the development of local procurement specifications.

150/5220–7 Guide Specification for 2,500-Gallon Aircraft Fire and Rescue Truck (8–30–68).

Guide Specification developed to assist airport management in the development of local procurement specifications.

150/5220–8 Guide Specification for 2,000-Gallon Tank Truck (6–13–69).

Assists airport management in the development of local procurement specifications for 2,000-gallon tank truck.

150/5220–9 Aircraft Arresting System for Joint Civil/Military (4–6–70).

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

150/5230–1 Suggestions for Airport Safety Self-Inspection (3–30–64).

Summarizes the functional statements, procedures, forms, and schedules on safety self-inspection now in use at many U.S. civil airports.

150/5230–3 Fire Prevention During Aircraft Fueling Operations (4–8–69).

This advisory circular provides information on fire preventative measures which aircraft servicing personnel should observe during fueling operations.

CIVIL AIRPORTS EMERGENCY PREPAREDNESS

150/5240–1A Airport Disaster Control Guide (10–31–67).

Acts as a guide to reducing or avoiding problems imposed by enemy nuclear attack.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–2A Airport Design Standards—Site Requirements for Terminal Navigational Facilities (10–8–69).

Provides information regarding the location, function, and siting requirements of terminal air navigational facilities to enable sound airport design and development, as well as facilitating their proper and economical establishment.

150/5300–3 Adaptation of TSO–N18 Criterion to Clearways and Stopways (10–18–64).

Sets forth standards recommended by the FAA for guidance of the public for the adaptation of TSO–N18 criterion to clearways and stopways.

150/5300–4A Utility Airports—Air Access to National Transportation (5–6–69).

Presents recommendations of the Federal Aviation Administration for the design of utility airports. These airports are developed for general aviation operations and this guide has been prepared to encourage and guide persons interested in their development. ($1.75 GPO.) TD 4.8:Ai 7/968.

150/5300–5 Airport Reference Point (9–26–68).

Defines and presents the method for calculating an airport reference point.

150/5300–6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7–14–69).

Provides recommended design criteria for the development of larger than general utility airports.

150/5300–7 FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11–7–70).

Informs the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

150/5300–8 Planning and Design Criteria for Metropolitan STOL Ports (11–5–70).

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

150/5310–3 FAA Order 5310.2, Relocating Thresholds Due to Obstructions at Existing Runways (5–27–68).

Announces the issuance of instructions to FAA field personnel on the displacement or relocation of thresholds.

150/5320–5B Airport Drainage (7–1–70).

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. ($1.00 GPO.) TD 4.8:78/970.

150/5320–6A Airport Paving (5–9–67).

Provides data for the design and construction of pavements at civil airports.

150/5320–6A CH 1 (6–11–68).

Transmits page changes and adds new chapter 6 to basic AC.

150/5320–6A CH 2 (2–2–70).

Transmits new paragraphs 3, 4, and 5, and adds a new Appendix 2.

150/5320–6A CH 3 (4–1–70).

Transmits several page changes and new subgrade compaction criteria.

150/5325–2B Airport Design Standards—Air Carrier Airports—Surface Gradient and Line of Sight (2–18–70).

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airport surface areas used to accommodate the landing, takeoff, and other ground movement requirements of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

150/5325–3 Background Information on the Aircraft Performance Curves for Large Airplanes (1–26–65).

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325–3 CH 1 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 Runway Length Requirements for Airport Design (4–5–65).

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325–4 CH 1 (8–5–65).

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1–11.

150/5325–4 CH 2 (9–21–65).

Transmits aircraft performance curves for the Boeing 707–300C and the Fairchild F–27 and F–27B.

150/5325–4 CH 3 (4–25–66).

Transmits aircraft performance curves for the Douglas DC–8–55, DC–8F–55, and DC–9–10 Series, the Fairchild F–27J, and the Nord 262.

150/5325–4 CH 4 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 CH 5 (7–13–66).

Transmits aircraft performance curves for the Douglas DC–9–10 Series equipped with Pratt & Whitney JT8D–1 Engines.

