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PART I

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HIGHLIGHTS OF THIS ISSUE

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

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-EA-79]

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

Alteration of Transition Area

Correction

In F.R. Doc. 71-13286 appearing at page 18193 in the issue of Friday, September 10, 1971, the sixth line of the description of the Wellsville, N.Y., transition area (71.181) should read as follows: "side of the Wellsville, N.Y., VOR 196° radial".

[Airspace Docket No. 71-SO-120]

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

Alteration of Transition Area

On July 28, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 13930), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Indianola, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the 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 Indianola, Miss., transition area is amended to read:

INDIANOLA, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Indianola-Legion Field (lat. 33°-29'05" N., long. 90°40'34" W.); within 3 miles each side of the 191° and 354° bearings from Indianola RBN (lat. 33°28'48" N., long. 90°40'34" W.), extending from the 6.5-mile radius area to 8.5 miles south and north of the RBN.

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

Issued in East Point, Ga., on September 8, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-13706 Filed 9-16-71;8:48 am]

[Airspace Docket No. 71-SO-131]

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

Alteration of Control Zone and Transition Area

On July 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14145), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tuscaloosa, Ala., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the 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 § 71.171 (36 F.R. 2055), the Tuscaloosa, Ala., control zone is amended as follows:

"* * * 8.5 miles northeast of the VORTAC * * *" is deleted and "* * * 8.5 miles northeast of the VORTAC; within 1.5 miles each side of the ILS localizer southwest course, extending from the 5-mile radius zone to 0.5 mile northeast of the OM * * *" is substituted therefor.

In § 71.181 (36 F.R. 2140), the Tuscaloosa, Ala., transition area is amended as follows:

"* * * longitude 87°36'45" W.) * * *" is deleted and "* * * longitude 87°36'45" W.); within 3 miles each side of the ILS localizer southwest course, extending from the 8.5-mile radius area to 8.5 miles southwest of the OM * * *" is substituted therefor.

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

Issued in East Point, Ga., on September 8, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-13707 Filed 9-16-71;8:48 am]

[Airspace Docket No. 71-SO-137]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tuscaloosa, Ala., control zone.

The Tuscaloosa control zone is described in § 71.171 (36 F.R. 2055). In the description, an extension is predicated on the Tuscaloosa VORTAC 061° radial. Effective September 30, 1971, the final approach radial for VOR RWY 22 Instrument Approach Procedure will be changed to the Tuscaloosa VORTAC 052° radial. It is necessary to alter the control zone description to redesignate the extension predicated on the 061° radial to the 052° radial.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 30, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Tuscaloosa, Ala., control zone is amended as follows: "* * * 061° radial * * *" is deleted and "* * * 052° radial * * *" is substituted therefor.

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

Issued in East Point, Ga., on September 8, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-13708 Filed 9-16-71;8:48 am]

[Airspace Docket No. 70-EA-73]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On November 14, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 17556) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate an area navigation (RNAV) high route J-810R, between O'Hare Airport at Chicago, Ill., and La Guardia Airport at New York City, as part of the overall program to establish an RNAV route structure.

The proposed route has been successfully flight inspected and is being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association did not object to establishment of a route, but did question effectiveness of its alinement because the route is nearly coincident with present route J-146 between South Bend, Ind., and New York City. Also, they pointed out that J-626R (published in the Airman's Information Manual) runs parallel and just to the north of the route. FAA will delete J-626R, as initially planned, on the effective date of

J–810R herein, since J–810R route alinement is nearer optimum than J–626R. Also, the optimum alinement of present J–146 should not preclude establishment of a similar route for RNAV operations.

One reference facility and several geographical coordinates have been changed to provide more precise route definition and guidance. These changes are minor in nature and are made herein without change to the route alinement as proposed in the notice.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 11, 1971, as hereinafter set forth.

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

LOCATION

Waypoint name, north latitude/west longitude, and reference facility

J–810R

O'Hare, Ill., 41°58'58"/87°53'55", Pullman, Mich.
Kinderhook, Mich., 41°47'37"/85°00'23", Fort Wayne, Ind.
Marble, Ohio, 41°38'39"/82°31'06", Cleveland, Ohio.
Avis, Pa., 41°07'46"/77°23'00", Philipsburg, Pa.
Broadway, N.J., 40°46'11"/74°51'03", Sparta, N.J.

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

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

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

[FR Doc.71-13615 Filed 9-16-71;8:45 am]

[Airspace Docket No. 71-SW-23]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Routes

On July 13, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 13040) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate jet routes from St. Johns, Ariz., to Wink, Tex., and from San Simon, Ariz., to Roswell, N. Mex., for a 6-month evaluation period.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 11, 1971, and will remain in effect until May 24, 1972, as hereinafter set forth.

Section 75.100 (36 F.R. 2371) is amended as follows:

1. In J108 delete "to St. Johns, Ariz." and substitute therefor "via St. Johns, Ariz.; Truth or Consequences, N. Mex.; INT Truth or Consequences, N. Mex. 106° and Wink, Tex., 297° radials; to Wink, Tex."

2. Add J166 as follows:

"From San Simon, Ariz.; via Truth or Consequences, N. Mex., to Roswell, N. Mex."

These jet routes will be evaluated during the designated period and may be redesignated by a rule published in the FEDERAL REGISTER.

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

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

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

[FR Doc.71-13616 Filed 9-16-71;8:45 am]

[Airspace Docket No. 71-WA-9]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4791) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate twenty-three area high routes as part of the overall program to establish an area navigation route structure.

Two of the proposed routes—J881R and J882R—have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments were received to the two routes.

Reference facilities for three waypoints in J881R and three waypoints in J882R have been changed to provide more precise route guidance. These changes are minor in nature and are made herein without changing route alignments.

Remaining routes in Airspace Docket No. 71-WA-9 will be issued in one or more final rules soon after flight inspection has been completed.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 11, 1971, as hereinafter set forth.

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

LOCATION

Waypoint name, north latitude/west longitude, and reference facility

J881R (DETROIT, MICH., TO ATLANTA, GA.)

Carleton, Mich., 42°02'53"/83°27'28", Fort Wayne, Ind.
Rosewood, Ohio, 40°17'16"/84°02'36", Fort Wayne, Ind.
Greentree, Ky., 38°09'46"/83°54'23", Louisville, Ky.
Lanier, Ga., 34°19'21"/83°40'53", Spartanburg, S.C.

J882R (ATLANTA, GA., TO DETROIT, MICH.)

Canton, Ga., 34°19'29"/84°25'39", Chattanooga, Tenn.
Calumet, Ky., 38°05'13"/84°26'39", Louisville, Ky.
Palestine, Ohio, 40°00'59"/84°23'49", Fort Wayne, Ind.
Milan, Mich., 42°03'05"/83°44'55", Fort Wayne, Ind.

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

Issued in Washington, D.C., on September 10, 1971.

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

[FR Doc.71-13617 Filed 9-16-71;8:45 am]

[Airspace Docket No. 71-WA-15]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On May 5, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8406) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 12 Pacific Gateway routes that would connect the domestic route system with oceanic routes.

Eight of the 12 routes, J944R, J945R, J947R, J960R, J961R, J965R, J966R, and J967R, have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Upon the suggestion of the Air Transport Association of America the waypoint located at Sanup, Ariz., has been adjusted to coincide with the same waypoint used for other routes. Since this adjustment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 11, 1971, as hereinafter set forth.

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

Route number, waypoint name, latitude/longitude, and reference facility

J944R MORROW, CALIF., TO GATEWAY CYPRESS

Morrow, Calif., 34°02'51"/117°14'54", Hector, Calif.
Malo, Calif., 33°51'30"/119°10'03", Santa Barbara, Calif.
Cypress, Calif., 33°29'00"/122°35'00" Santa Barbara, Calif.

J945R CAMERON, ARIZ., TO GATEWAY CYPRESS

Cameron, Ariz., 35°58'37"/111°12'21", Tuba City, Ariz.
El Dorado, Nev., 35°21'49"/114°38'38", Needles, Calif.
Palmdale, Calif., 34°37'53"/118°03'47", Hector, Calif.
Santa Barbara, Calif., 34°30'35"/119°46'12", Santa Barbara, Calif.
Cypress, Calif., 33°29'00"/112°35'00", Santa Barbara, Calif.

J947R CAMERON, ARIZ., TO GATEWAY PINE

Cameron, Ariz., 35°58'37"/111°12'21", Tuba City, Ariz.

El Dorado, Nev., 35°21'49"/114°38'38", Needles, Calif.
Palmdale, Calif., 34°37'53"/118°03'47", Hector, Calif.
San Luis Obispo, Calif., 35°15'08"/120°45'31", San Luis Obispo, Calif.
Pine, Calif., 34°13'00"/123°03'00", San Luis Obispo, Calif.

J960R GATEWAY CYPRESS TO PARIA, ARIZ.

Cypress, Calif., 33°29'00"/122°35'00", Santa Barbara, Calif.
Malo, Calif., 33°51'30"/119°10'03", Santa Barbara, Calif.
Rabbitt, Calif., 34°44'09"/117°08'00", Hector, Calif.
Sanup, Ariz., 36°08'19"/113°51'29", Peach Springs, Ariz.
Paria, Ariz., 36°53'51"/111°55'43", Bryce Canyon, Utah

J961R GATEWAY CYPRESS TO PARIA, ARIZ.

Cypress, Calif., 33°39'00"/122°35'00", Santa Barbara, Calif.
Santa Barbara, Calif., 34°30'35"/119°46'12", Santa Barbara, Calif.
Palmdale, Calif., 34°37'53"/118°03'47", Hector, Calif.
Rabbitt, Calif., 34°44'09"/117°08'00", Hector, Calif.
Sanup, Ariz., 36°08'19"/113°51'29", Peach Springs, Ariz.
Paria, Ariz., 36°53'51"/111°55'43", Bryce Canyon, Utah

J965R COALDALE, NEV., TO GATEWAY MAPLE

Coaldale, Nev., 38°00'12"/117°46'10", Coaldale, Nev.
Manteca, Calif., 37°46'30"/121°27'59", Sacramento, Calif.
Palisades, Calif., 37°36'00"/123°30'00", Ukiah, Calif.
Maple, Calif., 37°48'13"/125°49'57", Ukiah, Calif.

J966R GATEWAY MAPLE TO GABBS, NEV.

Maples, Calif., 37°48'13"/125°49'57", Ukiah, Calif.
Palisades, Calif., 37°36'00"/123°30'00", Ukiah, Calif.
Mayfair, Calif., 38°00'02"/121°25'14", Sacramento, Calif.
Gabbs, Calif., 38°33'55"/118°01'55", Coaldale, Nev.

J967R GATEWAY APRICOT TO GIBBS, NEV.

Apricot, Calif., 36°15'00"/124°50'00", Oakland, Calif.
Merle, Calif., 37°11'16"/122°47'08", Oakland, Calif.
Stanislaus, Calif., 37°46'30"/120°51'48", Linden, Calif.
Gabbs, Calif., 38°33'55"/118°01'55", Coaldale, Nev.

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

Issued in Washington, D.C., on September 10, 1971.

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

[FR Doc.71-13618 Filed 8-16-71;8:45 am]

[Docket No. 11411; Amdt. No. 774]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

1. Section 97.11 is amended by establishing, revising, or canceling the following L/MF-ADF(NDB)-VOR SIAP's, effective October 14, 1971:

East Hartford, Conn.—Rentschler Field; NDB(ADF) Runway 36, Amdt. 1; Canceled.

2. Section 97.13 is amended by establishing, revising, or canceling the following TerVOR SIAP's, effective October 14, 1971:

Groton, Conn.—Trumbull Airport; TerVOR-(R-061), Amdt. 1; Revised.
Groton, Conn.—Trumbull Airport; TerVOR-(R-216), Amdt. 2; Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective October 14, 1971:

Amarillo, Tex.—Amarillo Air Terminal; VOR Runway 21, Amdt. 18; Revised.
Anchorage, Alaska—Anchorage International Airport; VOR Runway 6R, Amdt. 6; Revised.
Berlin, N.H.—Berlin Municipal Airport; VOR-A, Amdt. 2; Revised.
Block Island, R.I.—Block Island State Airport; VOR-A, Amdt. 1; Revised.
East Hartford, Conn.—Rentschler Field; VOR Runway 36, Amdt. 2; Revised.
Hartford, Conn.—Hartford-Brainard Airport; VOR-A, Amdt. 2; Revised.
Martha's Vineyard, Mass.—Martha's Vineyard Airport; VOR Runway 24, Amdt. 5; Revised.
Mobile, Ala.—Mobile Aerospace Airport; VOR Runway 32, Amdt. 2; Revised.
Northampton, Mass.—LaFleur Airport; VOR-A, Amdt. 2; Revised.
Rochester, N.Y.—Rochester-Monroe County Airport; VOR Runway 1, Amdt. 13; Revised.
Rochester, N.Y.—Rochester-Monroe County Airport; VOR Runway 4, Amdt. 5; Revised.
Rochester, N.Y.—Rochester-Monroe County Airport; VOR Runway 10, Amdt. 8; Revised.
Rochester, N.Y.—Rochester-Monroe County Airport; VOR Runway 22, Amdt. 5; Canceled.
Southern Pines, N.C.—Pinehurst-Southern Pines Airport; VOR-A, Amdt. 8; Revised.
State College, Pa.—State College Air Depot; VOR-A, Amdt. 3; Revised.
State College, Pa.—University Park Airport; VOR-A Amdt. 3; Revised.
Tewksbury, Mass.—Tew-Mac Airport; VOR Runway 21, Amdt. 2; Revised.
Tupelo, Miss.—C. D. Lemons Municipal Airport; VOR Runway 4, Amdt. 3; Revised.
Westerly, R.I.—Westerly State Airport; VOR-A, Amdt. 4; Revised.
Westfield, Mass.—Barnes Municipal Airport; VOR Runway 20, Amdt. 12; Revised.
Paducah, Ky.—Barkley Airport; VOR/DME Runway 22, Original; Established.
Smyrna, Tenn.—Symrna Airport; VOR/DME Runway 32, Amdt. 4; Revised.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAP's, effective October 14, 1971.

Amarillo, Tex.—Amarillo Air Terminal; LOC (BC) Runway 21, Amdt. 8; Revised.
Anniston, Ala.—Anniston-Calhoun Airport; LOC Runway 5, Amdt. 2; Revised.
Bismarck, N. Dak.—Bismarck Municipal Airport; LOC/DME (BC) Runway 13, Original; Established.
Columbus, Ga.—Columbus Metropolitan Airport; LOC (BC) Runway 23, Amdt. 2; Revised.
Erie, Pa.—Erie International Airport; LOC (BC) Runway 24, Amdt. 1; Revised.
Latrobe, Pa.—Latrobe Airport; LOC (BC) Runway 5, Amdt. 2; Revised.
Miami, Fla.—Miami International Airport; LOC (BC) Runway 27R, Amdt. 8; Revised.
Miami, Fla.—Miami International Airport; Parallel LOC (BC) Runway 27R, Amdt. 3; Revised.
Utica, N.Y.—Oneida County Airport, LOC (BC) Runway 15, Amdt. 2; Revised.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective October 14, 1971:

Amarillo, Tex.—Amarillo Air Terminal; NDB Runway 3, Amdt. 9; Revised.
Amarillo, Tex.—Tradewind Airport; NDB-A, Amdt. 8; Revised.
Anchorage, Alaska—Anchorage International Airport; NDB Runway 6R, Amdt. 1; Revised.
Asheville, N.C.—Asheville Municipal Airport; NDB Runway 16, Amdt. 9; Revised.
Asheville, N.C.—Asheville Municipal Airport; NDB Runway 34, Amdt. 9; Revised.
Bedford, Mass.—Laurence G. Hanscom Field; NDB Runway 11, Amdt. 10; Revised.
Berlin, N.H.—Berlin Municipal Airport; NDB-A, Amdt. 8; Revised.
Binghamton, N.Y.—Broome County Airport; NDB Runway 34, Amdt. 12; Revised.
Bradford, Pa.—Bradford Regional Airport; NDB Runway 32, Amdt. 9; Revised.
Erie, Pa.—Erie International Airport; NDB Runway 6, Amdt. 5; Revised.
Erie, Pa.—Erie International Airport; NDB Runway 24, Amdt. 9; Revised.

