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PART I

(Part II begins on page 18499)

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

FEDERAL REGISTER

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

3 CFR

PROCLAMATION:
4079 18453

5 CFR

213 (4 documents) 18455
294 18455

7 CFR

42 18455
910 18459
PROPOSED RULES:
927 18473
1068 18474
1421 18473
1464 18473

8 CFR

214 18460

9 CFR

76 18461

14 CFR

39 (2 documents) 18461, 18462
71 18463
PROPOSED RULES:
39 18476
71 18476

18 CFR

PROPOSED RULES:
601 18477

24 CFR

1914 18463
1915 18464

32 CFR

166 18464

32A CFR

OEP (Ch. I):
ES Reg. 1:
Circ. 12 18471

39 CFR

262 18465

42 CFR

59 18465

43 CFR

PUBLIC LAND ORDER:
5107 18470

45 CFR

PROPOSED RULES:
116 18500

49 CFR

171 18468
172 18468
173 18468
174 18468
177 18468
178 18468
179 18468
397 18470

50 CFR

32 (3 documents) 18470, 18471
PROPOSED RULES:
32 18473

Presidential Documents

Title 3—The President

PROCLAMATION 4079

National Hispanic Heritage Week, 1971

By the President of the United States of America

A Proclamation

From the earliest explorations of the New World, men and women of Hispanic origin and descent have contributed significantly to the development of our American nationality. The geographic names of our country fully attest to that contribution. In fact, the oldest city in the United States, St. Augustine, Florida, was founded by Spanish explorers in 1565—406 years ago. Amerigo Vespucci, the man whose name graces our land, came to this hemisphere on a Spanish ship.

Our Hispanic heritage touches our everyday lives as well—our music, our architecture, our currency, and our cuisine. The voyages of Spanish explorers to the New World are a common starting point for the study of American history in our schools. Americans of Hispanic origin and descent have served our country with distinction throughout our State, local, and national governments—and continue to do so today.

In the past, men and women of Hispanic origin and descent helped to discover, develop, and people this land. We are fortunate that today they are our own people.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in accordance with a joint resolution of Congress approved September 17, 1968, do hereby proclaim the week beginning September 12, 1971, and ending September 18, 1971, as National Hispanic Heritage Week. I call upon the people of the United States, especially the educational community, to observe that week with appropriate ceremonies and activities which call attention to the richness of our Hispanic heritage and the contributions to our diverse society by our citizens of Hispanic origin.

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

Richard Nixon

[FR Doc.71-13677 Filed 9-13-71;4:26 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one additional position of Confidential Assistance to the Director, Office of Minority Business Enterprise, is excepted under schedule C.

Effective on publication in the FEDERAL REGISTER (9–15–71), subparagraph (17) of paragraph (a) is amended under § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

(a) Office of the Secretary. * * *

(17) Three Confidential Assistants to the Director, Office of Minority Business Enterprise.

* * * * *

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

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

[FR Doc.71–13533 Filed 9–14–71;8:46 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332(a) is amended to show a change in the title of the position of Associate Administrator for Investment to Associate Administrator for Operations and Investment. Paragraph (a) of § 213.3332 is amended as set out below.

§ 213.3332 Small Business Administration.

(a) One Deputy Administrator, the Associate Administrator for Operations and Investment, the Associate Administrator for Financial Assistance, and the Associate Administrator for Procurement and Management Assistance.

* * * * *

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

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

[FR Doc.71–13536 Filed 9–14–71;8:46 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Confidential Assistant to the Assistant Administrator is excepted under schedule C.

Effective on publication in the FEDERAL REGISTER (9–15–71) subparagraph (4) of paragraph (a) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *

(4) Four Confidential Assistants to the Assistant Administrator.

* * * * *

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

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

[FR Doc.71–13535 Filed 9–14–71;8:46 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one position of Private Secretary to the Senior Vice President for Exporter Credits, Guarantees and Insurance is excepted under schedule C.

Effective on publication in the FEDERAL REGISTER (9–15–71), paragraph (i) is added to § 213.3342 as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(i) One Private Secretary to the Senior Vice President for Exporter Credits, Guarantees and Insurance.

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

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

[FR Doc.71–13534 Filed 9–14–71;8:46 am]

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

Places Where Information May Be Obtained, and Examinations

Part 294 is amended in two respects, i.e., (1) to explain in § 294.105(c) where information available to the public may be obtained, and (2) to delete from § 294.105(b) a reference to a disclosure provision in the Commission's Administrative Manual made obsolete by the enactment of the Postal Reorganization Act. The amended regulatory provisions read as follows:

§ 294.105 Places where information may be obtained.

* * * * *

(c) Information available to the public is, as far as practical considerations permit, available from the regional and area offices of the Commission. The Commission shall publish in chapter 294 of the Federal Personnel Manual the addresses of its regional and area offices.

* * * * *

§ 294.501 Examinations.

* * * * *

(b) The names of applicants for civil service positions or eligibles on civil service registers, certificates, employment lists, or other lists of eligibles, or their ratings, or relative standings are not information available to the public.

(5 U.S.C. sec. 552)

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

[FR Doc.71–13532 Filed 9–14–71;8:46 am]

Title 7—AGRICULTURE

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

PART 42—STANDARDS FOR CONDITION OF FOOD CONTAINERS

Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Standards for Condition of Food Containers (7 CFR Part 42) as set forth below:

Statement of considerations. On March 27, 1971, a rule making proposal was issued to provide for broader application of the Standards for Condition of Food Containers and clarification of some sections of this document. Eleven comments were received by the Hearing Clerk on the proposal. The comments were concerned with (1) suggestions to change the defect classification for "Dirty, stained, or smeared containers" from "Minor to major" and (2) an objection to giving one person the authority to decide whether or not the request for an appeal inspection is frivolous. The Department sees no hazard from dirt or stains to product in a closed, intact container. "Minor defect" is defined as "a defect that materially affects the appearance of the container but is not likely to affect the usability of the container for its intended purpose." Changing the defect to "Major" would be unduly restrictive. The suggestion to change the appeal provision is reasonable since more

than one person could be involved in a decision as to whether an appeal request is frivolous. Therefore, in § 42.108(f)(3) the second sentence which reads in part "When it appears to the official with whom an appeal request is filed that * * *" is changed to read "when it appears that * * *". Otherwise, after careful consideration of all comments the Department has decided to promulgate the amendments as proposed.

The amendments are as follows:

1. In § 42.102, the following definitions are amended to read:

§ 42.102 Definitions, general.

* * * * *

Lot. A collection of filled food containers of the same size, type, and style. The term shall mean "inspection lot," i.e., a collection of units of product from which a sample is to be drawn and inspected to determine conformance with the applicable acceptance criteria. An inspection lot may differ from a collection of units designated as a lot for other purposes (e.g., production lot, shipping lot, etc.).

Operating characteristic curve ((OC) curve). A curve that gives the probability of acceptance as a function of a specific lot quality level. It shows the discriminatory power of a sampling plan, i.e., how the probability of accepting a lot varies with the quality of the containers offered for inspection.

* * * * *

Primary container. The immediate container in which the product is packaged and which serves to protect, preserve, and maintain the condition of the product. It may be metal, glass, fiber, wood, textile, plastic, paper, or any other suitable type of material and may be supplemented by liners, overwraps, or other protective materials.

Random sampling. A process of selecting a sample from a lot whereby each unit in the lot has an equal chance of being chosen.

* * * * *

Shipping case. The container in which the product or primary containers of the product are placed to protect, preserve, and maintain the condition of the product during transit or storage. The shipping case may include strapping, liners or other protective material.

* * * * *

2. Paragraph (a) of § 42.103 is amended to read:

§ 42.103 Purpose and scope.

(a) This subpart outlines the procedure to be used to establish the condition of containers in lots of packaged foods. This subpart shall be used to determine the acceptability of a lot based on specified acceptable quality levels and defects referenced in § 42.104 or any alternative plan which is approved by the Administrator. In addition, any other sampling plan in the tables with a larger first sample size than that indicated by the lot size range may be specified when approved by the Administrator. This subpart or approved alternative plan will be applied when a Government agency or private user of the C&MS inspection or grading services requests that filled primary containers or shipping cases, or both, be certified for condition. Unless the request for certification specifically asks that only the primary container or only the shipping case be examined, both containers will be examined.

* * * * *

3. Paragraph (a) of § 42.104 is amended to read:

§ 42.104 Sampling plans and defects.

(a) *Sampling plans.* Sections 42.109 through 42.111 show the number of containers to examine for condition in relation to lot size ranges. The tables provide acceptance (Ac) and rejection (Re) numbers for lot acceptance (or rejection) based on the number, class, and type of defects present in the sample.

* * * * *

4. Paragraph (a)(5) and (c)(2) of § 42.105 are amended to read, respectively:

§ 42.105 Basis for selection of sample.

(a) *Identification of lot.* * * *

(5) The inspection status (normal, tightened, or reduced).

* * * * *

(c) *Sample size.* * * *

(2) Select the appropriate sample size for the corresponding lot size range as indicated in the appropriate column headed "Sample Size."

* * * * *

5. Paragraph (a)(1) of § 42.106 is amended to read:

§ 42.106 Classifying and recording defects.

(a) *Classifying defects.* * * *

(1) Related defects are defects on a single container that are related to a single cause. If the initial incident causing one of the defects had not occurred, none of the other related defects on the container would be present. As an example of related defects, a can may be a leaker and the exterior may also be seriously rusted due to the leakage of the contents. In this case, the container is scored only once for these two defects since the rust condition can be attributed to the leak. Score the container according to whichever condition is the most serious. In this example, score as a "leaker" (a critical defect) and not as "pitted rust" (a major defect).

* * * * *

6. Paragraphs (a) and (c) of § 42.107 are amended to read:

§ 42.107 Lot acceptance criteria.

(a) The acceptability of the lot is determined by relating the number and class of defects enumerated on the worksheet to the acceptance and rejection numbers shown in §§ 42.109 through 42.111 for the respective sample size and Acceptable Quality Level (AQL).

* * * * *

(c) Refer to the appropriate sample size and AQL and compare the number of defects found in the sample with the acceptance (Ac) and rejection (Re) numbers in the sampling plan.

* * * * *

7. In § 42.108, paragraph (d)(1)(iii) is deleted and the introductory text of paragraph (d), the introductory text in paragraph (d)(1), paragraph (d)(4), and paragraph (e) are amended and a new paragraph (f) is added to read, respectively:

§ 42.108 Normal, tightened, or reduced inspection.

* * * * *

(d) Switching rules: The normal inspection procedure shall be followed except when conditions in subparagraph (1) or (3) of this paragraph are applicable or unless otherwise specified. Application of the following switching rules will be restricted to the inspection of lots for one applicant at a single location (plant, warehouse, etc.), and will be based upon records of original inspections of lots (excluding resubmitted lots) at that same location.

(1) *Normal inspection to reduced inspection.* When normal inspection is in effect, reduced inspection shall be instituted providing that reduced inspection is considered desirable by the Administrator and further provided that all of the following conditions are satisfied for each class of defect:

* * * * *

(4) *Tightened inspection to normal inspection.* When tightened inspection is in effect, normal inspection shall be reinstituted when five consecutive inspection lots have been considered acceptable on original inspection.

(e) When the rules require a switch in the inspection status because of one or more classes of defects, all classes of defects shall be inspected under the new inspection criteria. At the option of the user of the service and when approved by the Administrator, such user may elect to remain on normal inspection when qualified for reduced inspection, or on tightened inspection when qualified for normal inspection

(f) Appeal inspection:

(1) *Appeal request.* Any interested party who is not satisfied with the results of a condition inspection on packaged food containers, as stated on an official certificate, may request an appeal inspection.

(2) *How to file an appeal.* A request for an appeal inspection may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service and a description of the product to be appealed.

(3) *When an application for an appeal inspection may be refused.* When it appears that: (i) The reasons given in the request are frivolous or not substantial; or (ii) the condition of the containers has undergone a material change since the original inspection; or (iii) the original lot is no longer intact, the applicant's request for the appeal inspection may be refused. In such case, the applicant shall be promptly notified of the reason(s) for such refusal.

(4) *Who shall perform the appeal.* An appeal inspection shall be performed by a person(s) other than the person who made the inspection being appealed.

(5) *Sampling procedures.* The sampling plan for an appeal inspection shall be the next larger sampling plan from the plan in the table used in the original inspection.

(6) *Appeal certificate.* Immediately after an appeal inspection is completed, an appeal certificate shall be issued to show that the original inspection was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the inspection involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until the previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government.

§ 42.109 [Amended]

8. In § 42.109, Table I, the parentheses and wording "(normal inspection)" are deleted and in Table I–A, the parentheses and wording "(normal inspection)" are deleted and the word "Rejest" below the table is changed to read "Reject."

§ 42.110 [Amended]

9. In § 42.110, Tables II and II–A, the parentheses and wording "(normal inspection)" and "(tightened inspection)," respectively, are deleted.

10. In § 42.111, Table III–A, the parentheses and wording "(reduced inspection)" are deleted and Table III is amended to read:

§ 42.111 Sampling plans for reduced condition of container inspection, Tables III and III–A; and limit number for reduced inspection, Table III–B.

TABLE III—SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan		Sample size	Acceptable quality levels																	
					0.15		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
					Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Single		29	1	2	1	2	1	2	1	2	1	2	2	3	3	4	4	5	5	6
		Double	1st	18	0	2	0	2	0	2	0	2	0	2	0	3	1	3	1	4	2	5
			2d	18																		
			Total	36	1	2	1	2	1	2	1	2	1	2	2	3	4	5	5	6	6	7
CA	6,001–36,000	Single		84	1	2	1	2	1	2	2	3	3	4	4	5	6	7	9	10	13	14
		Double	1st	36	0	2	0	2	0	2	0	3	0	4	0	4	0	5	2	7	3	9
			2d	60																		
			Total	96	1	2	1	2	1	2	2	3	3	4	4	5	7	8	10	11	15	16
CB	Over 36,000	Single		168	1	2	1	2	2	3	4	5	5	6	7	8	11	12	16	17	23	24
		Double	1st	120	0	2	0	2	0	3	2	5	2	6	3	7	6	10	10	14	14	19
			2d	60																		
			Total	180	1	2	1	2	2	3	4	5	5	6	8	9	12	13	17	18	25	26
CC		Single		315	1	2	2	3	3	4	6	7	8	9	13	14	19	20	28	29	41	42

* * * * * * * *

11. Tables IV, VI, and VII of § 42.112 are amended to read, respectively:

§ 42.112 Defects of containers: Tables IV, VI, and VII.

TABLE IV—METAL CONTAINERS

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted		
Closure incomplete, not located correctly or not sealed, crimped, or fitted properly		101	
Dirty, stained or smeared container			201
Key opening metal containers (when required):			
(a) Key missing		102	
(b) Key does not fit tab		103	
(c) Tab of opening band insufficient to provide accessibility to key		104	
(d) Improper scoring (band would not be removed in one continuous strip)		105	
Open top with plastic overcap (when required):			
(a) Plastic overcap missing		106	
(b) Plastic overcap warped (making opening or reapplication difficult)		107	
Outside tinplate or coating (when required):			
(a) Missing or incomplete			202
(b) Blistered, flaked, sagged, or wrinkled			203
(c) Scratched or scored			204
(d) Fine cracks			205
Rust (rust stain confined to the top or bottom double seam or rust that can be removed with a soft cloth is not scored a defect):			
(a) Rust stain (nonmilitary purchases)			206
(b) Rust stain (military purchases)		108	
(c) Pitted rust		109	
Wet cans (excluding refrigerated containers)			207
Dent:			
(a) Materially affecting appearance but not usability			208
(b) Materially affecting usability		110	
Buckle:			
(a) Not involving end seam			209
(b) Extending into the end seam		111	
Collapsed container		112	
Paneled side materially affecting appearance but not usability			210
Solder missing when required		113	
Cable cut exposing seam		114	
Improper side seam		115	
Swell, springer, or flipper (not applicable to gas or pressure packed product nor frozen products)	1		
Leaker or blown container	2		
Frozen products only:			
(a) Bulging ends $\frac{7}{16}$" to $\frac{1}{4}$" beyond lip			211
(b) Bulging ends more than $\frac{1}{4}$" beyond lip		116	

* * * * * * *

TABLE VI—RIGID AND SEMIRIGID CONTAINERS—CORRUGATED OR SOLID FIBERBOARD, CHIPBOARD, WOOD, ETC. (EXCLUDING GLASS AND METAL)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted		
Component part missing		101	
Closure not sealed, crimped, or fitted properly:			
(a) Primary container		102	
(b) Other than primary container			201
Dirty, stained, or smeared container			202
Wet or damp (excluding ice packs):			
(a) Materially affecting appearance but not usability			203
(b) Materially affecting usability		103	
Moldy area	1		
Crushed or torn area:			
(a) Materially affecting appearance but not usability			204
(b) Materially affecting usability		104	
Separation of lamination (corrugated fiberboard):			
(a) Materially affecting appearance but not usability			205
(b) Materially affecting usability		105	
Product sifting or leaking		106	
Nails or staples (when required):			
(a) Not as required, insufficient number or improperly positioned			206
(b) Nails or staples protruding		107	
Glue or adhesive (when required); not holding properly not covering area specified, or not covering sufficient area to hold properly:			
(a) Primary container		108	
(b) Other than primary container			207
Flap:			
(a) Projects beyond edge of container more than ¼ inch			208
(b) Does not meet properly, allowing space of more than ¼ inch			209
Sealing tape or strapping (when required):			
(a) Missing		109	
(b) Improperly placed or applied			210

TABLE VII—FLEXIBLE CONTAINERS (PLASTIC, CELLO, PAPER, TEXTILE, ETC.)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted		
Closure not sealed, crimped, stitched, or fitted properly:			
(a) Primary container		101	
(b) Other than primary container			201
Dirty, stained, or smeared container			202
Unmelted gels in plastic			203
Torn container:			
(a) Materially affecting appearance but not usability			204
(b) Materially affecting usability		102	
Product sifting or leaking		103	
Moldy area	1		
Individual packages sticking together or to shipping case (tear when separated)		104	
Not fully covering product		105	
Wet or damp (excluding ice packs):			
(a) Materially affecting appearance but not usability			205
(b) Materially affecting usability		106	
Overwrap (when required):			
(a) Missing		107	
(b) Loose, not sealed or closed			206
(c) Improperly applied			207
Sealing tape, strapping or adhesives (when required):			
(a) Missing		108	
(b) Improperly placed, applied, torn, or wrinkled			208
Tape over bottom and top closures (when required):			
(a) Not covering stitching		109	
(b) Torn (exposing stitching)		110	
(c) Wrinkled (exposing stitching)		111	
(d) Not adhering to bag:			
1. Exposing stitching		112	
2. Not exposing stitching			209
(e) Improper placement			210

12. In § 42.115, "Reduced and Normal Inspection Plans" for AQL=0.25 are amended by changing the title N5 to read N and R5 and OC Curve N5 is amended to read N and R5; Reduced and Normal Inspection Plans AQL's=0.50, 1.00, 1.50, 2.50, 4.00, 6.50, and 10.00 are amended by changing the title N4 to read N and R4 and OC Curves N4 are amended to read N and R4 whenever they appear, respectively, and; the sampling plan and OC Curves chart for Reduced and Normal Inspection Plans for AQL=0.15 are amended to read:

§ 42.115 Operating Characteristic (OC) Curves.

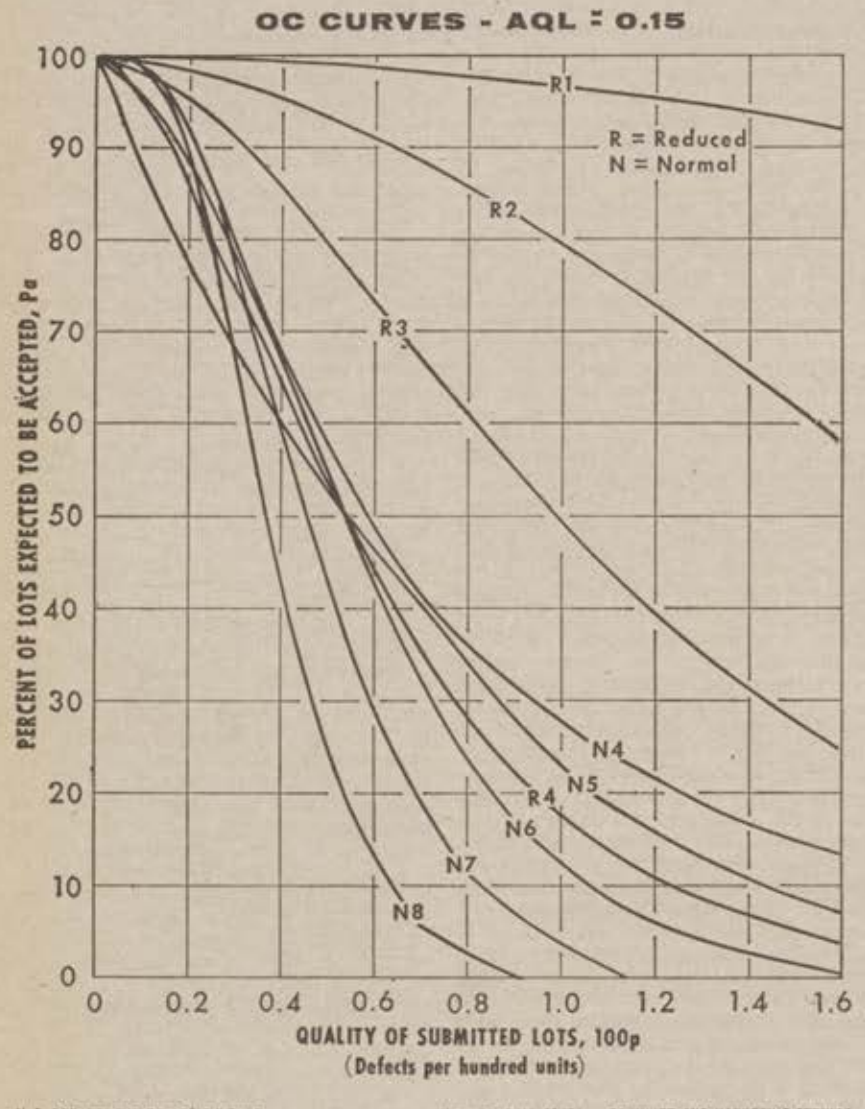
• • • • • • • •

REDUCED AND NORMAL INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL-0.15 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL-0.15]

Comparable sampling plans	Identification number of OC curve																										
	R1			R2			R3			R4			N4			N5			N6			N7			N8		
	n_s	Ac	Re	n_s	Ac	Re	n_s	Ac	Re	n_s	Ac	Re	n_s	Ac	Re	n_s	Ac	Re	n_s	Ac	Re	n_s	Ac	Re	n_s	Ac	Re
Single	29	1	2	84	1	2	126	0	1	315	1	2	168	1	2	264	1	2	500	2	3	800	3	4	1250	4	5
Double	18 36	0 1	2 2	36 96	0 1	2 2	-----	-----	-----	-----	-----	-----	120 180	0 1	2 2	174 336	0 1	2 2	252 540	0 2	3 3	456 864	0 3	4 4	-----	-----	-----



Done at Washington, D.C., this 8th day of September 1971, to become effective on November 1, 1971.

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

[FR Doc.71-13410 Filed 9-14-71;8:45 am]

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

[Lemon Reg. 496, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.796 (Lemon Reg. 496, 36 F.R. 17816) during the period September 5, 1971, through September 11, 1971, is hereby amended to read as follows:

§ 910.796 Lemon Regulation 496.

• • • • •

(b) *Order.* (1) * * * 230,844 cartons.

* * * * *

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

Dated: September 10, 1971.

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

[FR Doc.71-13586 Filed 9-14-71;8:50 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Nonimmigrants; Temporary Employees

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

1. Subparagraph (1) *Petitions* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by deleting the last sentence thereof.

2. Subparagraph (2) *Supporting evidence* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows:

(2) *Petition for alien of distinguished merit and ability*—(i) *General.* A petitioner seeking to accord an alien a classification under section 101(a)(15)(H)(i) of the Act shall annex to the petition documentation, certifications, affidavits, degrees, diplomas, writings, reviews, and any other evidence attesting to the fact that the beneficiary is a person of distinguished merit and ability and that the services the beneficiary is to perform require a person of such merit and ability. School records, diplomas, and similar documentation submitted must reflect periods of attendance, courses of study, and similar pertinent data. Affidavits submitted by present or former employers or recognized experts certifying to the expertise of the beneficiary shall be in sufficient detail to be self-explanatory concerning the beneficiary's experience and ability, and must set forth the manner in which the affiant acquired such information. Copies of any written contracts between the petitioner and beneficiary, or a summary of the verbal contract or agreement under which the beneficiary will be employed if there is no written contract, shall also be annexed to the petition.

(ii) *Entertainers.* In determining whether an alien entertainer may be considered to be of distinguished merit and ability or whether the services to be performed are of an exceptional nature requiring a person of distinguished merit and ability within the meaning of section 101(a)(15)(H)(i) of the Act, the district director shall give consideration but shall not be limited to evidence of the following factors, and where necessary may require the submission of evidence in support of all or any of these factors: Whether the alien has performed and will perform as a star or featured entertainer, as evidenced by playbills, critical reviews, advertisements, publicity releases, averments by the petitioner, and contracts; the acclaim which the entertainer has achieved, as evidenced by reviews in newspapers, trade journals, and magazines; the reputation of theaters, concert halls, night clubs, and other establishments in which the entertainer has appeared and will appear; the reputation of repertory companies, ballet groups, orchestras, or other productions in which he has performed; the extent and number of commercial successes of his performances, as evidenced by such indicia as box office grosses and record sales reported in trade journals and other publications; the salary and other remunerations he has commanded and now commands for his performances, as evidenced by contracts; whether the alien has been the recipient of national, international, or other significant awards for his performances; the opinions of unions, other organizations, and recognized critics or other experts in the field in which the alien is engaged; whether previous petitions filed in behalf of the alien seeking his services in a similar capacity have been properly approved by the Service and, if so, whether there have been any changes in circumstances affecting the alien's classifiability as a person of distinguished merit and ability. When adjudicating a petition to accord classification under section 101(a)(15)(H)(i) of the Act to an alien entertainer, the district director may consult unions, other organizations, and recognized critics and other experts in the relating entertainment field. Such consultation shall be for the purpose of obtaining the advisory opinion of the organization or person consulted with regard to the qualifications of the alien and the nature of the services to be performed by the alien. The advisory opinion shall be submitted in writing, and shall include a detailed recitation of the facts and data considered in rendering the opinion, except that it shall be furnished orally, subject to later confirmation in writing, when requested in a case deemed by the district director to be of an emergent nature; signed by a duly authorized and responsible official of any union or other organization consulted, and submitted to the district director on or before the date fixed by him, which shall not exceed 15 days from the date on which the opinion was requested.