150/5325–4 CH 6 (12–8–66).

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

150/5325–4 CH 7 (2–7–67).

Presents design curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

150/5325–4 CH 8 (11–8–67).

Transmits aircraft performance curves for the Boeing 747, Convair 640 (340D or 440D), and Douglas DC–9–30 Series.

150/5325–5A Aircraft Data (1–12–68).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in aircraft development.

150/5325–6 Effects of Jet Blast (4–15–65).

Presents the criteria for treatment of jet blast effects which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5325–7 Is Your Airport Ready for the Boeing 747 (1–23–68).

Presents a preliminary condensed survey of today's airport design criteria and their suitability to the presently known characteristics of the Boeing 747 airplane.

150/5325–8 Compass Calibration Pad (5–8–69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5330–2A Runway/Taxiway Widths and Clearances for Airline Airports (7–26–68).

Presents the Federal Aviation Administration recommendations for landing strip, runway, and taxiway widths and clearances at airports served by certificated air carriers.

150/5330–3 Wind Effect on Runway Orientation (5–5–66).

Provides guidance for evaluating wind conditions and determining their effect on the orientation of runways.

150/5335–1A Airport Design Standards—Airports Served by Air Carriers—Taxiways (5–15–70).

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

150/5335–2 Airport Aprons (1–27–65).

Provides the criteria for airport aprons which are acceptable in accomplishing a

project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5340–1C Marking of Paved Areas on Airports (11–3–70).

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

150/5340–4B Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5–6–69).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340–5 Segmented Circle Airport Marker System (8–1–63).

Recommends an airport marking system of pilot aids and traffic control devices. Required for FAAP project activity.

150/5340–8 Airport 51-foot Tubular Beacon Tower (6–11–64).

Provides design and installation details on the subject tower.

150/5340–9 Prefabricated Metal Housing for Electrical Equipment (8–18–64).

Provides design and installation details on the subject metal housing.

150/5340–13A High Intensity Runway Lighting System (4–14–67).

Provides corrected curves for estimating loads in high intensity series circuits.

150/5340–14B Economy Approach Lighting Aids (6–19–70).

Describes standards for the design, selection, siting, and maintenance of economy approach lighting aids.

150/5340–15A Taxiway Edge Lighting System (11–1–67).

Describes standards for the design, installation, and maintenance of a taxiway edge lighting system.

150/5340–15A CH 1 (4–2–68).

Transmits change to basic AC.

150/5340–16B Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (10–26–70).

Describes standards for the design installation, and maintenance of medium intensity runway lighting system (MIRL), and visual approach slope indicators for utility airports.

150/5340–17A Standby Power for Non-FAA Airport Lighting Systems (3–19–71).

Describes standards for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System (NAS).

150/5340–18 Taxiway Guidance System (9–27–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340–19 Taxiway Centerline Lighting System (11–14–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340–20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2–17–69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5340–21 Airport Miscellaneous Lighting Visual Aids (3–25–71).

Describes standards for the system design, installation, inspection, testing, and maintenance of airport miscellaneous visual aids; i.e., airport beacons, beacon towers, wind cones, wind tees, and obstruction lights.

150/5340–22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4–20–71).

Contains maintenance recommendations for determining degradation and cleaning of centerline and touchdown zone lights installed in airport pavement.

150/5345–1B Approved Airport Lighting Equipment (10–30–68).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply such equipment.

150/5345–2 Specification for L–810 Obstruction Light (11–4–63).

Required for FAAP project activity.

150/5345–2 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–3A Specification for L–821 Airport Lighting Panel for Remote Control of Airport Lighting (10–20–67).

Required for FAAP project activity.

150/5345–3A CH 1 (6–11–68).

Corrects case dimensions for the size 4 panel and other page changes.

150/5345–3A CH 2 (9–17–69).

Provides corrected drawings for the size 4 panel layout dimensions and the case dimensions.

150/5345–4 Specification for L–289 Internally Lighted Airport Taxi Guidance Sign (10–15–63).

Required for FAAP project activity.

150/5345–4 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–5 Specification for L–847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9–3–63).