Fairbanks, Alaska—Fairbanks International Airport; NDB Runway 19, Amdt. 12; Revised.
Hartford, Conn.—Hartford-Brainard Airport; NDB-A, Amdt. 2; Revised.
Hazleton, Pa.—Hazleton Municipal Airport; NDB Runway 28, Amdt. 9; Revised.
Keene, N.H.—Dillant-Hopkins Airport; NDB-A, Amdt. 2; Revised.
Lakeview, Oreg.—Lake County-Lakeview Airport; NDB(ADF)-1, Original; Canceled.
Lakeview, Oreg.—Lake County Airport; NDB A, Original; Established.
Latrobe, Pa.—Latrobe Airport; NDB Runway 23, Amdt. 3; Revised.
Lawrence, Mass.—Lawrence Municipal Airport; NDB-A, Amdt. 9; Revised.
Manchester, N.H.—Grenier Field/Manchester Municipal Airport; NDB Runway 35, Amdt. 5; Revised.
Martha's Vineyard, Mass.—Martha's Vineyard Airport; NDB Runway 24, Amdt. 14; Revised.
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Morgantown, W. Va.—Morgantown Municipal Airport; NDB Runway 18, Amdt. 7; Revised.
Nashua, N.H.—Boire Field; NDB-A, Amdt. 7; Revised.
Palmer, Mass.—Metropolitan Airport; NDB-A, Amdt. 2; Revised.
Paris, Tenn.—Henry County Airport; NDB Runway 1, Amdt. 2; Revised.
Paris, Tenn.—Henry County Airport; NDB Runway 19, Amdt. 2; Revised.
Philipsburg, Pa.—Mid-State Airport; NDB Runway 16, Amdt. 3; Revised.
Pittsburgh, Pa.—Allegheny County Airport; NDB Runway 9, Amdt. 4; Revised.
Pittsburgh, Pa.—Allegheny County Airport; NDB Runway 27, Amdt. 16; Revised.
Rochester, N.Y.—Rochester-Monroe County Airport; NDB Runway 28, Amdt. 16; Revised.
Seymour, Ind.—Freeman Field; NDB Runway 22, Original; Established.
Seymour, Ind.—Freeman Field; NDB Runway 31, Amdt. 1; Revised.
Tewksbury, Mass.—Tew-Mac Airport; NDB Runway 21, Amdt. 1; Revised.
Utica, N.Y.—Oneida County Airport; NDB Runway 15, Amdt. 5; Revised.
Utica, N.Y.—Oneida County Airport; NDB Runway 33, Amdt. 8; Revised.
Westfield, Mass.—Barnes Municipal Airport; NDB Runway 20, Amdt. 9; Revised.
White Plains, N.Y.—Westchester County Airport; NDB Runway 16, Amdt. 16; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective October 14, 1971:

Amarillo, Tex.—Amarillo Air Terminal; ILS Runway 3, Amdt. 12; Revised.
Asheville, N.C.—Asheville Municipal Airport; ILS Runway 34, Amdt. 13; Revised.
Medford, Mass.—Laurence G. Hanscom Field; ILS Runway 11, Amdt. 13; Revised.
Binghamton, N.Y.—Broome County Airport; ILS Runway 34, Amdt. 15; Revised.
Bradford, Pa.—Bradford Regional Airport; ILS Runway 32, Amdt. 3; Revised.
Latrobe, Pa.—Latrobe Airport; ILS Runway 23, Amdt. 3; Revised.
Miami, Fla.—Miami International Airport; ILS Runway 9L, Amdt. 10; Revised.
Miami, Fla.—Miami International Airport; Parallel ILS Runway 9L, Amdt. 4; Revised.
Miami, Fla.—Miami International Airport; ILS Runway 27L, Amdt. 10; Revised.
Miami, Fla.—Miami International Airport; Parallel ILS Runway 27L, Amdt. 3; Revised.
Pittsburgh, Pa.—Allegheny County Airport; ILS Runway 27, Amdt. 21; Revised.
Rochester, N.Y.—Rochester-Monroe County Airport; ILS Runway 4, Amdt. 5; Revised.
Rochester, N.Y.—Rochester-Monroe County Airport; ILS Runway 28, Amdt. 20; Revised.
Utica, N.Y.—Oneida County Airport; ILS Runway 33, Amdt. 10; Revised.
White Plains, N.Y.—Westchester Airport; ILS Runway 16, Amdt. 16; Revised.

7. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective October 14, 1971:

Miami, Fla.—Miami International Airport; RADAR-1, Amdt. 12; Revised.
Mobile, Ala.—Bates Field; RADAR-1, Amdt. 2; Revised.
Mobile, Ala.—Mobile Aerospace Airport; RADAR-1, Original; Established.
Rochester, N.Y.—Rochester-Monroe County Airport; RADAR-1, Amdt. 6; Revised.

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

Issued in Washington, D.C., on September 10, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

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

[FR Doc.71-13599 Filed 9-16-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans' Administration

PART 8-12—LABOR

Philadelphia and Other Plans

In Part 8-12, § 8-12.810-50 is added to read as follows:

§ 8-12.810-50 Philadelphia and other plans.

(a) Field station contracting officers, in awarding contracts for construction projects in areas where the Department of Labor has developed federally imposed plans, or where locally developed plans with bidding restrictions are in effect, will assure themselves that all necessary bidding instructions contained in the appropriate plan have been complied with.

(b) The VACCO will, through the Director, Supply Service, advise station contracting officers of those areas in which such plans are in effect. Copies of plans now in effect, as well as those developed in the future may be secured from the Director, Supply Service.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

This regulation is effective October 15, 1971.

Approved: September 9, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-13717 Filed 9-16-71;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5110]

[Utah 4466]

UTAH

Revocation of Public Land Order No. 4651

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 4651 of April 18, 1969, withdrawing the following described lands for use by the Department of the Air Force for construction and operation of seismometer stations, is hereby revoked:

SALT LAKE MERIDIAN

T. 4 S., R. 19 E.,
Sec. 13, N½ of lot 1.
T. 8 S., R. 20 E.,
Sec. 9, SW¼SE¼SE¼.
T. 7 S., R. 22 E.,
Sec. 35, NE¼NE¼NE¼.
T. 5 S., R. 23 E.,
Sec. 26, NE¼SE¼NW¼.

The areas described aggregate 37 acres in Uintah County.

2. At 10 a.m. on October 16, 1971, the lands described above shall be open to operation of the public land laws, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 16, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah 84111.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1971.

[FR Doc.71-13681 Filed 9-16-71;8:46 am]

[Public Land Order 5111]

[Sacramento 976]

CALIFORNIA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1964), it is ordered as follows:

1. The departmental order dated February 7, 1905, withdrawing lands for the Walker River Project, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 5 N., R. 25 E.,
Sec. 3, lots 3 and 4;
Sec. 4, lots 1, 2, and 4;
Sec. 8, all;
Sec. 9, all;
Sec. 10, W½;
Sec. 15, W½;
Sec. 17, N½NE¼, NW¼;
Sec. 20, SE¼NE¼, W½NW¼;
Sec. 21, E½E½, SW¼SE¼;
Sec. 22, W½;
Sec. 28, NE¼.
T. 6 N., R. 25, E.,
Sec. 33, NE¼, N½SE¼, SW¼SE¼;
Sec. 34, S½NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼.

The areas described aggregate 3,907.69 acres in Mono County, of which the W½NW¼NE¼, E½NE¼NW¼, Sec. 9, T. 5 N., R. 25 E., have been patented; the NE¼NE¼ Sec. 21, T. 5 N., R. 25 E., is withdrawn in Powersite Reserve No. 150; and, the N½ Sec. 8, T. 5 N., R. 25 E., and the NE¼, N½SE¼, SW¼SE¼ Sec. 33, and S½NE¼, NW¼, N½SW¼, SE¼ SW¼, SE¼ Sec. 34, T. 6 N., R. 25 E., are within the Toiyabe National Forest.

The lands are located in and adjacent to the Bridgeport Reservoir.

2. At 10 a.m. on October 16, 1971, the national forest lands, not otherwise withdrawn or appropriated, shall be open to such forms of disposition as may by law be made of such lands, subject to valid existing rights.

3. At 10 a.m. on October 16, 1971, the unreserved public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 16, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The above-described public and national forest lands shall at 10 a.m. on October 16, 1971, be open to location and entry under the U.S. mining laws. These lands have been and continue to be open to filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1971.

[FR Doc.71-13682 Filed 9-16-71;8:46 am]

[Public Land Order 5112]

[Misc. 68367]

ALASKA, CALIFORNIA, COLORADO, MONTANA, AND WYOMING

Revocation of Petroleum Reserves

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

1. The Executive orders creating the following described petroleum reserves, are hereby revoked:

No. 12, Alaska 1, November 3, 1910.
No. 2, California 1, July 2, 1910.
No. 11, California 3, August 24, 1910.
No. 13, California 4, October 7, 1910.
No. 14, California 5, October 27, 1910.
No. 16, California 7, December 31, 1910.
No. 18, California 8, January 26, 1911.
No. 23, California 11, September 14, 1911.
No. 24, California 12, December 16, 1911.
No. 26, California 13, April 16, 1912.
No. 29, California 14, November 19, 1913.
No. 31, California 16, April 21, 1914.
No. 3, Colorado 1, July 2, 1910.
No. 61, Colorado 2, October 25, 1918.
No. 40, Montana 1, December 6, 1915.
No. 42, Montana 2, January 11, 1916.
No. 43, Montana 3, January 11, 1916.
No. 49, Montana 4, September 14, 1916.
No. 51, Montana 5, October 24, 1916.
No. 53, Montana 6, January 9, 1917.
No. 54, Montana 7, February 26, 1917.
No. 44, North Dakota 1, January 11, 1916.
No. 8, Wyoming 1, July 2, 1910.
No. 9, Wyoming 2, August 8, 1910.
No. 17, Wyoming 3, January 26, 1911.
No. 19, Wyoming 4, January 30, 1911.
No. 27, Wyoming 6, August 2, 1912.
No. 32, Wyoming 8, May 6, 1914.
No. 33, Wyoming 9, September 5, 1914.
No. 34, Wyoming 10, December 11, 1914.
No. 35, Wyoming 11, April 13, 1915.
No. 37, Wyoming 13, May 27, 1915.
No. 38, Wyoming 14, August 25, 1915.
No. 39, Wyoming 15, October 25, 1915.
No. 41, Wyoming 16, December 6, 1915.
No. 45, Wyoming 17, February 21, 1916.
No. 52, Wyoming 20, January 9, 1917.
No. 57, Wyoming 23, May 12, 1917.

It is estimated that the areas affected by this order aggregate about 3,170,000 acres.

2. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the public lands within the petroleum reserves listed in paragraph 1 of this order shall be open to operation of the applicable public land laws and the regulations thereunder, effective on and after the date of publication of this order in the FEDERAL REGISTER. The public lands in the petroleum reserve in Alaska are subject to the withdrawal made by Public Land Order No. 4582 of January 17, 1969, as amended by Public Land Order No. 4962 of December 8, 1970, and Public Land Order No. 5081 of June 17, 1971.

Inquiries concerning the lands should be addressed to the respective State Directors, Bureau of Land Management, at Anchorage, Alaska; Sacramento, Calif.; Denver, Colo.; and Cheyenne, Wyo., for lands in those States and at Billings, Mont., for the lands in the States of Montana and North Dakota.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1971.

[FR Doc.71-13683 Filed 9-16-71;8:46 am]

[Public Land Order 5113]

[Oregon 7292]

OREGON

Correction of Public Land Order 5065

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 5065 of June 1, 1971, withdrawing and reserving land for use by the Department of Agriculture for the granting of easements or road rights-of-way for constructed forest roads, appearing in 36 F.R. 11098 of the issue of June 9, 1971, so far as it described the land as sec. 8, SW¼NW¼, is hereby corrected to read "sec. 8, SE¼NW¼".

2. The land is public land under the jurisdiction of the Secretary of the Interior. At 10 a.m. on October 16, 1971, the SW¼NW¼ sec. 8 shall be open to all forms of appropriation under the public land laws applicable thereto, including the mining laws (30 U.S.C., Ch. 2). The land has been and continues to be open to the filing of applications and offers under the mineral leasing laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1971.

[FR Doc.71-13684 Filed 9-16-71;8:46 am]

[Public Land Order 5114]

[ES-8055]

ARKANSAS

Withdrawal for National Forest Research Natural Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

OUACHITA NATIONAL FOREST

FIFTH PRINCIPAL MERIDIAN

Roaring Branch Research Natural Area

T. 4 S., R. 28 W.,
Sec. 26, S½SW¼NW¼, S½N½SW¼NW¼, N½NE¼SW¼NW¼, N½NW¼SW¼;
Sec. 27, S½NE¼, N½N½SE¼, S½NW¼, N½N½N½SW¼, S½S½NW¼NW¼;
Sec. 28, S½SE¼NE¼NE¼, SE¼SW¼NE¼NE¼, E½SE¼NE¼, E½W½SE¼NE¼, N½NE¼NE¼SE¼, NE¼NW¼NE¼SE¼.

The areas described aggregate 330 acres in Polk County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the proposed use of the lands will not interfere with the primary use for which they are withdrawn.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1971.

[FR Doc.71-13685 Filed 9-16-71;8:46 am]

[Public Land Order 5115]

[New Mexico 12995]

NEW MEXICO

Withdrawal From Mineral Entry

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the minerals reserved to the United States in the following described patented lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws (30 U.S.C., Ch. 2), and from leasing under the mineral leasing laws, except for oil and gas leasing, for the protection of the lands and their surface resources for the Carlsbad Zoological-Botanical Park:

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 S., R. 26 E.,
Sec. 21, SE¼;
Sec. 22, W½SW¼;
Sec. 26, SW¼SW¼;
Sec. 27, NE¼NW¼, W½NW¼, S½;
Sec. 28, E½;
Sec. 34, NE¼, E½NW¼.

The area described aggregates 1,280 acres in Eddy County.

The lands have been patented to the State of New Mexico with a reservation of all minerals to the United States.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1971.

[FR Doc.71-13686 Filed 9-16-71;8:46 am]

[Public Land Order 5117]

[Wyoming 075755]

WYOMING

Modification of Public Land Order 2578

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 2578 of January 5, 1962, reserving lands for use by the Bureau of Land Management as an administrative site, is hereby modified to the extent necessary to permit leasing under the Small Tract Act of June 1, 1938, 52 Stat. 609, as amended, 43 U.S.C. sec. 682a (1964), so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 87 W.;
Sec. 8, a parcel of land within lot 161, described as follows:
Beginning at the northeast corner of lot 161, thence N. 89°52' W., a distance of 220 feet; thence S. 0°13' E., a distance of 183 feet; thence S. 89°52' E., a distance of 133.24 feet; thence N. 19°31' E., a distance of 47 feet; thence N. 26°51' E., a distance of 155.80 feet to the point of beginning.

The area described contains 0.73 acre in Carbon County.