(iii) *Physicians and nurses.* A petitioner seeking to accord a physician or nurse a classification under section 101(a)(15)(H)(i) of the Act shall attach to the petition evidence that the beneficiary has obtained a full and unrestricted license to practice medicine or professional nursing in the country where he obtained his medical or nursing education, or that such education was obtained in the United States or Canada, or that he is a physician who successfully passed the examination given by the Educational Council for Foreign Medical Graduates; also, a statement from the petitioner certifying whether to the best of the petitioner's information and belief the beneficiary is fully qualified under the laws governing the place of intended employment to perform the desired services, whether under those laws the petitioner is authorized to employ the beneficiary to perform such services, and whether under those laws the beneficiary is permitted to substantially perform the services. If the laws governing the place where the services will be performed place any limitations on the services to be rendered by the beneficiary the statement should contain details as to the limitations. The district director shall consider any such limitations in determining whether the services which the beneficiary would perform are of an exceptional nature requiring a person of distinguished merit and ability.

(iv) *Accompanying aliens.* Managers, trainers, musical accompanists, and other persons determined by the district director to be necessary for successful performance by the beneficiary of a petition approved for classification under section 101(a)(15)(H)(i) of the Act may also be accorded such classification if included in the same or a separate petition.

3. Existing subparagraphs (3) *Admission, employment, and extension* and (4) *Special classes* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* are redesignated as subparagraphs (7) and (8), respectively, and new subparagraphs (3), (4), and (6) are added to read as follows:

(3) *Petition for alien to perform other temporary service or labor*—(i) *Labor certification.* Either a certification from the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made, shall be attached to every nonimmigrant visa petition to accord an alien a classification under section 101(a)(15)(H)(ii) of the Act. A certification by the Employment Service of the Territory of Guam will be accepted in lieu of that issued by the Secretary of Labor or his designated representative in connection with a petition for employment of laborers in Guam. If there is attached to the petition a notice from the Secretary of Labor or his designated representative that certification cannot be made, the petitioner shall be permitted to present countervailing evidence that qualified persons in the United States are not available and that the employment policies of the Department of Labor have been observed. All

such evidence submitted will be considered in the adjudication of the petition.

(ii) *Multiple beneficiaries.* When the petitioner seeks the services of more than one beneficiary and all the beneficiaries are not included in a single certification, a separate visa petition must be submitted for the beneficiary or beneficiaries covered in each certification.

(iii) *Statement of need.* A statement shall be furnished with the visa petition describing in detail the situation or conditions which make it necessary to bring the alien to the United States, and whether the need is temporary, seasonal, or permanent; if temporary or seasonal, the statement shall indicate whether the situation or conditions are expected to be recurrent.

(4) *Petition for alien trainee*—(i) *General.* In addition to purely industrial establishments, an individual, organization, firm, or other trainer may petition for nonimmigrant trainees on Form I-129B for the purpose of giving instruction or training in agriculture, commerce, finance, government, transportation, and the professions.

(ii) *Productive employment.* The source of any remuneration received by a trainee and whether or not any benefit will accrue to the petitioner are not material, but a trainee shall not be permitted to engage in productive employment if such employment will displace a U.S. resident. A hospital approved by the American Medical Association or the American Osteopathic Association for either an internship or residence program may petition to classify as a trainee a medical student who will engage in employment as an extern during his medical school vacation.

(iii) *Description of training.* There shall be attached to each petition for a trainee a statement describing the type of training to be given, the position or duties for which the beneficiary is to be trained, and whether such training can be obtained outside the United States. There shall be included an explanation as to the need for the trainee to be trained in the United States.

(iv) *Physicians and nurses.* A petitioner may seek a classification under section 101(a)(15)(H)(iii) of the Act for a physician or nurse who is not qualified for classification under section 101(a)(15)(H)(i) of the Act, who is coming to the United States for training in furtherance of his carrer abroad in medicine or nursing. The petitioner shall attach to the petition evidence that the beneficiary has obtained a full and unrestricted license to practice medicine or professional nursing in the country where he obtained his medical or nursing education, or that such education was obtained in the United States or Canada, or that he is a physician who successfully passed the examination given by the Educational Council for Foreign Medical Graduates; also, a statement from the petitioner certifying whether to the best of the petitioner's information and belief the beneficiary is fully qualified under the laws governing the place where the training will be received to engage in such training, and whether under those laws the petitioner is authorized to give the beneficiary the desired training.

* * * * *

(6) *Decision.* In adjudicating the petition, the district director shall consider all the evidence submitted, and such other evidence as he may independently require or procure to assist his adjudication. If an adverse decision is proposed on the basis of any evidence not submitted by the petitioner, he shall be so notified before a final decision is made and invited to inspect and rebut such evidence. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. A denial decision of the district director shall set forth the pertinent facts adduced from the evidence consider and give the specific reasons for the decision in the light of the facts and the relating provisions of section 101(a)(15)(H) of the Act.

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER (9-15-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to § 214.2(h) are editorial in nature, in that existing material is redesignated, repositioned, and provided subtitles, except that the addition of subparagraphs (2)(iii) and (4)(iv) confers benefits on persons affected thereby providing for the filing of visa petitions seeking to accord physicians and nurses, in certain instances, classification under sections 101(a)(15)(H)(i) and (iii) of the Immigration and Nationality Act, as amended.

Dated: September 9, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-13554 Filed 9-14-71;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-592]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f). Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(4) relating to the State of Texas, subdivision (v) relating to Leon County is deleted.

(Secs. 4-7,23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 34f; 29 F.R. 16210, as amended)

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

The amendment excludes Leon County, Tex., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area. No areas in Leon County, Tex., remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 55S, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of September 1971.

F. J. MULHERN,
Acting Administrator, Agricultural Research Service.

[FR Doc.71-13559 Filed 9-14-71;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9279; Amdt. 39-1292]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 200 Series Airplanes

Amendment 39-687 (33 F.R. 17895), AD 68-25-1, as amended by Amendment

39-910 (35 F.R. 144), requires periodic visual inspection of the main landing gear door jack attachment saddle bracket at Station 575 in the main landing gear bay for cracks or damage and replacement of saddle brackets which have cracks or damage exceeding the acceptable limitations defined in BAC 1-11 Alert Service Bulletin 53-A-PM3620, to prevent failure of the bracket which could result in the undercarriage door striking the runway. The initial inspection is required only after the accumulation of 12,000 landings on a saddle bracket. After issuing Amendment 39-910, the FAA has received a report of a saddle bracket failing after the accumulation of only 9,190 landings. Therefore, the AD is being superseded by a new AD that requires that the initial inspection be performed before the accumulation of 9,000 landings or within the next 25 landings, whichever occurs later. In addition, the new AD provides a clarification of the repairs required before the repetitive inspections may be discontinued.

In view of the possible seriousness of a saddle bracket failure, a situation exists that requires immediate adoption of this regulation and it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

BRITISH AIRCRAFT CORPORATION. Applies to Model BAC 1-11 200 series airplanes.

Compliance is required as indicated.

To prevent failure of the saddle bracket structure located at Station 575 in the main landing gear bay, accomplish the following:

(a) For airplanes with saddle bracket assemblies with 9,000 or more landings on the effective date of this AD, within the next 25 landings after the effective date of this AD, unless already accomplished within the last 175 landings, and thereafter at intervals not to exceed 200 landings from the last inspection, inspect the saddle bracket assembly in accordance with paragraph (c).

(b) For airplanes with saddle bracket assemblies with less than 9,000 landings on the effective date of this AD, within the next 25 landings after the effective date of this AD, or before the accumulation of 9,000 landings on the saddle bracket assembly, whichever occurs later, unless already accomplished within the last 175 landings, and thereafter at intervals not to exceed 200 landings from the last inspection, inspect the saddle bracket assembly in accordance with paragraph (c).

(c) Visually inspect the main landing gear door jack attachment saddle bracket assembly for cracks or damage in accordance with BAC 1-11 Alert Service Bulletin No. 53-A-PM3620, Issue 2, dated March 4, 1971, or an FAA-approved equivalent.

(d) If a saddle bracket assembly is found to have cracks only in the top closing plate, P/N AB27-12079, and the cracks do not exceed the acceptable limits defined in BAC 1-11 Alert Service Bulletin No. 53-A-PM3620, Issue 2, dated March 4, 1971, during an inspection required by paragraph (c), before further flight repair the saddle bracket assembly in accordance with paragraph 3.1 of that service bulletin or an FAA-approved equivalent, or comply with paragraph (e).

(e) If a saddle bracket assembly is found to have cracks in the top closing plate, P/N AB27-12079, which exceed the acceptable limits defined in BAC 1-11 Alert Service Bulletin No. 53-A-PM3620, Issue 2, dated March 4, 1971, or is found to have cracks or damage to any other part of the assembly during an inspection required by paragraph (c), before further flight either—

(1) Replace the affected saddle bracket assembly with a serviceable assembly of the same part number; or—

(2) Replace the affected saddle bracket assembly with a serviceable assembly incorporating BAC Modification PM3620.

(f) The repetitive inspections required by paragraphs (a) and (b) may be discontinued after compliance with paragraph (e)(2).

(g) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This supersedes Amendment 39-687 (33 F.R. 17895), AD 69-25-1, as amended by Amendment 39-910 (35 F.R. 144).

This amendment becomes effective September 20, 1971.

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

Issued in Washington, D.C., on September 8, 1971.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.71-13547 Filed 9-14-71; 8:47 am]

[Docket No. 11134; Amdt. 39-1293]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic inspections of the trackside support bearing assemblies of the flap system secondary drive shafts and correction of excessive end float pending installation of modified bearing assemblies on British Aircraft Corp. Model BAC 1-11 200 and 400 series airplanes was published in the FEDERAL REGISTER (36 F.R. 11522).

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only comment received requested that the proposed 1,350 landing interval between inspections, be changed to either 1,000 landings or 1,500 landings to conform to commentators operating environment and maintenance program. It should be noted that the proposed airworthiness directive (AD) requires the inspections to be performed at intervals not to exceed 1,350 landings and that the interval may be adjusted to permit compliance at an established inspection period of an operator. Thus the proposed AD permits operators to inspect at any landing interval up to 1,350 landings and to increase the 1,350 landing interval to permit compliance at established inspection intervals if the operator provides justification for the increase. Commentator further requested that the AD include a clause providing for ferry flight to a maintenance base in accordance with FAR 21.197. The FAA has determined that such a provision will not adversely affect safety, and it has been included in the AD. In addition, minor editorial changes which clarify the compliance requirements of the directive have been made. Since these changes are a relaxation of the requirements of the proposed directive, or provide clarification of those requirements, further notice and public procedure thereon are not required.

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

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11 200 and 400 series airplanes.

Compliance is required as indicated.

To prevent possible failures of the flap system secondary drive shafts at the trackside support bearing assemblies, accomplish the following at each bearing assembly (eight per airplane) which has not had British Aircraft Corp. Modification PM 4642 incorporated:

(a) For each bearing assembly, within the next 1,000 landings after the effective date of this AD, or before the accumulation of 4,000 landings, whichever occurs later, and thereafter at intervals not to exceed 1,350 landings from the last inspection, visually inspect the bearing assembly for end float in accordance with British Aircraft Corp. Model BAC 1-11 Alert Service Bulletin No. 27-A-PM 4642, dated September 28, 1970, or an FAA-approved equivalent.

(b) If the bearing assembly end float is found to exceed 0.050 inch during an inspection required by this AD and—

(1) The four alternate locking tabs have not been bent over, before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed, comply with paragraph (c), (d), or (e).

(2) The four alternate tabs have been bent over, before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed, comply with paragraph (d) or (e).

(c) Bend over the four alternate locking tabs of the affected bearing assembly in accordance with paragraph 2.1.3 of British Aircraft Corp. Model BAC 1-11 Alert Service Bulletin No. 27-A-PM 4642, dated September 28, 1970, or an FAA-approved equivalent. Repeat the inspection specified in paragraph (a) on the affected bearing assembly at intervals not to exceed 1,350 landings from the last inspection.

(d) Overhaul the affected bearing assembly by replacing the fork end, bushings, thrust washers, and retaining ring with serviceable parts of the same part number. Before the accumulation of a total of 4,000 landings on the overhauled bearing assembly and thereafter at intervals not to exceed 1,350 landings from the lost inspection, repeat the inspection specified in paragraph (a).

(e) Replace the affected bearing assembly with a serviceable bearing assembly which has BAC Modification PM 4642 incorporated.

(f) Operators who have not kept records of the number of landings accumulated on

individual bearing assemblies shall substitute airplane landings in lieu thereof.

(g) For the purpose of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the BAC 1-11 airplane.

(h) Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval by the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendement becomes effective October 15, 1971.

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

Issued in Washington, D.C., on September 8, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.71-13548 Filed 9-14-71;8:47 am]

[Airspace Docket No. 71-SW-42]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Batesville, Ark., terminal area.

On July 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14147) stating the Federal Aviation Administration proposed to alter the Batesville, Ark., 700-foot transition area.

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

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

In § 71.181 (36 F.R. 2140), the Batesville, Ark., 700-foot transition area is amended to read:

BATESVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Batesville Regional Airport (latitude 35°43'50" N., longitude 91°38'25" W.).

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

Issued in Fort Worth, Tex., on September 2, 1971.

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

[FR Doc.71-13549 Filed 9-14-71;8:48 am]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

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

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	Monrovia	I 06 037 2220 05 through I 06 037 2220 13	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Public Works Department, City of Monrovia, 415 South Ivy Ave., Monrovia, CA 91016.	Sept. 10, 1971.
Do.	Kern	Unincorporated areas.				Do.
Maryland	Prince Georges	Laurel				Do.
Massachusetts	Bristol	Dartmouth				Do.
Missouri	Cape Girardeau	Jackson				Do.
New Jersey	Morris	Lincoln Park Borough.	I 34 027 1690 05 through I 34 027 1690 08	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Borough Clerk's Office, Municipal Bldg., Lincoln Park, N.J. 07035.	Do.
New York	Nassau	Hempstead				Do.
Oregon	Josephine	Unincorporated areas.	I 41 033 0000 11 through I 41 033 0000 20	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, OR 97310.	Josephine County Planning Office, 130 Northwest B St., Grants Pass, OR 97526.	Do.
Pennsylvania	Somerset	Somerset Borough.				Do.
South Carolina	Beaufort	Fort Royal				Do.
Do.	Horry	Surfside Beach				Do.
West Virginia	Logan	Man	I 54 045 1620 02	West Virginia Insurance Department, 1800 Washington St. East, Charleston, WV 25305.	Office of the Recorder, City Bldg., Town of Man, Man, W. Va. 25635.	Do.
Wisconsin	St. Croix	North Hudson				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 F.R. 16701, Aug. 25, 1971)

Issued: September 14, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-13489 Filed 9-14-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

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

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	Monrovia	H 06 037 2220 05 through H 06 037 2220 13	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Public Works Department, City of Monrovia, 415 South Ivy Ave., Monrovia, CA 91016.	Sept. 18, 1970.
Do	Kern	Unincorporated areas.				Sept. 14, 1971.
Maryland	Prince Georges	Laurel				Do.
Massachusetts	Bristol	Dartmouth				Do.
Missouri	Cape Girardeau	Jackson				Do.
New Jersey	Morris	Lincoln Park Borough.	H 34 027 1690 05 through H 34 027 1690 08	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, NJ 08625.	Borough Clerk's Office, Municipal Bldg., Lincoln Park, N.J. 07035.	Oct. 23, 1970.
New York	Nassau	Hempstead				Sept. 14, 1971.
Oregon	Josephine	Unincorporated areas.	H 41 033 0000 11 through H 41 033 0000 20	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, OR 97310.	Josephine County Planning Office, 130 Northwest B St., Grants Pass, OR 97526.	Jan. 8, 1971.
Pennsylvania	Somerset	Somerset Borough				Sept. 14, 1971.
South Carolina	Beaufort	Fort Royal				Do.
Do	Horry	Surfside Beach				Do.
West Virginia	Logan	Man	H 54 045 1620 02	West Virginia Insurance Department, 1800 Washington St. East, Charleston, WV 25305.	Office of the Recorder, City Bldg., Town of Man, Man, W. Va. 25635.	Feb. 9, 1971.
Wisconsin	St. Croix	North Hudson				Sept. 14, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 F.R. 16701, Aug. 25, 1971)

Issued: September 14, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-13490 Filed 9-14-71;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 166—REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

Negotiated Contract Awards

Section 166.11 has been amended by the addition of a new paragraph (d) as follows:

§ 166.11 Department of Defense contractors receiving negotiated contract awards of $10,000,000 or more.

* * * * *

(d) *Fiscal Year 1971.*

AAI Corp.
AMF, Inc.
Aerojet General Corp.
Aerospace Corp.
Air America, Inc.
Airlift International, Inc.
Alaska Barge & Transport Co.
Amercargo Shipping Corp.
American Airlines, Inc.
AMBAC Industries, Inc.
American Export Isbrandtsen Lines.
American Manufacturing Co. of Texas.
American President Lines, Ltd.
American Telephone & Telegraph Co.
ARO, Inc.
Asiatic Petroleum Corp.
Atlantic Richfield Co.
Atlas Chemical Industries, Inc.
Avco Corp.
Ayers, N. W. and Son, Inc.
B P Trading Ltd.
Battelle Memorial Institute.
Beach Aircraft Corp.
Bell Aerospace Corp.
Bendix Corp.
Boeing Co.
Braniff Airways, Inc.
Bunker Ramo Corp.
California, University of.
Caltex Oil Products Co.
Campbell Soup Co.
Capitol Airways, Inc.
Carson Oil Co.
Central Beef Co.
Central Gulf Steamship Corp.
Cessna Aircraft Co.
Chamberlain Manufacturing Corp.
Chromalloy American Corp.
Chrysler Corp.
Clevite Corp.
Collins Radio Co.
Colts, Inc.
Columbia Steamship Co., Inc.
Computer Sciences Corp.
Condec Corp.
Continental Air Lines, Inc.
Control Data Corp.
Cornell Aeronautical Lab., Inc.
Curtis Wright Corp.
Cutler Hammer, Inc.
Day & Zimmerman, Inc.
De Laval Turbine, Inc.
Donovan Construction Co.
Downs, Tony Foods Co.
du Pont, E. I. de Nemours & Co.
Dynalectron Corp.
E. G. & G., Inc.
Eastman Kodak Co.
Emerson Electric Co.
Esso International Corp.
F M C Corp.
Fairchild Camera & Instrument Corp.
Fairchild Industries.
Federal Cartridge Corp.
Federal Electric Corp.
Flying Tiger Corp.
GTE Sylvania, Inc.
Garrett Corp.
Gary Aircraft Corp.
General Dynamics Corp.
General Electric Co.
General Foods Corp.
General Motors Corp.
General Time Corp.
Global Associates.
Goodyear Aerospace Corp.
Goodyear Tire & Rubber Co.
Grumman Aerospace Corp.
Guam Oil & Refining Co., Inc.
Gulf & Western Industries Inc.
Han Jin Transportation Co., Ltd.
Harvey Aluminum Sales.

Hayes International Corp.
Hazeltine Corp.
Heckethorn Manufacturing Co.
Hercules, Inc.
Hewlett Packard Co.
Hoffman Electronics Corp.
Honeywell, Inc.
Hudson Waterways Corp.
Hughes Aircraft Co.
Humble Oil & Refining Co.
IIT Research Institute.
ITT Arctic Services.
ITT Gilfillan Inc.
Illinois, University of.
Institute for Defense Analysis.
International Business Machine Co.
International Dairy Engineering Co.
International Telephone & Tel. Corp.
Interstate Electronics.
Iowa Beef Packers Inc.
Itek Corp.
Jacksonville Shipyards Inc.
Johns Hopkins University.
Kaman Corp.
Kentron Hawaii Ltd.
Kidde Walter & Co., Inc.
Kisco Co., Inc.
Kollsman Instrument Corp.
Korea Oil Corp.
Kraftco Corp.
Kurz Charles & Co.
LTV Electrosystems.
LTV Aerospace Corp.
Lear Siegler Inc.
Letourneau R. G., Inc.
Ling Temco Vought, Inc.
Litton Systems, Inc.
Lockheed Aircraft Corp.
Luther Werke Gmbh & Co.
Luzon Stevedoring Corp.
Lykes Bros. Steamship Co., Inc.
Magnavox Co.
Martin Marietta Corp.
Mason & Hanger Silas Mason Co.
Massachusetts Institute of Technology.
Mayer, Oscar & Co., Inc.
McDonnell Douglas Corp.
McGraw Edison Co.
Meadow Gold Dairies.
Minnesota Mining & Manufacturing Co.
Mitre Corp.
Mobil Oil Corp.
Moore McCormack Lines, Inc.
Motorola, Inc.
NHA Inc.
National Presto Industries, Inc.
Needham Packing Co., Inc.
Newport News Shipbuilding & Dry Dock Co.
Norris Industries Inc.
North American Rockwell Corp.
Northrop Corp.
Northwest Airlines, Inc.
Okmulgee Refining Co.
Olin Corp.
Overseas National Airways, Inc.
PRD Electronics, Inc.
Pacific Architects & Engineers, Inc.
Pacific Far East Line, Inc.
Page Aircraft Maintenance, Inc.
Pan American World Airways, Inc.
Parsons, Ralph M., Co., Inc.
Philco Ford Corp.
Powerline Oil Co.
Procter & Gamble Distributing Co.
Radiation Inc.
RCA Corp.
RCA Global Communications, Inc.
Rand Corp.
Ravenna Arsenal, Inc.
Raymond Morrison Knudsen.
Raytheon Co.
Remington Arms Co.
Reynolds, R. J., Industries, Inc.
Teledyne Ryan Aeronautical Co.
Sanders Associates, Inc.
Saturn Airways, Inc.
Sea Land Services, Inc.
Seaboard World Airlines, Inc.
Seatrain Lines, Inc.
Serv Air, Inc.
Shipping & Coal Co.
Sierra Research Corp.
Simplex Wire & Cable Co.
Singer General Precision, Inc.
Southern Airways Inc.
Sovereign Construction Co., Ltd.
Sperry Rand Corp.
Standard Oil Co. of California.
Stanford Research Institute.
States Marine Lines Inc.
States Steamship Co.
Sundstrand Corp.
Susquehanna Corp.
Swift & Co.
System Development Corp.
TRW, Inc.
Tasker Industries.
Teledyne CAE.
Teledyne, Inc.
Teledyne Industries, Inc.
Tesoro Alaskan Petroleum Corp.
Texaco Export, Inc.
Texas Instruments, Inc.
Textron, Inc.
Thiokol Chemical Corp.
Tracor, Inc.
Trans International Airlines, Inc.
Trans World Airlines, Inc.
Uniroyal, Inc.
United Air Lines, Inc.
United Aircraft Corp.
United States Lines Co.
United States Steel Corp.
Universal Airlines, Inc.
Varian Associates.
Vinnell Corp.
Vitro Corp. of America.
Waterman Steamship Corp.
Western Electric Co., Inc.
Western Union International, Inc.
Western Union Telegraph Co.
Westinghouse Electric Corp.
World Airways, Inc.
World Wide Meats, Inc.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[FR Doc.71-13569 Filed 9-14-71;8:49 am]

Title 39—POSTAL SERVICE

Chapter I—United States Postal Service

PART 262—OPINIONS, ORDERS, ADMINISTRATIVE MANUALS, AND INSTRUCTIONS TO STAFF

Compilation of Reports and Studies; Cost of Recovery

Regulations codified in § 262.7 of Title 39, Code of Federal Regulations (36 F.R. 4774) are amended to include therein regulations formerly codified under § 113.5 of the 1970 edition of Title 39, as amended. (See 35 F.R. 12462).

Accordingly, in § 262.7 *Schedule of fees*, subparagraph (4) is added to paragraph (a) reading as follows:

§ 262.7 Schedule of fees.

(a) *Record retrieval.* * * *

(4) For compiling and processing data used in reports made by the U.S. Postal Service, the charge shall consist of the hourly compensation and fringe costs of and overhead costs attributable to the employees directly involved; computer time, if any; and other costs of mechanical reproduction with minimum charges stated for record retrieval. The action organization shall notify the person requesting such reports of the estimated cost thereof in advance.

* * * * *

(39 U.S.C. 401)

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

[FR Doc.71-13546 Filed 9-14-71;8:47 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 59—GRANTS FOR FAMILY PLANNING SERVICES

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Part 59, which relate solely to grants for family planning services pursuant to section 1001 of the Public Health Service Act (42 U.S.C. 300) because, for good cause it has been found, that such notice, public participation, and delay would be contrary to the public interest in light of the need to provide adequate lead time for the development of project proposals, the need for the orderly and efficient consideration of such proposals, and the limited time for which funds are available for these purposes. Written comments concerning the regulations are invited from interested persons. Inquiries may be addressed, and data, views, and arguments relating to the regulations may be presented in writing, in triplicate to Director, National Center for Family Planning Services, Health Services and Mental Health Administration, 5600 Fishers Lane, Rockville, MD 20852. All comments received in response to this publication will be available for public inspection in the Office of the Grants and Contracts Officer, National Center for Family Planning, Room 12A-54, Parklawn Building, 5600 Fishers Lane, Rockville, MD weekdays between 9 a.m. and 5 p.m. All relevant material received not later than 30 days after publication of these regulations in the FEDERAL REGISTER will be considered.

The following regulations shall become effective on the date of publication in the FEDERAL REGISTER (9-15-71).

Subpart A—Project Grants for Family Planning Services

Sec.
59.1 Applicability.
59.2 Definitions.
59.3 Eligibility.
59.4 Application for a grant.
59.5 Project requirements.
59.6 Evaluation and grant award.
59.7 Payments.
59.8 Use of project funds.
59.9 Civil rights.
5910. Confidentiality.
59.11 Inventions or discoveries.
59.12 Publications and copyright.
59.13 Grantee accountability.

Sec.
59.14 Records, reports, and inspection.
59.15 Additional conditions.
59.16 Early termination and withholding of payments.