Required for FAAP project activity.

150/5345–7B Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits (3–18–71).

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

150/5345–9C Specification for L–819 Fixed Focus Bidirectional High Intensity Runway Lights (12–23–69).

Describes the subject specifications requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345–10B Specification for L–828 Constant Current Regulator With Stepless Brightness Control (4–8–68).

Required for FAAP project activity.

150/5345–11 Specification for L–812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3–2–64).

Required for FAAP project activity.

150/5345–12A Specification for L–801 Beacon (5–12–67).

Describes the subject specification requirements.

150/5345–12A Ch. 1 (3–19–71).

Transmits paragraph changes to the subject advisory circular.

150/5345–13 Specification for L–841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1–6–64).

Required for FAAP project activity.

150/5345–15 Specification for L–842 Airport Centerline Light (1–6–64).

Required for FAAP project activity.

150/5345–16 Specification for L–843 Airport In-Runway Touchdown Zone Light (1–20–64).

Required for FAAP project activity.

150/5345–17 Specification for L–845 Semiflush Inset Prismatic Airport Light (3–3–64).

Describes the subject specification requirements.

150/5345–18 Specification for L–811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3–3–64).

Required for FAAP project activity.

150/5345–18 CH 1 (5–28–64).

Advises that a detail requirement is not applicable to the circular.

150/5345–19 Specification for L–838 Semiflush Prismatic Airport Light (5–11–64).

Describes the subject specification requirements.

150/5345–20 Specification for L–802 Runway and Strip Light (6–24–64).

Describes the subject specification requirements.

150/5345–20 CH 1 (8–31–64).

Provides amended information for the basic advisory circular.

150/5345–20 CH 2 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–20 CH 3 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–20 CH 4 (8–5–69).

Describes the subject specification requirements for a runway and strip light.

150/5345–21 Specification for L–813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7–28–64).

Describes the subject specification requirements.

150/5345–22 Specification for L–834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10–8–64).

Describes the subject specification requirements.

150/5345–23 Specification for L–822 Taxiway Edge Light (10–13–64).

Describes the subject specification requirements.

150/5345–23 CH 1 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–23 CH 2 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–23 CH 3 (8–5–69).

Describes the subject specification requirements for a taxiway edge light.

150/5345–26 Specification for L–823 Plug and Receptacle, Cable Connectors (10–5–64).

Describes the subject specification requirements.

150/5345–27A Specification for L–807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6–16–69).

Describes the subject specification requirements for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

150/5345–28A Specification for L–851 Visual Approach Slope Indicator System (3–17–70).

Describes the subject specification requirements for visual approach slope indicator system (VASI) equipment.

150/5345–29 FAA Specification L–852, Light Assembly, Airport Taxiway Centerline (3–18–68).

Describes, for public guidance, FAA Specification L–852 which establishes the performance requirements and pertinent construction details for bidirectional semiflush inset light assemblies for lighting airport taxiway centerlines.

150/5345–30A Specification for L–846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2–3–67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345–31A Specification for L–833 Individual Lamp Series-to-Series Type Insulating Transformer for 600-Volt or 5,000-Volt Series Circuits (4–24–70).

Describes the subject specification requirements and is published by the FAA for the guidance of the public.

150/5345–33 Specification for L–844 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 20/6.6 Amperes 200 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–34 Specification for L–839 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–35 Specification for L–816 Circuit Selector Cabinet Assembly for 600 Volt Series Circuits (1–28–65).

Describes the subject specification requirements.

150/5345–36 Specification for L–808 Lighted Wind Tee (2–3–65).

Describes the subject specification requirements.

150/5345–37B FAA Specification L–850, Light Assembly Airport Runway Centerline and Touchdown Zone (1–8–68).

Revises subject light assembly.

150/5345–38 Changes to Airport Lighting Equipment (3–23–67).

The title is self-explanatory.

150/5345–39 FAA Specification L–853, Runway and Taxiway Centerline Reflective Markers (1–10–69).

Describes specification requirements for L–853 Runway and Taxiway reflective markers for guidance of the public.