2. The land described above shall not become subject to leasing under the Small Tract Act of June 1, 1938, supra, until it is so provided by an order of classification and opening to be issued by an authorized officer of the Bureau of Land Management and published in the FEDERAL REGISTER.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1971.

[FR Doc.71-13688 Filed 9-16-71;8:46 am]

[Public Land Order 5118]

[Anchorage 3433]

ALASKA

Correction of Public Land Order No. 5044

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 5044 of April 14, 1971, withdrawing national forest lands for a recreation area, appearing in 36 F.R. 7416 of the issue of April 20, 1971, so far as it described the land by the coordinate longitude 131°27'-06'' W. is hereby corrected to read "longitude 131°37'06'' W."

2. The withdrawal of the land by the incorrect description appearing in Public Land Order No. 5044 was erroneous and is hereby revoked, and the national forest land so described shall at 10 a.m. on October 16, 1971, be open to such forms of disposition as by law may be made of such land.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1971.

[FR Doc.71-13689 Filed 9-16-71;8:46 am]

[Public Land Order 5119]

[Utah 7649]

UTAH

Powersite Cancellation No. 307; Partial Cancellation of Powersite Classification No. 259

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. sec. 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-191-Utah, it is ordered as follows:

1. The departmental order of March 12, 1931, creating Powersite Classification No. 259, is hereby canceled so far as it affects the following described lands:

SALT LAKE MERIDIAN

T. 39 S., R. 16 W.,
Sec. 28, E½NW¼SW¼, E½W½NW¼SW¼, NE¼NW¼SW¼SW¼.

The area described aggregates 32.5 acres in Washington County.

The lands are located approximately 3 miles northeast of Veyo, Utah. They constitute a small isolated tract of rough uneven topography, rocky, sandy soils, with a sparse vegetative growth of scattered juniper, sagebrush, and miscellaneous grasses.

2. At 10 a.m. on October 16, 1971, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 16, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U. S. mining laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Salt Lake City, Utah.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1971.

[FR Doc.71-13690 Filed 9-16-71;8:47 am]

[Public Land Order 5120]

[Sacramento 080012]

CALIFORNIA

Correction of Public Land Order 5069

The land description in Public Land Order No. 5069 of June 10, 1971, appearing in 36 F.R. 11730 and 11731 of the issue of June 18, 1971, revoking Powersite Classification No. 138 as corrected in 36 F.R. 12903 of the issue of July 9, 1971, so far as it describes land in T. 8 S., R. 25 E., section 16, E½SW¼SE¼SE¼, is corrected to read E½NW¼SE¼SE¼.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1971.

[FR Doc.71-13691 Filed 9-16-71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

DeSoto National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-17-71).

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

IOWA

DESOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the DeSoto National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to hunting. This open area comprising 660 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities,

Minn. 55111. Hunting shall be in accordance with all State regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Iowa archery deer season, October 16, 1971, to November 28, 1971, both dates inclusive, and from December 6, 1971, to December 12, 1971, both dates inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1971.

JAMES W. SALYER,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

AUGUST 27, 1970.

[FR Doc.71-13678 Filed 9-16-71;8:45 am]

PART 32—HUNTING

Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-17-71).

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

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Public hunting of deer is permitted on the Salt Plains National Wildlife Refuge, Okla., but only on the area designated by signs as open to hunting. This open area, comprising 2,347 acres, is delineated on maps available at refuge headquarters, Jet, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque NM 87103. Participants are to be selected on the basis of a special drawing, and applications are to be submitted to the Oklahoma Department of Wildlife Conservation, 1801 North Lincoln, Oklahoma City, OK 73105. Application may be made by letter, and must contain the applicant's name, address, and Oklahoma deer hunting license number. Application for bow hunting may be made between September 1 and September 30, 1971. Application for gun hunting may be made between September 15 and October 15, 1971. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The bow hunting season is October 23, 24, 30, 31, November 6 and 7, 1971.

(2) The gun hunting season is November 20, 21, 23, 24, 27, and 28, 1971.

(3) Hunters must check-in at the refuge office prior to entering the assigned hunting area and must checkout at the refuge office before leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1971.

RONALD S. SULLIVAN,
Salt Plains National Wildlife Refuge, Jet, Okla.

SEPTEMBER 1, 1971.

[FR Doc.71-13679 Filed 9-16-71;8:46 am]

PART 32—HUNTING

Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-17-71).

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

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of deer and unprotected mammal species as listed in the 1971 Wisconsin big game hunting regulations on the Necedah National Wildlife Refuge, Wis., is permitted with bow and arrow from September 18 through November 14, 1971, and December 4 through December 31, 1971, and with firearms from November 20 through November 28, 1971, but only on those areas designated by signs as open to hunting. These open areas, comprising approximately 39,000 acres are delineated on a map available at the refuge headquarters, Necedah, Wis. and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1971.

GERALD H. UPDIKE,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

SEPTEMBER 3, 1971.

[FR Doc.71-13713 Filed 9-16-71;8:49 am]

Title 49—TRANSPORTATION

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

[Docket No. 70-12; Notice 12]

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

Size Codes

Correction

In F.R. Doc. 71-12157 appearing at page 16510 in the issue of Saturday, August 21, 1971, the tire size designation for tire size code UV, now reading "C70-10", should read "C70-15".

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

AIR COMMERCE

Use of Transit Air Cargo Manifest As Immediate Transportation Entry

Notice is hereby given pursuant to the authority contained in section 251 of the Revised Statutes, as amended, section 624, 46 Stat. 759 (19 U.S.C. 66, 1624), section 1109, 72 Stat. 799, as amended (49 U.S.C. 1509), sections 552, 553, 46 Stat. 742, as amended (19 U.S.C. 1552, 1553) that it is proposed to amend §§ 6.18 and 6.20 to provide for the use of an Air Cargo Manifest, Customs Form 7509, printed, stamped, or labeled "Transportation Entry and Air Cargo Manifest" as an immediate transportation entry for transit air cargo shipments.

The amendment as tentatively proposed is set forth below:

PART 6—AIR COMMERCE REGULATIONS

Section 6.18(a) is amended to read:

§ 6.18 Documentation for transit air cargo.

(a) Customs Form 7509, Air Cargo Manifest, printed, stamped, or labeled "Transportation Entry and Transit Air Cargo Manifest" must be used as the transportation entry and the manifest for transit air cargo. The cargo manifest sheet in the inward cargo manifest of the importing aircraft and each copy thereof required for a transit air cargo movement must be so printed, stamped, or labeled. Each transportation entry and transit air cargo manifest sheet, hereafter referred to as transit air cargo manifest sheet, must be a duplicate, insofar as identification of the cargo and other data, of the corresponding manifest sheet in the inward cargo manifest presented for the aircraft on which the cargo arrives in the United States and shall show the value in U.S. dollars of each item listed therein.

* * * * *

In § 6.20 paragraph (c) is amended to add a new sentence between the second and third sentences as follows:

§ 6.20 Conditions for transportation of transit air cargo.

* * * * *

(c) Transit air cargo may be transported to another port only when receipted for by an airline designated as a common carrier for the transportation of bonded merchandise having on file an appropriate Customs bond for such transportation. Transit air cargo may be exported from the port of arrival only when covered by an exportation bond on Customs Form 7557 or 7559 as specified in § 18.25 of this chapter or other appropriate bond. The importing airline, if it has been designated a carrier of bonded merchandise as set forth above, may receipt for the air cargo, obligate its appropriate bond, and deliver the air cargo to an authorized domestic carrier for in-bond transportation beyond the port of arrival under the importing airline's bond which covers that movement. The responsibility of the receiving airline for transit air cargo otherwise than for direct exportation from the port of arrival begins when a receipt executed as prescribed in paragraph (d) of this section is presented to Customs. * * *

* * * * *

Consideration will be given to relevant data, views, or arguments pertaining to the proposed amendments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received no later than 30 days after the date of publication of this notice in the FEDERAL REGISTER. A hearing will not be held.

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

Approved: September 3, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-13715 Filed 9-16-71;8:49 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Parts 301, 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Phenmetrazine and Its Salts and Methylphenidate

Based upon the investigations of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs, in view of the order transferring amphetamines and methamphetamine to Schedule II published in the FEDERAL REGISTER of July 7, 1971 (36 F.R. 12734), and the resulting strict production and distribution controls imposed upon amphetamines and methamphetamine by this transfer, finds that persons disposed to abuse amphetamines and methamphetamine now may direct their attention to methylphenidate and phenmetrazine, drugs which presently are not know to be the subject of substantial abuse in the United States. Further, there is no evidence to indicate that there is any abuse of methylphenidate and phenmetrazine when administered with proper medical supervision.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director proposes a ruling that:

1. Section 301.02 of Title 21 of the Code of Federal Regulations be amended by adding new paragraphs (b) (8) and (9) to read:

§ 301.02 Definitions.

* * * * *

(b) * * *

(8) Phenmetrazine and its salts.

(9) Methylphenidate.

* * * * *

2. Section 308.12(d) of Title 21 of the Code of Federal Regulations be deleted and replaced with a new paragraph to read:

§ 308.12 Schedule II.

* * * * *

(d) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers	1,100
(2) Methamphetamine, its salts, isomers, and salts of its isomers	1,105
(3) Phenmetrazine and its salts	1,630
(4) Methylphenidate	1,724

3. Section 308.13(b) of Title 21 of the Code of Federal Regulations be amended to read:

§ 308.13 Schedule III.

* * * * *

(b) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances which are currently listed as excepted compounds under 21 CFR 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances.

* * * * *

Conferences have been held with CIBA-CEIGY Corp., the manufacturer of methylphenidate and phenmetrazine, and with Boehringer Ingelheim, G.m.b.h., the owner of the U.S. patent on

phenmetrazine hydrochloride. These firms have fully cooperated with the Bureau and have consented to the transfer of methylphenidate and phenmetrazine without a hearing to insure that these drugs do not become subject to abuse.

All other interested persons are invited to submit their comments or objections, in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 I Street NW., Washington, DC 20537, and must be received no later than 30 days after publication of this proposal in the FEDERAL REGISTER.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail of the date and place of the hearing on the objections submitted. If objections submitted do not present such reasonable ground, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 308.48 without a hearing.

Dated: September 14, 1971.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-13729 Filed 9-16-71;8:50 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Part 317]

MEAT INSPECTION

Proposed Labeling Requirements

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amending, as indicated below, § 317.16 of the revised Federal Meat Inspection Regulations (9 CFR 317.16, 35 F.R. 15586), issued pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. section 601 et seq.; Public Law 91-342, 84 Stat. 438).

Statement of considerations. This amendment would change the provisions of the regulations specifying requirements for labeling custom processed meat and meat food products prepared under an exemption from inspection under the Act.

The labeling and handling of such meat and meat food products must be adequate to prevent commingling of such products with products for sale.

It appears that a requirement for immediate packaging and labeling of such products with the words "Not For Sale" would be sufficient for this purpose, and that the more detailed labeling now prescribed by the regulations is not in fact necessary for information of the owners of the products.

In some cases the owner or the custom processor may wish to have the exempted product bear additional labeling for purposes of identifying the product in a package. Such labeling would be acceptable provided it is not false or misleading.

Therefore it is proposed to amend § 317.16 to read as follows:

§ 317.16 Labeling and containers of custom prepared products.

Products that are custom prepared under § 303.1(a)(2) of this subchapter must be packaged immediately after preparation and must be labeled (in lieu of information otherwise required by this Part 317) with the words "Not For Sale" in lettering not less than $\frac{3}{8}$ inch in height. Such exempted custom prepared products or their containers may bear additional labeling provided such labeling is not false or misleading.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of 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)). Comments on the proposal should refer to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on September 7, 1971.

CLAYTON YEUTTER,
Administrator, Consumer and Marketing Service.

[FR Doc.71-13712 Filed 9-16-71;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration

[24 CFR Parts 207, 221]

[Docket No. R-71-143]

MULTIFAMILY HOUSING AND LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Proposed Eligibility Requirements

Pursuant to sections 207 and 221 of the National Housing Act (12 U.S.C. 1713 and 1715l), it is proposed to amend Parts 207 and 221 of the Department's regulations governing eligibility requirements for multifamily housing and moderate income project mortgage insurance. The amendments would permit the Commissioner to insure mortgages on real estate held under a lease executed by a lessor approved by the Commissioner with a maximum term consistent with the legal authority for the execution of such lease, provided the term thereof is not less than 50 years from the execution date of the mortgage.

All interested persons are invited to submit written comments or suggestions with respect to this proposal. Communications should identify the proposed rule by the above docket number and title and should be filed in triplicate with the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 24011. All relevant material received on or before October 18, 1971, will be considered by the Assistant Secretary before taking action on the proposal. A copy of each communication will be available for public inspection during regular business hours at the above address.

The proposed amendments, issued in accordance with section 7(d) of the Housing and Urban Development Act, 42 U.S.C. 3535(d), are set out below.

1. In § 207.23, paragraph (a)(4) would be amended to read as follows:

§ 207.23 Eligibility of property.

(a) * * *

(4) Under a lease executed by a governmental agency, an Indian, an Indian tribe, or such other lessor as the Commissioner may approve for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than 50 years from the date the mortgage is executed.

* * * * *

2. In § 221.544, paragraph (a)(4) would be amended to read as follows:

§ 221.544 Eligibility of property.

(a) * * *

(4) Under a lease executed by a governmental agency, an Indian, an Indian tribe, or such other lessor as the Commissioner may approve for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than 50 years from the date the mortgage is executed.

* * * * *

Issued at Washington, D.C., September 14, 1971.

HARRY MORLEY,
Deputy Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner.

[FR Doc.71-13711 Filed 9-16-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 36]

[Docket No. 11412; Notice 71-26]

NOISE TYPE CERTIFICATION AND ACOUSTICAL CHANGE APPROVALS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering the amendment of Part 36 of the Federal Aviation Regulations to require altitude and temperature accountability throughout that part, to strengthen the test conditions for acoustical change approvals, and to make miscellaneous amendments to the Appendices of that part.

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: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before November 13, 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.

Part 36 of the Federal Aviation Regulations was issued on November 3, 1969, and became effective on December 1, 1969. Since that time, experience has been gained in the noise type certification of new aircraft and in the approval of acoustical changes to aircraft. This experience indicates that there are two main features of Part 36 that require improvement in order to more fully achieve the acoustical objectives of that part.

First, Part 36 now permits compliance to be shown for one specific sea level condition only, without altitude and temperature accountability. This permits the airplane to be approved on the basis that it meets the noise levels of Appendix C under a specified reference day sea level condition even though compliance with those noise limits may not be achievable by the airplane under other conditions of altitude and temperature for which the airplane is approved under the airworthiness regulations. Furthermore, the absence of altitude and temperature accountability also permits approval of an acoustical change upon a showing that the aircraft after the change in type design is no noisier than the aircraft prior to the change in type design under a specified reference day sea level condition, even though such a showing has not been made throughout the altitude and temperature conditions approved for the aircraft under the airworthiness regulations. These deficiencies in the regulation would be corrected as follows:

For aircraft to which Appendix C applies (that is, new type certificates and acoustical change approvals of aircraft that can achieve Appendix C noise limits before the change in type design), these amendments would require that compliance with Appendix C be shown for all landing and takeoff altitudes and temperatures for which the airplane is approved under the airworthiness regulations constituting the type certification basis of the airplane. The reference weights for showing compliance at each altitude and temperature would be the highest weights (takeoff and landing) for which approval to takeoff or land is requested for each altitude and temperature condition. Furthermore, the weights used for showing compliance would become operating limitations for taking off or landing (as appropriate) under each altitude and temperature condition. The airspeed used in demonstrating approach noise would be required to be either the speed used in establishing the landing distance under the airworthiness rules, or 1.3 V_{s_0}+10 knots, whichever speed is greater.