AUTHORITY: The provisions of this Part 59 issued under sec. 6(c), 84 Stat. 1507, 42 U.S.C. 300a-4; sec. 6(c), 84 Stat. 1506, 42 U.S.C. 300.

Subpart A—Project Grants for Family Planning Services

§ 59.1 Applicability.

The regulations in this subpart are applicable to the award of grants pursuant to section 1001 of the Public Health Service Act (42 U.S.C. 300) to assist in the establishment and operation of voluntary family planning projects.

§ 59.2 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act.

(b) "State" means one of the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.

(c) "Nonprofit" private entity means a private entity no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(d) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(e) "Low income family" means a family which has an annual income below the higher of (1) the State figure, if any, for the "medically needy", as determined in accordance with the Aid for Families with Dependent Children figures calculated by the Assistance Payments Administration, Social and Rehabilitation Service, or (2) the current Social Security Administration poverty income level.

§ 59.3 Eligibility.

(a) *Eligible applicants.* Any public or nonprofit private entity located in a State is eligible to apply for a grant under this subpart.

(b) *Eligible projects.* Grants pursuant to section 1001 of the Act and this subpart may be made to eligible applicants for the purpose of assisting in the establishment and operation of voluntary family planning projects consisting of the educational, comprehensive medical, and social services necessary to aid individuals freely to determine the number and spacing of their children.

§ 59.4 Application for a grant.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe.[1] The application shall contain a full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, and a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the regulations of this subpart and any additional conditions of the grant.

(c) An applicant must indicate that a copy of the application has been contemporaneously forwarded to the appropriate State health planning agency established pursuant to section 314(a) of the PHS Act, and where such an agency has been established, to an area-wide planning agency established pursuant to section 314(b) of the PHS Act for their review and comment.

§ 59.5 Project requirements.

An approvable application must contain each of the following unless the Secretary determines that the applicant has established good cause for its omission:

(a) Assurances that:

(1) Services will be made available without the imposition of any durational residence or referral requirement;

(2) Services will be made available without regard to religion, creed, age, sex, parity, or marital status;

(3) Services will be made available in such a manner as to protect the dignity of the individual;

(4) Priority in the provision of services will be given to persons from low-income families;

(5) No charge will be made for services provided to any person from a low income family except to the extent that payment will be made by a third party (including a Government agency) which is authorized or is under legal obligation to pay such charge. In such case, effort must be made to obtain such third party payments. Where the cost of services is to be reimbursed under title XIX of the Social Security Act, a written agreement with the title XIX agency is required. Reimbursement may be either to the project or in lieu thereof directly to the provider in accordance with the above referred to written agreement. Charges to be made for services to persons other than those from low income families must be in accordance with a schedule submitted and approved as part of the project plan;

(6) Family planning medical services will be performed under the direction of a physician with special training or experience in family planning;

(7) All services purchased for project participants will be authorized by the Project Director or his designee on the project staff;

(8) Services provided will be solely on a voluntary basis and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other programs of the applicant; and

(9) The project will not provide abortions as a method of family planning.

(b) A description of how persons broadly representative of all elements of the population to be served and others in the community knowledgeable about such needs have been given an opportunity to participate in the development of the project and will be given an opportunity to participate in the implementation and evaluation of such project.

(c) Provision for pre- and in-service training for all project personnel.

(d) Provision for medical services related to family planning including physician's consultation, examination, prescription, continuing supervision, laboratory examination, contraceptive supplies, and necessary referral to other medical facilities when medically indicated.

(e) Provision for social services related to family planning, including counseling, referral to and from other social and medical services agencies, and such ancillary services as are necessary to facilitate clinic attendance.

(f) Provision for the effective usage of contraceptive devices and practices.

(g) Provision for use of a broad range of medically approved methods of family planning including the rhythm method.

(h) Provision for diagnostic and treatment services for infertility.

(i) Provision for coordination and use of referral arrangements with other providers of health care services, with local health and welfare departments, hospitals, and voluntary agencies, and health services projects supported by other Federal programs.

(j) Provision for informational and educational programs designed to achieve community understanding of the objectives of the program, to inform the community of the availability of services, and to promote continuing participation in the project by persons to whom family planning services may be beneficial.

(k) In those cases in which the project will provide family planning services by contract or other similar arrangement with the actual providers of services, a plan shall be provided establishing rates and methods of payment for medical care. Such payments must be made pursuant to agreements with a schedule of rates and payment procedures maintained by the grantee. The grantee must be prepared to substantiate that rates are reasonable and necessary.

[1] Applications and instructions may be obtained from the Regional Health Director of the Health Services and Mental Health Administration at the Regional Office of the Department of Health, Education, and Welfare for the region in which the project is to be conducted.

(1) A description of the standards and qualifications which will be required for personnel (including the project director) and facilities utilized in the various aspects of carrying out the project plan.

§ 59.6 Evaluation and grant award.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to assist in the establishment and operation of those project applications which will in his judgment best promote the purposes of section 1001 of the Act, taking into account:

(1) The number of patients, and in particular the number of low income patients, to be served;

(2) The extent to which family planning services are needed locally;

(3) The relative need of the applicant;

(4) The capacity of the applicant to make rapid and effective use of such assistance;

(5) The adequacy of the applicant's facilities and staff;

(6) The relative availability of non-Federal resources within the community to be served and the degree to which those resources are committed to the project; and

(7) The degree to which the project plan adequately provides for the elements set forth in § 59.5.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the performance of the project: *Provided, however,* That no grant shall be made for an amount equal to the total cost as found necessary by the Secretary for the carrying out of the project. In determining the grantee's share of project costs, costs for which Federal funds from other sources have been or may be claimed or received, or costs used to match other Federal grants unless otherwise authorized by Federal statute, or costs to be met from the Federal share of grant related income (except as may be permitted by Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual [2]) may not be included.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which support is recommended.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project of portion thereof but this provision shall not preclude the Secretary from making upward adjustments to actual costs as to amounts awarded on a provisional basis. For continuation support, grantees must make separate application periodically at such times and in such form as the Secretary may direct.

§ 59.7 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 59.8 Use of project funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with the statute, the regulations of this subpart, the terms and conditions of the award, and cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual.

(b) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

§ 59.9 Civil rights.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 200d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing Title VI, which applies to grants made under this subpart, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 59.10 Confidentiality.

Each grant award is subject to the condition that all information obtained by the personnel of the project from participants in the project related to their examination, care, and treatment, shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 59.11 Inventions or discoveries.

A grant award is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary or those he may designate at such times and in such manner as he may determine necessary to carry out such Department regulations.

§ 59.12 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from a project supported by a grant under this subpart, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 59.13 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary, of expenditures for direct and indirect costs meeting the requirements of this subpart: *Provided, however,* That when the amount awarded for indirect cost was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for equipment, materials, or supplies.* Expenditures of grant funds for movable or fixed equipment, materials or supplies, all of which are termed in this paragraph as "material", may be charged to grant funds as direct costs only to the extent such material is required for the conduct of the approved project. Material on hand on the date of termination (excluding expendable supplies within such limitations as the Secretary may prescribe) shall be accounted for, or accountability waived, by one or a combination of the following methods:

(1) *Retention of material for other health projects.* Material may be used without adjustment of accounts on other projects within the scope of section 1001 of the Act, and no other accounting for such material shall be required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization, or for other use of the material shall be made against any existing

[2] Available for purchase at the Government Printing Office (GPO 894-523).

or future Federal grant or contract, and (ii) if within the period of their useful life the material is transferred by sale or otherwise for use outside the scope of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of material, crediting of proceeds or value.* The material may be sold by the grantee and the net proceeds of sale credited to the grant account for project use, or it may be used or disposed of in any manner by the grantee or crediting to the grant account the Federal share of the fair market value on the termination date. To the extent material purchased from grant funds is used for credit or trade-in on the purchase of new material, the accounting obligation shall apply to the same extent to such new material.

(3) *Transfer of title to the Federal Government.* To the extent the Secretary so requires or approves, title to material will be transferred to the Federal Government for such authorized use or disposition as he may direct.

(c) *Accounting for grant related income*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this section, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in Chapter 1-420 of the Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for material on hand as provided in paragraph (b) of this section;

(iii) Any credits for earned interest pursuant to paragraph (c)(1) of this section;

(iv) Any other settlements required pursuant to paragraph (c)(2) of this section.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 59.14 Records, reports, and inspection.

(a) *Records and reports.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the budget period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment and other resources of the applicant at reasonable times by persons designated by the Secretary and to interview with principal staff members to the extent that such resources and personnel are, or will be, part of the project. In addition, the acceptance of any grant under this Subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 59.15 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 59.16 Early termination and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act, the regulations of this subpart or any of the assurances thereunder, or the terms of the grant, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

Dated: August 13, 1971.

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

Approved: September 7, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-13560 Filed 9-14-71;8:49 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-56; Amdts. 171-13, 172-11, 173-54, 174-10, 177-17, 178-21, 179-8]

PART 171—GENERAL INFORMATION AND REGULATIONS

PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170-189 OF THIS CHAPTER

PART 173—SHIPPERS

PART 174—CARRIERS BY RAIL FREIGHT

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

PART 178—SHIPPING CONTAINER SPECIFICATIONS

PART 179—SPECIFICATIONS FOR TANK CARS

Miscellaneous Amendments

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to change or delete certain obsolete or incorrect references and to make other editorial corrections. Major changes are described as follows:

1. References to Part 397 are no longer pertinent for small quantity exemptions since this part was revised on March 13, 1971 (36 F.R. 4874) and made applicable only to those motor vehicles required to be marked or placarded.

2. The address of the Bureau of Explosives, AAR, is listed in § 171.7(c)(4), therefore it is being deleted in other sections of the Code.

3. Various sections as well as labels which show "Commission" or "Interstate

Commerce Commission" are changed to read "Department" or "Department of Transportation." This change was effected by Docket No. HM–11 (33 F.R. 17918), published December 3, 1968. Editorially, a number of changes were erroneously overlooked in subsequent publications of the Code.

Since these amendments concern editorial changes and corrections and impose no burden on any person, notice and public procedure thereon are considered unnecessary.

In consideration of the foregoing, 49 CFR Parts 171, 172, 173, 174, 177, 178, and 179 are amended, effective upon publication in the FEDERAL REGISTER (9–15–71), as follows:

(A) In §§ 171.7(a) and 173.286(a), the scope of the regulations is changed to read, "170–189".

(B) The following sections are amended to delete reference to Part 297 or 397:

In section	*Delete*
173.144(b)	and Part 397 of this title.
173.197(a)	and 297.
173.260(d)	and Part 397 of this title.
173.260(e)	and Part 397 of Chapter III of this title.
173.260(g)	and 397 of this title.
173.263(b)(2)	and Part 297 of this chapter.
173.277(d), (d)(1)	and Part 397 of this title.
173.277(e)	and Part 397 of this title.
173.279(b)	and Part 397 of this title.
173.286(b)	and Part 397 of this title.
173.306(a), (b), (c), (d)(2), (e), (e)(2)	and Part 397 of this title.
173.359(c)	and Part 297 of this chapter.
173.364(a)	and Part 397 of this title.
173.369(b)	and Part 397 of this title.
173.370(b)	and Part 397 of this title.
173.377(f)	and Part 397 of this title.

(C) The following sections are amended by properly referencing the Bureau of Motor Carrier Safety Regulations:

In section	Change	To read
174.532(b)(2)	393.77	393.77.
177.834(j)	Part 293	Part 393.
177.835(j)	Part 292	Part 392.
177.854(a)	392.22 to 292.26	392.22 to 392.26.
177.854(f)(1)	202.22, 292.23, 292.24, and 292.26.	392.22, 392.23, 392.24, and 392.26.
177.854(f)(2)	§§ 292.25 and 292.26.	§§ 392.25 and 392.26.
177.856(d)	Part 292	Part 392.
177.859(b)	Part 292	Part 392.
178.340–2(b)	Part 293	Part 393.

(D) The following sections are amended to delete the address of the Bureau of Explosives, AAR:

In section	*Delete*
173.300(b)(4) Note 1	2 Pennsylvania Plaza, New York, NY 10001, American Railroads Building.
174.506(a)	1920 L Street, NW., Washington, DC 20036, Telephone (202) 293–4048.
174.596(c)(1)	2 Pennsylvania Plaza, New York, NY 10001.
174.655(j)(3) Note 2	2 Pennsylvania Plaza, New York, NY 10001.
177.815(f)	2 Pennsylvania Plaza, New York, NY 10001.
177.861(a) Note 2	2 Pennsylvania Plaza, New York, NY 10001.
178.1–9(a)	2 Pennsylvania Plaza, New York, NY 10001.
178.3–9(a)	2 Pennsylvania Plaza, New York, NY 10001.
178.4–8(a)	2 Pennsylvania Plaza, New York, NY 10001.
178.5–9(a)	63 Vesey Street, New York 7, NY.
178.6–10(a)	2 Pennsylvania Plaza, New York, NY 10001.
178.7–8(a)	2 Pennsylvania Plaza, New York, NY 10001.
178.14–8(a)	2 Pennsylvania Plaza, New York, NY 10001.

(E) In the following sections "Commission" is corrected to read "Department":

In section:

173.53(q)
177.824(e)(4)(ii)
178.32–2 Note 1
178.37–5(a) Note 1
178.156–12(a)(3) Note 1

(F) In the following sections "Interstate Commerce Commission" shown on the labels is changed to read "Department of Transportation":

173.405(a)
173.406(a)
173.407(a)(1), (a)(2), (a)(3)
173.408(a)(1), (a)(2)
173.409(a)(1), (a)(2), (a)(3)
173.410(a)
173.411(a)
173.412(a)(1)
178.59–20(b) report

(G) In the following sections "ICC" is corrected to read "DOT":

173.119(b)(3) Note 1 (2 places)
178.191–9(a)(1)
178.205–36 Heading
179.101–1(a) Table, Note 11

(H) In § 172.5(a) Commodity List, delete the following entry:

Hydrazine solution containing 50 percent or less of water

(I) In § 173.28 paragraph (n)(1)(ii) second line of example, a zero is added to read: "TESTED 2/70".

(J) In § 173.34 paragraph (e)(10), in the fifth sentence, the spelling of the word "cylinders" is corrected.

(K) In § 173.64 paragraph (a), at the beginning of the 11th line the word "as" is removed.

(L) In § 173.119 paragraph (f)(3), Note 2 was inadvertently omitted in the 1965 edition of the CFR, it is now reinserted to read:

NOTE 2: When the vapor pressure exceeds 40 pounds per square inch, absolute, at 100° F., these flammable liquids are classed as flammable compressed gases and must be described, packed, and shipped as prescribed for such articles.

(M) In § 173.158, paragraph (a)(2) was amended in Docket No. HM–32; Amendment No. 173–27 (35 F.R. 10858), July 3, 1970. This amendment was not reflected in the 1971 edition of the Code. It is now amended as shown in the above reference:

§ 173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para) dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.

(a) * * *

(2) Spec. 21C (§ 178.224 of this chapter) fiber drums. Authorized only for lauroyl peroxide, dry. Authorized net weight not over 100 pounds in one drum.

* * * * *

(N) In § 173.268 paragraph (d)(2) second line, the section reference is changed to read, "(§§ 179.100 and 179.201 of this chapter)."

(O) In § 173.304 paragraph (a)(1) table, third column, all markings opposite "Ethane" are lowered one line for proper placement in the table.

(P) In § 173.306 paragraph (a)(3)(ii), fifth line, "178.33a" is amended to read "178.33".

(Q) In § 174.506, the fourth and fifth lines are reversed to read as follows: "and 171.16 of this chapter. In addition, each carrier is requested to report each".

(R) In § 177.823 paragraph (a)(4), the reference "§ 173.414 (a) and (c)" in the 15th line is amended to read, "§ 173.414(d)"; the word "red" is deleted in the 14th line.

(S) In § 177.824 paragraph (h), in the 17th line, "magnetic article" is corrected to read "magnetic particle".

(T) In § 177.848 paragraph (a), first line, "Explosives or other dangerous articles" is corrected to read "Hazardous materials".

(U) In § 177.870 paragraph (b), first line, "dangerous articles" is corrected to read "hazardous materials".

(V) Following § 178.23, the section number reading "§ 178.22–1" is corrected to read "178.23–1".

(W) In § 178.219–4, the second paragraph containing the effective date of the amendment is deleted.

(X) In § 178.341–4 paragraph (b), a period is placed at the end of the right hand column.

(Y) In § 178.342–4 paragraph (c), the parenthesis preceding the word maximum is closed after "§ 178.340–10 (b))".

(Z) In § 173.314(c) Table Note 17, the reference "§ 78.289–13" is changed to read "§ 179.100–15".

(AA) In § 179.100–7 paragraph (a), the table has been inadvertently changed. The following table is inserted:

Specifications	Minimum tensile strength (p.s.i.) welded condition	Minimum elongation in 2 inches (percent) welded condition
ASTM A 201 Gr. A	55,000	25
ASTM A 201 Gr. B	60,000	28
ASTM A 212 Gr. A	65,000	20
ASTM A 212 Gr. B	70,000	20
ASTM A 285 Gr. A	45,000	29
ASTM A 285 Gr. B	50,000	29
ASTM A 285 Gr. C	55,000	30
ASTM A 302 Gr. B	80,000	20

(BB) In § 179.100–7 paragraph (b), the third column of the table is amended to read:

25, 28, 23, 18, 16, 14, 18, 18, 18, 18, and 5 [1].

(CC) Section 179.500–7 was incorrectly printed in the 1970 and 1971 editions of the CFR. It is corrected to read:

§ 179.500 Specification DOT–107 * * *, seamless steel tank car tanks.

§ 179.500–7 Physical tests.

(a) Physical tests shall be made on two test specimens 0.505 inch in diameter within 2-inch gage length, taken 180 degrees apart, one from each ring section cut from each end of each forged or drawn tube before necking-down, or one from each prolongation at each end of each necked-down tank. These test specimen ring sections or prolongations shall be heat treated, with the necked-down tank which they represent. The width of the test specimen ring section must be at least its wall thickness. Only when diameters and wall thickness will not permit removal of 0.505 by 2-inch tensile test bar, laid in the transverse direction, may test bar cut in the longitudinal direction be substituted. When the thickness will not permit obtaining a 0.505 specimen, then the largest diameter specimen obtainable in the longitudinal direction shall be used. Specimens shall have bright surface and a reduced section. When 0.505 specimen is not used the gage length shall be a ratio of 4 to 1 length to diameter.

(b) Elastic limit as determined by extensometer, shall not exceed 70 percent of tensile strength for class I steel or 85 percent of tensile strength for class II and class III steel. Determination shall be made at cross head speed of not more than 0.125 inch per minute with an extensometer reading to 0.0002 inch. The extensometer shall be read at increments of stress not exceeding 5,000 pounds per square inch. The stress at which the strain first exceeds

$$\frac{\text{stress (pounds per square inch)}}{30{,}000{,}000 \text{ (pounds per square inch)}} + 0.005 \text{ (inches per inch)}$$

shall be recorded as the elastic limit.

(1) Elongation shall be at least 18 percent and reduction of area at least 35 percent.

NOTE 1: Upon approval, the ratio of elastic limit to ultimate strength may be raised to permit use of special allow steels of definite composition that will give equal or better physical properties than steels herein specified.

(Secs. 831–835 of title 18, U.S.C.; sec. 9 of the Department of Transportation Act (49 U.S.C. 1657); title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430 and 1472(h))

Issued in Washington, D.C., on September 9, 1971.

W. F. REA III,
Rear Admiral, Board Member, for the U.S. Coast Guard.

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

ROBERT A. KAYE,
Board Member, for the Federal Highway Administration.

JAMES F. RUDOLF,
Board Member, for the Federal Aviation Administration.

[FR Doc.71–13509 Filed 9–14–71;8:45 am]

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–16; Notice 71–27]

PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

Compliance With Safety Rules; Correction

On July 12, 1971, the Director of the Bureau of Motor Carrier Safety amended Part 397 of the Motor Carrier Safety Regulations to retain the rule requiring motor carriers transporting hazardous materials to obey the Motor Carrier Safety Regulations (36 F.R. 13269). Some words were inadvertently omitted from that issuance, and the Director is issuing an amendment to correct that error. As has been the case in the past, private carriers are exempt from the rules in part 394 to the extent that those rules require the filing of accident reports and for no other purpose.

In consideration of the foregoing, § 397.2 of the Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR) is amended to read as follows:

§ 397.2 Compliance with motor carrier safety regulations.

A motor carrier or other person to whom this part is applicable must comply with the rules in Part 390 through 397, inclusive, of this subchapter when he is transporting hazardous materials by a motor vehicle which must be marked or placarded in accordance with § 177.823 of this title. However, except as specified in § 394.6 of this subchapter, the rules in Part 394 of this subchapter relating to the reporting of accidents do not apply to a private carrier of property.

(Sec. 204, Interstate Commerce Act, 49 U.S.C. 304, 18 U.S.C. 834, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, delegations of authority at 49 CFR 1.48 and 49 CFR 389.4)

Issued: September 3, 1971.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.71–13557 Filed 9–14–71;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5107]

[Colorado 2486]

COLORADO

Withdrawal for National Forest Recreation Areas

Correction

In F.R. Doc. 71–11763 appearing at page 15439 in the issue of Saturday, August 14, 1971, in the description of the Crosho Lake Recreation Area, the first entry under "T. 2 N., R. 86 W." should read "Sec. 4, south 5 chains of west 10 chains of lot 9, W½SW¼NW¼, W½E½-SW¼NW¼;".

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Bear Lake National Wildlife Refuge, Idaho

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), that 50 CFR Part 32 is amended by the addition of Bear Lake National Wildlife Refuge, Idaho, to the list of areas open to the hunting of upland game, as legislatively permitted.

It has been determined that regulated hunting of upland game may be permitted as designated on the Bear Lake National Wildlife Refuge without detriment to the objectives for which the area was established.

Since this amendment benefits the public by relieving existing restrictions on hunting of upland game, and since this amendment is to conform to the State of Idaho game laws, we find that notice and public procedure in accordance with the Administrative Procedures Act (5 U.S.C. 553(b)(B)) are impracticable and unnecessary, and it shall become effective upon publication in the FEDERAL REGISTER (9–15–71).

(Sec. 7, 80 Stat. 929; 16 U.S.C. 668dd(c)(d))

Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

IDAHO

Bear Lake National Wildlife Refuge.

* * * * *

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

SEPTEMBER 10, 1971.

[FR Doc.71–13590 Filed 9–14–71;8:51 am]

PART 32—HUNTING

Bear Lake National Wildlife Refuge, Idaho

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (9–15–71).

§ 32.32 Special regulations; upland game; for individual wildlife refuge area.

IDAHO

BEAR LAKE NATIONAL WILDLIFE REFUGE

Upland game birds may be hunted on the Bear Lake National Wildlife Refuge, 802 Washington, Montpelier, Idaho.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and/or delineated on a map. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to this refuge are listed on the reverse side of a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Portland, OR 97208.

JOHN D. FINDLAY,
Regional Director,
Bureau of Sport Fisheries.

AUGUST 27, 1971.

[FR Doc.71-13589 Filed 9-14-71;8:51 am]

PART 32—HUNTING

Browns Park National Wildlife Refuge, Colo.; Correction

In F.R. Doc. 71-10806, appearing on page 14000 of the issue for Thursday, July 29, 1971, the last sentence in the first paragraph of § 32.32 should read: "Rifle deer season is October 30 through November 11, 1971, inclusive."

H. J. JOHNSON,
Refuge Manager, Browns Park National Wildlife Refuge, Greystone, Colo.

SEPTEMBER 8, 1971.

[FR Doc.71-13529 Filed 9-14-71;8:46 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[OEP Economic Stabilization Reg. 1; Circular No. 12]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 12

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

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

This 12th circular covers determinations by the Council through September 13, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 12

100. *Purpose.* (a) On August 15, 1971, President Nixon issued Executive Order No. 11615, as amended, providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1971, as amended. The effective date of the order was 12:01 a.m., August 16, 1971.

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

(c) The purpose of this circular, the 12th in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote the program.

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

The Constitution.
Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, as amended, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1, 36 F.R. 16215, August 20, 1971.
OEP Economic Stabilization Regulation No. 1, as amended, 36 F.R. 16515, August 21, 1971.

300. *General Guidelines.* (a) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations of the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

(b) The numbering system used in this circular corresponds to that used in previous OEP Circulars.

301. *Base Period.* Determination of 30-day base period: As used in OEP Economic Stabilization Regulation No. 1, the term "base period" for any commodity, service, rent, salary, or wage includes the period from July 16, 1971, through August 14, 1971. In cases where no transactions occurred in this 30-day base period, the base period will be the nearest preceding 30-day period in which a transaction did occur. "30-day period" is defined as a 30-day block of time prior to July 16. Hence, moving back from July 16, the nearest preceding 30-day period would be June 16–July 15 and preceding that, May 17–June 15, and so on.

400. *Price Guidelines.*

403. *Prices on imports.* (a) Surcharge: An importer, or distributor of imported goods, must show on the sales ticket or invoice, in dollars and cents, the surcharge passed on to the purchaser. If the importer or distributor elects to pass on only a portion of the surcharge, he is still required to indicate penny for penny the exact amount passed on.

(b) As explained in OEP Economic Stabilization Circular No. 1, an importer may pass on a price increase of an imported product to the purchaser so long as the product is neither physically transformed by the seller nor becomes a component of another product. However, in the case of goods produced in the United States which are sent abroad and subsequently reenter the United States without substantial modification (i.e., 25 percent or greater increase in value), no change in ceiling price is permitted.

405. *Government-regulated industries.* (a) Where the Civil Aeronautics Board has required that all discount rates in effect during the base period be continued for the duration of the freeze, an airline, meeting all requirements of the seasonality rule, may not eliminate the discounts in the face of the order of the CAB: *Provided,* That the order of the CAB is within its own statutory authority. The freeze does not forbid reductions in prices nor does it require pricing at the permissible ceiling level. In the exercise of their own statutory authorities, it is expected that regulatory agencies will contribute to the national effort involved in the freeze program.

(b) TV/Radio Advertising: Ceiling prices for television and radio advertising charges may be determined on the basis of (1) the rates charged for the same program shown during the base period, or (2) the rates charged for the same time segment (day and time) during the base period. However, each seller must calculate the ceiling price for all his programs on the same basis.

Several earlier rulings made by the Council may have important applications in the broadcasting industry. First, the seasonality ruling may be applicable in some situations. Second, established formulas that provide for adjustments to advertising rates based on audience ratings may continue to be used as in the base period. Third, ceiling prices for advertising rates on new programs are to be established per the Council's ruling on new products and services.