150/5345–41 Specification for L–855, Individual Lamp, Series-to-Series Type Insulating Transformer for 5,000-Volt Series Circuit, 6.6/6.6 Amperes, 65 Watts (4–24–70).

Describes the subject specification and is published by the FAA for the guidance of the public.

150/5345–42 FAA Specification L–857, Airport Light Bases, Transformer Housing and Junction Boxes (10–27–70).

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

150/5345–43 FAA/DOD Specification L–856, High Intensity Obstruction Lighting System (8–19–70).

Describes specification requirements for high intensity obstruction lighting system.

150/5345–44 Specification for L–858 Retroreflective Taxiway Guidance Signs (12–15–70).

Describes the specification for retroreflective taxiway guidance signs.

150/5355–1 Diagrammatic Maps and Location Signs at Airports (3–21–69).

Informs airport authorities of the desirability to provide diagrammatic maps of facilities within terminal buildings and of the need for clearly marked locations signs at airports, especially at those used by international travelers.

150/5355–2 Fallout Shelters in Terminal Buildings (4–1–69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

150/5360–1 Airport Service Equipment Buildings (4–6–64).

Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.

150/5360–2 Airport Cargo Facilities (4–6–64).

Provides guidance material on air cargo facilities.

150/5360–3 Federal Inspection Service Facilities at International Airports (4–1–66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370–1A Standard Specifications for Construction of Airports (5–28–68).

Contains specification items for construction of airports and other related

information. Acceptable for FAAP project activity. Published in 1968. ($3.50 GPO.) TD 4.24:968

150/5370–2 Safety on Airports During Construction Activity (4–22–64).

Provides guidelines concerning safety at airports during periods of construction activity.

150/5370–4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5–29–69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5370–5 Offshore Airports (12–15–69).

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods.

150/5370–6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3–16–70).

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

150/5370–7 Airport Construction Controls to Prevent Air and Water Pollution (4–26–71).

Supplies guidance material on compliance with air and water standards during construction of airports developed under the Airport and Airway Development Act of 1970.

150/5370–8 Grooving of Runway Pavements (3–16–71).

Provides guidance for the design, installation, and maintenance of grooves in runway pavements.

150/5380–1 Airport Maintenance (4–14–63).

Provides a basic checklist and suggestions for an effective airport maintenance program.

150/5380–2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12–24–64).

Provides information on damage to in-pavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380–3A Removal of Contaminants from Pavement Surfaces (10–27–70).

Provides information to the aviation industry relative to cleaning rubber deposits, oil, grease, and jet aircraft exhaust deposits from runway surfaces.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5390–1A Heliport Design Guide (11–5–69).

Contains design guidance material for the development of heliports, both surface and elevated. ($0.75 GPO.) TD 4.108:H36.

Air Navigational Facilities

SUBJECT NO. 170

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

150/5380–5 Debris Hazards at Civil Airports (3–8–71).

Discusses problems of debris at airports, gives information on foreign objects, and tells how to eliminate such objects from operational areas.

170–6A Use of Radio Navigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170/6850–1 Aeronautical Beacons and True Lights (8–28–68).

Describes FAA standards for the installation and operation of aeronautical beacons serving as true lights.

170–7 Decommissioning of ILS Middle Compass Locators (10–29–65).

Disseminates information regarding the FAA program for decommissioning of compass locators associated with ILS middle markers.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

170–10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10–17–69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

170–11 Amendment of Federal Aviation Regulation Part 171 (FAR–171)—Cost of Flight and Ground Inspections (9–17–70).

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

170–12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10–7–70).

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

171–1 Estimating Packing and Shipping Costs for Export Shipments for ATC and Navaid Equipments (2–18–66).

Assists personnel engaged in preparing packing and shipping estimates of air navigation and traffic control equipments for overseas shipment.

Administrative

SUBJECT NO. 180

183–30 Directory of FAA Designated Mechanic Examiners (12–14–70).

Provides a new directory of all FAA designated parachute rigger examiners as of the effective date shown above.