In addition to the altitude and temperature accountability problem (which concerns all of Part 36), the acoustical change requirements for takeoff and sideline noise demonstrations contain a further feature that requires improvement: Under the current rules, the applicant is permitted to reduce power or thrust, and to select the takeoff configuration.

While this provision is adequate and appropriate for showing compliance with Appendix C noise limits (including the case in which Appendix C applies to acoustical changes), it requires modifications to more adequately insure that the noise of an aircraft that cannot meet Appendix C has not been increased, under any condition, by the type design change. This is so since, by manipulating the schedules of power or thrust reduction and the takeoff configuration, an unrepresentative comparison may result under which the changed aircraft may actually be capable of generating more noise, under the same conditions, than before the type design change. In order to change this deficiency, the acoustical change requirements would be amended to prohibit any reduction of power or thrust throughout the takeoff test, and to require that the noise level of the airplane prior to the change in type design must be determined using the quietest configuration for the test weight, for each altitude and temperature condition. Finally, in order to insure a valid comparative test, a takeoff speed of V_2+10 knots plus or minus 3 knots would be prescribed (rather than a minimum takeoff speed of V_2+10 knots only, with no upper limit as is now prescribed).

The timing of these proposals can have a significant impact on their public effectiveness. If applied only to applications received after the effective date of the final rule, the FAA believes that a large number of applications may be filed before such effective date. This would retard the public benefit of these proposals, possibly for years, since approvals issued under the current rules may have an economic life of decades. It is therefore proposed to apply these proposals to applications, for new type certificates or for acoustical changes, that are received on or after the publication date of this notice of proposed rule making. However, nothing in this proposal would affect approvals issued prior to the effective date of final rules issued following this notice. Similarly, this proposal would not affect any approval issued on the basis of an application received before the publication date of this notice of proposed rule making, even if the approval is issued after the effective date of final rules following this notice.

Finally, miscellaneous self-explanatory changes to the appendices are proposed in order to more adequately prescribe the conditions for valid noise measurement and analysis.

Pursuant to 49 U.S.C. 1431(b)(4), the Administrator must consider whether these proposed amendments are economically reasonable, technologically practicable, and appropriate for the particular type of aircraft to which they apply. Public comment is specifically invited to assist the Administrator is complying with this requirement.

Pursuant to 49 U.S.C. 1431, the Federal Aviation Administration has consulted with the Secretary of Transportation concerning all matters proposed herein.

In consideration of the foregoing, Part 36 of the Federal Aviation Regulations would be amended as hereinafter set forth.

1. A new § 36.2(c) would be added to read as follows:

§ 36.2 Special retroactive requirements.

* * * * *

(c) Notwithstanding §§ 21.17 and 21.101(a) of this chapter, each person who submits an application for a new type certificate or an acoustical change that is received by the FAA on or after _____, 1971 (date of FEDERAL REGISTER publication of this NPRM to be inserted in final rule) must show compliance with Subpart H of this part in addition to the other applicable provisions of this part.

2. A new Subpart H would be added to Part 36 to read as follows:

Subpart H—Application Received On and After _____, 1971 (date of Federal Register publication of this NPRM to be inserted in final rule)

§ 36.1601 Applicability.

This subpart applies to applications for new type certificates and applications for acoustical change approvals received by the FAA on or after _____, 1971 (date of FEDERAL REGISTER publication of this NPRM to be inserted in final rule).

§ 36.1603 Compliance with appendix A.

(a) Compliance with this section must be shown in addition to the applicable provisions of appendix A to this part.

(b) In lieu of complying with the second sentence of section A36.1(b)(2), it must be shown that no obstructions that significantly influence the sound field from the aircraft exist—

(1) For takeoff and landing, within a conical space above the measuring position, the cone being defined by an axis normal to the ground and by a half-angle 75° from this axis; and

(2) For sideline, above the line of sight between the measurement position and the aircraft.

(c) The results obtained under the test weather conditions specified in section A36.1(b)(3) must be corrected to account for the aircraft flight path and the takeoff and landing altitude and temperature conditions prescribed in paragraph (f) of this section. This paragraph does not authorize alteration of the test conditions specified in section A36.1(b)(3).

(d) In lieu of complying with § 36.1(d)(2), it must be shown that position and performance data are corrected as prescribed in section A36.3(d) as modified by paragraphs (h) and (i) of this section.

(e) In lieu of complying with the first sentence of section A36.1(d)(3), it must be shown that acoustic data are corrected as prescribed in section A36.3(d) as modified by paragraphs (h) and (i) of this section.

(f) In lieu of correcting aircraft position, performance data, and noise measurement to sea level pressure and 77° F. under section A36.3(c)(1), all corrections must be to the entire range of takeoff and landing altitude and temperature conditions for which approval is requested.

(g) In lieu of complying with section A36.3(c)(2), the reference aircraft conditions are as follows:

(1) The takeoff reference condition for establishing the applicable noise limits under appendix C of this part is the highest weight for which the aircraft is structurally approved for takeoff except as provided in § 36.1581(b). These noise limits apply throughout the takeoff and landing altitude and temperature conditions approved under the airworthiness regulations constituting the type certification basis of the airplane.

(2) The takeoff reference conditions for acoustical change approvals are the highest maximum weights approved for each takeoff altitude and temperature condition under the airworthiness rules constituting the type certification basis of the aircraft, except as provided in § 36.1581(b).

(3) The approach reference conditions are as follows:

(i) The highest landing weight approved for each landing altitude and temperature condition under the airworthiness rules constituting the type certification basis of the aircraft, except as prescribed in § 36.1581(b).

(ii) Approach angle of 3°.

(iii) Aircraft height of 370 feet above the noise measurement station.

(h) In lieu of complying with the first two sentences of section A36.3(d)(2), the following apply:

(1) The measured flight paths must be corrected by an amount equal to the difference between the applicant's predicted flight paths for the type certification reference conditions and the measured flight paths at the test conditions.

(2) Necessary corrections relating to the aircraft flight path or performance, throughout the takeoff and landing altitude and temperature conditions approved under the airworthiness regulations constituting the type certification basis of the airplane, may be derived from approved data other than certification test data.

(3) The source noise must be corrected, from approved data, for the difference between measured and corrected engine conditions, together with appropriate allowances for sound attenuation with distance.

(i) In lieu of complying with section A36.3(d)(3), compliance must be shown with the following:

(1) If the aircraft sound pressure levels do not exceed the background sound pressure levels by at least 10 db in any one-third octave band within the 10 db-down points described in section B36.5 (as modified by § 36.1605(b)), approved corrections for the contribution of background sound pressure levels to observed sound pressure levels must be applied.

(2) The signal to noise ratio within the 10 db-down points may not be less than 6 db without approved special test or correction procedures.

(j) In lieu of complying with the first sentence of section A36.6(a) it must be shown that the EPNL (calculated from the measured data) is corrected to the reference conditions of section A36.3(c) as modified by paragraphs (f) and (g) of this section.

(k) The following apply with respect to showing compliance with section A36.6:

(1) The provisions of section A36.6(a) permitting flight paths above and below the reference flight path because of "cold day" effect and "hot day" effect do not apply.

(2) The correction procedures in section A36.6(a) are not limited to one or more "of five" possible values, but require all possible values necessary to insure adequate correction procedures.

(3) Compliance with section A36.6(d) must be shown where ambient conditions differ from the reference conditions in section 36.6(c) as modified by paragraphs (f) and (g) of this section.

(4) The provisions of sections A36.6 (f) and (g), including Figures A8, A9, A10, do not apply.

§ 36.1605 Compliance with appendix B.

(a) Compliance with this section must be shown in addition to the applicable provisions of appendix B of this part.

(b) In lieu of complying with the last paragraph of section B36.5, duration correction factor D values less than −5 and greater than +5 are considered to be −5 and +5, respectively.

§ 36.1607 Compliance with appendix C.

(a) Compliance with this section must be shown, in addition to the applicable provisions of appendix C of this part, for new type certificates and acoustical change approvals to which § 36.1(c)(1) applies.

(b) Compliance with appendix C of this part must be shown for all landing and takeoff altitude and temperature conditions approved under the airworthiness regulations constituting the type certification basis of the airplane.

(c) The highest weight for which the airplane is structurally approved for takeoff must be used for determining the applicable approach, sideline, and takeoff noise limits under Section C36.5(a), rather than the maximum weight as provided in that section.

(d) A takeoff test speed of V_2+10 knots must be maintained within a tolerance of ±3 knots throughout the takeoff noise testing in lieu of the speed of "at least V_2+10 knots" prescribed in section C36.7(d).

(e) If a negative runway gradient exists in the direction of takeoff during takeoff tests conducted under section C36.7, performance and acoustic data must be corrected to the zero slope condition.

(f) The following approach speed requirement must be complied with in lieu of section C36.9(d).

(1) A steady approach speed which is either 1.33 V_{s_0}+10 knots, or the speed used in establishing the approved landing distance under the airworthiness regulations constituting the type certification basis of the airplane, whichever speed is greatest, must be established and maintained over the approach measuring point.

(2) A tolerance of ±3 knots may be used throughout the approach noise testing.

§ 36.1609 Airplane Flight Manual.

(a) This section must be complied with in addition to § 36.1581.

(b) For new type certificates and for acoustical changes to which § 36.1(c)(1) applies, the Airplane Flight Manual must contain—

(1) All procedures and information necessary to achieve the appendix C of this part limits, at all landing and takeoff altitudes and temperatures approved under the airworthiness regulations constituting the type certification basis of the airplane, at the highest takeoff and landing weights approved for each of these altitude and temperature conditions;

(2) The appendix C of this part noise limits applicable to the airplane; and

(3) Noise levels achieved by the airplane for the sea level, 77° F., 70 percent relative humidity reference day condition.

(c) For acoustical change approvals to which § 36.1(c)(2) applies, the Airplane Flight Manual must contain all procedures and information necessary to permit the airplane, after the change in type design, to not exceed the noise levels of the airplane determined prior to the change in type design, as prescribed in

§ 36.1611, for all takeoff and landing altitudes and temperatures approved under the airworthiness regulations constituting the type certification basis of the airplane.

(d) For all applications, the highest takeoff or landing weight at which compliance with this part is shown, for each altitude and temperature approved under the airworthiness regulations constituting the type certification basis of the airplane, must be furnished as a takeoff or landing operating limitation for that altitude and temperature condition.

§ 36.1611 Acoustical change: Additional rules.

(a) Each applicant for approval of an acoustical change to an aircraft to which § 36.1(c)(2) applies must comply with this section in addition to §§ 36.1601 through 36.1607 and the applicable provisions of Subparts A through G of this part.

(b) The airplane after the change in type design may not create higher noise levels, at any altitude and temperature approved under the airworthiness regulations constituting the type certification basis of the airplane, than those noise levels created by the airplane, at the same altitudes and temperatures prior to the change in type design, when the comparison is made under the following conditions:

(1) All noise level are determined in accordance with §§ 36.1603 through 36.1607.

(2) For the takeoff and sideline noise test, no reduction in power or thrust is made for the airplane before or after the change in type design.

(3) For each takeoff and landing altitude and temperature condition for which approval is requested, the reference weights for the airplane prior to and after the change in type design are the highest weights for which the airplane is approved before and after the change in type design at those same altitude and temperature conditions.

(4) For the takeoff and sideline noise test, the noise levels of the airplane prior to the change in type design must be determined using the quietest airworthiness approved configuration available at the highest approved takeoff weight for each altitude and temperature condition.

This amendment is proposed under the authority of sections 313(a), 601, 603, and 611 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1431), section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), Title I of the National Environmental Policy Act of 1969 (Public Law 91-190, January 1, 1970), and Executive Order 11514 (Protection and Enhancement of Environmental Quality, March 5, 1970).

Issued in Washington, D.C., on September 13, 1971.

RICHARD P. SKULLY,
Director,
Office of Environmental Quality.

[FR Doc.71-13709 Filed 9-16-71;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239]

[Release No. 33-5186]

DEFINITION OF TERMS "UNDERWRITER" AND "BROKER'S TRANSACTIONS"

Notice of Proposed Rule Making

The Securities and Exchange Commission is considering a proposed Rule 144 (17 CFR 230.144) relating to the application of the registration provisions of the Securities Act of 1933 (the Act) to the resale of securities acquired directly or indirectly from issuers in transactions not involving any public offerings (restricted securities) and securities held by persons in a control relationship with an issuer. The proposal is designed to implement the purposes and policies underlying the Act and is based on the Commission's further reexamination of its interpretations in this area and on the comments received on two previous proposals, the "160 Series" rules (Securities Act Release 4997; 34 F.R. 14228) and Rule 144 (Securities Act Release 5087; 35 F.R. 15447). This notice contains a general discussion of the background, purpose and general effect of the proposed rule to assist in a better understanding of it. A brief analysis of each section of the rule is also included. However, attention is directed to the rule itself for a more complete understanding of its provisions. Further, the rule is to be considered in the context of and in conjunction with several other proposals which the Commission is considering publishing for comment or adopting, including:

1. Proposed Form 144 (17 CFR 239.-144), Notice of Proposed Sale of Securities Pursuant to Rule 144.

2. Proposed amendments to Forms 10-K (17 CFR 249.310) and 10-Q (17 CFR 249.308a), under the Securities Exchange Act of 1934 (Exchange Act) (see Securities Exchange Act Release No. 9331; 36 F.R 18594);

3. Proposed amendments to Regulation A (17 CFR 230.251-230.263) under section 3(b) of the Act (see Securities Act Release 5188; 36 F.R. 18593);

4. Proposed Rule 15c2-11 (17 CFR 240.15c2-11) under the Exchange Act (see Securities Exchange Act Release No. 8909; 35 FR 10597);

5. Rescission of Rule 155 (17 CFR 230.155) under the Act;

6. Rescission of Rule 154 (17 CFR 230.154) under the Act;

7. Publication of a release relating to the applicability of the antifraud provisions of the securities acts to certain practices in connection with transactions by issuers and others not involving any public offering; and

8. Proposed Rule 237 (17 CFR 230.237) under section 3(b) of the Act (see Securities Act Release No. 5187; 36 F.R. 18592).

BACKGROUND AND PURPOSE

Congress, in enacting the Federal securities statutes, created a continuous disclosure system designed to protect investors and to insure the maintenance of fair and honest securities markets. The Commission in administering and implementing the objectives of these statutes has sought to coordinate and integrate this disclosure system, and the revised rule and other related proposals are a further effort in this direction.

Proposed revised Rule 144 is designed to implement the fundamental purposes of the Act as expressed in its preamble:

> To provide full and fair disclosure of the character of the securities sold in interstate commerce and through the mails, and to prevent fraud in the sale thereof * * *

The revised rule would also operate to inhibit the creation of public markets in securities of issuers concerning which adequate current information is not available to the public. At the same time, where adequate current information concerning an issuer is available to the public, the proposed rule would permit the public sale in ordinary trading transactions of limited quantities of securities owned by persons controlling, controlled by or under common control with the issuer (hereinafter "affiliate") and by persons who have acquired restricted securities of the issuer.

This approach is consistent with the philosophy underlying the Act, that a disclosure law would provide the best protection for investors. In other words, if the investor had available to him all the material facts concerning a security, he would then be in a position to make an informed judgment whether or not to buy. In order to provide such information to investors, Congress determined that a distribution of securities requires the filing of a registration statement with the Commission and the delivery to investors of a prospectus containing accurate and current information concerning the issuer and its securities.