406. *Commodities and Services.*—(a) *Insurance premiums.* In the determination of premiums based on experience-rating formulas, those factors in the formulas that reflect anticipated cost or price increases beyond the base period (e.g., inflation trend factors) may not be applied. Factors that reflect experience on actual cost (e.g., average cost per claim, insurance company expenses, daily hospital reimbursement levels) may be entered into the formulas only to the extent that the experience would have been entered into the formula had the calculation been made during the base period. However, factors that reflect changed conditions of risk (e.g., the age-sex distribution of groups, number of claims) may be applied normally. New experience-rating formulas that would result in an increased premium may not be introduced during the freeze period.

(b) *Cooperative and condominium apartments.* Owners of cooperative and condominium apartments are treated

like homeowners. Accordingly, the monthly charges they pay for general maintenance and other costs are not rent and, therefore, are not covered by the rent freeze. If, for example, the owners wish to increase the quantity of services they receive (e.g., an additional doorman, an added trash collection day), they may pay increased charges reflecting the cost of the added services. However, increases in such charges to condominium or cooperative apartment owners may not be used to circumvent the general regulations freezing wages and prices.

The fee for managing a cooperative or condominium apartment is subject to the freeze. However, if there is a significant increase in the services of the managing agent, a corresponding fee increase would be permissible under Executive Order 11615.

(c) *Dues; special assessments of trade associations.* A trade association is planning to broaden its services to its membership. To do this, it must obtain additional funds through a dues increase. The association is not allowed to increase its dues to cover the increased services. Accordingly, dues as such cannot be increased. However, when the scope of services provided to members increases, the members may be assessed a pro-rata share of the increased cost of the expanded services on a penny for penny basis.

500. *Wage and salary guidelines.*

502. *Specific guidelines*—(a) *State minimum wage laws.* In States having statewide minimum wages scheduled to increase during the freeze, wages may be raised to meet the prescribed higher minimums. However, wages and salaries may not be raised to meet scheduled increases in State minimum levels for specific occupational groups.

(b) *Retroactive contracts.* Retroactive wage increases for work performed prior to the freeze are permitted, provided that the parties can demonstrate that they did not change their position during negotiations in order to compensate for or absorb the impact of the freeze. This requires the parties to produce evidence of past practice and the pattern of present negotiations. A procedure will be established by the CLC for resolving evidence. However, for work performed after August 15 the actual rate which was in effect during the base period is the ceiling wage for the freeze period.

For example, a contract is agreed to on September 1, effective July 1, increasing a wage rate from $2.80 to $3. For the period July 1 through August 15, the worker's wage is $3; from August 16 through the duration of the freeze, $2.80.

(c) *New or changed jobs.* A wage rate set prior to the freeze for a new or changed job may be increased and paid retroactively, provided an appeal was filed before August 15 under a formal appeals procedure.

If an appeal on a wage rate set prior to the freeze was made prior to August 15 under a formal appeals procedure, the rate for that job may be increased and paid retroactively.

(d) *Columbus Day holiday.* Private sector employers may grant Columbus Day, a Federal legal holiday, as a paid holiday, provided that:

(1) Such a provision is included in the labor contracts of the employer granting the holiday, or

(2) The granting of Federal legal holidays is an established practice, or

(3) The employer had announced the holiday prior to August 15.

1001. *Effective date.* This Circular, unless modified, superseded, or revoked, is effective on the date of publication for a period terminating at midnight of November 13, 1971.

Dated: September 14, 1971.

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

[FR Doc.71-13722 Filed 9-14-71;2:47 pm]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

BEAR LAKE NATIONAL WILDLIFE REFUGE, IDAHO

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), it is proposed to amend 50 CFR Part 32 by the addition of Bear Lake National Wildlife Refuge, Idaho, to the list of areas open to the hunting of big game as legislatively permitted.

It has been determined that regulated hunting of big game may be permitted as designated on the Bear Lake National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

IDAHO

Bear Lake National Wildlife Refuge.

* * * * *

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

SEPTEMBER 10, 1971.

[FR Doc.71-13588 Filed 9-14-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1421]

SOYBEAN PRICE SUPPORT AND RESEAL LOAN PROGRAMS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 301, 303, and 401 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1447, 1449, and 1421), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c), is considering a price support program for the 1972 crop of soybeans, and the extension of the loan maturity date for the 1971 crop of soybeans. Such consideration includes determinations relative to (a) the level of price support for the 1972 crop of soybeans; (b) the manner of making such support available to producers; and (c) extending the maturity date for loans secured by 1971 crop soybeans.

The determinations specified above are to be based on the following:

(a) *The level of price support for the 1972 crop of soybeans.* The Act authorizes the Secretary to make price support available to producers for soybeans at a level not in excess of 90 percent of the parity price for the commodity. The Act requires that, in determining the level of such support, consideration be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a price-support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. In determining the level of price support, particular consideration is required to be given to the levels at which the prices of competing agricultural commodities are being supported.

(b) *The manner of making price support available to producers.* The Act authorizes the Secretary to make price support available to producers through loans, purchases or other operations. Consideration is being given to making price support available through farm and warehouse storage loans to and purchases from producers.

(c) *Extension of maturity date for loans secured by 1971 crop soybeans.* Consideration is also being given as to whether or not the maturity date of outstanding loans secured by 1971 crop soybeans will be extended.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27 (b)).

Signed at Washington, D.C., on September 13, 1971.

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

[FR Doc.71-13649 Filed 9-14-71;8:51 am]

[7 CFR Part 1464]

BURLEY TOBACCO

Proposed Advance Rates by Grade for 1971 Crop

Correction

In F.R. Doc. 71-12915 appearing at page 17874 in the issue of Saturday, September 4, 1971, under the last column of the table headed "All crops under loan at Apr. 30, 1971—as percent of grade marketings of an average crop", the figure "71.6" for the grade designation T3F should read "17.6" and the figure "9.82" for the grade designation M5F should read "29.8".

Consumer and Marketing Service

[7 CFR Part 927]

BEURRE D'ANJOU AND CERTAIN OTHER VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Proposed Expenses and Rate of Assessment for 1971–72 Fiscal Period

Consideration is being given to the following proposal submitted by the Control Committee, established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses which are reasonable and necessary to be incurred by the Control Committee, during the period July 1, 1971, through June 30, 1972, will amount to $57,360.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 927.41, be fixed at $0.01 per standard western pear box of

pears, or an equivalent quantity of pears in other containers or in bulk.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112A, Administration Building, Washington, D.C. 20250, not later than the 20th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 10, 1971.

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

[FR Doc.71-13587 Filed 9-14-71;8:51 am]

[7 CFR Part 1068]

[Docket No. AO-178-A27]

MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Minneapolis-St. Paul marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Bloomington, Minn., August 17-18, 1971, pursuant to notice thereof issued on August 2, 1971 (36 F.R. 14476).

FINDINGS AND CONCLUSIONS

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

The material issues on the record relate to:

1. Charges on overdue accounts.
2. Provisions for pooling supply plants.
3. The need for emergency action on Issue No. 2.
4. Diversion of producer milk.
5. Location differentials.
6. Miscellaneous administrative and conforming changes.

This decision pertains only to Issues Nos. 2 and 3. The other issues are deferred for decision later.

2. *Pool plant shipping requirements for supply plants.* The percentage of receipts that a supply plant must ship to pool distributing plants to qualify as a pool plant should be reduced to 30 percent of its total receipts from farms. The order should be amended further to provide automatic pool qualification for a supply plant during the period December-August if it qualified as a pool supply plant throughout the preceding September-November period.

The order presently requires a supply plant to ship at least 40 percent of its receipts to a distributing plant to be pooled in any month. Provision is made also whereby a supply plant that has shipped 40 percent of its producer milk receipts throughout the August-October period automatically has pool plant status for the following November-July period, if the operator of such plant so elects. Any deliveries of milk by a cooperative association during the August-October period directly from the farms of producer members to a pool distributing plant may be considered as having been received first at a plant of such cooperative association for qualification purposes.

A group of 10 cooperative associations representing a substantial majority of the producers supplying the market requested the changes proposed herein. The cooperatives operate 15 of the 18 pool supply plants serving the market. Two of the supply plants are operated by other cooperative associations, and one is operated by a proprietary handler. Basically, proponents testified that the market has become more complex since 1966 when the present shipping requirements for pooling supply plants were established. This complexity is the result of (a) substantial marketing area expansion in 1969, (b) changes in the relationship of producer milk supplies to Class I sales, and (c) changes in handler operations. Proponents contended that the impact of these changes has resulted in the immediate prospect of the loss of pool status for at least three supply plants which regularly have been associated with the market. The proposals were not opposed by interested parties either at the hearing or in posthearing briefs.

Pooling standards for supply plants identify such plants that are associated with the market as regular suppliers of milk needed for fluid use. Such standards distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not. The requirements assure that handlers engaged in bottling and distributing operations in the market will obtain sufficient milk from supply plants to meet their fluid milk requirements. Without such requirement, supply plants will tend to keep milk at their plants for manufacturing when it is to their advantage to do so.

Additionally, pooling standards are intended to accommodate a sharing of the Class I sales of the regulated market among those dairy farmers who constitute its regular sources of milk supply. Otherwise, dairy farmers who have no regular affiliation could casually, or in an incidental manner, associate with the market when it is to their advantage to do so, but without intention of providing it with a dependable supply over time.

The supply plant pooling standards of Order No. 68 recognize the dual marketing functions of such plants in this market, which are to ship milk to pool distributing plants when it is needed, and to manufacture the excess when it is not needed, by such plants.

The representative of one cooperative testified that during the coming months through November 1971, the association expects to ship more than 40 percent of its producer milk to pool distributing plants. In doing so, one of its supply plants will ship close to 100 percent of its receipts to pool distributing plants, and another will be unable to meet the minimum shipping requirements. This results because some supply plants are closer to the market center than others, and some have more flexibility in meeting the varying needs of distributing plants.

Also, the order provides that each pool supply plant must qualify independently of other plants operated by a cooperative association. This independent qualification is modified by a revision that permits the milk that is shipped direct from the farms of member producers to be counted as a receipt at the plant of a cooperative association. But direct shipments to the market are insufficient under present marketing conditions to assure qualification for all supply plants associated with the market.

Two other cooperative associations are in similar circumstances. This is the focal point of current marketing conditions which culminated in the proposal to lower the shipping requirement for pool supply plants.

Identifiable changes in marketing conditions have occurred since 1966 when the present shipping requirements for pooling supply plants were established. In 1969, the marketing area was expanded substantially, adding pool plants and producers, and changing the previous supply-sales patterns of the market.

Between December 1969-70 about 103 producers left plants in the Wisconsin portion of the supply area. At the same time, 121 producers were added to pool plants in the Minnesota part of the supply area. Even though the net increase in producer numbers was relatively small, a shift of this kind changed the supply-sales alinement among plants.

The population of the marketing area (as presently constituted) increased significantly over the past decade. The 1970 census registered a total increase of about 21 percent. However, larger increases occurred in counties adjacent to the metropolitan centers. The population increase in the seven counties surrounding Hennepin County (Minneapolis) ranged between 12 percent and 79 percent.

The incidence of wholesale distribution has grown in response to changes in the methods of marketing milk. Large quantities of milk are needed to supply chain stores at the end of the week while smaller volumes are needed on other bottling days. Handlers have adopted a 5-day bottling schedule in response to consumer demand for more milk at the end of the week. This means that supply plants must handle larger reserves during the week, and seasonally, even though their service function to the market remains unchanged. The result has been

that some supply plants are shipping a smaller proportion of their total receipts and are in jeopardy of losing pool status even though they continue to service the fluid milk needs of pool distributing plants as before.

Further, the increase in the number of new producers has been moderate—up 2 percent between 1969–70. While this increase has been relatively small, production increase among producers regularly associated with the market has been the principal cause of increased volumes of producer milk—up about 11 percent between 1969–70.

These developments have had an adverse effect on the ability of cooperatives to continue to pool supply plants which have been regularly associated with the market.

To accommodate the present situation in the market, it is concluded that the shipping requirements for pooling supply plants should be reduced from 40 to 30 percent of receipts from farms. This should enable not only the receipt of an adequate supply of milk for the fall months but also continued pool status for supply plants and producers who have been and are regular suppliers of the market.

The problem of qualifying some of the pool supply plants serving the market will extend into the current period for qualifying supply plants for automatic pooling. The months used to determine the automatic supply pool plant qualification should correspond with the months of peak Class I utilization in relation to supply. These are the months when fluid milk is needed most at distributing plants. The qualifying months now provided (August–October) were established in 1961. As indicated previously, the supply and demand situation for the market has changed considerably since then. In 1961, the Class I utilization of producer milk in August was 67 percent and in November 68 percent, a difference of only 1 percent. In 1970, the Class I utilization in August was 44 percent and in November 52 percent, or an 8 percent higher Class I utilization in November than in August. It is anticipated that a similar relationship will prevail in 1971. Because of this higher Class I utilization in November as compared to August, it is concluded that the months for determining automatic supply plant qualification should be changed to September, October, and November.

Presently, the order allows automatic supply plant qualification during November through July for those plants that qualify during the preceding August, September, and October. By changing the months that determine automatic qualification to September through November, the months of automatic qualification would be the following months of December–August.

The order provides also that a cooperative association's direct shipments of milk to a distributing pool plant during August, September, and October may be considered as having been received at the location of the association's plant for qualifying purposes. This proviso should also reflect, as a conforming change, the proposed change in the qualification months.

3. *Emergency action.* The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and an opportunity for exceptions thereto. The continued orderly marketing of milk through pool supply plants requires that the attached order be effective not later than October 1, 1971.

Any delay in informing interested parties of the action taken will tend to make ineffective the relief sought. As was discussed previously, some plants which have regularly qualified as pool supply plants will not qualify during the current September–November period unless this action is taken. Handlers and cooperative associations should know promptly and with certainty the pooling provisions to be applicable during and beyond the current qualifying period for automatically pooling supply plants. The timely execution of the order changes, as herein proposed, will permit milk of producers which has been associated with the market on a regular basis to remain pooled without requiring uneconomic handling to assure such pooling.

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

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

Rulings on Proposed Findings and Conclusions

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

General Findings

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

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

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

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

Marketing Agreement and Order

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

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

Determination of Producer Approval and Representative Period

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

Signed at Washington, D.C., on September 10, 1971.

Richard E. Lyng,
Assistant Secretary.

Order[1] Amending the Order, Regulating the Handling of Milk in the Minneapolis-St. Paul Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and

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

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

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

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

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

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

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

(b) *Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Minneapolis-St. Paul marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

In § 1068.9, paragraph (b) is revised to read:

§ 1068.9 Pool plant.

* * * * *

(b) Any plant from which during any month 30 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (1) a plant(s) which has qualified pursuant to paragraph (a) of this section, (2) any other plants located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (3) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided,* That if during each of the months of September, October, and November 30 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following August: *And provided further,* That any deliveries of milk by a cooperative association during the months of September, October, and November directly from a farm(s) of its producer member(s) to a plant(s) described in paragraph (a) of this section may be considered, for purposes of this paragraph, as having been received first at a plant of such cooperative association.

* * * * *

[FR Doc.71-13558 Filed 9-14-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11377]

HAWKER SIDDELEY MODEL DH-104 "DOVE" AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Hawker Siddeley Model DH-104 "Dove" airplanes. It has been determined that the air bottles, P/N B.2994, used in the two main air reservoir assemblies, P/N C.51450, are made of a material which is susceptible to cracks due to stress corrosion. The nature of stress corrosion is such that it is ordinarily discoverable only by microscopic examination before cracks appear; and cracking of these bottles could result in failure of the pneumatic system, on DH-104 "Dove" airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require replacement of the two main air reservoir assemblies, P/N C.51450, with new assemblies, P/N SAS.388-002, which contain new air bottles, P/N BAT.205-001, manufactured from an improved material, on DH-104 "Dove" airplanes by June 1, 1972.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rule Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before October 15, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Hawker Siddeley Model DH-104 "Dove" airplanes.

Compliance is required on or before June 1, 1972.

To prevent possible failure of the air bottles, P/N B.2994, used in the two main air reservoir assemblies, P/N C.51450, of the pneumatic system, replace the main air reservoir assemblies, P/N C.51450, located in the fuselage nose with serviceable assemblies, P/N SAS.388-002, containing air bottles, P/N BAT.205-001, manufactured from improved material.

(Hawker Siddeley Technical News Sheet, Series: CT(104) No. 223, Issue 1, dated June 21, 1971, covers this same subject.)

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 8, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.71-13550 Filed 9-14-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-RM-8]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Great Falls, Mont. (International Airport), the Great Falls, Mont. (Malmstrom Air Force Base), control zones and the Great Falls, 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 Great Falls, Mont., have been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedure (TERPS). As a result of the review, it has been determined that the control zones and transition area must be altered to provide controlled airspace protection for the instrument procedures.

In § 71.171 (36 F.R. 2055) the following control zones are amended to read as follows:

GREAT FALLS, MONT. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of the Great Falls International Airport (latitude 47°29'00" N., longitude 111°22'00" W.) within 3½ miles each side of the Great Falls VORTAC 225° radial, extending from the 5-mile radius zone to 10 miles southwest of the VORTAC; within 3½ miles each side of the Great Falls VORTAC 045° radial, extending from the 5-mile radius zone to 19 miles northeast of the VORTAC.

GREAT FALLS, MONT. (MALMSTROM AIR FORCE BASE)

Within a 5-mile radius of the Malmstrom AFB (latitude 47°30'05" N., longitude 111°11'20" W.); within 3½ miles each side of the Malmstrom AFB VOR 037° radial, extending from the 5-mile-radius zone to 15½ miles northeast of the VOR; within 3½ miles each side of the Malmstrom AFB TACAN 227° radial, extending from the 5-mile-radius zone to 7 miles southwest of the TACAN; excluding those portions within the Great Falls International Airport control zone.

In § 71.181 (36 F.R. 2140) the following transition area is amended to read as follows:

GREAT FALLS, MONT.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Malmstrom Air Force Base (latitude 47°30'05" N., longitude 111°11'20" W.) and within 3½ miles each side of the Truly RBN 180° bearing, extending from the 17-mile radius area to 9 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Malmstrom AFB; within 12 miles north and 8 miles south of the Great Falls VOR 074° radial, extending from the 40-mile-radius area to 61 miles east of the VOR; and within 12 miles south and 8 miles north of the Great Falls VOR 272° radial extending from the 40-mile-radius area to 56 miles west of the VOR.

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 September 7, 1971.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.71-13551 Filed 9-14-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[18 CFR Part 601]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Assurances From Applicant

Notice is hereby given that the Administrator, Environmental Protection Agency, proposes to amend Part 601, Subpart B, § 601.27 *Assurances from applicant.* The purpose of this amendment is to establish regulations to permit approval of "Turn-Key" projects for waste treatment plant construction. The proposed revision is set forth below.

§ 601.27 Assurances from applicant.

(a) That actual construction work will be performed by the lump sum (fixed price) or unit price contract method, that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract or a combined design-construction contract, and that the award of the contract will be made to the responsible bidder submitting the lowest responsive bid, which shall be determined without regard to State or local law whereby preference is given on factors other than the amount of the bid;

(b) That the project will not be advertised or placed on the market for bidding until the final design or performance plans and specifications have been approved by the Administrator and the appropriate State agency, and the applicant has been so notified; the contract for a project based on performance specifications shall contain appropriate guarantees of performance; and

(c) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall be in an amount not less than 50 per centum (50 percent) of the contract price, and to maintain during the construction phase of the contract adequate fire and extended coverage, workmen's compensation, public liability and property damage insurance; proceeds of the performance and payment bonds and fire and extended coverage insurance shall, in the discretion of the Administrator, be applied to meet the cost of construction of the project.

Interested persons may submit, in triplicate, written data, views, or arguments in regard to the proposed regulations to the Director, Grants Administration Division, Office of Administration, Environmental Protection Agency, Washington, D.C. 20460. Copies of the submissions will be available for examination by interested persons in Room 1103, 1750 K Street NW., Washington, DC. All relevant material received not later than 30 days after publication of this revised regulation will be considered.

Dated: September 9, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-13553 Filed 9-14-71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

COLOR TELEVISION PICTURE TUBES FROM JAPAN

Antidumping Proceeding Notice

SEPTEMBER 8, 1971.

On August 9, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that color television picture tubes from Japan are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

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

[FR Doc.71-13561 Filed 9-14-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Number A 58]

ARIZONA

Notice of Partial Termination of Classification

AUGUST 30, 1971.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), classification published December 24, 1966 (31 F.R. 16502) classifying public lands for disposal in satisfaction of valid scrip rights pursuant to section 3 of the Act of August 31, 1964 (78 Stat. 751) is terminated effective upon publication of this notice, as to the lands described below, and the lands are opened only to exchanges in furtherance of a Federal land program:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 S., R. 11 E.,
sec. 27, W½E½ and W½;
sec. 28, NE¼, NE¼NW¼, S½NW¼, and S½;
sec. 29, E½SE¼.

The areas described aggregate 1,160 acres.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 3022 Federal Building, Phoenix, AZ 85025.

JOE T. FALLINI,
State Director.

[FR Doc.71-13530 Filed 9-14-71;8:46 am]

Bureau of Reclamation

SANTA MARGARITA PROJECT, CALIFORNIA

Notice of Availability of Draft Environmental Statement

Notice is hereby given that a draft of document entitled "Environmental Statement on Santa Margarita Project, California, Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969" dated July 1971, has been prepared as required by the Act and is being placed for public examination in offices of the Bureau of Reclamation in Washington, D.C., Boulder City, Nev., and San Bernardino, Calif. Persons wishing to examine a copy of the document may do so at any of the following offices:

Office of Information, Bureau of Reclamation, Room 7642, Department of the Interior, C Street between 18th and 19th streets, NW., Washington, DC 20240; telephone (202) 343-4662;

Office of the Regional Director, Bureau of Reclamation, Post Office Box 427, Nevada Highway and Park Street, Boulder City, NV 89005; telephone (702) 293-8419;

Southern California Planning Office, Bureau of Reclamation, Post Office Box 1303, 528 Mountain View Avenue, San Bernardino, CA 92402; telephone (714) 884-3441.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation, the Regional Director, or the Area Planning Officer.

Dated: September 7, 1971.

ELLIS L. ARMSTRONG,
Commissioner of Reclamation.

[FR Doc.71-13531 Filed 9-14-71;8:46 am]

Office of Hearings and Appeals

[Docket No. M 72-5]

CHAPPELL COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (Supp. V, 1970)), notice is given that the Chappell Coal Company has filed a petition to modify the application of section 317(f)(1) of the Act, 30 U.S.C. section 877(f)(1) (Supp. V, 1970), and 30 CFR 75.1704-1(b) to its Chappell Mine.

Section 317(f)(1) of the Act provides in pertinent part as follows:

* * * Escape facilities approved by the Secretary or his authorized representative, properly maintained and frequently tested, shall be present at or in each escape shaft or slope to allow all persons, including disabled persons, to escape quickly to the surface in the event of an emergency.

30 CFR 75.1704-1(b) provides as follows:

(b) Each escape shaft which is more than 20-feet deep shall include elevators, hoists, cranes, or other such equipment, which shall be equipped with cages and buckets. When such facilities are not automatically operated, an attendant shall be on duty during any coal-producing or maintenance shift. An attendant as used in this subsection means a person located on the surface in a position where it is possible to hear or see a signal calling for the use of such facilities and who is readily available to operate such facilities or to readily obtain another person to operate such facilities.

Petitioner proposes as an alternate standard the continued use of its present escape shaft which is described in its petition as follows:

The escape shaft in the Chappell Mine is 120-feet deep, on the intake air and is provided with seven wood ladders connecting seven landings spaced 14-feet to 21-feet apart. The ladders are of 2" x 6" wood side rails with 2" x 4" staves mortised into the side rails. The landing platforms are 2-feet wide and made of 2" plank supported by timbers across the shaft. The escape shaft varies in size as follows:

Timbered to approximately 6-foot square for a distance of 39 feet from the surface.

Timbered to approximately 3'6" to 4'6" square for the next 48 feet.

Untimbered 7'6" in diameter through sandstone for the remaining 33 feet to the floor of the shaft.

The enclosed map of the mine shows the location of the escape shaft in relation to the haulage slope and the working faces off the haulage entry. The haulage slope to the surface is 1,275-feet long and 10 feet to 12 feet wide to within 300 feet of the portal which is 6 feet to 7 feet wide. The haulage entry is 12-feet wide. The distance of the haulage way from the working face to the

slope portal is 1,900 feet and the distance of the escape way from the working face to the escape shaft is 1,550 feet.

Petitioner asserts that its present system will at all times guarantee no less than the same measure of protection afforded the miners by the standard set forth in section 317(f)(1) of the Act "requiring automatic elevators."

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, UT 84111. Copies of the petition are available for inspection at that address.

ERNEST F. HOM,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.71-13525 Filed 9-14-71;8:45 am]

[Docket No. M 72-6]

CLAYTON COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c)(Supp. V, 1970)), notice is given that the Clayton Coal Co., has filed a petition to modify the application of section 305(d) of the Act, 30 U.S.C. section 865(d)(Supp. V, 1970), to its Lincoln Mine.

Section 305(d) provides as follows:

(d) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

The petitioner proposes to modify the application of section 305(d) so that trolley connection points in the mine "shall remain in that part of the return air course which contains the belt delivery equipment to the surface, approximately 2,000 feet, and that motor and control boxes without permissible power connection units shall continue to be used in this area". Petitioner asserts that this system has been in effect during the entire life of the mine and that it cannot change the setup in the area so that an intake air course can be provided. Petitioner states that the present return air course in the area containing the belt delivery system is located in a rock tunnel and that a new tunnel to provide an intake air course cannot be driven for the reason that it would have to be driven through rock, which would require the new tunnel to be in an abandoned and exposed caved in and worked coal area containing undesirable, noxious, hazardous and dangerous air. Petitioner states that the resulting condition would be extremely dangerous to the employees of the mine and could not be tolerated under any conditions.

Parties interested in this petition shall file their answers or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, UT 84111. Copies of the petition are available for inspection at that address.

ERNEST F. HOM,
Acting Director,
Office of Hearings and Appeals.

SEPTEMBER 3, 1971.