183–31 FAA Designated Parachute Rigger Examiner Directory (12–14–70).

Provides a new directory of all FAA designated parachute rigger examiners as of the effective date shown above.

183.29–1E Designated Engineering Representatives (1–5–70).

Lists in Appendix 1 the Designated Engineering Representatives who are available for consulting work.

Flight Information

SUBJECT NO. 210

210–1 National Notice to Airmen System (2–8–64).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–2A Established Schedule for Flight Information Effective Dates (9–19–69).

Emphasizes the importance of adherence to the established schedule of effective dates for flight information, and provides a copy of the schedule through June 1971.

210–3 National Notice to Airmen System—Elimination of NOTAM Code (5–22–70).

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic Service A circuits.

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

Internal Directives

Contractions Handbook, 7340.1B (9–16–69).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. ($3.75 Sub.—GPO.) TD 4.308:C76/969.

Location Identifiers, 7350.1Q.

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. Dated 9–15–70. ($6 Sub.—GPO.) TD 4.310:.

Flight Services, 7110.10A (4–1–71).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. ($9 Sub.—GPO.) TD 4.308: F 64.

International Flight Information Manual, Vol. 19 (April 1971).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. ($3.50–$4.50 foreign—Annual Sub. GPO.) TD 4.309:16.

International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices". Acts as a notice-to-airmen service only. Published weekly. ($5—Annual Sub. GPO.) TD 4.11:.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamentals required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations, and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas, Scatana, and Emergency Procedures. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12:pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power and Flight Service Stations and National Weather Service telephone numbers. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12:pt. 2/.

Parts 3 and 3A—Operational Data and Notices to Airmen.

Part 3 is issued every 28 days and contains an Airport/Facility Directory containing a list of all major airports with communications; a tabulation of Air Navigation Radio Aids and their assigned frequencies; Preferred Routes; Standard Instrument Departures (SIDs); Substitute Route Structures; a Sectional Chart Bulletin, which updates Sectional charts cumulatively; Special General and Area Notices; a tabulation of New and Permanently Closed Airports, which updates Part 2; and Area Navigation Routes.

Part 3A is issued every 14 days and contains Notices to Airmen considered essential to the safety of flight as well as supplemental data to Part 3 and Part 4. (Annual Sub. $20, Foreign mailing—$5 additional. GPO.) TD 4.12:pt. 3/.

Part 4—Graphic Notices—Supplemental Data.

Part 4 is issued semiannually and contains abbreviations used in all parts of AIM; Parachute Jump Areas; VOR Receiver Check Points; Special Notice Area Graphics; and Heavy Wagon and Oil Burner Routes.

Future editions will be expanded to include Special Terminal Area Charts and data not subject to frequent change. (Annual Sub. $1.50, Foreign mailing—$0.50 additional. GPO.) TD 4.12:pt. 4/.

Aircraft Type Certificate Data Sheets and Specifications.

Contains all current aircraft specifications and type certificate data sheets issued by the FAA. Monthly supplements provided. ($30—Sub., Foreign mailing—$7.50 additional. GPO.) TD 4.15:967.

Aircraft Engine and Propeller Type Certificate Data Sheets.

Contains all current aircraft engine and propeller type certificate data sheets and specifications issued by FAA. Monthly supplements provided. ($16—Sub., Foreign mailing—$4 additional. GPO.) TD 4.15/2:968.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($23—Sub., Foreign mailing—$5.75 additional, GPO.) TD 4.36: 971.