Exemptions from the registration requirements were provided for certain types of securities and securities transactions where there was no practical need for registration or where the benefits of registration were too remote.[1] Among these exemptions is that provided by section 4(2) of the Act for transactions by an issuer not involving any public offering (private placements). This exemption was originally intended to permit an issuer to make a specific or isolated sale of its securities to a particular person,[2] such as an insurance company. The Supreme Court has stated that the exemption is available for offerings to persons having access to substantially the same information concerning the issuer which registration would provide and who are able to fend for themselves.[3]

[1] H. Rep. No. 85, 73d Cong., first sess. (1933) p. 5.
[2] Id. at 15-16.
[3] SEC v. Ralston Purina Co., 346 U.S. 119 (1953).

Resales of securities acquired in private placements are frequently made under claims of an exemption pursuant to section 4(1) of the Act, that is, a transaction by a person other than an issuer, underwriter, or dealer. This section was intended to exempt only trading transactions between individual investors with respect to securities already issued and not to exempt distributions by issuers or acts of other individuals who engage in steps necessary to such distributions.[4]

Generally, the majority of questions arising under this section have dealt with whether the seller is an "underwriter." The term underwriter is broadly defined in section 2(11) of the Act to mean any person who has purchased from an issuer with a view to, or offers or sells for an issuer in connection with, the distribution of any security, or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in any such underwriting of such an undertaking. The interpretation of this definition has traditionally focused on the words "with a view to" in the phrase "purchased from an issuer with a view to * * * distribution." Thus, an investment banking firm which arranges with an issuer for the public sale of its securities is clearly an "underwriter" under that section. Not so well understood is the fact that individual investors who are not professionals in the securities business may be "underwriters" within the meaning of that term as used in the Act if they act as links in a chain of transactions through which securities move from an issuer to the public. It is difficult to ascertain the mental state of the purchaser at the time of his acquisition, and the staff has looked to subsequent acts and circumstances to determine whether such person took with a view to distribution at the time of his acquisition. Emphasis has been placed on factors such as the length of time the person has held the securities (holding period) and whether there has been an unforeseeable change in circumstances of the holder. Experience has shown, however, that reliance upon such factors as the above has not assured adequate protection of investors through the maintenance of informed trading markets and has led to uncertainty in the application of the registration provisions of the Act.

Revised Rule 144, together with the other proposals, is designed to provide full and fair disclosure of the character of securities sold in trading transactions and to create greater certainty and predictability in the application of the registration provisions of the Act by replacing subjective standards with more objective ones. In the interest of creating this certainty the presumptions in the originally proposed rule have been eliminated.

Explanation and analysis of the rule. In view of the legislative history, statutory language and judicial interpretations of sections 2(11), 4(1), and 4(2) of the Act, and in light of the many helpful suggestions and comments received on the proposed "160 Series" of rules and thereafter on proposed rule 144, the Commission is of the view that "distribution" is the significant concept in interpreting the statutory term "underwriter." In determining when a person is deemed not to be engaged in a distribution several factors must be considered.

First, the purpose and underlying policy of the Act to protect investors requires, in the Commission's opinion, that there be adequate current information concerning the issuer, whether the resales of securities by persons result in a distribution or are effected in trading transactions. Accordingly, the availability of the rule is conditioned on the existence of adequate current public information.

Secondly, a holding period prior to resale is essential, among other reasons, to assure that those persons who buy under a claim of a section 4(2) exemption have assumed the economic risks of investment, and therefore, are not acting or indirectly, on behalf of an issuer. It should be noted that there is nothing in section 2(11) which places a time limit on a person's status as an underwriter. If the persons, for example, offers or sells for an issuer in connection with the distribution of any security or is participating or has a direct or indirect participation in any such undertaking or has a participation in the direct or indirect underwriting of any such undertaking, he is an underwriter regardless of the length of time he has held the securities. This position is consistent with the general purposes of the Act since the public has the same need for protection afforded by registration whether the securities are distributed shortly after their purchase or after a considerable length of time.[5]

A third factor, which must be considered in determining what is deemed not to constitute a "distribution," is the impact of the particular transaction or transactions on the trading markets. It is consistent with the rationale of the Act that section 4(1) be interpreted to permit only casual trading transactions as distinguished from distributions. Therefore, a person reselling securities under section 4(1) of the Act must sell the securities in such limited quantities and in such manner so as not to disrupt the trading markets. The larger the amount of securities involved, the more likely it is that such resales may involve methods of offering and amounts of compensation usually associated with a distribution rather than routine trading transactions. Thus, solicitation of buy orders or the payment of extra compensation are not permitted by the rule.

In summary, if the sale in question is made in accordance with the provisions of the rule, as outlined below, any person who sells restricted securities shall be deemed not to be engaged in a distribution of such securities and therefore not an underwriter thereof. The rule also provides that any person who sells restricted or other securities on behalf of a person in a control relationship with the issuer shall be deemed not to be engaged in a distribution of such securities and therefore not to be an underwriter thereof, if the sale is made in accordance with the conditions of the rule.

Synopsis of the Proposed Rule

Definitions. The term "restricted securities" is defined to mean securities acquired directly or indirectly from an issuer, or from a person in a control relationship with such an issuer (an affiliate) in a transaction or chain of transactions not involving any public offering.

Broadly speaking, the term "person" is defined to include certain relatives of the seller, certain trusts and estates in which the seller and such relatives have a substantial beneficial interest and corporations or other organizations in which the foregoing, collectively, are the beneficial owners of 10 percent or more of any class of the equity securities or 10 percent or more of the equity interest. The specific definition in the rule should be borne in mind in construing the various provision of the rule and in preparing the required notice on form 144.

Availability of public information. The rule provides that there shall be available adequate current public information with respect to the issuer of the securities. This provision is deemed satisfied if an issuer has securities registered pursuant to section 12 of the Exchange Act and has filed reports in compliance with section 13 of that Act for a period of at least 90 days immediately preceding the sale of the securities.

Under proposed amendments to forms 10-K and 10-Q, which are part of this package, issuers would be required to state in their annual and quarterly reports whether they have filed all the reports required by section 13 or 15(d) of the Exchange Act during the 90-day period preceding the date of the report.

[4] Securities and Exchange Commission v. Chinese Consol. Benev. Ass'n., 120 F. 2d 738 (2d Cir. 1941), certiorari denied 314 U.S. 618.

[5] The Commission is aware that certain commentators have asserted that the absence of a cutoff period would constitute an unreasonable restraint on the alienation of personal property. Generally speaking, the Commission does not concur in this view. As mentioned below, the proposed rule would operate prospectively and permits limited resales of securities in trading transactions consistent with the purposes of the Act. Such limitation is reasonable since the holder of unregistered securities may resell his securities to persons who have access to adequate and current information concerning the issuer, and who do not need the protection of registration or he may contract for registration rights or for filing under regulation A for subsequent resales, if he desires to distribute his restricted securities. In addition, as discussed below, the Commission is issuing a release inviting comments on a proposed rule 237 under section 3(b) of the Act which would permit noncontrolling persons who have owned for 5 years or more securities of an issuer, which is actively engaged in business as a going concern, to make offerings of such securities in amounts not exceeding 1 percent of the amount of the class outstanding or $50,000, whichever is less, during any 12-month period by filing a simple notification with the appropriate regional office of the Commission, provided the securities are sold in negotiated rather than trading transactions (see Securities Act Release No. 5187; 36 F. R. 18592).

The person proposing to sell securities or the broker through whom they are to be sold may consider obtaining a written statement from the issuer whether the latest quarterly or annual report required to be filed has been filed, and contains a statement to that effect.

The Commission recognizes that small companies may experience difficulty in complying with the registration requirements of the Exchange Act, particularly in furnishing audited financial statements for three fiscal years as required by form 10 (17 CFR 249.210). The Commission, however, believes that it would be in the interest of protection of investors for such issuers to be reporting companies under the Exchange Act, and therefore, encourages such issuers to register securities voluntarily. In this regard, rule 12b–21 (17 CFR 240.12b–21) and Instruction 15 of Instructions as to Financial Statements in form 10 under the Exchange Act permit omission of certain information subject to specified conditions.

In the case of companies which are not subject to the reporting requirements of section 13 or 15(d), the information requirement is deemed met if there is publicly available with respect to the issuer, the information required by paragraph (a)(4) of proposed rule 15c2–11 (17 CFR 240.15c2–11(a)(4)) under the Exchange Act. This information includes, among other things the exact name of the issuer, the address of its principal executive offices, the exact title and class of the security, the number of shares or total amount of the security outstanding, the nature and extent of the issuer's facilities and the product or service offered, and financial information concerning the issuer including its most recent balance sheet and profit and loss statement, which shall be reasonably current.

Holding period. Securities sold in reliance upon the rule must have been owned and fully paid for by the seller for a holding period prior to his sale as specified below. This condition is designed to assure that the registration provisions of the Act are not circumvented by persons acting, directly or indirectly, as conduits for an issuer in connection with resales of restricted securities. In order to accomplish this, the rule provides that such persons would be subject to the full economic risks of investment during the holding period. Accordingly, the rule provides that promissory notes or other obligations to pay the purchase price would not constitute payment of the purchase price for purposes of the proposed rule.

There have been various holding periods provided for in proposed rules and applied over the years by administrative interpretations. After reexamination and reconsideration, the Commission believes, in keeping with the purposes of the Act in preventing the distribution of unregistered securities to the public, that the holding period should be 2 years in the context of the other provisions of the rule. The definitive holding period provided in the rule may be relied on only in connection with sales made pursuant to the rule. Moreover, the acquisition during the 2-year period of other restricted securities of the same issuer will, with certain exceptions, start the holding period anew. The exceptions to this limited application of the "fungibility" doctrine are the acquisition of nontransferable options, warrants or rights to subscribe to or purchase restricted securities, but do not include the purchase of securities upon exercise of such option, warrant or right. Under the rule and for purposes of the rule only, the doctrine of "fungibility" will not apply to a holder of restricted securities who purchases securities in the open market. Resales of such securities by noncontrolling persons would not be governed by any holding period or other provisions of the rule. The affiliate who holds both restricted and nonrestricted securities may resell the nonrestricted securities without a holding period, but as set forth below, the sale would be subject to the limitation provisions of the rule which aggregate sales of his restricted securities with sales of the nonrestricted securities.

Certain securities acquired in connection with, or as a result of, ownership or acquisition of other securities, are deemed to have been acquired when such other securities are acquired. This includes stock dividends, stock splits, stock acquired in recapitalizations, conversions or contingent issuances of securities. In view of the fact that the proposed rule would cover resales of restricted convertible securities and the restricted securities to be issued on their conversion it is proposed to rescind rule 155 pertaining to convertible securities.

Tacking of holding periods will be permitted for bona fide pledgees, donees, and trusts since it is considered that such persons when they sell the securities stand in the place of their respective pledgors, donors or settlors. In the case of an estate which is an affiliate, tacking of the holding period will be permitted, but, as set forth below, there would be a limitation on the amount resold. In the event the estate is not an affiliate, there will be no holding period requirement and no limitation of the amount, but provisions of the rule relating to current public information and manner of sale will apply.

A purchaser in a private placement or series of private placements would not be permitted to tack the holding period of the prior owner. In addition, there would be limitations on the amount of restricted securities resold as indicated below.

Limitation on amount of securities sold. If the securities are traded on a registered national securities exchange, the amount which may be sold in any 6-month period shall not exceed the lesser of 1 percent of the amount of the class outstanding or the average weekly reported volume of trading over the 4-week period prior to the date of the required notice of sale described below. The average weekly reported volume standard has been selected for purposes of computing the amount rather than the largest aggregate reported volume during any week within the 4 calendar weeks preceding the receipt of the order which is the standard in rule 154, proposed rule 144 and the "160 series." This standard was selected because the Commission believes the increase in reported "block" trades may result in substantial fluctuations in reported volume in any one week of a 4-week period. Accordingly, 1 week's trading volume would not necessarily provide a meaningful indication of regular trading volume. If the securities are not traded on an exchange, the amount which may be sold in any 6-month period shall not exceed 1 percent of the amount of the class outstanding. In computing the limitation on the amount, the securities sold in private placements or covered by a registration statement under the Act or pursuant to an exemption under regulation A under the Act are not included. However, any sales pursuant to proposed rule 237, discussed below, would be aggregated.

If a holder of restricted securities sells such securities in a private placement, the purchaser's resales must be aggregated with any amount sold by the seller in the 6 months preceding the date of such resales. Resales of restricted securities by all persons agreeing to act in concert to effect a distribution of such securities would be aggregated. Amounts sold by a bona fide pledgee, donee, or trust must be aggregated with the amounts sold by the pledgor, donor, or settlor, as the case may be. Since in these instances the seller stands in the place of the initial holder of the restricted securities, the seller is subject to that holders' limitations under the rule. The purpose of aggregation is consistent with the objectives of the Act, for otherwise a distribution or redistribution may be effectuated by such means as private placements, gifts, pledges and trusts.

In computing the amount of securities an affiliate may sell pursuant to the proposed rule, sales of nonrestricted securities would be aggregated with sales of restricted securities. Further, resales of securities by persons agreeing to act in concert to effect a distribution with respect to such securities would be aggregated.

Should reliable volume figures become publicly available through the automated quotation service of NASD, Inc. (NASDAQ), the Commission will consider amending the rule relating to over-the-counter companies to base the amount of securities which may be sold on such volume, as in the case of securities listed on exchanges.

The rule permits sales within successive 6-month periods, but no accumulation would be permitted. For example, the holder of restricted securities of an over-the-counter company may sell up to 1 percent in every successive 6 months, subject to the aggregation provisions where applicable, but he cannot skip 6 months and then sell an accumulated 2 percent in the following 6 months.

Manner of sale. The rule provides that the securities shall be sold in brokers'

transactions within the meaning of section 4(4) of the Act, and that the person selling the securities shall not solicit or arrange for the solicitation of buy orders or make any payment in connection with the sale other than to the broker who executes the sell order.

Brokers' transactions are defined in the rule to include transactions in which a broker does no more than execute a sell order as agent and receives no more than the usual and customary commission. The broker may not solicit buy orders, but he may inquire of other brokers or dealers who have indicated an interest in the securities within the preceding 60 days.[7] In addition, the rule provides that the broker make a reasonable inquiry to ascertain whether the seller is engaged in a distribution. Reasonable inquiry should include, among other matters, inquiry as to the length of time the seller has held the securities; the amount of securities the seller and "chargeable" persons have sold in the past 6 months; whether he intends to sell securities of the same class through any other means; the number of shares of the class outstanding or the relevant trading volume; and whether the seller has solicited or made any arrangement for the solicitation of buy orders, or has made any payment to any other person in connection with the proposed transaction.

Because proposed Rule 144 covers "brokers' transactions" in section 4(4) of the Act, Rule 154 would be rescinded.

Notice of offering. The rule requires that a person desiring to make an offering in reliance upon the rule must file with the Commission a notice to that effect at least 10 days prior to the commencement of the offering. A proposed form of notice is attached. If all of the securities proposed to be sold are not sold within 90 days after the filing of such notice, an amended notice shall be filed at least 10 days prior to any further sales of such securities. The notice would be a public document. The notice would not be required to be filed with respect to transactions involving not more than 500 shares or other units or $10,000 whichever is less.

Operation of the Proposed Rule

The rule would apply on a prospective basis to transactions in restricted securities acquired after the effective date of the rule. With respect to restricted securities acquired by a noncontrolling person prior to the effective date of the rule, such persons would have the choice of complying with the new rule or the administrative interpretations in effect at the time of his resale. Brokers who act as agents for controlling persons in connection with the sale of restricted and other securities acquired prior to the effective date of the rule, would be required to comply with the provisions of the new rule in order for their transactions to be exempt from registration pursuant to section 4(4) of the Act. The provisions of the rule would be strictly construed and persons selling pursuant to the rule would have the burden of proving its availability.