[FR Doc.71-13526 Filed 9-14-71;8:45 am]

[Docket No. M 72-7]

IMPERIAL COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (Supp. V, 1970)), notice is given that the Imperial Coal Co. has filed a petition to modify the application of section 305(d) of the Act, 30 U.S.C. section 865(d) (Supp. V, 1970), as it applies to its Eagle Mine.

Section 305(d) provides as follows:

(d) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

Petitioner proposes to modify the application of section 305(d) by providing that the trolley connection points in the mine shall be in the intake air course "except for a relatively short distance where it enters the return air course at the hoisting shaft, through automatic doors". Petitioner states that the mine originally was always operated with the trolley connection in the intake air course but that because of repeated freezing which caused dangerous ice conditions in the hoisting shaft, at the suggestion of an inspector of the Bureau of Mines an air lock operated by automatic doors was installed near the bottom of the shaft and thereafter the trolley connection for a short distance passed through return air. Petitioner asserts that this completely eliminated the hazard caused by dangerous ice accumulations in the shaft and that the present system should be continued to provide greater safety for its employees.

Parties interested in this petition shall file their answers or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, UT 84111. Copies of the petition are available for inspection at that address.

ERNEST F. HOM,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.71-13527 Filed 9-14-71;8:45 am]

[Docket No. M 72-8]

IMPERIAL COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (Supp. V, 1970)), notice is given that The Imperial Coal Company has filed a petition to modify the application of section 305(d) of the Act, 30 U.S.C. section 865(d) (Supp. V, 1970), as it applies to its Imperial Mine.

Section 305(d) provides as follows:

(d) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

The petitioner proposes to modify the application of section 305(d) by providing that the trolley connection points shall be in the return air course. Petitioner states that during the entire life of the Imperial Mine the trolley connection has been in the return air course and that to change it to the intake course would result in reducing the safety standard of the mine to the detriment of the employees. Petitioner suggests that the placing of the trolley connection in the intake air course would cause hazardous ice accumulations in the hoisting shaft because of repeated freezing which would prevent the cages from being operated safely. Petitioner states that the present system should be continued to provide greater safety for its employees.

Parties interested in this petition shall file their answers or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, UT 84111. Copies of the petition are available for inspection at that address.

ERNEST F. HOM,
Acting Director,
Office of Hearings and Appeals.

SEPTEMBER 3, 1971.

[FR Doc.71-13528 Filed 9-14-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-370; NADA 11-511V]

WINTHROP LABORATORIES

Milvonique; Notice of Withdrawal of New Animal Drug Application

Correction

In F.R. Doc. 71-12189 appearing on page 16214 in the issue of Friday, August 20, 1971, the word "bithional" appearing in the 11th line of the first paragraph should read "bithionol".

Office of Education

ADULT EDUCATION

Establishment of Closing Date for Receipt of Applications for Special Experimental Demonstration Projects and for Teacher Training; Fiscal Year 1972 Funds

The Adult Education Act of 1966, Public Law 89–750, title III, as amended by Public Law 91–230, title III, provides for educational programs for adults to enable them to overcome English language limitations, to improve their education in preparation for occupational training and more profitable employment, and to become more productive and responsible citizens. Section 309 of the Act authorizes the U.S. Commissioner of Education to make grants:

(1) To local educational agencies or other public or private nonprofit agencies, including educational television stations, for special experimental demonstration projects which (a) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under the Act or (b) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with basic educational deficiencies; and

(2) To colleges or universities, State or local educational agencies, or other appropriate public or private agencies or organizations, to provide training for persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of the Act.

Applications may be submitted to the U.S. Commissioner of Education for grants for special experimental demonstration and teacher-training projects. Eligible applications for fiscal year 1972 must be received in the U.S. Office of Education on or before November 30, 1971.

Application forms and instructions may be obtained from the Division of Adult Education Programs, Bureau of Adult, Vocational, and Technical Education, U.S. Office of Education, Washington, D.C. 20202.

Dated: September 3, 1971.

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

[FR Doc.71–13524 Filed 9–14–71;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–16]

POWER REACTOR DEVELOPMENT CO.

Order Extending Provisional Operating License Expiration Date

Power Reactor Development Co. has filed a request dated May 27, 1971, for an extension of the expiration date of Provisional Operating License No. DPR–9 which authorizes the possession and operation of the Enrico Fermi Atomic Power Plant, a sodium-cooled fast breeder reactor, at thermal power levels not to exceed 200 megawatts located in Monroe County, Mich.

Good cause having been shown in the application for this extension pursuant to paragraph 5 of said license and part 50 of the Commission's regulations in 10 CFR: *It is hereby ordered*, That the expiration date of provisional operating license No. DPR–9 is extended from June 30, 1971, to December 31, 1971.

Dated at Bethesda, Md., this 1st day of September 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71–13567 Filed 9–14–71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23424]

BRITISH OVERSEAS AIR CHARTER, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on October 6, 1971, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington DC, before the undersigned Examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 9, 1971.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[FR Doc.71–13580 Filed 9–14–71;8:50 am]

[Dockets Nos. 23720, 23733; Order 71–9–48]

EASTERN AIR LINES, INC.

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of September 1971.

By tariff marked to become effective September 20, 1971[1] Eastern Air Lines, Inc. (Eastern) proposes to establish weekend round trip excursion fares from 18 northeastern and midwest cities[2] to Florida[3] and return. The proposed fares apply from the point of origin in the north on Friday with return the following Monday. No stopovers will be permitted en route, and reservations may not be made earlier than 14 days prior to date of departure. The proposed round trip fare is $92.59 with the exception of Minneapolis and Montreal/Ottawa, where the proposed fares are $99.07 and $100 respectively. The discounts from regular round trip coach fares range between 15 and 50 percent. The tariff is marked to expire with December 15, 1971.

Eastern asserts that its proposal is aimed at stimulating short period discretionary travel and that while the summer and winter periods lend themselves to the more traditional type vacation, the fall traffic slump can best be rectified by appealing to the "long weekend" type traveler.

Based on data gathered from its existing Florida-North weekend fares and its North to Florida fare experiment in June, 1971, Eastern estimates that it will generate approximately 17,000 passengers during the fall period and realize a net revenue increase in excess of $940,000.

Northwest Airlines, Inc. (Northwest) and Northeast Airlines, Inc. (Northeast) have filed complaints against Eastern's proposal, and request its investigation and suspension. Northwest alleges that the fares are unreasonably low and will negate the benefits of the recent increase in regular fares by erosion of yields. It further asserts that the directional concept of the fares (southbound on Fridays and northbound on Mondays) could well aggravate the peaking problem suffered by all carriers on those days. Northeast alleges, inter alia, that the fares will be very diversionary since there are a great number of Florida residents who work in New York and already travel to Florida for whom the proposed fare will be very appealing.

In answer to the complaints, Eastern asserts that the allegation that the proposal will aggravate Friday-Monday peaking is unfounded based on its load factor experience. It further asserts that there is no evidence to support the claim that there are a great number of Florida residents who would divert to this fare.

Upon consideration of all relevant matters, the Board finds that the complaints do not set forth facts sufficient to warrant investigation. The request therefor, and consequently the requests for suspension, will be denied and the complaints dismissed.

We will permit the fares to become effective for the limited period involved. The fall period is decidedly off-peak in the Florida market and we are not convinced that the fares will entail the addition of capacity based on the load factor data submitted by Eastern.

We would emphasize that our decision is based on today's market conditions (a general reluctance of the public to travel by air, underutilization of capacity, etc.) and that as a general, long-term proposition, promotional fares that can only be used on Fridays and Mondays (which are

[1] Eastern Air Lines, Inc., Tariff C.A.B. No. 351.

[2] Baltimore, Boston, Buffalo, Chicago, Cleveland, Detroit, Hartford, Milwaukee, Minneapolis, New York, Philadelphia, Pittsburgh, Providence, Syracuse, Washington, Montreal, Ottawa, and Toronto.

[3] Daytona Beach, Fort Lauderdale, Miami, Melbourne, Orlando, Tampa, and Titusville.

generally relatively heavy travel periods) will tend to create pressure towards increased capacity which we believe is inherently uneconomic. The operation of even a few extra sections and allocation of their total cost against the discount fares would materially erode Eastern's estimated profit.

We recognize that experiments of this type have in the past been extended and become an ingrained part of the overall fare structure. In view of the increasing number of special promotional fares today and the inherent difficulty of evaluating particular fare schemes against this background, we will expect any requests to extend this proposal to additional markets or for additional periods of time to be most fully documented.

Moreover, we will expect the carriers offering this fare to bear the risk of the experiment, and we do not intend to treat any dilution of the fare yield which may result as furnishing a basis for future increases in the level of basic fares. We will also expect the carriers to maintain records of the traffic, revenues and expenses sufficient for a full evaluation of the profit impact of this fare plan.

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

It is ordered, That:

1. The complaints of Northeast Airlines, Inc., in Docket 23733 and Northwest Airlines, Inc., in Docket 23720, are hereby dismissed; and

2. A copy of this order be served upon Eastern Air Lines, Inc., Northeast Airlines, Inc., and Northwest Airlines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.71-13583 Filed 9-14-71;8:50 am]

[Docket No. 22388]

EXPRESS SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on October 12, 1971, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 9, 1971.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[FR Doc.71-13579 Filed 9-14-71;8:50 am]

[Docket No. 23112; Order 71-9-43]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding International Route Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of September 1971.

By Order 71-4-151, dated April 23, 1971, the Board deferred action, with a view toward disapproval, on resolutions adopted by the International Air Transport Association (IATA) which would establish fare and rate surcharges[1] to provide for the recovery of governmental charges imposed on the airlines for air navigation facilities and services.[2] In deferring action, a period of 30 days was established for the receipt of comments from any interested persons. Seaboard World Airlines petitioned the Board for an extension until July 30, 1971, of the period for submission of comments, alleging that the IATA Cargo Traffic Conferences then being held in Singapore and the IATA Passenger Traffic Conference scheduled for the end of June in Montreal might deal with the issues at hand. This petition was granted by the Board in Order 71-6-27, dated June 4, 1971.

On June 18, 1971, Pan American World Airways petitioned the Board for reconsideration of Order 71-6-27 and requested prompt approval of the IATA resolutions governing the surcharges. Pan American's petition[3] stated that the IATA carriers at the Singapore meetings did not change their original position and that the Montreal Conference was limited to passenger matters over the North Atlantic, and alleged that the carriers need some definitive resolutions of this question in order to plan their operations.

In the order of tentative disapproval, the Board noted that while it is aware of the efforts of many governments to recover the total costs of providing en route air navigation facilities and that the carriers many incur increased costs as a result, such governmental charges should be treated no differently than other costs incurred by the air carriers in their day-to-day business, and accordingly these costs when incurred should be included along with other costs of service in the establishment of fares and rates. The Board also stated that inasmuch as some governmental en route charges have been incurred in the past and are included in the cost base, the new charges would duplicate those already in existence, and that the proposed increases may be inequitable as regards the U.S. carriers and public.

Comments have been received from a number of carriers,[4] all requesting that the Board review its tentative findings and approve the resolutions governing the surcharges. The carriers for the most part stress the magnitude and rapid escalation of the costs involved, and allege that they have no control over these costs and cannot project with any degree of accuracy the costs to be incurred in the future; that the charges cannot be reflected in the fares for technical reasons because they relate to areas not traffic and the impact of such charges depends on the aircraft routings used; that the public should be informed when costs of transportation are increased resulting from radical changes in governmental policy; that the charges are not normal day-to-day costs; and finally that the charges in no way differ from the taxes imposed by the U.S. Government on shippers and passengers. The carriers argue that it would be extremely difficult for them to absorb the additional charges.

With respect to the question of equity toward U.S. carrier members of IATA vis-a-vis foreign carrier members, several carriers state that all passengers are charged the same depending on the normal economy fare, and that for this reason the surcharge constitutes an equitable arrangement. Several carriers argue in addition that the U.S. IATA carriers account for approximately 24 percent of international revenue passenger miles, close to the recovery of 27 percent estimated by the Board.[5]

Comments have also been received from the Aviation Consumer Action Project (ACAP) requesting that the Board disapprove the subject resolutions, maintaining that IATA has no jurisdiction to adopt these resolutions because the carriers can discuss only rate and fare matters and en route facilities' charges are reserved solely for governmental determination; that proposed surcharges will impose an unwarranted burden on American travelers and shippers; that the surcharge bears no relation to the costs and approval of the resolutions will produce lasting repercussions on airline expenses. ACAP states that the Board should take the initiative to discuss the en route charges with other governments.

Comments submitted by the Department of Transportation on August 5, 1971, reflected the view that a passenger surcharge is justified for a limited period (from November 1, 1971, until March 31, 1972), that the level of surcharges proposed appears to be reasonably related to the costs the carriers expect to incur and that the charge should be imposed on an area-by-area basis rather than worldwide. The Department also expressed the view that

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[1] One percent of the lowest direct normal economy-class fare subject to a maximum of $10. Travel in the Western Hemisphere would be subject to a $1 minimum. Cargo would be subject to a 2-percent surcharge. Charters would be subject to the surcharges applied to the total charter price.

[2] Other than charges associated with airports or approach and airport control.

[3] Subscribed to by Seaboard World, Northwest, and National.

[4] BOC, Eastern, KLM, National, Northwest, Pan American, TWA, and South African Airways.

[5] The Board estimated an approximate 30-percent recovery in 1972.

the Board should permit the 2-percent surcharge on cargo waybills to be implemented on an area-by-area basis for the length of the current IATA cargo agreement. The Department urged the Board to reject the IATA agreement to the extent it provides for surcharges in areas not yet affected by increased en route charges.

Trans World Airlines requested that the Board set the matter down for oral argument. Seaboard World supported that request.

After considering the information and argument submitted in the various comments filed, the Board has decided to disapprove the resolutions as presently constituted. As indicated in our previous order, we believe that charges imposed on the airlines by the various governments for air navigation facilities should be treated the same as any other costs of doing business incurred by the carriers. The fact that they are imposed by governmental entities rather than by private concerns is no basis for passing them directly to passengers and shippers in the form of a surcharge. Neither does the fact that they may be imposed without consultation and with little notice dictate that they be recouped in the manner proposed. The prices of many items used or purchased by the carriers are subject to similar variations. Moreover, as a conceptual matter, passengers and shippers do not use en route air navigation facilities any more than they do aircraft fuels or maintenance facilities. The airlines purchase these items and there has been no attempt to bill their customers directly for them. In addition, the proliferation of such surcharges as appendages to the basic fare can only confuse travelers and shippers and cause the basic quoted fare to lose its meaning as an expression of the actual cost of transportation to the passenger.

We agree with the view of the Department of Transportation that imposition of the surcharges on a worldwide basis will result in inequities to passengers and cargo moving over routes where no new charges have been imposed. From the information furnished it appears that the only new charges in the immediate months ahead are on the North Atlantic, within Europe, to Japan and possibly to Australia. Equitably, therefore, the surcharges should be confined to carriers operating those routes and there is no justification for surcharging passengers and cargo moving to and from other areas.

However, the Board is not prepared, on the basis of the record before it, to approve the agreed 1- and 2-percent surcharges even in limited areas of application. The information supplied by the carriers does not provide a sufficient basis upon which to determine whether or not the revenues recovered through the agreed 1- and 2-percent surcharges on the above regional basis would be reasonably related to the presently identifiable additional charges to be incurred in those areas. TWA provides only total estimated worldwide costs and revenues for the life of the agreement, and Northwest makes no estimate for its system. While Pan American does provide a breakdown of its estimates by ICAO region, its estimated revenue recovery is stated by IATA route areas and it is not clear that the data can be reconciled. Moreover, we note that Pan American includes a charge of $2,626,000 in its estimated charges for 1972 which appears to reflect revenues to be generated by the U.S. departure tax, an assessment made directly by this Government upon the passengers. Elimination of this item reduces the carrier's estimated worldwide charges to approximately $3,700,000 for 1972, while on the other hand its own estimates show that it expects additional revenues of some $11,200,000 from the ticket and waybill surcharge. The disparity raises a significant question as to the appropriateness of the surcharge level proposed, whether applied on a regional or worldwide basis. In our opinion, the data submitted suggest that the agreed worldwide surcharges are based in substantial part on cost increases anticipated to be incurred at some time in the future. Reliance on anticipated cost increases is contrary to long-established ratemaking policy of the Board.

The cost and revenue data relied upon by the Department of Transportation are stated to be derived from information furnished by Pan American and TWA, although these data differ in some respects from those furnished by the carriers in their own comments and we are unable fully to reconcile the differences. Neither has the Department furnished the basis on which the estimated costs are based. Finally, the Department's use of five-twelfths and five-seventeenths of the costs shown for 1972 and for the 17-month agreement period appears to unduly burden the 5-month period beginning November 1, 1971, in view of the carriers' assertions that the costs will rapidly escalate.

The surcharge is conceded to have been designed to recover not only anticipated new costs but those already being incurred as well. The latter are estimated to be presently on the order of $24 million worldwide, some 37 percent of the total 1972 costs estimated in the IATA study. Costs in this order of magnitude have been incurred for a number of years and presumably are imbedded in the cost base upon which fares and rates have been set. Accordingly, any attempt now to recover these charges through the surcharge would be tantamount to a double assessment of the traveling public, a result which we believe clearly unjustified.

We recognize, of course, the practical difficulties involved in promptly renegotiating fares and rates through the IATA machinery to reflect the substantial increases in operating costs which may be incurred during the next year or two, and the carriers' currently limited ability to absorb such increases. In this situation, the use of a surcharge limited to those areas in which substantial cost increases are actually to be sustained and properly supported as to its amount, for a very limited period might be appropriate to permit an orderly revision of basic fares and rates. In any event, however, implementation of any such surcharges or other fare and rate increases is precluded by Executive Order No. 11615 and our Order 71-8-78. Under all of the circumstances, the Board believes that the carriers should seek reimbursement for new enroute facilities' charges by taking the costs, along with all other costs, into consideration in future traffic conferences in the development of their fare and rate structures to be effective in the future.

As regards the request for oral argument, we find that oral argument would not serve any useful purpose at this time. As to the issue raised by ACAP concerning the jurisdiction of IATA to adopt these resolutions, we do not construe the carriers' action to be an attempt to set the charges for air navigation facilities but to find a means of recovering such costs as are imposed by governmental authorities from the fare- and rate-paying public. This is an integral and proper part of the establishment of rates and fares which the Board has authorized the carriers to undertake through the IATA machinery. Finally, the Board has referred to the Department of State the question of discussing the imposition of these charges with other governments.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds that Agreement CAB 22245, R-1 and R-3 (Resolution 295d, International Route Charge—Passengers; and Resolution 295e, International Route Charge—Cargo) is adverse to the public interest.

Accordingly, it is ordered, That:

Agreement CAB 22245, R-1 (Resolution 295d, International Route Charges—Passenger—New) and R-3 (Resolution 295e, International Route Charges—Cargo—New) is disapproved as it would apply in air transportation.

Petitions by Trans World Airlines and Seaboard World Airlines for oral argument are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.71-13581 Filed 9-14-71;8:50 am]

[Docket No. 23721, etc.; Order 71-9-45]

TRANS WORLD AIRLINES, INC., AND UNITED AIR LINES, INC.

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of September 1971.

Group inclusive tour basing fares and transcontinental individual excursion fares proposed by Trans World Airlines, Inc., and United Air Lines, Inc.; Dockets 23721, 23722, 23729, 23731, 23735.

By tariff revisions[1] marked to become effective September 20, 1971, Trans

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs C.A.B. Nos. 136 and 142; Trans World Airlines, Inc., C.A.B. No. 242.

World Airlines, Inc. (TWA) and United Air Lines, Inc. (United) propose new group round trip inclusive tour basing (GIT) fares, and TWA proposes round trip individual excursion fares in a number of major markets, generally transcontinental markets, as set out below.

1. United's proposed transcontinental GIT fares are for groups of 40 or more and apply between major eastern cities, on the one hand, and Las Vegas, Reno, and major west coast cities on the other. The proposed fares are 30 percent below normal coach fares during the peak season (June 15 through September 14) and 40 percent below normal coach fares during the off-peak season (September 15 through June 14). The passenger is required to purchase travel-related ground services amounting to no less than $75 ($35 at Las Vegas and Reno) and there is a minimum-stay requirement of 7 days (3 days at Las Vegas and Reno). The fares are marked to expire with September 30, 1972. Competitive filings have been made by American Airlines, Inc., Northwest Airlines, Inc. and TWA.

2. TWA's proposed transcontinental individual excursion fares are applicable between Boston, New York, Philadelphia and Baltimore/Washington, on the one hand, and Los Angeles and San Francisco, on the other. The discounts are 25 percent from regular coach fares, and travel is subject to a 7-day minimum-stay requirement (30-day maximum). The fares are blacked out from 2 p.m. to midnight Fridays and Sundays, and tickets must be purchased within 72 hours after a reservation is made. A unique feature of this fare is that the carrier specifically reserves the option of moving passengers to another flight serving the same points up to 48 hours prior to departure if load factor pressures indicate such a change is desirable. Passengers could be shifted to another flight operating on the same day as the original reservation, or on a flight operating on the following day. The proposed fares apply for travel originating on and after October 1, 1971, and are marked to expire with May 31, 1972. Competitive filings have been made by American and United.

3. United's proposed GIT fares for skiers are for groups of 25 or more and are discounted 40 percent from full coach fares. The fares are applicable between major east coast cities and western ski areas during the period November 12, 1971 through April 29, 1972. Ground expenditures must be at least $75. Travel is not permitted on Sunday and a 7-day minimum-stay requirement applies.

In support of its proposed transcontinental GIT fares, United alleges its experience with Hawaiian GIT fares and the results of intra-European inclusive tour charters indicate a high probability of success for these fares by making pleasure travel available to a lower income nontraveling segment of the market. It further alleges that domestic GIT's will appeal to a larger market than do corresponding Hawaiian fares (which have been quite successful) because traveling shorter distances and staying less time results in a lower total package price. United estimates that approximately 50,000 passengers[1] annually will utilize the fares and that it will realize an operating profit of $2,759,000.

The National Air Carrier Association (NACA), Northwest Airlines, Inc., (Northwest) and Modern Air Transport (Modern) have filed complaints against this proposal. NACA[2] asserts that the fares are aimed at existing or potential charter markets and are likely to cause economic injury to the supplementals by resulting in diversion at a time when those carriers can ill afford further financial setbacks. It further alleges that United has made no showing that the deep discounts are warranted by cost savings attributable to group handling, that the fares should be charged with a larger share of capacity costs than existing standby fares (33⅓ percent discount) because of their positive space reservation basis, and that the fares appear prima facie unjust and unreasonable.

Northwest alleges the proposed fares will be very diversionary and result in significant yield erosion. It suggests that travel agents would collect and program present individual inclusive tour passengers into the new GIT programs at the lower fare levels. It further alleges that United and other advocates of new promotional fares are ignoring the consequences such proposals could have on the "bread and butter" business market. It asserts that fares such as those proposed inevitably lead to yield dilution and the need for general fare increases, and it questions whether the industry is over-pricing certain normal coach fares. Northwest alleges that a "throw away" situation would be created since the proposed GIT fares plus the minimum tour add-on is less than the round-trip coach fares in the markets involved.

Modern takes no position on the proposed fare levels, but alleges that to permit the proposed GIT fares without permitting the supplemental carriers to operate equivalent one-stop inclusive tour charters places them at a competitive disadvantage in the inclusive tour market.

United has answered the complaints, and asserts that there will not be a mass exodus from IT fares to the proposed GIT fares, as Northwest alleges, due to the difference in discounts and the conceptual differential between those types of fares. United alleges that NACA's assertion that the fares are prima facie unreasonable since they reflect discounts greater than youth standby fares is without merit since other presently effective fares likewise have greater discounts and because the proposed GIT fares are more limited in scope than the youth standby fares.

In support of its proposed transcontinental individual excursion fares, TWA alleges that the 25 percent discount offers increased generative potential with sufficient restrictions to limit uneconomic downgrading. The carrier believes the provision for shifting passengers from one flight to another will serve to inhibit the use of this fare by business passengers who desire firm reservations and, in any event, are relatively price inelastic. On the other hand, it believes the ability to shift passengers will allow more efficient use of manpower, facilities, and equipment by reducing day-to-day and hour-to-hour traffic peaking.

TWA estimates that the new fare will generate $4,800,000 in revenue based on a 30 percent increase in present Discover America revenue passenger miles. The carrier estimates that 15 percent of family fare traffic and 75 percent of present transcontinental Discover America traffic will downgrade to the new fare for a total dilution of $2,100,000. After allowance for $400,000 of incremental expenses associated with the new traffic, TWA projects a net contribution to overhead of $2,300,000.

Northwest and United have filed complaints against this proposal. Northwest alleges that the flight-switching feature will permit TWA to move passengers to periods normally blacked out, thus increasing load factors during those times and eliminating one of the original justifications for the discount. It further alleges that the dilution estimate has been understated because TWA compared its proposal with present discount fares rather than with normal coach-fare traffic which will be diverted. United alleges that there is no basis for an increased discount since its surveys indicate that Discover America generation was 25 percent when the fare was at a 25-, 20- and its current 12½-percent discount.

TWA has answered the complaints, reiterating its belief that sufficient new traffic will be stimulated to more than offset any downgrading, and asserts that United's Discover America survey does not prove that the greater discount here proposed will not generate additional traffic. TWA alleges that since the experiment will be run during the winter off-peak season and traditional weekend blackouts are imposed, dilution will be held to a minimum.

In support of its proposed GIT fares to ski areas, United asserts that during the 1969–1970 season approximately 10 percent of the New York, New Jersey, and Connecticut skiers skied in Europe while only 17 percent of the tri-state ski population skied in the mountain and Pacific areas of the United States. United believes that its proposed fares will make domestic ski destinations reasonably price competitive with European areas. The carrier estimates an annual profit of $462,000 from these fares.

Upon consideration of all relevant matters, the Board finds that the complaints do not set forth sufficient facts to warrant investigation of the proposals and the requests therefor, and consequently the requests for suspension will be denied and the complaints dismissed.

United views its GIT fares as a means of entering an undeveloped lower-income

[1] Of the 50,000 passengers, United estimates that 30,000 (60 percent) will be new passengers and 20,000 (40 percent) will be self diverted.