STATUS OF THE FEDERAL AVIATION REGULATIONS

As of June 11, 1971

FEDERAL AVIATION REGULATIONS VOLUMES

Volume No.	Contents	Price	Transmittals
Volume I		$1.50 plus 50¢ foreign mailing	4
Part 1	Definitions and Abbreviations.		
Volume II		$8 plus $2 foreign mailing	17
Part 11	General Rule-Making Procedures.		
Part 13	Enforcement Procedures.		
Part 15	Nondiscrimination in Federally assisted Programs of the Federal Aviation Administration.		
Part 21	Certification Procedures for Products and Parts.		
Part 37	Technical Standard Order Authorizations.		
Part 39	Airworthiness Directives.		
Part 45	Identification and Registration Marking.		
Part 47	Aircraft Registration.		
Part 49	Recording of Aircraft Titles and Security Documents.		
Part 183	Representatives of the Administrator.		
Part 185	Testimony by Employees and Production of Records in Legal Proceedings.		
Part 187	Fees.		
Part 189	Use of Federal Aviation Administration Communications System.		
Volume III		$8.50 plus $2.25 foreign mailing	4
Part 23	Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes.		
Part 25	Airworthiness Standards: Transport Category Airplanes.		
Part 36	Noise Standards: Aircraft Type Certification.		
Volume IV		$3.50 plus 75¢ foreign mailing	2
Part 27	Airworthiness Standards: Normal Category Rotorcraft.		
Part 29	Airworthiness Standards: Transport Category Rotorcraft.		
Part 31	Airworthiness Standards: Manned Free Balloons.		
Part 33	Airworthiness Standards: Aircraft Engines.		
Part 35	Airworthiness Standards: Propellers.		
Volume V		$3 plus 75¢ foreign mailing	8
Part 43	Maintenance, Preventive Maintenance, Rebuilding, and Alteration.		
Part 145	Repair Stations.		
Part 149	Parachute Lofts.		
Volume VI		$5.50 plus $1.25 foreign mailing	17
Part 91	General Operating and Flight Rules.		
Part 93	Special Air Traffic Rules and Airport Traffic Patterns.		
Part 99	Security Control of Air Traffic.		
Part 101	Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons.		
Part 103	Transportation of Dangerous Articles and Magnetized Materials.		
Part 105	Parachute Jumping.		
Volume VII		$6.50 plus $1.75 foreign mailing	6
Part 121	Certification and Operations: Air Carriers and Commerical Operators of Large Aircraft.		
Part 123	Certification and Operations: Air Travel Clubs Using Large Airplanes.		
Part 127	Certification and Operations of Scheduled Air Carriers with Helicopters.		
Part 129	Operations of Foreign Air Carriers.		
Volume VIII		$3.50 plus $1 foreign mailing	5
Part 133	Rotorcraft External-Load Operations.		
Part 135	Air Taxi Operators and Commercial Operators of Small Aircraft.		
Part 137	Agricultural Aircraft Operations.		
Volume IX		$6 plus $1.50 foreign mailing	3
Part 61	Certification: Pilots and Flight Instructors.		
Part 63	Certification: Flight Crewmembers Other Than Pilots.		
Part 65	Certification: Airmen Other Than Flight Crewmembers.		
Part 67	Medical Standards and Certification.		
Part 141	Pilot Schools.		
Part 143	Ground Instructors.		
Part 147	Aviation Maintenance Technicians Schools.		
Volume X		$4.50 plus $1.25 foreign mailing	6
Part 151	Federal Aid to Airports.		
Part 153	Acquisition of U.S. Land for Public Airports.		
Part 155	Release of Airport Property from Surplus Property Disposal Restrictions.		
Part 159	National Capital Airports.		
Part 165	Wake Island Code.		
Part 167	Annette Island, Alaska, Airport.		
Volume XI		$2.75 plus 75¢ foreign mailing	8
Part 71	Designation of Federal Airways, Controlled Airspace, and Reporting Points.		
Part 73	Special Use Airspace.		
Part 75	Establishment of Jet Routes.		
Part 77	Objects Affecting Navigable Airspace.		
Part 95	IFR Altitudes.		
Part 97	Standard Instrument Approach Procedures.		
Part 157	Notice of Construction, Alteration, Activation, and Deactivation of Airports.		
Part 169	Expenditure of Federal Funds for Nonmilitary Airports or Air Navigational Facilities Thereon.		
Part 171	Non-Federal Navigation Facilities.		

Volumes may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Transmittal (amendment) service is automatic with the purchase of a Volume and is also provided by the Superintendent of Documents. Check or money order made payable to the Superintendent of Documents, should be included with each order.

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