The staff would not issue no-action letters with respect to resales of securities issued after the effective date of the rule, but would issue interpretative letters to assist persons in complying with the new rule. In connection with securities issued prior to the adoption of the rule, the staff would continue to issue no-action letters. In this regard, however, the staff would no longer give weight to the "change in circumstances" concept as one of the factors in determining whether a person is an underwriter. The "change in circumstances" concept fails to meet the objectives of the Act, since the circumstances of the seller are unrelated to the need of investors for adequate current public information. The burden of establishing that an exemption from registration is available for such resales will continue to be on the seller.

While proposed Rule 144 relates to transactions exempted by sections 4(1) and 4(4) of the Act from the registration provisions of section 5, it would not provide an exemption from the antifraud provisions of the securities laws or the civil liabilities provisions of Section 12 (2) of the Act. If experience with the rule indicates that it is not operating for the protection of investors, it would be rescinded or appropriately amended.

Related Proposals and Other Matters

Proposed Rule 237. The Commission recognizes that noncontrolling persons owning restricted securities of issuers which do not satisfy all of the conditions of proposed Rule 144 might have difficulty in selling those securities due to circumstances beyond their control. Accordingly, in order to avoid unduly restricting the liquidity of such investments, the Commission is considering Proposed Rule 237 under section 3(b) of the Act. Under that proposal any person satisfying the conditions of the rule would be permitted to offer securities up to 1 percent of the amount of the class outstanding or $50,000, whichever is less, during any 12-month period, reduced by the amount of any other sales pursuant to an exemption under section 3(b) of the Act or Rule 144 during the period. Those conditions would be:

1. The person[8] is not an issuer, an affiliate of the issuer or a broker or dealer;

2. The person has owned and fully paid for the securities for 5 or more years;

3. The issuer is a domestic organization which has been actively engaged in business as a going concern for at least the last 5 years;

4. The securities are sold in negotiated transactions otherwise than through a broker or dealer; and

5. The person files the required notice with the appropriate regional office of the Commission at least 10 days before the sale, indicating among other things, his name, the name of the issuer, the amount of securities to be sold, and the amount sold within the past 12 months.

A release inviting comments on the proposed rule is published as part of this package.

Regulation A. The Commission proposes to amend Regulation A so that an offering not to exceed $100,000 can be made by noncontrolling persons, or an aggregate of $300,000 by all such persons, during any 1 year without offsetting such amounts against the amount available to the issuer under a Regulation A offering. This proposal to broaden the availability of Regulation A would provide a means by which noncontrolling investors in small business may resell their restricted securities. A release inviting comments on the proposed amendment is published as part of this package.

Amendment to Form 10–K and Form 10–Q. As mentioned previously, the Commission proposed to amend Forms 10–K and 10–Q to require a statement by the registrant that all filings required to be made have been made during the preceding 90 days. A release inviting comments on the proposed amendment is published as part of this package.

Applicability of the antifraud provisions to sales of restricted securities. Although private offerings are exempt from the registration provisions of the Act by virtue of section 4(2), that exemption does not apply to a public resale of the securities by the purchaser. The Commission is particularly concerned about the position in which purchasers of such securities find themselves when they later desire to resell the securities. The antifraud provisions of the securities act, including section 17(a) of the Act and section 10(b) of the Exchange Act and Rule 10b–5 thereunder (17 CFR 240.10b–5), make it unlawful, in connection with the purchase or sale of a security, to make misleading statement or to omit the disclosure of material facts, and prohibit other fraudulent or deceptive practices. The Commission is of the opinion that these provisions are violated when an issuer, a person in a control relationship with the issuer or other persons, in connection with a private placement of securities, fail to inform the purchaser fully as to the circumstances under which he is required to take and hold the securities and the limitations upon their resale. A more detailed release concerning these matters will be published at a later date.

Use of legends and stop-transfer instructions. Precautions by issuers are essential to assure that a public offering does not result from resale of securities initially purchased in transactions claimed to be exempt under section 4(2) of the Act. (Attention is directed to Securities Act Release No. 5121 (36 F.R. 1525), which discusses the use of legends

[7] The "160 Series" and proposed rule 144 would also have permitted the broker to insert quotations in an interdealer quotation service. However, such a provision would raise questions of conflict with the anti-manipulative provisions of rule 10b–6 (17 CFR 240.10b–6) under the Exchange Act and accordingly has been deleted.

[8] Defined as in Proposed Rule 144(a)(2) discussed above.

and stop-transfer instructions as evidence of a nonpublic offering.) Although such assurance cannot be obtained merely by the use of an appropriate legend on stock certificates or other evidences of ownership, or by appropriate instructions to transfer agents, these devices may serve a useful policing function, and the use of such devices is strongly suggested by the Commission and will be considered a factor in determining whether in fact there has been a private placement.

Contractual registration or other rights for resale of restricted securities. Issuers, brokers, dealers, private places, and other holders of restricted securities are hereby put on notice that the Commission deems it appropriate that such persons when acquiring such securities, should consider contracting for registration or other rights, so that, if they desire to distribute their securities rather than resell in trading transactions pursuant to the proposed rule, they can do so in a manner consistent with the provisions of the Act i.e., by filing a registration statement or a notification under regulation A. If the issuer does not file reports pursuant to section 13 or 15(d) of the Exchange Act, such persons should consider obtaining an agreement by the issuer to register voluntarily under the Act so that Rule 144 may be available.

Short form registration under the Securities Act. The Commission has recently amended Form S–7 (17 CFR 239.26) to expand its coverage and has adopted Form S–16 (17 CFR 239.27) which simplifies registration of securities offered by persons other than the issuer, securities offered in certain conversations and securities to be issued on the exercise of certain warrants. The Commission is observing the operation of these forms, and may at a later date broaden their availability if it appears to be in the public interest and consistent with the protection of investors.

I. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adding thereunder a new § 230.144 reading as follows:

§ 230.144 Persons deemed not to be underwriters.

(a) *Definitions.* The following definitions shall apply for the purposes of this section:

(1) An "affiliate" of an issuer is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such issuer.

(2) The term "person" when used with reference to a person for whose account securities are to be sold in reliance upon this section includes, in addition to such person, all of the following persons:

(i) The spouse and minor children of such person;

(ii) Any relative of such person or of his spouse who has the same home as such person;

(iii) Any trust or estate in which such person, his spouse, any of his or his spouse's minor children, and any relative of such person or his spouse who has the same home as such person, collectively have a substantial beneficial interest or as to which any of the foregoing serves as trustee, executor, or in a similar fiduciary capacity; and

(iv) Any corporation or other organization (other than the issuer) in which such person, his spouse, any minor child of such person or of his spouse, or any relative of such person or of his spouse, or any relative of such person or of his spouse who has the same home as such person, are the beneficial owners, collectively, of 10 percent or more of any class of equity securities, or of the equity interest.

(3) The term "restricted securities" means securities acquired directly or indirectly from the issuer thereof, or from an affiliate of such issuer, in a transaction or chain or transactions not involving any public offering.

(b) *Conditions to be met.* Any affiliate or other person who sells restricted securities of an issuer for his own account, or any person who sells restricted or any other securities for the account of an affiliate of the issuer of such securities, shall be deemed not to be engaged in a distribution of such securities and therefore not to be an underwriter thereof within the meaning of section 2(11) of the Act if all of the conditions of this section are met.

(c) *Current public information.* There shall be available adequate current public information with respect to the issuer of the securities. Such information shall be deemed available if either of the following conditions are met:

(1) *Filing of reports.* The issuer has securities registered pursuant to section 12 of the Securities Exchange Act of 1934 and has filed reports in compliance with section 13 of that Act for a period of at least 90 days immediately preceding the sale of the securities, or has securities registered pursuant to the Securities Act of 1933 and has filed reports in compliance with section 15(d) of the Securities Exchange Act of 1934 for a period of at least 90 days immediately preceding the sale of the securities. The person for whose account the securities are to be sold shall be entitled to rely upon a statement in whichever is the most recent report, quarterly or annual, required to be filed and filed by the issuer that such issuer has complied with such requirements unless he knows or has reason to believe that the issuer has not complied with such requirements.

NOTE: A person for whose account securities are to be sold in reliance upon this section should consider obtaining a written statement from the issuer as to whether the latest quarterly or annual report required to be filed has been filed by such issuer and contains a statement that the issuer has been subject to and has complied with such reporting requirements for the period specified.

(2) *Other public information.* If the issuer is not subject to section 13 or 15(d) of the Securities Exchange Act of 1934, there is publicly available the information concerning the issuer specified in § 240.15c2–11(a)(4) of this chapter.

(d) *Holding period for restricted securities.* If the securities sold are restricted securities, the following provisions apply:

(1) *General rule.* The person for whose account the securities are sold shall have been the beneficial owner of the securities for a period of at least 2 years prior to the sale and, if the securities were purchased, the full purchase price or other consideration shall have been paid or given at least 2 years prior to the sale. Giving the person from whom the securities were purchased a promissory note or other obligation to pay the purchase price shall not be deemed to be payment of the purchase price until the note or other obligation has been discharged by payment in full.

(2) *Acquisitions during 2-year period.* During such 2-year period the person for whose account the securities are sold shall not have acquired or agreed to acquire any other restricted securities of the same issuer, whether or not of the same class as the securities offered by him; provided, that this subparagraph shall not apply to the acquisition of any nontransferable option, warrant or right to subscribe to or purchase restricted securities but shall apply to the exercise of any such option, warrant or right.

(3) *Determination of holding period.* The following provisions shall apply for the purpose of determining the period securities have been held:

(i) *Stock dividends, splits, and recapitalizations.* Securities acquired from the issuer as a dividend or pursuant to a stock split, reverse split or recapitalization shall be deemed to have been acquired at the same time as the securities on which the dividend was paid, the securities involved in the split or reverse split, or the securities surrendered in connection with the recapitalization;

(ii) *Conversions.* If the securities sold were acquired from the issuer for a consideration consisting solely of other securities of the same issuer surrendered for conversion, the securities so acquired shall be deemed to have been acquired at the same time as the securities surrendered for conversion;

(iii) *Contingent issuance of securities.* Securities acquired as a contingent payment of the purchase price of assets sold to the issuer or an affiliate of the issuer shall be deemed to have been acquired at the time of such sale if the issuer or affiliate was then committed to issue the securities subject only to conditions other than the payment of further consideration for such issuance;

(iv) *Pledged securities.* Securities which are bona fide pledged by any person other than the issuer when sold by the pledgee, after a default in the obligation secured by the pledge shall be deemed to have been acquired when they were acquired by the pledgor, except that if the securities were pledged without recourse they shall be deemed to have been acquired by the pledgor, except that if the securities were pledged without recourse they shall be deemed to have been acquired by the pledgee at the time of the pledge or by the purchaser at the time of purchase.

NOTE: Securities sold by the pledgee shall be aggregated with those sold by the pledgor, as provided in paragraph (e)(3)(ii) of this section.

(v) *Gifts of securities.* Securities acquired from any person, other than the issuer, by gift shall be deemed to have been acquired by the donee when they were acquired by the donor;

NOTE: Securities sold by the donee shall be aggregated with those sold by the donor, as provided in paragraph (e)(3)(iii) of this section.

(vi) *Trusts.* Securities acquired from the settlor of a trust by the trust or acquired from the trust by the beneficiaries thereof shall be deemed to have been acquired when they were acquired by the settlor;

NOTE: Securities sold by the trust shall be aggregated with those sold by the settlor of the trust, as provided in paragraph (e)(3)(iv) of this section.

(vii) *Estates.* Securities held by the estate of a deceased person or acquired from such an estate by the beneficiaries thereof shall be deemed to have been acquired when they were acquired by the deceased person, except that no holding period is required if the estate is not an affiliate of the issuer or if the securities are sold by a beneficiary of the estate who is not such an affiliate.

NOTES: (a) Securities sold by the estate shall be aggregated with those sold by the deceased person, as provided in paragraph (e)(3)(v) of this section, if the estate is an affiliate of the issuer.

(b) There is no holding period or limitation on amount for estates which are not affiliates of the issuer but paragraphs (c), (f), and (g) of this section apply to such estates.

(e) *Limitation on amount of securities sold.* Except as hereinafter provided, the amount of securities which may be sold in reliance upon this section shall be determined as follows:

(1) *Sales by affiliates.* If the securities are sold for the account of an affiliate of the issuer, the amount of securities sold, together with all sales of restricted and other securities of the same class for the account of such person within the preceding 6 months, shall not exceed the following.

(i) If the securities are admitted to trading on a national securities exchange, the lesser of (*a*) 1 percent of the shares or other units of the class outstanding as of a date within 10 days prior to the date of filing the notice required by paragraph (h) of this section or, if such a notice is not required, within 10 days prior to the receipt by the broker of the order to execute the transaction, or (*b*) the average weekly reported volume of trading in such securities on such an exchange during the 4 calendar weeks preceding the filing of such notice, or the receipt of such order by the broker; or

(ii) If the securities are not traded on a national securities exchange, 1 percent of the shares or other units of the class outstanding as of a date within 10 days prior to the date of filing the notice required by paragraph (h) of this section, or if such a notice is not required, within 10 days prior to the receipt by the broker of the order to execute the transaction.

(2) *Sales by persons other than affiliates.* The amount of securities sold for the account of any person other than an affiliate of the issuer, together with all other sales of restricted securities of the same class for the account of such person within the preceding 6 months, shall not exceed the amount specified in subparagraph (1) (i) or (ii) of this paragraph, whichever is applicable.

(3) *Determination of amount.* For the purpose of determining the amount of securities specified in subparagraphs (1) and (2) of this paragraph, the following provisions shall apply:

(i) Convertible securities shall be deemed to be securities of the same class into which they are convertible and the amount of convertible securities shall be deemed to be the amount of securities into which they are convertible;

(ii) Securities sold for the account of the pledgee thereof shall be aggregated with securities sold for the account of the pledgor for the purpose of determining the limitation on the amount of securities sold;

(iii) Securities sold for the account of the donee thereof shall be aggregated with securities sold for the account of the donor for the purpose of determining the limitation on the amount of securities sold;

(iv) Securities sold for the account of a trust shall be aggregated with securities sold for the account of the settlor of the trust, for the purpose of determining the limitation on the amount of securities sold;

(v) Securities sold for the account of the estate of a deceased person shall be aggregated with securities sold for the account of the deceased person for the purpose of determining the limitation on the amount of securities sold if such estate is an affiliate of the issuer;

(vi) When during any period of 6 months securities are sold for the account of any affiliate of the issuer and securities of the same class are sold for the account of any person who acquired them from such affiliate, all such securities shall be aggregated for the purpose of determining the limitation on the amount of securities sold;

(vii) When during any period of 6 months securities are sold for the account of any person other than an affiliate of the issuer and securities of the same class are sold for the account of any other person who acquired them from such person, all such securities shall be aggregated for the purpose of determining the limitation on the amount of securities sold; and

(viii) When two or more affiliates or other persons agree to act in concert for the purpose of selling securities of an issuer, all securities of the same class sold for the account of all such persons during any period of 6 months shall be aggregated for the purpose of determining the limitation on the amount of securities sold.

(f) *Manner of sale.* The securities shall be sold in "brokers' transactions" within the meaning of section 4(4) of the Act and the person selling the securities shall not (1) solicit or arrange for the solicitation of orders to buy the securities in anticipation of or in connection with such transactions, or (2) make any payment in connection with the offering or sale of the securities to any person other than the broker who executes the order to sell the securities.