[2] NACA's complaint is directed toward all of United's GIT proposals.

market, and believes the GIT requirements should minimize diversion. It may well be that the only way new traffic can be developed at this time is by offering sizeable discounts such as those here proposed. By tying the discounts to relatively large-size groups, and requiring a substantial tour add-on, plus the other restrictions on travel at the fare, the potential diversion should not be great. There may be some "throw away" abuse of the fares as Northwest alleges in that the proposed fares plus the tour add-on are less than round trip coach fares. However, we doubt that this is likely to happen frequently because the group requirement and the various other restrictions do not conform to the needs of most business travel, or generally to discretionary travelers who utilize normal coach fares.

NACA alleges that the proposed fares are aimed at charter markets and are likely to cause economic injury to the supplementals. However, no data was provided to show the amount of traffic being carried by the supplementals in these markets, nor were any estimates of potential diversion as a result of United's fares provided. Modern's complaint addresses only the question of relaxing the minimum three-stop requirement now applicable to inclusive tour charters. This request is thus not pertinent to the issue of the lawfulness of the proposed fares and will not be considered here.

TWA's proposed transcontinental individual excursion fares are limited to only ten markets and for only an 8-month period. The 25 percent discount is not out of line with domestic discounts generally, and we will permit the fares to become effective. We expect that the flight-shifting feature of the proposal will be fully explained to passengers prior to purchase of the ticket to avoid misunderstandings and confusion.[4]

We are permitting the proposals to become effective since each does not appear unreasonable per se. However, we are becoming increasingly concerned with the proliferation of such fares in recent months and have considerable doubt as to the need for so many fares which, in many cases, differ relatively little one from another. As an example, the GIT fare here proposed by United applies in many of the same major transcontinental markets in which individual tour basing fares are already available, and during the peak season the fares are almost identical. Likewise, we question the need or desirability of offering both Discover America fares, at a 12.5 percent discount, and the new excursion fare filed by TWA, at a 25 percent discount, for travel which is virtually identical, save for the option retained by the carrier to adjust flight reservations. The situation will, of course, be compounded as carriers match the various filings of their competitors, and we believe it will be difficult in these circumstances to reach a meaningful evaluation of the promotional success of any one fare. Nevertheless, the carriers generally have urged that they be permitted more flexibility in pricing their product, and we would be reluctant at this time to stand in the way of reasonable efforts to increase traffic, revenues, and profits. By the same token, however, the carriers can expect to bear the risk of their numerous proposals, and we do not intend to treat any dilution of the fare yield which may result therefrom as furnishing a basis for future increases in the level of normal fares.

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

It is ordered, That:

1. The complaints of Modern Air Transport, Inc., in Docket 23735, Northwest Airlines, Inc., in Dockets 23721 and 23722; United Air Lines, Inc., in Docket 23729; and the National Air Carrier Association in Docket 23731 insofar as it applies to filings considered herein are hereby dismissed.

2. Copies of this order be served upon American Airlines, Inc., Modern Air Transport, Inc., the National Air Carrier Association, Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.71-13582 Filed 9-14-71;8:50 am]

[4] These TWA fares are quite similar to Discover America excursion fares, and it may be that they are within the scope of Phase 5 of the Domestic Passenger-Fare Investigation, Docket 21866-5. Whether they are may turn upon the meaningfulness of the conditional reservation feature. We will therefore require that TWA file monthly reports setting forth the number of tickets sold and the number of passengers actually shifted to other flights on the same day and on the following day.

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Associate Director, Assistant Secretary-Public Land Management, Bureau of Outdoor Recreation" to "Deputy Director, Assistant Secretary-Public Land Management, Bureau of Outdoor Recreation."

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

[FR Doc.71-13541 Filed 9-14-71;8:47 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Director, Veterans Employment Service, Manpower Administration, United States Training and Employment Service.

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

[FR Doc.71-13537 Filed 9-14-71;8:46 am]

DEPARTMENT OF THE TREASURY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Economic Policy, Office of the Under Secretary for Monetary Affairs.

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

[FR Doc.71-13540 Filed 9-14-71;8:47 am]

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Inter-American Social Development Institute to fill by noncareer executive assignment in the excepted service the positions of Director of Programs, Office of Programs; and Deputy Director of Programs, Office of Programs.

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

[FR Doc.71-13538 Filed 9-14-71;8:46 am]

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Inter-American Social Development

Institute to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Planning and Programming, Office of Operations.

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

[FR Doc.71-13539 Filed 9-14-71;8:47 am]

EXECUTIVE ASSISTANT TO DEPUTY MAYOR, WASHINGTON, D.C.

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on September 3, 1971, for the single position of Executive Assistant to the Deputy Mayor, GS-301-15, Government of the District of Columbia, Washington, D.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

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

[FR Doc.71-13543 Filed 9-14-71; 8:47 am]

EXECUTIVE DIRECTOR, NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found on August 27, 1971, that there is a manpower shortage for the single position of Executive Director, National Commission on Fire Prevention and Control, Washington, D.C. The appointee may be paid for the expenses of travel and transportation to his first post of duty.

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

[FR Doc.71-13544 Filed 9-14-71;8:47 am]

PROFESSOR OF BEHAVIORAL SCIENCES, ARMY WAR COLLEGE, PA.

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. section 5723, the Civil Service Commission found a manpower shortage for a single position of Professor of Behavioral Sciences, GS-101-15 (temporary not to exceed 1 year), Army War College, Carlisle Barracks, Pa. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

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

[FR Doc.71-13542 Filed 9-14-71;8:47 am]

SECOND AND THIRD MATE, HOPPER DREDGES, COASTAL WATERS AND PACIFIC PORTS

Manpower Shortage; Notice of Cancellation

The manpower shortage found under 5 U.S.C. 5723 on April 3, 1969, for positions of Second and Third Mate, Hopper Dredges, Coastal Waters of Washington, Oregon, California, and Hawaii and Pacific ports is herewith canceled effective August 11, 1971.

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

[FR Doc.71-13545 Filed 9-14-71;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

GRANTS-IN-AID

Submission of Applications

Notice is hereby given that all applications for research, demonstration, training, and fellowship grants from the Environmental Protection Agency should be addressed to the Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460.

The affected programs, described in the 1971 edition of the Catalog of Federal Domestic Assistance, are:

Catalog No.	*Program*
66.002	Air Pollution Fellowships.
66.003	Air Pollution Manpower Training Grants.
66.004	Air Pollution Research Grants.
66.005	Air Pollution Survey and Demonstration Grants.
66.100	Pesticides Research Grants.
66.200	Radiation Research Grants.
66.201	Radiation Training Grants.
66.300	Solid Waste Dem. and Resource Recovery System Grants.
66.302	Solid Waste Research Grants.
66.303	Solid Waste Training Grants.
66.405	Water Pollution Control-Research, Dev. and Dem. Grants.
66.406	Water Pollution Control-Research Fellowships.
66.410	Water Pollution Control Training Grants.
66.414	Water Hygiene Research Grants.

Applications for EPA grant programs listed below should be addressed to the appropriate EPA Regional Administrator.

Catalog No.	*Program*
66.001	Air Pollution Control Program Grants.
66.301	Solid Waste Planning Grants.
66.400	Wastewater Treatment Works Construction Grants.
66.401	Water Pollution Control Comprehensive Basin Planning Grants.
66.407	Water Pollution Control State and Interstate Program Grants.

EPA Regional Offices are located at:

Region:	*Address*
I	John F. Kennedy Federal Building, Room 2303, Boston, Mass. 02203.
II	26 Federal Plaza, Room 847, New York, NY 10007.
III	Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106.
IV	1421 Peachtree Street Northeast, Suite 300, Atlanta, GA 30309.
V	33 East Congress Parkway, Chicago, IL 60605.
VI	1114 Commerce Street, Dallas, TX 75202.
VII	911 Walnut Street, Room 702, Kansas City, MO 64106.
VIII	1860 Lincoln Street, Suite 900, Denver, CO 80203.
IX	760 Market Street, San Francisco, CA 94102.
X	1206 Sixth Avenue, Seattle, WA 98101.

Applicants may continue to submit proposals prepared on appropriate Public Health Service or Federal Water Quality Administration forms pending availability of EPA forms.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

SEPTEMBER 9, 1971.

[FR Doc.71-13552 Filed 9-14-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP72-36, RP72-37]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges and of Filing of New Tariff by Successor Company

SEPTEMBER 9, 1971.

Take notice that Columbia Gas Transmission Corp. (Columbia) on August 30, 1971, tendered for filing its proposed new FPC Gas Tariff, Original Volume No. 1 and Original Volume No. 2, in accordance with § 154.65 of the Commission's regulations under the Natural Gas Act, replacing the tariffs of its predecessor companies, as previously adopted and modified by Columbia on July 13, 1971. The new tariff volumes are proposed to become effective on September 1, 1971.

All currently effective rate schedules, as contained in the respective FPC Gas Tariffs of the seven predecessor companies have been redesignated in the proposed new tariff volumes, together with the general terms and conditions applicable thereto. No change has been

made in any rate level or condition of service applicable to the existing wholesale customers of the seven predecessor companies.

Columbia also tendered for filing on August 30, 1971, proposed changes in its rates and charges which are contained in the proposed Stipulation and Agreement, dated July 12, 1971, now pending before the Commission in Docket No. RP71–18, et al., such changes to become effective on October 1, 1971, in accordance with the provisions of the agreement. The proposed rate changes would increase rates and charges $7,980,000 annually over and above the rates and charges proposed in the settlement agreement. In support of the proposed rate increase, Columbia refers to certain agreements dated August 3, 1971, which it has entered into with BP Oil Corp., providing for certain advance payments for gas in connection with the development of 96,396 acres of oil and gas leases in the Prudhoe Bay Area, State of Alaska.

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

Any person desiring to be heard or to make any protest with reference to said application should on or before September 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropirate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Any order or orders issued in these proceedings will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 [Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38] and Executive Order 11615, including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–13576 Filed 9–14–71;8:50 am]

[Docket No. RP72–32]

KANSAS-NEBRASKA NATURAL GAS GAS CO.

Notice of Proposed Changes in Rates and Charges

SEPTEMBER 9, 1971.

Take notice that Kansas-Nebraska Natural Gas Co. (Kansas-Nebraska) on August 31, 1971, tendered for filing its FPC Gas Tariff, Second Revised Volume No. 1,[1] containing proposed increases in rates and charges and certain tariff provisions to become effective October 16, 1971. The proposed rate changes would increase charges for jurisdictional service by $3,573,496 annually, based on sales volumes for the 12-month period ended April 30, 1971, as adjusted, including a 9.23 percent overall rate of return. Kansas-Nebraska states the proposed increase is necessary to recover increased costs associated with recently completed major construction to increase system capacity, construction of gathering lines, wage increases and advance payments incurred since the company's last general rate increase settled by Commission order in Docket No. RP71–5 issued on April 29, 1971. In addition to the proposed increased rates, the revised tariff would eliminate rate schedule CD–3 and provide for an increase in the penalty for unauthorized overrun gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–13575 Filed 9–14–71;8:50 am]

[Docket No. CP71–267]

NUECES INDUSTRIAL GAS CO.

Order Reopening Proceeding, Prescribing Procedures and Setting Date of Formal Hearing

SEPTEMBER 8, 1971.

On May 6, 1971, Nueces Industrial Gas Co. (Nueces) filed an application in the instant docket seeking a limited term certificate with pregranted abandonment pursuant to section 7(c) of the Natural Gas Act and the Commission's Order No. 431, for an emergency sale of gas to Transcontinental Gas Pipe Line Corp. (Transco). By order of May 27, 1971, the Commission set the matter for formal hearing which took place on June 10 and 11, 1971. We then waived the intermediate decision procedure and on June 30, 1971, issued an order granting the authorization for the requested 1-year period including certain specified conditions cited below.

As noted in our order the record showed in detail the problems posed by the gas shortage to Transco and some of its customers. The Senior Vice President of Transco testified that during the period May 1971 through June 1972 there would be a deficiency in the supply necessary to meet firm requirements in each month averaging 101,360 Mcf per day and accumulating to 43.4 billion cubic feet by the end of the period. This, however, would be reduced to some extent by the emergency purchases already made from Nueces in May 1971 and by gas then proposed to be obtained from Humble Oil and Refining Co. under a 60-day emergency purchase during the period June 4–August 4, 1971. According to the witness, there was a good possibility that Transco would not need any emergency gas purchases after July 1, 1972, because it expected to contract for some additional long-term supply.

In light of the foregoing the following conditions were included in the order authorizing the sale at 33.5 cents per Mcf; conditions which were accepted by Transco:

(D) During the term of the proposed sale referred to in paragraph (A) Transco will make no direct interruptible sales from its system, and will make no more emergency purchases of gas at prices above applicable rate ceilings without prior Commission authorization, except in cases of force majeure as that is defined in Transco's FPC Gas Tariff.

* * * * *

(F) The volumes of gas which Transco receives from Nueces under the authority of paragraph (A) shall be limited to 43.4 billion cubic feet less 0.2 billion cubic feet relating to emergency purchases from Nueces in May 1971 and less emergency purchases from Humble during the period June 4–August 4, 1971, except for force majeure conditions as the term is defined in Transco's FPC Gas Tariff.

On August 30, 1971, Transco filed a petition seeking amendment of said order eliminating the limitations on emergency gas purchases cited above in ordering paragraphs (D) and (F) so as to permit Transco to enter into additional emergency and short-term purchases of gas at prices above applicable rate ceilings without prior Commission authorization, and to obtain additional volumes of emergency gas when available from Nueces, all during the term of the authorization granted by our order of June 30, 1971. Insofar as the prohibition against further emergency purchases is concerned, Transco has not yet sought Commission authorization for any such specific purchase.

[1] The revised tariff as filed is comprised of First Revised Sheet No. 2, Third Revised Sheet No. 5, Second Revised Sheet No. 6, First Revised Sheet No. 7, Second Revised Sheet No. 9, Third Revised Sheet No. 12, Second Revised Sheet No. 13, First Revised Sheet No. 14, Second Revised Sheet No. 16, and First Revised Sheet No. 17.

In support of its petition Transco alleges that subsequent to the submittal of its above-mentioned sworn testimony less than 90 days ago its gas supply deficiency has increased markedly. The principal reasons given are (1) a greater than anticipated field decline in production from presently connected supplies and (2) failure of new supplies to come on as expected. For example, whereas Transco has testified in June of anticipated field declines of 16 MMcf per day per month based upon historical experience, it now appears according to Transco's petition, that based upon knowledge obtained in the last 2 months a decline of 25 MMcf per day per month is more realistic. As further support for its revised gas deficiency Transco filed with the Commission on September 2, 1971, a copy of a telegram sent to its customers wherein, commencing September 7, 1971, and for the period ending October 1, 1971, it has ordered a curtailment of purchases under applicable CD rate schedules and direct firm industrial contracts by 12 percent.

In view of the foregoing, we believe it advisable that said proceeding be reopened and that a public hearing be held, as expeditiously as due process will permit, so as to develop fully the circumstances and occurrences alleged in support of Transco's petition to amend.

The Commission orders:

(A) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing September 13, 1971, at 10, e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the request set forth in Transco's petition to amend.

(B) All parties heretofore permitted to intervene in the original proceedings herein are deemed to be interveners in the instant reopened proceeding.

(C) The hearing shall commence with a full evidentiary presentation by Transco in support of its petition to amend detailing with specificity the causes necessitating a departure from its prior evidentiary presentation regarding its gas supply deficiency. Additionally, Transco shall present evidence to justify its instituting the curtailment scheduling set forth in its telegram of September 2, 1971, referred to above. Further, the evidence should disclose which of the customers of the distributors served by Transco (including Transco's direct firm industrial customers) will be affected, along with an assessment of that affect, by the curtailment scheduling ordered by Transco.

(D) The Chief Examiner or an examiner designated by him shall preside at the hearing and shall prescribe such other procedures, consistent with those herein, as would expedite the early disposition of the instant proposal.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.71-13578 Filed 9-14-71;8:50 am]

[Docket No. CP72-49]

TRANSWESTERN PIPELINE CO.

Notice of Application

SEPTEMBER 9, 1971.

Take notice that on August 30, 1971, Transwestern Pipeline Co. (applicant), Post Office Box 2521, Houston, TX 77002, filed in Docket No. CP72-49 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline and compression facilities to be located in Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate approximately 27.27 miles of 16-inch pipeline loop to its existing 8-inch Crawford Lateral, and to install and operate a 1,100 horsepower compressor unit at its existing Crawford Compressor Station. Applicant expects that substantial reserves will become available in the area of the Crawford Lateral and the facilities proposed herein will facilitate the addition of these reserves and previously dedicated reserves to its pipeline supply.

The estimated cost of the facilities proposed herein is $2,942,000, which cost applicant states will be financed from operating funds and short-term borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-13577 Filed 9-14-71;8:50 am]

MONSANTO CO. ET AL

[Docket No. CI71-136]

Notice of Application

SEPTEMBER 13, 1971.

Take notice that on September 1, 1971, Monsanto Co. (operator) et al. (applicant), 1300 Post Oak Tower, 5051 Westheimer, Houston, TX 77027, filed in Docket No. CI71-136 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Bear Creek Field, Bienville Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas to United within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) on August 13, 1971, and that it proposes to continue said sale for 1 year after the termination of the emergency 60-day period at the rate of 35 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The estimated monthly sales volume is 22,875 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate

as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13666 Filed 9-14-71;8:51 am]

[Docket No. CS72-54, etc.]

UNITED STATES HYDROCARBON CO. ET AL.

Notice of Applications for Small Producer Certificates [1]

SEPTEMBER 8, 1971.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-54....	7-20-71	A. J. Greenbaum, d.b.a. United States Hydrocarbon Co., 1313 Union National Bldg., Wichita, Kans. 67202.
CS72-172...	8-25-71	Irl A. Nichols, 201-203 Security National Bank Bldg., Duncan, Okla. 73533.
CS72-173...	8-25-71	Claud B. Hamill, 2306 First City National Bank Bldg., Houston, Tex. 77002.
CS72-174...	8-25-71	Norval Ballard, Trustee (Operator) et al., 313 Hightower Bldg., Oklahoma City, Okla. 73102.
CS72-175...	8-26-71	Canarctic Resources Inc., No. 3001, 505 4th Ave., SW., Calgary 1, AB Canada.
CS72-176...	8-26-71	Lexia Buchanan, 2114 Alamo National Bldg., San Antonio, Tex. 78205.
CS72-177...	8-27-71	Mark H. Adams, 302 American Savings Bldg., 201 North Main St., Wichita, KS 67202.
CS72-178...	8-27-71	The Stevens County O & G Co., 302 American Savings Bldg., 201 North Main St., Wichita, KS 67202.
CS72-179...	8-30-71	Harvey E. Yates, 207 South 4th St., Artesia, NM 88210.
CS72-180...	8-27-71	Estate of Gerald L. Reasor, 135 South La Salle St., Room 1145, Chicago, IL 60603.
CS72-181...	8-27-71	Leach Brothers, Inc., 135 South La Salle St., Room 1145, Chicago, IL 60603.
CS72-182...	8-30-71	The Bueno Suerte Corp., 8609 Northwest Plaza Dr., Suite 307, Dallas, TX 75225.
CS72-183...	8-30-71	Beaver Mesa Exploration Co., 444 17th St., Denver, CO 80202.

[FR Doc.71-13494 Filed 9-14-71;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Continuing Authority Directive With Respect to Domestic Open Market Operations

SEPTEMBER 9, 1971.

In accordance with § 271.5 of its Rules Regarding Availability of Information, notice is given that at its meeting on June 8, 1971, the Committee amended paragraph 2 of its continuing authority directive to the Federal Reserve Bank of New York with respect to domestic open market operations to increase the dollar limit on Federal Reserve Bank holdings of short-term certificates of indebtedness purchased directly from the Treasury from $1 billion to $2 billion. With this change, paragraph 2 reads as follows:

2. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, or, if the New York Reserve Bank is closed, any other Federal Reserve Bank, to purchase directly from the Treasury for its own account (with discretion, in cases where it seems desirable, to issue participations to one or more Federal Reserve Banks) such amounts of special short-term certificates of indebtedness as may be necessary from time to time for the temporary accommodation of the Treasury; provided that the rate charged on such certificates shall be a rate ¼ of 1 percent below the discount rate of the Federal Reserve Bank of New York at the time of such purchases, and provided further that the total amount of such certificates held at any one time by the Federal Reserve Banks shall not exceed $2 billion.

NOTE: For paragraph 3 of the directive, see 35 F.R. 447, and for the remainder thereof, see 32 F.R. 9584.

By order of the Federal Open Market Committee, September 2, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-13556 Filed 9-14-71;8:48 am]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on June 8, 1971.[1]

The information reviewed at this meeting suggests that real output of goods and services is expanding moderately in the current quarter, following the first-quarter surge that primarily reflected the resumption of higher automobile production. The unemployment rate remained high in May. Wage rates in most sectors are continuing to rise at a rapid pace. In the first 4 months of 1971 the consumer price index increased at a slower pace than earlier, in considerable part because of a decline in mortgage interest rates; the rate of advance in wholesale prices of industrial commodities, which had moderated in the first quarter, stepped up again in April and May. The money stock both narrowly and broadly defined expanded even more rapidly in May than in April but growth in the bank credit proxy remained moderate. Interest rates on most types of market securities rose sharply further during much of May, reflecting continuing uncertainties about domestic and international financial prospects; more recently rates on long-term securities have declined on balance, but mortgage rates have risen. The U.S. merchandise trade balance, which was in small surplus in the first quarter, worsened in April. The deficit in the overall balance of payments has diminished since early May, when capital outflows were swollen by expectations of changes in foreign exchange rates, but it remains large. Differentials between short-term interest rates in the United States and in major foreign countries narrowed on balance in April and May, but differentials between rates in the United States and in the Euro-dollar market recently have widened as rates in that market moved up sharply in

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

[1] The record of policy actions of the Committee for the meeting of June 8, 1971, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

early May. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the resumption of sustainable economic growth, while encouraging an orderly reduction in the rate of inflation, moderation of short-term capital outflows, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to moderate growth in monetary aggregates over the months ahead, taking account of developments in capital markets. System open market operations until the next meeting of the Committee shall be conducted with a view to achieving bank reserve and money market conditions consistent with those objectives.

By order of the Federal Open Market Committee, September 2, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-13555 Filed 9-14-71;8:48 am]

FIRST NATIONAL CHARTER CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First National Charter Corp., Kansas City, Mo., for approval of acquisition of 80 percent or more of the voting shares of Citizens Bank of Belton, Belton, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First National Charter Corp., Kansas City, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Citizens Bank of Belton, Belton, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri, and requested his views and recommendation. The Commissioner responded that his office had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 13, 1971 (36 F.R. 13066), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

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

Applicant, the fifth largest banking organization and bank holding company in Missouri, has four subsidiary banks with aggregate deposits of $436.9 million, representing 3.8 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1970, adjusted to reflect holding company acquisitions and formations approved by the Board to date.) Consummation of the proposal herein would increase Applicant's share of deposits in the State only insignificantly, and its position in relation to the State's other banking organizations would remain unchanged.

Bank ($7.3 million deposits), located 22 miles south of Kansas City, is the larger of two banks in Belton and the fourth largest of 10 banks in Cass County, which approximates the relevant market, and holds 13.3 percent of market deposits. Applicant has two subsidiary banks located 15 and 20 miles from Bank, but the record indicates those subsidiaries do not compete with Bank to any significant extent. Moreover, in light of Missouri's restrictive branching laws, the distances separating Applicant's present subsidiaries and Bank, and the presence of numerous banking alternatives, it seems unlikely that consummation of the proposal herein would foreclose the development of any significant potential competition.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are regarded as satisfactory and consistent with approval of the application. Affiliation with Applicant would enable Bank to expand and to improve existing services and to introduce additional services, including trust and international services. Bank's ability to offer new and improved services should contribute to the development of the already expanding economy of Cass County. These considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

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

By order of the Board of Governors,[1] September 9, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-13568 Filed 9-14-71;8:49 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

FEDERAL MARITIME COMMISSION

[No. 71-80]

MARITIME FRUIT CARRIERS CO., LTD., AND REFRIGERATED EXPRESS LINES (A/ASIA) PTY., LTD.

Rescheduling of Filing Dates

SEPTEMBER 9, 1971.

At the request of counsel for PACE Line, and good cause appearing, filing dates in this proceeding are rescheduled as follows:

(1) Requests for hearing and affidavits of fact and memoranda of law shall be filed on or before September 24, 1971.

(2) Reply of Hearing Counsel and interveners, if any, shall be filed on or before October 12, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-13570 Filed 9-14-71;8:49 am]

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

STATE WORKMEN'S COMPENSATION LAWS

Notice of a Public Hearing

Notice is hereby given of a public hearing to be held by the National Commission on State Workmen's Compensation Laws at Room 304, John W. McCormack Post Office and Courthouse, Post Office Square, Boston, Mass., commencing at 10 a.m. on October 18, 1971, and continuing through October 19, 1971. At the hearing, interested parties may make oral or written presentations of data, views, and arguments relating to the general question of whether State workmen's compensation laws provide an adequate, prompt, and equitable system of compensation, and to possible methods which might be used by, and sources of information available to, the National Commission on State Workmen's Compensation Laws in making its study and preparing its report under section 27 of the Occupational Safety and Health Act of 1970 (84 Stat. 1616).

Interested persons shall, not later than ten (10) days prior to the commencement of the hearing, file with the Chairman, National Commission on State Workmen's Compensation Laws, 1825 K Street NW., Washington, DC 20006, a notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.

2. The subject matter or matters to be discussed.

3. If such person is appearing in a representative capacity, the name and address of the persons or organizations he is representing.

4. The date and approximate length of time requested for his presentation.

Interested persons may also file written data, views, or arguments with the Commissioner at the above address.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The Presiding Officer shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters, pertinent to the inquiry. He shall have discretion to keep the record open after the close of the hearing to permit any person who participated in the oral presentation to submit additional data, views, and arguments responsive to the oral presentation made by other persons.

Signed at Washington, D.C., this 10th day of September 1971.

JOHN F. BURTON, Jr.,
Chairman.

[FR Doc.71-13593 Filed 9-14-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

SEPTEMBER 10, 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 9644 Sub 1, B.T.L., Inc., now assigned November 8, 1971, at Jefferson City, Mo., at the Missouri Public Service Commission, The Penthouse, 14th Floor, Jefferson Building, Jefferson City, MO.

MC 106497 Sub 47, Parkhill Truck Co., assigned November 8, 1971, in Room 595, U.S. Courthouse, 1929 Stout Street, Denver, CO.

MC 34227 Sub 5, Pacific Inland Transportation, assigned November 12, 1971, in Room 595, U.S. Courthouse, 1929 Stout Street, Denver, CO.

MC 128473 Sub 12, Montana Express, Inc., assigned November 1, 1971, in Room 246, U.S. Post Office Building, First Avenue North and 26th Street, Billings, MT.

MC 134668 Sub 1, Marine Terminals, Inc., Extension—Florida, now assigned October 18, 1971, at Miami, Fla., in Room 1510, Federal Building, 51 Southwest First Avenue.

MC 134995 Sub 1, Jack Urbain, doing business as B & J Distributing Co., now assigned September 20, 1971, at Chicago, has been canceled and dismissed.

MC 113855 Sub 233, International Transport, Inc., now assigned September 16, 1971, at Los Angeles, Calif., postponed indefinitely.

MC 115841 Sub 407, Colonial Refrigerated Transportation, Inc., now assigned September 29, 1971, at Atlanta, Ga., has been postponed indefinitely.

MC-C-7064, Walter Boucher, an individual, doing business as B & S Lumber & Supply—Investigation of Operations, assigned November 2, 1971, in Room 246, U.S. Post Office Building, First Avenue North and 26th Street, Billings, MT.

MC-C-7182, Illinois-California Express, Inc.—Investigation and Revocation of Certificates, assigned November 15, 1971, in Room 595, U.S. Courthouse, 1929 Stout Street, Denver, CO.

MC 133633 Sub 8, Highway Express, Inc., now assigned October 18, 1971, at Jackson, Miss., in Room 403 Sun-N-Sand Motel, North Lamar Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13574 Filed 9-14-71;8:49 am]

[Notice 26]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 10, 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 CARRIER OF PASSENGERS

No. MC-13300 (Deviation No. 23), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, NC 27602, filed August 27, 1971. Carrier's representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. 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 junction U.S. Highway 50 and Maryland Highway 610, over Maryland Highway 610 to junction U.S. Highway 113, 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 pertinent service routes as follows: (1) From Baltimore, Md., over Maryland Highway 2 to Annapolis, Md., thence over combined U.S. Highways 50 and 301 to Queenstown, Md., thence over U.S. Highway 50 via Easton, Cambridge, and Salisbury, Md., to Ocean City, Md.; and (2) from Pocomoke City, Md., over U.S. Highway 113 to Dover, Del., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13572 Filed 9-14-71;8:49 am]

[Notice 72]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 10, 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.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 133633 (Sub-No. 8), filed September 3, 1971. Applicant: HIGHWAY EXPRESS, INC., U.S. Highway 1, at Pine Street, Hattiesburg, MS 39401. Applicant's representatives: William P. Jackson, Jr., 919-18th Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment): (1) Between Hattiesburg, and Jackson, Miss., serving all intermediate points: (a) From Hattiesburg over U.S. Highway 49 to Jackson and return over the same route, (b) From Hattiesburg over former U.S. Highway 49 to Jackson, and return over the same route; (2) Between Hattiesburg, and DeKalb, Miss., serving all intermediate points: From Hattiesburg, Miss. over U.S. Highway 11 and/or Interstate Highway 59 to Meridian, Miss., thence over Mississippi Highway 39 to DeKalb and return over the same route; (3) Between Magee, and Lucedale, Miss., serving all intermediate points: From Magee over Mississippi Highway 28 to junction U.S. Highway 84 approximately 5 miles west of Laurel, Miss., thence over U.S. Highway 84 to junction Mississippi Highway 15, thence over Mississippi Highway 15

to junction U.S. Highway 98, thence over U.S. Highway 98 to Lucedale, Miss., and return over the same route; (4) Between Hattiesburg, and Quitman, Miss., serving all intermediate points and the off-route points of Buckatunna and State Line, Miss.: From Hattiesburg over Mississippi State Highway 42 to junction Mississippi State Highway 63, thence over Mississippi State Highway 63 to junction U.S. Highway 45, thence over U.S. Highway 45 to Quitman, Miss., and return over the same route;

(5) Between Quitman, and Mendenhall, Miss., serving all intermediate points and the off-route points of Stonewall and Enterprise, Miss.: From Quitman over U.S. Highway 45 to junction Mississippi Highway 18, thence over Mississippi Highway 18 to junction Mississippi Highway 13, thence over Mississippi Highway 13 to Mendenhall, Miss., and return over the same route; (6) Between Hattiesburg, and Brookhaven, Miss., serving all intermediate points: From Hattiesburg, Miss., over Mississippi Highway 42 to junction U.S. Highway 84, thence over U.S. Highway 84 to Brookhaven, Miss., and return over the same route. NOTE: Service is restricted against the movement of traffic: (1) Between Jackson, Miss., on the one hand, and, on the other, Prentiss and Bassfield, Miss., and points within their respective commercial zones. (2) Between New Orleans, La., on the one hand, and, on the other, Prentiss and Bassfield, Miss., and points within their respective commercial zones. (7) Between Brookhaven, and Mendenhall, Miss., serving all intermediate points: From Brookhaven, Miss., over U.S. Highway 51 and/or Interstate Highway 55 to junction Mississippi Highway 28, thence over Mississippi Highway 28 to junction Mississippi Highway 43, thence over Mississippi Highway 43 to Mendenhall, Miss., and return over the same route. (8) Between Laurel, and Bay Springs, Miss., serving all intermediate points: From Laurel over Mississippi Highway 15 to Bay Springs, Miss., and return over the same route, and (9) Between Raleigh, and Mize, Miss., serving all intermediate points: From Raleigh over Mississippi Highway 35 to junction Mississippi Highway 28, thence over Mississippi Highway 28 to Mize, Miss., and return over the same route. Note: Common control may be involved. *HEARING*: October 18, 1971 in Room 403, Sun-N-Sand Motel, N. Lamar Street, Jackson, MS, before Joint Board No. 28. Additional hearings are contemplated at times and places to be determined by the Joint Board.

No. MC 76266 (Sub-No. 120) (Republication), filed October 23, 1970, published in the FEDERAL REGISTER issues of February 4, 1971, and March 18, 1971, and republished this issue. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: Louis R. Cernjar (same address as applicant). An order of the Commission, Operating Rights Board, dated August 19, 1971, and served September 7, 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, of general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Moline and Bloomington, Ill., over Interstate Highway 74 (also U.S. Highway 150), serving no intermediate points, restricted to the transportation of traffic received from or destined to connecting carriers. That 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 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 119789 (Sub-No. 61) (Republication) filed February 8, 1971, published in the FEDERAL REGISTER issue of March 4, 1971, and republished this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). An order of the Commission, Operating Rights Board, dated August 19, 1971, and served September 7, 1971, finds: *We find*, 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, (1) of plastic sheeting and nylon netting from points in Bergen, Hudson, Union, Essex, and Middlesex Counties, N.J., and points in that portion of the New York, N.Y., commercial zone, as defined in *Commercial Zones and Terminal Areas*, 54 M.C.C. 451 (1951), within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), to the plantsite and storage facilities of Peterson Baby Products Co., at Los Angeles, Calif.; and (2) of baby swings, from Elverson, Pa., to the plantsite and storage facilities of Peterson Baby Products Co., at Los Angeles, Calif.; 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.

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 20824 (Sub-No. 30), filed August 17, 1971. Applicant: COMMERCIAL MOTOR FREIGHT, INC. OF INDIANA, 2141 South High School Road, Indianapolis, IN 46241. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between South Bend and Howe, Ind.: From South Bend over U.S. Highway 20 to Elkhart, thence over Indiana Highway 120 to its intersection with Indiana Highway 15 at Bristol, thence over Indiana Highway 15 to its intersection with U.S. Highway 20, thence over U.S. Highway 20 to La Grange, thence over Indiana Highway 9 to its intersection with Indiana Highway 120, thence over Indiana Highway 120 to Howe, Ind., and return over the same route, serving all intermediate points and the off-route points of Middlebury, Shipshewana, and Howe Military School; (2) between the junction of Indiana Highway 219 and U.S. Highway 20 and Osceola, Ind.: From the junction of Indiana Highway 219 and U.S. Highway 20 over Indiana Highway 219 to Osceola, Ind., and return over the same route, restricted to shipments received from or destined to the New York Central Railroad Co.; and (3) between South Bend and Elkhart, Ind.: From South Bend over U.S. Highway 33 to Elkhart, Ind., and return over the same route, serving the intermediate point of Osceola, restricted to shipments received from or destined to the New York Central Railroad Co. NOTE: The instant application is a matter directly related to No. MC-F 11268 published in the FEDERAL REGISTER, issue of August 25, 1971. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 58035 (Sub-No. 7), filed August 2, 1971. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver, CO 80216. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk and those requiring special equipment, between points in Adams, Arapahoe, Denver, and Jefferson Counties, Colo.; and between points in Adams, Arapahoe, Denver, and Jefferson Counties, Colo., on the one hand, and on the other hand, points in Colorado.

NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. The instant application is a matter directly related to the application in No. MC-F 11254 published in the FEDERAL REGISTER, issue of August 11, 1971.

No. MC 110325 (Sub-No. 50), filed August 12, 1971. Applicant: TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, CA 90015. Applicant's representative: Frank W. Taylor, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment or handling). Regular routes: (1) Between San Rafael, Calif., and Salinas, Calif., serving all intermediate points and the off-route points of Agnew, Aromas, Atherton, Belvedere, Brisbane, Corte Madera, Daily City, Fairfax, Fort Cronkite, Fort Barry, Fort Baker, Foster City, Gabilan, Kentfield, Larkspur, Los Altos, Mill Valley, Mountain View, New Almaden, Pacifica, Permanente, Portolla Valley, Ross, San Anselmo, San Quentin, Santa Rita, Santa Venetia, Sausalito, Spreckles, Tiburon, and Woodside; from San Rafael over U.S. Highway 101 to Salinas (also from San Francisco over Interstate Highway 280 to its intersection with California Highway 82, thence over California Highway 82 to its intersection with U.S. Highway 101 near Coyote, Calif.), and return over the same route; (2) between Castro Valley, Calif., and Saratoga, Calif., serving all intermediate points; and the off-route points of Sunnyvale, Milpitas, and Alviso, Calif.; from Castro Valley over unnumbered highway to its intersection with California Highway 238, thence over California Highway 238 to intersection with Interstate Highway 680, thence over Interstate Highway 680 (also California Highway 17), to its intersection with California Highway 237, thence over California Highway 237 to its intersection with California Highway 85, thence over California Highway 85 to Saratoga and return over the same route;

(3) Between San Rafael, Calif., and Santa Cruz, Calif., serving all intermediate points and the off-route points of Alameda, Aldercraft, Albany, Berkeley, Ben Lomond, Campbell, El Cerrito, Emeryville, Felton, Fremont, Glennwood, Holy City, Laurel, Lampico, Mount Eden, Newark, Redwood Estates, Richmond, San Leandro, San Pablo, San Lorenzo, Scotts Valley, Union City, and Zayante; from San Rafael over California Highway 17 and return over the same route; (4) between Saratoga, Calif., and Los Gatos, Calif., serving all intermediate points; from Saratoga over California Highway 9 to Los Gatos and return over the same route; (5) between Santa Cruz, Calif., and Carmel, Calif., serving all intermediate points and the off-route points of Aptos, Capitola, Corralitos, Carmel Valley, Del Monte Naval Training Center, Fort Ord, Pebble Beach, Rio del Mar, Seaside and Soquel; from Santa Cruz over California Highway 1 to Carmel and return over the same route; (6) between Watsonville, Calif., and Gilroy, Calif., serving all intermediate points, and the off-route points of Freedom and Pajaro; from Watsonville over California Highway 152 to Gilroy and return over the same route; (7) between Watsonville, Calif., and junction California Highway 1 and California Highway 152, serving all intermediate points; from Watsonville over California Highway 152 to its junction with California Highway 1 and return over the same route; (8) between Watsonville, Calif., and junction California Highway 1 and California Highway 129, serving all intermediate points; from Watsonville over California Highway 129, to its junction with California Highway 1 and return over the same route; (9) between Salinas, Calif., and Monterey, Calif., serving all intermediate points and the off-route points of Del Rey Oaks and Pacific Grove; from Salinas over California Highway 68 to Monterey and return over the same route; (10) between Castroville, Calif., and Hollister, Calif., serving all intermediate points and the off-route points of Prunedale and San Juan Bautista; from Castroville over California Highway 156 to Hollister and return over the same route; (11) between Mission San Jose, Calif., and Martinez, Calif., serving all intermediate points and off-route points of Alamo, Concord, Dublin, Danville, Diablo, Pleasanton, Pleasant Hill, San Ramon, Scotts Corner, Sunol, U.S. Naval Magazine Concord, Vallecitos, Vallecitos Nuclear Center, Walnut Creek; from Mission San Jose over Interstate Highway 680 to its intersection with Waterfront Road near Martinez, thence over Waterfront Road to Martinez and return over the same route;

(12) Between Oakland, Calif., and Sacramento, Calif., serving all intermediate points and off-route points of Antioch, Avon, Clarkesburg, Clyde, Freeport, Lafayette, Locke, Moraga Orinda, Orinda Village, Piedmont, Pittsburg, Port Chicago, Rheem Valley, Rio Vista, Rio Vista U.S. Army Depot, U.S. Naval Weapons Station, Vordeen, Walnut Grove, West Pittsburg; from Oakland over California Highway 24 to its junction with California Highway 4, thence over California Highway 4 to its junction with California Highway 160, thence over California Highway 160 to Sacramento and return over the same route; (13) between Pinole, Calif., and Stockton, Calif., serving all intermediate points and the off-route points of Bethel Island, Byron, Holt, Knightsen, Port Costa, and those points within 10 miles of Stockton; from Pinole over California Highway 4 to Stockton and return over the same route; (14) between San Francisco, Calif., and Sacramento, Calif., serving all intermediate points and the off-route points of Acampo, Altamont, Bethany, Banta, Dublin, Elk Grove, French Camp, Galt, Greenville, Herold, Lodi, Lathrop, Livermore, Lyoth, Manteca, Midway, Mountain House, Parks Job Corps Center, Santa Rita, Sharp Army Depot, Sheldon, Springtown, Tracy Supply Depot, Turner, Victor, Woodbridge, Youngstown; from San Francisco over U.S. Highway 50 to Sacramento and return over the same route; (15) between San Francisco, Calif., and Sacramento, Calif., serving all intermediate points and off-route points of Benicia, Cordelia, Crockett, Davis, Dixon, El Macera, El Sobranti, Elmira, Fairfield, Hercules, Mankas Corner, Mare Island, Mare Island Naval Shipyard, Oleum, Rockville, Rodeo, Selby, Suisun City, Tormey, Travis Air Force Base, Vacaville, Vallejo; from San Francisco over U.S. Highway 40 (also Interstate Highway 80) to Sacramento and return over the same route. Authority is sought to serve Sacramento, Calif., and the junction of California Highway 120 and U.S. Highway 50 (also Interstate Highway 205) south of Lathrop, Calif., as joinder and full service points in conjunction with the routes sought herein and all of applicants' presently authorized routes.

Irregular routes: (A) Between points in that part of California beginning at junction Vaughn Road and California Highway 113, thence east on Vaughn Road to Pedrick Road (also known as County Road E-7), thence north on Pedrick Road to Road 16A, thence east on Road 16A to California Highway 113, thence north and northeasterly on California Highway 113 to Kirkville Road, thence east on Kirkville Road to Sacto Avenue, thence along Sacto Avenue to Garden Highway, thence northeasterly on Garden Highway to Pleasant Grove Road, thence south on Pleasant Grove Road to Marcum Road, thence east on Marcum Road to Nicolaus II Road, thence east on Nicolaus II Road to State College Boulevard, thence southeasterly on State College Boulevard to Humphrey Road, thence south on Humphrey Road to Laird Road, thence south on Laird Road to Auburn-Folsom Road, thence south on Auburn-Folsom Road to Green Valley Road, thence east on Green Valley Road to El Dorado Hills Boulevard, thence south on El Dorado Hills Boulevard to Latrobe Road, thence south on Latrobe Road to California Highway 16, thence west on California Highway 16 to Ione Road, thence south on Ione Road to California Highway 104, thence west on California Highway 104 to California Highway 160, thence southwesterly on California Highway 160 to California Highway 12, thence northwesterly on California Highway 12 to California Highway 113, thence north on California Highway 113 to the point of beginning at Vaughn Road. Service is authorized at points on the boundary roads and highways described above. (B) Between Richmond, El Cerrito, San Leandro, San Lorenzo and the area described in part I set forth below, on the one hand, and, on the other, Sausalito, Santa Rosa, and intermediate points on U.S. Highway 101 and the off-route points of Marin County, Greenbrae, Tiburon, Belvedere, Mill Valley, Corte Madera, Larkspur,

Kentfield, Ross, San Anselmo, Fairfax, San Quentin, and Sebastopol.

Part I, Oakland pickup and delivery zone: All of the city of Emeryville, also those parts of Albany, Alameda, Berkeley, Oakland, and Piedmont bounded by the following: Beginning at San Francisco and Alameda-Contra Costa County line, thence easterly along said county line to Curtis Street, southerly on Curtis Street to Solano Avenue, easterly on Solano Avenue to Tulare Avenue, southerly and westerly along city limits boundary line of Albany to Ordway Street, southerly on to Grove Street, southerly on Grove Street to Rose Street, easterly on Rose Street to Oxford Street, southerly on Oxford Street to Hearst Avenue, easterly and southerly along the city limit boundary line of Berkeley to Dwight Way, southwesterly and westerly on Dwight Way to College Avenue, southerly on College Avenue to Broadway, southwesterly on Broadway to Mather Street, easterly on Mather Street and Pleasant Valley Avenue to Rose Avenue, southwesterly on Rose Avenue to Echo Avenue, southerly on Echo Avenue to Linda Avenue, easterly on Linda Avenue to Grant Avenue, southerly on Grant Avenue to Mandana Boulevard, easterly on Mandana Boulevard to Lakeshore Avenue, westerly on Lakeshore Avenue to Excelsior Avenue, easterly on Excelsior Avenue to Hopkins Street, easterly on Hopkins Street to 55th Avenue, southwesterly on 55th Avenue to Camden Street, southeasterly on Camden Street to Seminary Avenue to Outlook Avenue, southeasterly on Outlook Avenue to Parker Avenue, southerly on Parker Avenue to Foothill Boulevard, southeasterly on Foothill Boulevard to the Oakland-San Leandro boundary line, westerly along the Oakland-San Leandro boundary line and its prolongation to Edes Avenue, northwesterly on Edes Avenue to Jones Avenue, westerly on Jones Avenue to 98th Avenue, easterly on 98th Avenue to Railroad Avenue, northwesterly on Railroad Avenue and its prolongation to 50th Avenue, southwesterly on 50th Avenue to San Leandro Bay, northwesterly along the shoreline of San Leandro Bay and Oakland Inner Harbor to Oakland Middle Harbor, northerly along shoreline of Oakland Middle Harbor and Oakland Outer Harbor and San Francisco Bay to points of beginning; also city of Alameda, beginning at High Street and Oakland Inner Harbor, thence southerly, westerly and northerly along the shoreline to the mouth of the Oakland Estuary, thence easterly along the Alameda shoreline of the Oakland Estuary to starting point; including Government Island.

Alternate routes for operating convenience only: (1) Between Sacramento, Calif., and Stockton, Calif., in connection with carrier's regular-route operation described above, serving no intermediate points; from Sacramento over Interstate Highway 5 to Stockton and return over the same route; (2) between Sacramento, Calif., and junction U.S. Highway 50 and Interstate Highway 5, in connection with carrier's regular-route operation described above, serving no intermediate points; from Sacramento over Interstate Highway 5 to junction U.S. Highway 50 and Interstate Highway 5, and return over the same route; (3) between Sacramento, Calif., and junction California Highway 12 and California Highway 160, in connection with carrier's regular-route operation described above, serving no intermediate points; from Sacramento over Interstate Highway 5 to junction Interstate Highway 5 and California Highway 12, thence over California Highway 12 to junction California Highway 160, and return over the same route; (4) between junction California Highway 12 and U.S. Highway 50 and junction California Highway 12 and California Highway 160, in connection with carrier's regular-route operation described above, serving no intermediate points; from junction California Highway 12 and U.S. Highway 50, over California Highway 12 to junction California Highway 12 and California Highway 160, and return over the same route; (5) between junction California Highway 12 and U.S. Highway 40 (also Interstate Highway 80) and junction California Highway 12 and California Highway 160, in connection with carrier's regular-route operation described above, serving no intermediate points; from junction California Highway 12 and U.S. Highway 40 (also Interstate Highway 80) over California Highway 12 to junction California Highway 12 and California Highway 160, and return over the same route;

(6) Between junction U.S. Highway 40 (also Interstate Highway 80) and California Highway 21 and junction Interstate Highway 680 and California Highway 4, in connection with carrier's regular-route operation described above, serving no intermediate points; from junction U.S. Highway 40 (also Interstate Highway 80) and California Highway 21 over California Highway 21 to junction Interstate Highway 680, thence over Interstate Highway 680 to junction Interstate Highway 680 and California Highway 4 and return over the same route; (7) between junction California Highway 4 and County Road 14 and junction U.S. Highway 50 and County Road 14, in connection with carrier's regular-route operation described above, serving no intermediate points; from junction California Highway 4 and County Road 14 over County Road 14 to junction U.S. Highway 50 and County Road 14 and return over the same route; (8) between junction U.S. Highway 50 and Interstate Highway 205 and junction U.S. Highway 50 and Interstate Highway 205, in connection with carrier's regular-route operation described above, serving no intermediate points; from junction U.S. Highway 50 and Interstate Highway 205 over Interstate Highway 205 to junction U.S. Highway 50 and Interstate Highway 205, and return over the same route; (9) between junction California Highway 82 and Interstate Highway 280 and junction Interstate Highway 280 and California Highway 85, in connection with carrier's regular-route operation described above, serving no intermediate points; from junction California Highway 82 and Interstate Highway 280 over Interstate Highway 280, to junction Interstate Highway 280 and California Highway 85 and return over the same route; (10) between junction California Highway 85 and Interstate Highway 280 and junction Interstate Highway 280 and California Highway 17, in connection with carrier's regular-route operation described above, serving no intermediate points; from junction California Highway 85 and Interstate Highway 280 over Interstate Highway 280 to junction Interstate Highway 280 and California Highway 17 and return over the same route;

(11) Between junction California Highway 17 and California Highway 92 and junction U.S. Highway 101 and California Highway 92, in connection with carrier's regular-route operation described above, serving no intermediate points; from junction California Highway 17 and California Highway 92 over California Highway 92 (San Mateo Bridge) to junction U.S. Highway 101 and California Highway 92 and return over the same route; (12) between junction California Highway 17 and California Highway 84, and junction U.S. Highway 101 and California Highway 84, in connection with carrier's regular-route operation described above, serving no intermediate points; from junction California Highway 17 and California Highway 84 over California Highway 84 (Dunbarton Bridge) to junction U.S. Highway 101 and California Highway 84 and return over the same route; (13) between junction California Highway 129 and County Road G–11 near Watsonville, Calif., and junction U.S. Highway 101 and California Highway 129, in connection with carrier's regular-route operation described above, serving no intermediate points; from junction California Highway 129 and County Road G–11 near Watsonville, Calif., over California Highway 129 to junction U.S. Highway 101 and California Highway 129 and return over the same route; (14) between Castroville, Calif., and Salinas, Calif., in connection with carrier's regular-route operation described above, serving no intermediate points; from Castroville, Calif., over California Highway 183 to Salinas, Calif., and return over the same route; (15) between Hollister, Calif., and junction U.S. Highway 101 and California Highway 25, in connection with carrier's regular-route operation described above, serving no intermediate points; from Hollister, Calif., over California Highway 25 to junction U.S. Highway 101 and California Highway 25 and return over the same route;

(16) Between junction Interstate Highway 80 and Interstate Highway 680 and junction Interstate Highway 680 and California Highway 4 in connection with carrier's regular-route operation described above, serving no intermediate points; from junction Interstate Highway 80 and Interstate Highway 680 over Interstate Highway 680 to junction Interstate Highway 680 and California Highway 4 and return over the same route; (17) between Scotts Corner, Calif.,

and Springtown, Calif., in connection with carrier's regular-route operation described above, serving no intermediate points; from Scotts Corner, over California Highway 84 to Springtown, Calif., and return over the same route; and (18) between Gilroy, Calif., and junction Interstate Highway 5 and U.S. Highway 50, in connection with carrier's regular-route operation described above, serving no intermediate points; from Gilroy, Calif., over California Highway 152 to junction Interstate Highway 5, thence over Interstate Highway 5 to junction U.S. Highway 50 and return over the same route. NOTE: This application is a matter directly related to MC-F-11270, published in the FEDERAL REGISTER, issue of August 25, 1971. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