(g) *Brokers' transactions.* The term "brokers' transactions" in section 4(4) of the Act shall for the purposes of this rule be deemed to include transactions by a broker in which such broker—

(1) Does no more than execute the order or orders to sell the securities as agent for the person for whose account the securities are sold; and receives no more than the usual and customary broker's commission;

(2) Neither solicits nor arranges for the solicitation of customers' orders to buy the securities in anticipation of or in connection with the transaction, provided that the foregoing shall not preclude inquiries by the broker of other brokers or dealers who have indicated an interest in the securities within the preceding 60 days; and

(3) After reasonable inquiry is not aware of circumstances indicating that the person for whose account the securities are sold is an underwriter with respect to the securities or that the transaction is a part of a distribution of securities of the issuer. Without limiting the foregoing, the broker shall be deemed to be aware of any facts or statements contained in the notice required by paragraph (h) of this section.[1]

NOTE: The broker, for his own protection, should obtain and retain in his files a copy of the notice required by paragraph (h) of this section.

(h) *Notice of proposed sale.* At least 10 days prior to the sale of any securities in reliance upon this section, there shall be filed with the Commission, at its principal office in Washington, D.C., three copies of a notice on Form 144 (§ 239.144 of this chapter) which shall be signed by the person for whose account the securities are to be sold: *Provided*, That such notice need not be filed if the amount of securities to be sold does not exceed 500 shares or other units and the aggregate sale price thereof does not exceed $10,000. If all of the securities proposed to

[1] The reasonable inquiry required by paragraph (c)(3) above should include, but not necessarily be limited to, inquiry as to the following matters:

1. The length of time the securities have been held by the person for whose account they are to be sold (if practicable, the inquiry should include physical inspection of the securities);

2. The nature of the transaction in which the securities were acquired by such person;

3. The amount of securities of the same class sold during the past 6 months by all persons whose sales are required to be taken into consideration pursuant to paragraph (e);

4. Whether such person intends to sell additional securities of the same class through any other means;

5. Whether such person has solicited or made any arrangement for the solicitation of buy orders in connection with the proposed sale of securities;

6. Whether such person has made any payment to any other person in connection with the proposed sale of securities; and

7. The number of shares or other units of the class outstanding or the relevant trading volume.

be sold are not sold within 90 days after the filing of such notice, an amended notice shall be filed at least 10 days prior to any further sales of such securities. Neither the filing of such notice nor the failure of the Commission to comment thereon shall be deemed to preclude the Commission from taking any action it deems necessary or appropriate with respect to the sale of the securities referred to in such notice.

II. Part 239 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adding thereunder § 239.144, which was formerly reserved. Section 239.144 will read as follows:

§ 239.144 Form 144, for notice of proposed sale of restricted securities pursuant to § 230.144 of this chapter.

(a) This form shall be filed in triplicate with the Commission by each person desiring to make an offering of restricted securities in reliance upon § 230.144 of this chapter at least 10 days prior to the commencement of such offering. This form shall also be completed and filed by such person, if all such securities are not sold within 90 days after the filing of the initial notice on this form, as an amended notice of such proposed reoffering at least 10 days prior to any further sales of such securities. An amended Form 144 shall be filed at the expiration of each 90-day period following the prior filing if any unsold securities are to be reoffered thereafter, and at least 10 days prior to the commencement of the reoffering of such securities.

(b) The notice on Form 144 is not required to be filed with respect to transactions in which the initial offering of restricted securities involves not more than 500 shares or other units or $10,000, whichever is less.

NOTE: Copies of proposed Form 144 are attached to Release No. 33-5186 and have been filed with the Office of the Federal Register as part of this document. Additional copies will be available on request from Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit their views and comments on the proposed rule and form, in writing to Charles J. Sheppe, Chief, Branch of Regulations and Legislative Matters, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before October 14, 1971.

By the Commission, September 10, 1971.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13701 Filed 9-16-71;8:48 am]

[17 CFR Parts 230, 239]

[Release No. 33-5187]

SMALL OFFERING EXEMPTION

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed rule, designated Rule 237 (17 CFR 230.237) under section 3(b) of the Securities Act of 1933. That section authorizes the Commission to exempt from the registration provisions of the Act limited amounts of securities where the Commission finds such registration is not necessary in the public interest and for the protection of investors by reason of the small amount involved or the limited character of the public offering. The proposed rule is being considered in connection with proposed Rule 144 (17 CFR 230.144) and certain other related proposals.

Proposed Rule 237 would exempt from registration outstanding securities held by persons, other than the issuer, control persons or brokers or dealers, if the following conditions are met:

The issuer is a domestic issuer and has been actively engaged in business as a going concern for at least 5 years;

The securities have been beneficially owned and paid for by the seller for at least 5 years and are sold in negotiated transactions otherwise than through a broker or dealer.

The amount of securities which could be sold during any period of 1 year could not exceed 1 percent of the amount of securities of the class outstanding and the aggregate gross proceeds from the sale of the securities could not exceed $50,000. If during such year the person selling the securities has sold securities under any other exemption under section 3(b) of the Act or under proposed Rule 144, the amount sold must be deducted from the amount which could be sold under Rule 237. In computing such amounts sales by certain family members and related interests would have to be taken into consideration.

Any person intending to sell securities under Rule 237 would have to file a notice, on a form prescribed therefor, with the appropriate Regional Office of the Commission 10 business days before the sale. A copy of the notice would have be sent or given to the issuer at the same time.

The purpose of the proposed rule is to provide a means whereby persons who have held securities for 5 years or more may dispose of them otherwise than in the trading market without requiring the purchasers to take them under the limitations of a private placement. While the rule provides an exemption from registration under the act, it does not provide an exemption from the anti-fraud provisions of the securities acts.

It should be recognized that the rule, if adopted, would be in the nature of an experiment and the Commission would observe its operation to determine whether it is consistent with the objectives of the Act. If experience with the rule should indicate that it is not operating for the protection of investors, it would be rescinded or appropriately amended.

I. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adding thereunder a new § 230.237 reading as follows:

§ 230.237 Exemption of certain securities owned for five years.

(a) *Securities exempted.* Subject to the terms and conditions of this section, securities sold by any person, other than the issuer of the securities, an affiliate of such issuer or a broker or dealer, shall be exempt from registration under the Act, provided all of the following conditions are met:

(1) The issuer is incorporated or organized under the laws of the United States or any State or territory or the District of Columbia and has its principal business operations in the United States.

(2) The issuer has been actively engaged in business as a going concern during a period of at least the last five years.

(3) The securities sold have been beneficially owned by the person for a period of at least five years prior to the sale and, if the securities were purchased, the full purchase price or other consideration shall have been paid or given at least five years prior to the sale. Giving the person from whom the securities were purchased a promissory note or other obligation to pay the purchase price shall not be deemed to be payment of the purchase price until the note or other obligation has been discharged by payment in full.

(4) The securities are sold in negotiated transactions otherwise than through a broker or dealer.

(b) *Amount of securities exempted.* The number of shares or other units sold under this section by any person during any period of one year shall not exceed one percent of the amount of securities of the class outstanding and the aggregate gross proceeds from the sale of such securities during such year shall not exceed $50,000. Such amounts shall be reduced by the amount of any securities sold during such year pursuant to any other exemption under section 3(b) of the Act and the amount of securities of the same class sold in reliance upon § 230.144.

(c) *Filing of notice.* At least 10 days (Saturdays, Sundays and holidays excluded) prior to the sale of the securities there shall be filed with the Regional Office of the Commission for the region in which the issuer's principal business operations are conducted three copies of a notice on Form 237 (§ 239.145 of this chapter) which shall be signed by the selling security holder. A copy of such notice shall also be sent or given, at the same time, to the issuer of the securities.

(d) *Definition of terms.* The definitions contained in the Act and in § 230.405 thereunder shall apply to the terms in this section. The following definition shall also apply:

(1) *Person.* The term "person" when used with reference to a person who sells securities in reliance upon the exemption provided by this section includes, in addition to such person, all of the following persons:

(i) The spouse and minor children of such person;

(ii) Any relative of such person or of his spouse who has the same home as such person;

(iii) Any trust or State in which such person, his spouse, any of his or his spouse's minor children, and any relative of such person or his spouse who has the same home as such person, collectively have a substantial beneficial interest or as to which any of the foregoing serves as trustee, executor or in a similar fiduciary capacity; and

(iv) Any corporation or other organization (other than the issuer) in which such person, his spouse, any minor child of such person or his spouse, or any relative of such person or of his spouse who has the same home as such person, are the beneficial owners, collectively, of 10 percent or more of any class of equity securities, or of the equity interest.

II. Part 239 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adding thereunder a new § 239.145 reading as follows:

§ 239.145 Form 237, for notice of proposed sale of restricted securities by noncontrolling persons pursuant to § 230.237 of this chapter.

(a) Three copies of this form shall be completed and filed with the regional office of the Commission for the region in which the issuer of the securities in question has its principal business operations, by each person desiring to make an offering of restricted securities in reliance upon § 230.237 of this chapter, provided that such person is not in a control relationship with the issuer of such securities as defined in § 230.405(f) of this chapter. Such filing shall be made at least 10 days (Saturdays, Sundays, and holidays excluded) prior to the sale of such securities.

(b) A copy of the notice on Form 237 shall also be sent or given by such person to the issuer of the securities in question at the same time that it is so filed.

NOTE: Copies of proposed Form 237 are attached to Release No. 33-5187 and have been filed with the Office of the Federal Register as part of this document. Additional copies will be available on request from Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit their views and comments on the proposed rule and form, in writing, to Charles J. Sheppe, Chief, Branch of Regulations and Legislative Matters, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before October 14, 1971.

By the Commission, September 10, 1971.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13702 Filed 9-16-71;8:48 am]

[17 CFR Parts 230, 239]

[Release No. 33-5188]

REGULATION A OFFERINGS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain amendments to its Regulation A under the Securities Act of 1933 (17 CFR 230.251—230.263). Regulation A provides an exemption from registration under the Act for limited amounts of securities of certain issuers which meet the terms and conditions of the regulation. The regulation requires, among other things, the filing of a notification with the appropriate regional office of the Commission and the filing and use of an offering circular furnishing specified information in regard to the issuer and the securities offered.

Rule 254 (17 CFR 230.254) of Regulation A would be amended to provide that offerings by or on behalf of persons other than the issuer would not be counted against the amount which the issuer could offer for its own account. The maximum amounts which could be offered by various persons during any 12-month period would be as follows: the issuer could offer $500,000; all affiliates (i.e., persons in a control relationship with the issuer) could offer in the aggregate $100,000; and other persons could offer $100,000 each, but the aggregate amount offered by all such other persons could not exceed $300,000. These amounts would be reduced by the amount of securities issued by predecessors and certain affiliates offered during the same 12-month period.

Item 11 of Schedule I to Form 1-A (17 CFR 239.90), the notification form, would be amended to provide that where the notification is filed by an issuer which has filed or is required to file with the Commission certified financial statements for its last fiscal year, the Financial statements required to be included in the offering circular for such fiscal year shall be certified.

The text of the proposed amendments is as follows:

I. Paragraph (a) of § 230.254 of Chapter II of Title 17 of the Code of Federal Regulations would be amended as follows:

§ 230.254 Amount of securities exempted.

(a) For determining the requisite amount:

(1) The aggregate offering price of all securities of the issuer offered or sold pursuant to §§ 230.251 to 230.263 or any other (or any other) exemption under section 3(b) of the Act, or sold in violation of section 5(a) of the Act, during any period of 1 year shall not exceed the following amounts:

(i) $500,000 if the securities are offered or sold by or on behalf of the issuer;

(ii) $100,000 if the securities are offered or sold by or on behalf of an affiliate of the issuer;

NOTE: When more than one person is in control of the issuer, the sales of all such persons shall be aggregated in determining the amount of securities which may be sold under this regulation.

(iii) $100,000 if the securities are offered or sold by or on behalf of any other person; provided, that the aggregate offering price of all such securities offered or sold by or on behalf of all such other persons shall not exceed $300,000.

(2) When two or more persons agree to act in concert for the purpose of selling securities of the issuer, all securities of the same class sold for the account of all such persons during any 12-month period shall be aggregated for the purpose of determining the limitation on the amount of securities sold.

(3) The following definitions shall apply for the purposes of this section:

(i) The term "securities of the issuer" shall include securities issued by any predecessor of the issuer or by any affiliate of the issuer which was organized or became such an affiliate within the past 2 years.

(ii) The term "person" when used with reference to a person who offers securities in reliance upon the exemption provided by this rule includes, in addition to such person, all of the following persons:

(*a*) The spouse and minor children of such person;

(*b*) Any relative of such person or of his spouse who has the same home as such person;

(*c*) Any trust or estate in which such person, his spouse, any of his or his spouse's minor children, and any relative of such person or his spouse who has the same home as such person, collectively have a substantial beneficial interest or as to which any of the foregoing serves as trustee, executor or in a similar fiduciary capacity; and

(*d*) Any corporation or other organization (other than the issuer) in which such person, his spouse, any minor child of such person or his spouse, or any relative of such person or of his spouse who has the same home as such person, are the beneficial owners, collectively, of 10 percent or more of any class of equity securities, or of the equity interest.

* * * * *

II. The first paragraph of Item 11 of section I of Form 1-A (17 CFR 239.90) would be amended to read as follows:

11. Furnish the following financial statements of the issuer or of the issuer and its predecessors, prepared in accordance with generally accepted accounting principles and practices. The statements required for the issuer's latest fiscal year shall be certified by an independent public accountant if the issuer has filed or is required to file with the Commission certified financial statements for such fiscal year; the statements filed for the period or periods preceding such latest fiscal year need not be certified.

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to Charles J. Sheppe, Chief, Branch of Regulations and Legislative matters, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before October 14, 1971. All such communications will be available for public inspection.

By the Commission, September 10, 1971.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13703 Filed 9-16-71;8:48 am]

[17 CFR Part 249]

[Release No. 34-9331]

ANNUAL AND QUARTERLY REPORTS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed amendments to Forms 10-K (17 CFR 249.310) and 10-Q (17 CFR 249.308a) under the Securities Exchange Act of 1934. Forms 10-K and 10-Q are used for annual and quarterly reports, respectively, filed pursuant to section 13 or 15(d) of the Act.

The proposed amendments would require registrants to indicate whether or not they have filed all annual, quarterly and other reports required to be filed with the Commission within the last 90 days. This would enable persons who wish to sell securities pursuant to proposed Rule 144 (17 CFR 230.144) to determine whether the registrant is up to date in its reporting requirement and therefore has made the disclosure requisite to the sale of securities under that rule.

The proposed amendments would add the following at the end of the facing sheet of each of the forms:

Indicate by checkmark whether the registrant has filed all annual, quarterly, and other reports required to be filed with the Commission within the past 90 days. Yes_____ No_____

All interested persons are invited to submit their views and comments on the above proposals, in writing, to Charles J. Sheppe, Chief, Branch of Regulations and Legislative Matters, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before October 14, 1971. All such communications will be available for public inspection.

By the Commission, September 10, 1971.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13704 Filed 9-16-71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

MECHANICAL AIRFOAM LIQUID CONCENTRATES FROM CANADA

Antidumping Proceeding Notice

SEPTEMBER 8, 1971.

On July 12, 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 mechanical airfoam liquid concentrates from Canada, which are used in extinguishing fires, are being, or are 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.71-13744 Filed 9-16-71;8:49 am]

METAL PARTS FOR INCANDESCENT LIGHTING AND LAMP MANUFACTURE, OTHER THAN INDUSTRIAL, FROM CANADA

Antidumping Proceeding Notice

SEPTEMBER 9, 1971.