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-11305. Authority sought for purchase by TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, GA 30316, of a portion of the operating rights of DEATON, INC., 317 Avenue West, Post Office Box 938, Birmingham, AL 35214, and for acquisition by AMERICAN COMMERCIAL LINES, INC., Box 13244, Houston, TX 77019, and in turn by TEXAS GAS TRANSMISSION CORPORATION, 3800 Frederica Street, Post Office Box 1160, Owensboro, KY 42301, of control of such rights through the purchase. Applicants' attorneys and representatives: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, IL 60603, Harold H. Clokey, 414 The Equitable Building, Atlanta, Ga. 30303, A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004, John F. Spickerman, Terminal Transport Co., Inc., 248 Chester Avenue SE., Atlanta, GA 30316, Richard C. Young, Post Office Box 1160, Owensboro, KY 42301, Robert C. Koch, 3800 Frederica Street, Owensboro, KY 42301, Claude Knox, Post Office Box 938, Birmingham, AL 35201. 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, as a *common carrier* over regular routes, between Birmingham, Ala., and New Orleans, La., between Birmingham, Ala., and Greenville, Miss., between Birmingham, Ala., and Vicksburg, Miss., between Laurel, Miss., and Natchez, Miss., between Oxford, Ala., and Birmingham, Ala., between junction U.S. Highways 278 and 231 and junction Alabama Highway 67 and U.S. Highway 31 at or Decatur, Ala., between Oxford, Ala., and Gadsden, Ala., between Piedmont, Ala., and Oxford, Ala.; between Atlanta, Ga., and Oxford, Ala., serving no intermediate points, with restriction; *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, over irregular routes, between certain specified points in Georgia, on the one hand, and, on the other, Oxford, Ala., with restriction; and pending Docket No. MC-11207 Sub-299, *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, betwen Atlanta, Ga., and Austell, Ga., between Gadsden, Ala., and junction U.S. Highways 278 and 231, with restriction, certificate not yet issued. Vendee is authorized to operate as a *common carrier* in Kentucky, Illinois, Ohio, Georgia, Alabama, Indiana, Florida, Michigan, Tennessee, Mississippi, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11306. Authority sought for control by JAMES P. BYRNE, 101 Thorntree Lane, Winnetka, IL 60093, of TRANSPORT STORAGE & DISTRIBUTING CO., Post Office Box 570, Renton, WA 98055. Applicants' attorney: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Operating rights sought to be controlled: *New automobiles*, in secondary movements, in truckaway service, as a *common carrier* over irregular routes, from Tacoma, Wash., to points in Pierce, King, Kitsap, Mason, Grays Harbor, and Thurston Counties, Wash., from Wenatchee, Wash., to points in Chelan, Okanogan, Douglas, and Grant Counties, Wash., from Kennewick, Wash., to points in Yakima, Kittitas, Benton, Franklin, Grant, Adams, Whitman, Garfield, Columbia, Walla Walla, Asotin, and Klickitat Counties, Wash. Morrow and Umatilla Counties, Oreg., and Nez Perce and Latah Counties, Idaho, with restriction; from Spokane, Wash., to points in Spokane, Withman, Adams, Lincoln, Ferry, Stevens, Pend Oreille, Okanogan, Douglas, Grant, and Chelan Counties, Wash., and points in that part of Idaho in and north of Latah and Shoshine Counties, with restriction; *new and used automobiles, and trucks*, in driveaway service, between Seattle, Wash., and points in Washington West of the summit of the Cascade Mountains, and Portland, Oreg.; and *automobiles and trucks*, new or used, in secondary movements, in truckaway service, between Seattle, Wash., on the one hand, and, on the other, Portland, Oreg., and points in Washington. JAMES P. BYRNE holds no authority from this Commission. However, he controls DIXIE TRANSPORT COMPANY, which is authorized to operate as a *common carrier* in Georgia, Florida, Michigan, Tennessee, Kentucky, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11307. Authority sought for continuance in control by DONALD J. SCHNEIDER, 817 McDonald Street, Green Bay, WI 54306, of TRANS-NATIONAL TRUCK INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's attorney: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. TRANS-NATIONAL TRUCK, INC., holds no permanent authority but authorities are being sought in pending docket No. MC-133655 and Subs-3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 35, 36, 38, 41, 42, 43, 44, 45, 47, 48, 49, 50 and 51, and certificates not yet issued. Donald J. Schneider holds no authority from this Commission. However, he controls SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956, which is authorized to operate as a *common carrier* in Illinois, Wisconsin, Texas, Oklahoma, Missouri, Mississippi, Tennessee, Nebraska, Indiana, Iowa, Michigan, Minnesota, Kentucky, Ohio, Alabama, Arkansas, Colorado, Kansas, Louisiana, North Dakota, Pennsylvania, South Dakota, West Virginia, Wyoming, Florida, Georgia, New Jersey, New York, North Carolina, South Carolina, Maryland, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11308. Authority sought for purchase by INTERNATIONAL TRANSPORT, INC., 2450 Marion Road Southeast, Rochester, MN 55901, of the operating rights of DAWES TRANSFER, INC., 528 South 108th Street, Milwaukee, WI 53214, and for acquisition by INTERNATIONAL AEROPRODUCTS, INC., and in turn by BUTLER AVIATION INTERNATIONAL, INC., both of 600 Sylvan Avenue, Englewood Cliffs, NJ, of control of such rights through the purchase. Applicants' attorneys and representatives: Axelrod, Goodman, Steiner, & Bazelon, 39 South La Salle Street, Chicago, IL 60603 and Cahill, Fox & Smith, 622 North Water Street, Milwaukee, WI 53202. Operating rights sought to be transferred: *Materials, equipment, and supplies* used in construction and maintenance of highways, as a *common carrier* over irregular routes, between certain specified points in Wisconsin and Illinois; *commodities which because of unusual size or weight require special handling and the use of special equipment*, between certain specified points in Wisconsin, Illinois, and Iowa; and *self-propelled articles weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies* moving in connection therewith, between certain specified points in Wisconsin and Iowa. Vendee is authorized to operate as a *common carrier* in all States in the United States (including Alaska, but excluding Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-11309. Authority sought for purchase by HOUFF TRANSFER, INCORPORATED, Box 91, Weyers Cave, VA 24486, of a portion of the operating rights of TRY-ME TRANSFER & STORAGE COMPANY, 1018-22 Second Avenue, Huntington, WV 25700, and for acquisition by Cletus E. Houff, also of Weyers Cave, Va. 24486, of control of such rights through the purchase. Applicants'

attorney and representative: Harold G. Hernly, Jr., 2030 North Adams Street, Arlington, VA 22201 and A. Michael Perry, Box 2185, Huntington, WV. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Virginia, West Virginia, New York, Alabama, Georgia, Florida, Kentucky, Louisiana, Illinois, Indiana, New Jersey, North Carolina, Ohio, South Carolina, Tennessee, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11310. Authority sought for purchase by TOWER LINES, INC., Post Office Box 6010, Wheeling, WV 26003, of the operating rights and certain property of DRAPER TRUCKING COMPANY, INC., 1713 Patrick Henry Avenue Northeast, Roanoke, VA 24016, and for acquisition by GEORGE V. THIEROFF, GEORGE E. THIEROFF, and ROBERT W. MENDENHALL, all of Wheeling, W. Va., of control of such rights and certain property through the purchase. Applicants' attorney and representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301 and William J. Lemon, Boxley Building, Roanoke, Va. 24005. Operating rights sought to be transferred: *Commodities*, the transportation of which because of size or weight require special handling or the use of special equipment (except knitting machines), and *related contractors' materials, supplies, and equipment* when the transportation thereof is incidental to the transportation by said carrier of commodities which by reason of size or weight require special handling or special equipment, as a *common carrier* over irregular routes, between certain specified points in Virginia, and between points in Virginia, on the one hand, and, on the other, points in North Carolina, Tennessee, Kentucky, South Carolina, and in that part of West Virginia on and south of U.S. Highway 60; *commodities*, the transportation of which because of their size or weight require special handling or the use of special equipment, between certain specified points in West Virginia, Virginia, on the one hand, and, on the other, points in West Virginia, those in that part of Virginia on and south of U.S. Highway 60, on and west of U.S. Highway 29, and certain specified points in Kentucky; and *electric controllers and instruments*, requiring special equipment or special handling by reason of size or weight, and *parts and attachments therefor*, when moving in connection therewith, from points in Roanoke County, Va., to points in the United States (except Alaska, Hawaii, Virginia, North Carolina, South Carolina, Georgia, Washington, Oregon, California, Montana, Idaho, Utah, Nevada, and Florida), with restriction. Vendee is authorized to operate as a *common carrier* in West Virginia, Pennsylvania, Ohio, Alabama, North Carolina, South Carolina, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Vermont, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Delaware, Mississippi, Wisconsin, Minnesota, Missouri, Arkansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13573 Filed 9-14-71;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

3 CFR

Page

PROCLAMATIONS:

4077 ... 17557
4078 ... 17559
4079 ... 18453

EXECUTIVE ORDERS:

10713 (amended by EO 11618) ... 18365
11010 (see EO 11618) ... 18365
11263 (see EO 11618) ... 18365
11395 (see EO 11618) ... 18365
11615 (amended by EO 11617) ... 17813
11617 ... 17813
11618 ... 18365

5 CFR

213 ... 17483, 17484, 17561, 17815, 17816, 17979, 18455
294 ... 18455
550 ... 17816

7 CFR

42 ... 18455
210 ... 18173
301 ... 18367
354 ... 17484
701 ... 18289
718 ... 17485
775 ... 17643
792 ... 17561
831 ... 18298
905 ... 18371, 18372
908 ... 17563, 18059
910 ... 17485, 17816, 17979, 18299, 18459
931 ... 18059
945 ... 17816
948 ... 18299
958 ... 17817
981 ... 18372
1004 ... 17491
1050 ... 17492
1079 ... 17817
1106 ... 17492
1421 ... 18300
1446 ... 18060
1802 ... 17818
1803 ... 17832
1804 ... 18062
1814 ... 18069
1863 ... 17833
1864 ... 17833
1865 ... 17840
1866 ... 17841
1867 ... 17843

PROPOSED RULES:

101 ... 17579
271 ... 18213
272 ... 18213
722 ... 18322, 18412
724 ... 18198
725 ... 18000
726 ... 18198
728 ... 18322
729 ... 17872
775 ... 18322
906 ... 18001
910 ... 17579
927 ... 18473
929 ... 17875, 18413
932 ... 18085
946 ... 17875

7 CFR—Continued

Page

PROPOSED RULES—Continued

948 ... 18002
966 ... 18095, 18212
993 ... 17579
999 ... 18323
1001 ... 17580
1002 ... 17580
1004 ... 17580
1007 ... 18413
1015 ... 17580, 17586
1068 ... 18474
1133 ... 17588
1421 ... 18323, 18473
1464 ... 17874, 18473

8 CFR

214 ... 18300, 18460

9 CFR

76 ... 17844, 18461

10 CFR

2 ... 18173
50 ... 18071, 18301
70 ... 17573
140 ... 17979
170 ... 18173

12 CFR

265 ... 18373
524 ... 17564
545 ... 17564, 17980

PROPOSED RULES:

9 ... 18082
222 ... 17514, 18427

13 CFR

121 ... 17492

PROPOSED RULES:

121 ... 17514

14 CFR

39 ... 17493, 17494, 17847–17849, 18190, 18301, 18302, 18373, 18461, 18462
61 ... 17495
63 ... 17495
71 ... 17495, 17496, 17575, 17643, 17644, 17849, 18076, 18077, 18191–18193, 18302, 18303, 18463
73 ... 18193
75 ... 17849
91 ... 17495, 18304
97 ... 17575, 18193
121 ... 17495
123 ... 17495
127 ... 17495
135 ... 17495
208 ... 17644

PROPOSED RULES:

39 ... 17512, 18476
71 ... 17513, 17588, 17589, 17653–17655, 17876, 18109, 18110, 18214, 18476
73 ... 17876
135 ... 18425

14 CFR—Continued

Page

PROPOSED RULES—Continued

202 ... 18111
207 ... 17655
208 ... 17655
212 ... 17655
214 ... 17655
372 ... 17655
1241 ... 18221

15 CFR

PROPOSED RULES:

7 ... 18095

16 CFR

13 ... 17982–17995
252 ... 18078

17 CFR

PROPOSED RULES:

1 ... 18000

18 CFR

2 ... 17576, 18373

PROPOSED RULES:

2 ... 18221
154 ... 18323
157 ... 18323
260 ... 17665
601 ... 18477

19 CFR

1 ... 18304

PROPOSED RULES:

1 ... 17579
19 ... 18410
24 ... 17653

21 CFR

1 ... 18377
3 ... 18377
121 ... 18377
130 ... 18378
132 ... 18378
133 ... 18378
135 ... 18378
135a ... 18078
141a ... 17644
141c ... 17645
144 ... 18394
146 ... 18395
146a ... 17644, 18395
146c ... 17645
191 ... 17645
420 ... 17646, 18078–18080, 18174, 18175

PROPOSED RULES:

3 ... 18098
27 ... 18098
31 ... 18098
125 ... 18098
146a ... 17653
146e ... 17653
295 ... 17512, 18012

22 CFR

41 ... 17496

LIST OF FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*	*Pages*	*Date*
17477–17549	Sept. 1	18053–18165	Sept. 9
17551–17636	2	18167–18281	10
17637–17805	3	18283–18357	11
17807–17972	4	18359–18446	14
17973–18051	8	18447–18502	15

federal register

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

Financial Assistance to Meet Special Educational Needs of Educationally Deprived Children

■

Notice of Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 116]

FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

Criteria for Special Grants

Pursuant to the authority contained in section 113, 84 Stat. 126–129, 20 U.S.C. 241d, notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 116 of Title 45 of the Code of Federal Regulations by revising § 116.8 (45 CFR 116.8), by adding a new paragraph (e) to § 116.9 (45 CFR 116.9(e)), by adding a new § 116.10 (45 CFR 116.10), and by revising paragraph (d) of § 116.17 (45 CFR 116.17(d)), which would read as set forth below.

The proposed amendments and additions would establish criteria for special incentive grants under part B of title I of the Elementary and Secondary Education Act of 1965 (79 Stat. 27, as amended, 20 U.S.C. 241d et seq.) and for special grants for urban and rural schools serving areas with the highest concentrations of children from low-income families, under Part C of that title (20 U.S.C. 241d–11 et seq.). The revised § 116.17(d) would modify existing regulations concerning the eligibility of school attendance areas and of whole school districts for title I programs and projects.

Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the U.S. Commissioner of Education, Department of Health, Education, and Welfare, 400 Maryland Avenue, SW., Washington, DC 20202, within 30 days from the date of publication in the FEDERAL REGISTER. Comments may be inspected in Room 2089 of the above address between 8 a.m.–4:30 p.m.

Dated: June 9, 1971.

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

Approved: September 7, 1971.

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

1. Section 116.8 is revised to read as follows:

§ 116.8 Special incentive grants.

(a) Any State of the Union (including the District of Columbia) shall be entitled to receive a grant under part B of title I of the Act if, for the second fiscal year preceding the fiscal year for which such grant is available, that State had an effort index (as defined in paragraph (b) of this section) exceeding the national effort index for such second preceding fiscal year. The maximum amount of the grant to an eligible State under such part B shall be equal to $1 for each 0.01 percent by which its effort index for the second preceding fiscal year exceeded the national effort index for that year multiplied by the total number of children counted for the purpose of computing entitlements of local educational agencies within such State (including State agencies directly responsible for providing free public education for handicapped children, for children in institutions for neglected or delinquent children and of State educational agencies for programs for migratory children of migratory agricultural workers under part A of title I of the Act for the current fiscal year. Ratable reductions of such maximum amounts shall be made in accordance with § 116.9(e). No State, however, shall be entitled to more than 15 percent of the total amount made available for said part B.

(b) For the purpose of this section, "effort index" means the ratio of expenditures from all non-Federal sources in a State for public elementary and secondary education to the total personal income in that State, expressed to the nearest hundredth of 1 percent. The term "national effort index" means the ratio of such expenditures to the total personal income in the 50 States of the Union and the District of Columbia. Funds from non-Federal sources include funds derived from title I of Public Law 81–874, and other Federal funds, for the expenditure of which there is no accountability to the Federal Government.

(c) An incentive grant under this section will be made to a State upon application therefor by the State educational agency to the Commissioner submitted not more than 30 days after the date on which the Commissioner notifies the State educational agency of the State's eligibility for such grant and the amount thereof, or by the end of the fiscal year, whichever occurs earlier. Such an application shall include information concerning the policies and procedures to be used in selecting the local educational agencies which will receive incentive grant funds and the amounts of such assistance. Such information shall be presented in detail sufficient to assure the Commissioner that incentive grant funds will be made available to local educational agencies with the greatest need for assistance and in amounts corresponding to their respective needs. Such policies and procedures shall take into account factors appropriate for those purposes, such as the amounts available to local educational agencies under parts A and C of said title I; the number and percentage of children from low-income families in the several school districts; the number and percentage of such children not otherwise being served under said title I; any sudden influx in the number of such children drop-out rates; the incidence and severity of special educational needs as indicated by test scores or other measures; the availability of funds from other sources for programs for educationally deprived children; and local fiscal effort.

(d) Incentive grant funds shall be made available only to those local educational agencies whose fiscal effort with regard to public elementary and secondary education is at least equal to the average fiscal effort in that regard by local educational agencies in that State, as determined by the State educational agency. Incentive grant funds shall be made available to a limited number of local educational agencies for specific projects which the State educational agency deems to be innovative or which show special promise of substantial success through the modification or revision of existing title I programs; which are of sufficient size, scope, and quality as required by § 116.18; which include performance criteria to be used in connection with the evaluation of such projects; and which otherwise meet the requirements for projects under part A of said title I.

(e) The availability of special incentive grants to a State will not affect the amount to be paid to a State educational agency for administration and technical assistance to local educational agencies as provided in § 116.22.

(20 U.S.C. 241d, 241d–1, 241d–2)

2. In § 116.9, new paragraph (e) is added to read as follows:

§ 116.9 Ratable reductions and reallotments.

* * * * *

(e) If the sums appropriated for any fiscal year ending prior to July 1, 1972, for making the payments provided in title I of the Act exceed $1,396,975,000 but are not sufficient to pay in full the total amounts which all local and State educational agencies are eligible to receive under said title I for such year, the excess of such items above $1,396,975,000 will be allocated in accordance with this paragraph. Such excess will be allocated ratably toward: (1) the amounts which local educational agencies are eligible to receive pursuant to section 103(a)(2) of such title and which will not be paid by allocation of such $1,396,975,000; (2) the amounts which State educational agencies are eligible to receive under part B of title I; (3) the amounts which local educational agencies are eligible to receive under part C of such title (except that the allocation with respect to such amounts under part C may not exceed 15 percent of such excess); and (4) the additional amounts which State educational agencies are eligible to receive for administration and technical assistance not in excess of 1 percent of the sums allocated under subparagraphs (1) and (3) of this paragraph, but only to the extent that such sums would result in increases in allocations for administration and technical assistance above the applicable minimum specified in § 116.33(c).

3. A new § 116.10 is added to read as follows:

§ 116.10 Additional grants for local educational agencies in urban and rural areas having the highest concentrations of children from low-income families.

(a) A local educational agency which is eligible for a basic grant for a fiscal year the maximum amount of which is determined pursuant to section 103(a)(2) of title I of the Act and § 116.3 shall be eligible for an additional grant under section 131(a)(1) of that title for that fiscal year if,

(1) The total number of children described in subparagraphs (1), (2), (3), and (4) of § 116.3(a) determined (in accordance with paragraph (c) of this section), to be in the school district of that agency (hereinafter "title I formula children") for that fiscal year is at least 20 percent of the total number of children, aged 5 to 17, determined to be residing in that school district for that fiscal year, or

(2) The total number of title I formula children so determined to be in that school district for that year is (i) at least 5,000 and (ii) 5 percent of the total number of children, aged 5 to 17, determined to be residing in that school district for that fiscal year. Subject to the last sentence of this paragraph, the maximum amount of an additional grant for which a local educational agency is eligible under this paragraph for a fiscal year shall be 40 percent of the maximum amount of the basic grant of that agency for that year determined under § 116.3(a). If the aggregate amount of the maximum additional grants for which all local educational agencies are eligible under this paragraph for a fiscal year exceeds 15 percent of the difference between (*a*) $1,396,975,000 and (*b*) the total amount of the maximum grants for which all State and local educational agencies are eligible under title I of the Act for that year, the maximum amount of such additional grant of each local educational agency under this paragraph shall be ratably reduced until such aggregate constitutes 15 percent of such difference.

(20 U.S.C. 241d-11(a)(1), (b)(1))

(b) A local educational agency described in paragraph (a) of this section, which is not eligible for an additional grant under that paragraph by virtue of computations in accordance with paragraphs (a)(1) and (2) of this section shall nevertheless be eligible for an additional grant under section 131(a)(2) of title I of the Act for a fiscal year if—

(1) The agency would be eligible for an additional grant under paragraph (a) of this section for that year if there were in the school district of such agency an increase of not more than 5 percent in the number of title I formula children determined for the purposes of paragraph (a)(1) or (2) of this section; and

(2) The appropriate State educational agency determines that the local educational agency has an urgent need for such additional grant in order to meet the special educational needs of educationally deprived children in its school district, and accompanies such certificate with a statement of the criteria upon which it is based, including such factors as (i) the presence in the school district of substantial numbers of educationally deprived children who have recently taken residence in the district, and (ii) the exertion by such agency of a local fiscal effort in relation to local revenue sources which is exceptional when compared with the local fiscal efforts of other local educational agencies in the State. The maximum amount of an additional grant for which a local educational agency is eligible under this paragraph for a fiscal year shall not exceed 40 percent of the maximum amount of the basic grant of such agency for that year determined under § 116.3. The total amount available for additional grants under this paragraph for a fiscal year, however, may not exceed 5 percent of the amount available for additional grants under paragraph (a) of this section for that year.

(20 U.S.C. 241d-11(a)(2), (b)(2))

(c) For the purpose of determining the eligibility of a local educational agency for an additional grant under paragraph (a) or (b) of this section, in the absence of more satisfactory data for determining the number of children described in § 116.3(a) with respect to such agency, that number may be computed by dividing (1) the maximum basic grant under part A of title I of the Act for which the agency was determined to be eligible under § 116.4 (relating to the allocation of county aggregate maximum grants by State educational agencies) for the fiscal year preceding the fiscal year for which the determination under paragraph (a) or (b) of this section is to be made, by (2) the Federal percentage of the per pupil expenditure applicable to the determination of such basic grant. In making determinations under this section (including determinations with respect to the total number of children in the school district of a local educational agency for a fiscal year and determinations of maximum basic grants for the purposes of the preceding sentence), the Commissioner is authorized to use the most recent satisfactory data made available to him by the appropriate State educational agency. The submission of such data shall be accompanied by a certification of the appropriate State official that such data are true, complete, and correct to the best of his knowledge and belief. Data furnished in accordance with section 103(d) of title I of the Act may be used in making determinations under this section.

(20 U.S.C. 241d-11(d))

(d) An additional grant to a local educational agency under this section shall be used solely for programs and projects designed to meet the special educational needs of educationally deprived children in preschool programs, in elementary schools, or (to the extent permitted under paragraph (e) of this section in secondary schools which preschool programs or elementary or secondary schools serve school attendance areas having the highest concentrations of children from low-income families in the school district of that agency. A school attendance area may be designated as having such a concentration (1) if the estimated percentage of children from low-income families residing in that attendance area is higher than the average percentage of such children residing in the several school attendance areas which are eligible to be designated as project areas under § 116.17(d) or (2) if the estimated number of children from low-income families residing in that attendance area is larger than the average number of such children residing in the several school attendance areas in the district which are eligible to be designated as project areas under § 116.17(d).

(20 U.S.C. 241d-12(a))

(e) Funds granted under this section may be used for secondary school projects if the applicant local educational agency and the State educational agency jointly determine that the needs of the local educational agency for a program for secondary schoolchildren are more urgent than the needs in the area for preschoolchildren or elementary schoolchildren, as indicated by such factors as (1) the availability of other funds for preschool and elementary school programs, (2) exceptionally high dropout rates in the secondary schools, (3) the availability of employment opportunities for which educationally deprived secondary schoolchildren could be trained, and (4) a special need for programs for delinquent and delinquent-prone children of secondary school age. The State educational agency shall not, however, approve such a program unless the local educational agency further demonstrates, by the objectives and methods set forth in its proposal, that a secondary school program is likely to be at least as effective in achieving the purposes of title I of the Act as would a program for preschool or elementary schoolchildren in the same area.

(20 U.S.C. 241d-12(d))

(f) Unless already contained in the application of a local educational agency for a basic grant under part A of title I of the Act, the application of such agency for an additional grant under paragraph (a) or (b) of this section shall contain a comprehensive plan for meeting the special educational needs of the children to be served by such additional grants. Such plan shall include—

(1) A description of the programs or projects to be carried out by the local educational agency to meet such needs in sufficient specificity and detail to enable the State educational agency to determine (i) that such programs or projects have been planned and adopted after thorough consideration of alternative strategies for meeting such needs, and (ii) that such programs and projects, including those to be provided with assistance under all parts of title I of

the Act, are likely to be sufficiently effective in meeting such needs to result in measurably improving the educational achievement of such children, taking into account such factors as the type, intensity, and variety of services to be offered;

(2) Provisions setting forth the specific objectives of such plan;

(3) The procedures and performance criteria, including objective measurements of educational achievement, that will be used to evaluate, at least annually, the extent to which the objectives of the plan have been met.

(20 U.S.C. 241e(a)(13))

(g) An application for an additional grant under this section shall, in addition to meeting the requirements of this section, be subject to all applicable requirements in subpart C with respect to applications for grants under title I of the Act by a local educational agency (other than a State agency directly responsible for providing free public education for handicapped children or for children institutions for neglected or delinquent children). No such application may be approved by a State educational agency unless such agency makes the determinations required by subdivisions (i) and (ii) of paragraph (f)(1) of this section in addition to such other determinations as may be required under this part.

(20 U.S.C. 241d-12(f))

(h) For purposes of this section the number of children counted for purposes of computing eligibility under title I of the Act and the total number of children, aged 5 to 17, in the school district shall, in the case of overlapping school districts as referred to in § 116.6, be deemed to be children in the school district of the local educational agency serving the lowest grades.

(20 U.S.C. 241d-11, 241d-12)

(i) For the purpose of this section the term "State" means the 50 States and the District of Columbia.

(20 U.S.C. 241d-11(c))

4. In § 116.17, paragraph (d) is amended to read as follows:

§ 116.17 Project covered by an application.

* * * * *

(d) A school attendance area for either a public elementary school or a public secondary school may be designated as a project area if it has, on a percentage or numerical basis, a high concentration of children from low-income families. On a percentage basis such an area is one in which the percentage of children from low-income families is at least as high as the percentage of such children residing in the whole of the school district. In addition, upon specific request by the local educational agency the State educational agency may approve the designation as project areas of attendance areas in which, on the basis of current data, at least 30 percent of the children are from low-income families. On a numerical basis such an area is one in which the estimated number of children from low-income families residing in that attendance area is at least as large as the average number of such children residing in each of the several school attendance areas in the school district. If a combination of such methods is used, the number of project areas may not exceed the number of such areas that could be designated if only one such method had been used. Except upon specific request to and approval by the State educational agency based on an assessment of particular educational needs, a local educational agency shall not designate an attendance area as a project area unless all attendance areas with a higher percentage or number of children (depending on the method used to determine the eligibility of the school attendance area) have been so designated. In no event, however, shall the State educational agency approve such a request without first determining (in accordance with the procedures in § 116.26) that the services provided with State and local funds in any area with a higher percentage or number of children but not designated for a project are comparable to the services provided in other areas not designated for projects. If there is no wide variance in the concentrations of such children among the several school attendance areas in the school district, the whole of a school district may be regarded as a project area. Such a determination may be made only if the variation between the areas with highest and lowest concentrations of such children is significantly less than the average variation between such areas in the several school districts in the State.

(20 U.S.C. 241(a)(1))

[FR Doc.71-13385 Filed 9-14-71;8:45 am]