On July 19, 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 metal parts for incandescent lighting and lamp manufacture, other than industrial, from Canada 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.71-13714 Filed 9-16-71;8:49 am]

Internal Revenue Service

THOMAS FRANCES BRERETON

Notice of Granting of Relief

Notice is hereby given that Thomas Frances Brereton, 311 Sanilac Street, Staten Island, NY 10306 has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 26, 1954, by General Court Martial, convened by Headquarters, 43rd Infantry Division, in Flak Kaserne, Augsburg, Germany, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thomas Frances Brereton because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Thomas Frances Brereton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Thomas Frances Brereton's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Thomas Frances Brereton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 3d day of September 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13738 Filed 9-16-71;8:50 am]

MICHAEL HENRY CORSO

Notice of Granting of Relief

Notice is hereby given that Michael Henry Corso, 661 South Governor Street, Iowa City, IA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 3, 1964, in the Washington County, Iowa, District Court, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Michael H. Corso because of such conviction to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Michael H. Corso to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Michael H. Corso's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Michael H. Corso be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 3d day of September, 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13739 Filed 9-16-71;8:50 am]

FREDDIE G. DEANS

Notice of Granting of Relief

Notice is hereby given that Freddie G. Deans, 1089 St. Julian Drive, Chesapeake, VA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on or about November 21, 1955, by the Superior Court of Bertie County, Windsor, N.C., and on or about September 17, 1951, at the U.S. Naval Station, San Diego, Calif., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Freddie G. Deans because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Freddie G. Deans to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Freddie G. Deans' application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, Title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Freddie G. Deans be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 3d day of September, 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13740 Filed 9-16-71;8:51 am]

JAMES IRVING KING

Notice of Granting of Relief

Notice is hereby given that James Irving King, Belmont Road, Route 140, Tilton, NH, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on December 16, 1966, in the Superior Court for the county of Grafton, at Belknap, N.H., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James Irving King because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for James Irving King to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Irving King's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of a relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That James Irving King be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 3d day of September 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13741 Filed 9-16-71;8:51 am]

OLIVER CHARLES McGILVRA

Notice of Granting of Relief

Notice is hereby given that Oliver Charles McGilvra, 905 South Washington Street, Port Angeles, WA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 3, 1954, in the U.S. District Court for the Western District of Washington, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Oliver C. McGilvra because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such conviction, it would be unlawful for Oliver C. McGilvra to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Oliver C. McGilvra's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Oliver C. McGilvra be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinafter described.

Signed at Washington, D.C., this 3d day of September 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13742 Filed 9-16-71;8:51 am]

WALTER WESTOVER

Notice of Granting of Relief

Notice is hereby given that Walter Westover, 148 West Lake, Horicon, WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 11, 1969, Dodge County Court, Branch 2, Juneau, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Walter Westover, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Walter Westover to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Walter Westover's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Walter Westover be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 3d day of September 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13743 Filed 9-16-71;8:51 am]

DEPARTMENT OF JUSTICE

Office of Alien Property

GERDA HERZOG

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, claim number, property and location

Mrs. Gerda Herzog, Hauptstrasse 28, 8752 Johannesberg, Kreis Aschaffenburg, Germany; Claim No. 37669, voluntary turnover; $100 in the Treasury of the United States.

Executed at Washington, D.C., on September 14, 1971.

For the Attorney General.

L. PATRICK GRAY III,
Assistant Attorney General, Civil Division, Director, Office of Alien Property.

[FR Doc.71-13745 Filed 9-16-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF MANAGEMENT SERVICES, AND CHIEF, BRANCH OF RECORDS AND DATA MANAGEMENT

Redelegation of Authority

Pursuant to the authority contained in section 1.1 of BLM Order No. 701 (29 F.R. 147, July 29, 1964) as amended, authority is hereby redelegated to the Chief, Division of Management Services and Chief, Branch of Records and Data Management to take action in all matters listed in sections 2.2(c), 2.3(c), and 2.4(a)(4) of the above-cited order. The authority delegated may not be redelegated.

The authority for the above action is deleted from the responsibilities of the Chief, Division of Technical Services as provided for in Amendment No. 12 of the above-cited order dated April 9, 1971.

The above delegation shall become effective September 15, 1971.

HAROLD C. LYND,
Acting State Director.

Approved: September 10, 1971.

GEORGE L. TURCOTT,
Acting Associate Director.

[FR Doc.71-13680 Filed 9-16-71;8:46 am]

Geological Survey

[Power Site Cancellation 310]

COLORADO RIVER BASIN, COLO.

Revocation of Power Site Classification

Pursuant to authority under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 88, dated February 24, 1925, is hereby canceled insofar as and to the extent that it affects the following described land:

SIXTH PRINCIPAL MERIDIAN, COLO.

T. 2 S., R. 79 W.,
Sec. 19, lots 31 and 32.

The area described aggregates 5.20 acres.

E. L. HENDRICKS,
Acting Director.

SEPTEMBER 10, 1971.

[FR Doc.71-13696 Filed 9-16-71;8:47 am]

National Park Service

KATMAI AND GLACIER BAY NATIONAL MONUMENTS, ALASKA

Notice of Public Hearings Regarding Wilderness Proposals

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132) and in accordance with departmental procedures as identified in 43 CFR 19.5 that public hearings will be held November 18 and 20, 1971, for the purpose of receiving comments and suggestions as to the appropriateness of proposals for the establishment of wilderness within Katmai and Glacier Bay National Monuments, Alaska. The November 18 hearings will be held in the Grant Hall Auditorium, Alaska Methodist University, Anchorage, Alaska, beginning at 9 a.m. Similar hearings will be held on November 20 in the Marie Drake Junior High School Auditorium, Juneau, Alaska, with the same starting time.

The wilderness proposal for Katmai National Monument comprises some 2,553,100 acres, and that for Glacier Bay National Monument some 2,210,600 acres. All lands proposed for wilderness are presently within the exterior boundaries of the two monuments. Katmai is located in the northeastern base of the Alaska Peninsula; Glacier Bay is located in southeastern Alaska, approximately 55 miles northwest of Juneau.

Packets containing draft master plans, maps depiciting the preliminary boundaries of the proposed wilderness areas, and additional information about the proposals, may be obtained from the General Superintendent, National Park Service Alaska Group, Room 376, Federal Building, 605 West Fourth Avenue, Anchorage, Alaska 99510; from the Superintendent, Katmai National Monument, Post Office Box 7, King Salmon, AK 99613; from the Superintendent, Glacier Bay National Monument, Room 615, Federal Building, Post Office Box 1089, Juneau, AK 99801; or from the Director, Pacific Northwest Region, National Park Service, Room 931, Fourth and Pike Building, Seattle, Wash. 98101.

Descriptions of the preliminary boundaries and maps of the areas proposed for establishment as wilderness are available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, DC.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearings, provided they notify the Hearing Officer in care of the General Superintendent,

National Park Service Alaska Group, Room 376, Federal Building, 605 West Fourth Avenue, Anchorage, AK 99510, by November 15 of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposals to the Hearing Officer for inclusion in the official records, which will be held open for 30 days following conclusion of the hearings.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearings will be considered for inclusion in the transcribed hearing records. However, all materials so presented at the hearings shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements.

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the boroughs in which the proposed wilderness is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

Dated: September 10, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.71-13591 Filed 9-16-71;8:45 am]

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention to Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with McCulloch Properties, Inc., authorizing it to provide concession facilities and services for the public at Lake Mead Lodge, within Lake Mead National Recreation Area, for a period of one (1) year from January 1, 1972, through December 31, 1972.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: September 8, 1971.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.71-13694 Filed 9-16-71;8:47 am]

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with McCulloch Properties, Inc., authorizing it to provide concession facilities and services for the public at Lake Mead Marina within Lake Mead National Recreation Area, for a period of one (1) year from January 1, 1972, through December 31, 1972.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: September 8, 1971.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.71-13695 Filed 9-16-71;8:47 am]

Office of the Secretary

EDGAR A. WEYMOUTH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 25, 1971.

Dated: August 30, 1971.

E. A. WEYMOUTH.

[FR Doc.71-13693 Filed 9-16-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

BROOKS LIVESTOCK COMMISSION CO., ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Brooks Livestock Commission Co., Casa Grande, Ariz., Oct. 15, 1957.
Valley Livestock Auction, Casa Grande, Ariz., Jan. 30, 1967.
Peoria Ave Sale Barn, Glendale, Ariz., Mar. 22, 1967.
Laveen Livestock Auction, Laveen, Ariz., Nov. 17, 1966.
Paradise Valley Sale Barn, Phoenix, Ariz., Jan. 26, 1967.
Tucson Livestock Exchange, Tucson, Ariz., Dec. 5, 1964.
Cochise Livestock Auction, Willcox, Ariz., Nov. 1, 1963.
Yuma Livestock Exchange, Yuma, Ariz., Oct. 14, 1957.
Farmers Sale Company, Carroll, Iowa, May 18, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This lication in the FEDERAL REGISTER notice shall become effective upon pub- (9-17-71).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 13th day of September 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-13736 Filed 9-16-71;8:51 am]

CHICAGO-JOLIET LIVESTOCK MARKETING CENTER, INC., ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Chicago-Joliet Livestock Marketing Center, Inc., Joliet, Ill.
Cascade Sales Barn, Cascade, Iowa.
Peoples Livestock Market, Lewisburg, Tenn.
Kennedale Auction Barn, Kennedale, Tex.
Golden Spike Coliseum, Ogden, Utah.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 14th day of September 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-13737 Filed 9-16-71;8:51 am]

WEST MONROE LIVESTOCK AUCTION, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
LOUISIANA	
West Monroe Livestock Auction, West Monroe, Mar. 29, 1957.	West Monroe Livestock Auction, Inc., Aug. 1, 1971.
MISSOURI	
Goodman Livestock Auction, Goodman, May 11, 1959.	Goodman Livestock Auction, Inc., Oct. 11, 1970.
Central Ozarks Livestock Auction Market, West Plains, July 1, 1968.	Central Ozarks Livestock Auction, Market, Inc., Jan. 1, 1970.
NEBRASKA	
Morrison Livestock Commission Co., Gering, Apr. 8, 1959.	Platte Valley Livestock, Aug. 2, 1971.
TEXAS	
El Campo Livestock Commission Company, El Campo, May 1, 1957.	El Campo Livestock Commission Co., Inc., July 1, 1971.
Pittsburg Livestock Commission, Pittsburg, Jan. 23, 1959.	Pittsburg Livestock Marketing Company, Aug. 1, 1971.
Ranger Livestock Auction, Ranger, Mar. 16, 1959..	Ranger Livestock Auction Company, Aug. 31, 1971.
UTAH	
Southern Utah Livestock Commission, Cedar City, Oct. 26, 1959.	Uneva Livestock Auction, July 12, 1971.

Done at Washington, D.C., this 13th day of September 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-13735 Filed 9-16-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5564]

CERTAIN DERMATOLOGIC PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Fungacetin Liquid, Powder, and Ointment containing triacetin; The G. F. Harvey Co., Inc., 99-101 Saw Mill River Road, Yonkers, New York 10701 (NDA 10-798).

2. Enzactin Powder (NDA 11-140), Spray (NDA 11-367), and Cream (NDA 10-858) containing triacetin; Ayerst Laboratories, 685 Third Avenue, New York, New York 10017.

3. Isodine Athlete's Foot Treatment containing povidone-iodine; Isodine Pharmacal Corp., Dover, Delaware 19901 (NDA 10-961).

4. Bike Foot and Body Powder (NDA 10-823) and Bike Anti-Fungal Spray (NDA 10-824) containing alphacarboxythioanisole; The Kendall Co., 309 West Jackson Blvd., Chicago, Illinois 60606.

5. Thylox Anti-Fungal Powder containing pelargonic acid, zinc pelargonate, and zinc sulfide; Shulton, Inc., Route 46, Clifton, New Jersey 07015 (NDA 11-363).

6. Thylox Anti-Fungal Ointment containing pelargonic acid, zinc pelargonate, and sulfur; Shulton, Inc. (NDA 11-364).

7. Sopronol Solution Improved containing sodium propionate, sodium caprylate, and dioctyl sodium sulfosuccinate; Wyeth Laboratories, Division of American Home Products Corp., Post Office Box 8299, Philadelphia, Pennsylvania 19101 (NDA 6-129).

8. Sopronol Powder containing sodium propionate, sodium caprylate, and zinc propionate; Wyeth Laboratories (NDA 6-130).

9. Sopronol Ointment Improved containing sodium propionate, sodium caprylate, and zinc caprylate; Wyeth Laboratories (NDA 6-128).

10. Naprylate Ointment containing sodium caprylate and zinc caprylate; Strasenburgh Laboratories, Division Pennwalt Corp., 755 Jefferson Road, Rochester, New York 14623 (NDA 6-096).

11. Desenex Ointment (NDA 5-564) and Powder (NDA 5-565) containing undecylenic acid and zinc undecylenate; WTS-Pharmacraft, Division Wallace & Tiernan, Inc., 331 Clay Road, Box 1212, Rochester, New York 14603.

12. Trydecyl Cream containing undecylenic acid, zinc stearate and triethanolamine; Smith, Miller & Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, New Jersey 08902 (NDA 5-947).

13. Timofax Ointment and Powder containing undecylenic acid and potassium undecylenate; Burroughs Wellcome & Co., Inc., 3030 Cornwallis Road, Research Triangle Park, North Carolina 27709 (NDA 5-934).

14. Decupryl Liquid and Cream containing copper undecylenate, undecylenic acid, and dioctyl sodium sulfosuccinate; Tilden-Yates Laboratories, Inc., Fairfield Road, Wayne, New Jersey 07470 (NDA 6-114).

15. Caldesene Medicated Ointment containing calcium undecylenate and Caldesene Medicated Powder containing calcium undecylenate and boric acid; WTS-Pharmacraft, Division Wallace & Tiernan, Inc., 331 Clay Road, Post Office Box 1212, Rochester, New York 14603 (NDA 8-967).

16. Valenol Powder containing dichlorophen, boric acid, zinc oxide, and zinc stearate; The Vale Chemical Co., Inc., 1201 Liberty Street, Allentown, Pennsylvania 18102 (NDA 5-915).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that there is a lack of substantial evidence that the combination drug containing undecylenic acid and copper undecylenate is effective for its labeled indication for the treatment of ringworm of the scalp.

2. The above-listed drugs are regarded as possibly effective for their other labeled claims, including the recommendations for treatment and prevention of athlete's foot and other superficial fungus infections (except tinea capitis, onychomycosis, and candidiasis).

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

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A.1 above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

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

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 5564, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

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

Dated: August 24, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-13725 Filed 9-16-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORTS DISTRICT OFFICES

Notice of Establishment

The Federal Aviation Administration has recently established Airports District Offices in a number of locations throughout the country. Also three additional offices will be established in September 1971. These offices serve as the first contact point with the aviation community regarding airport aid and development matters. They will with some exceptions have authority to execute all grant offers under the Airport Development Aid Program and to execute those grants for airport planning which are not reserved to the FAA Regional Offices. They also will provide airport engineering and operations services. Some regions do not have Airports District Offices. In those instances, the Regional Airports Division is the initial point of contact.

The names and locations of these offices and the States they serve are as follows:

MAINE, NEW HAMPSHIRE, VERMONT, MASSACHUSETTS, CONNECTICUT, AND RHODE ISLAND

Do not have Airports District Offices; they are served by the:

Chief, Airports Division, NE-600, New England Regional Office, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803.

NEW YORK AND NEW JERSEY

Chief, Airports District Office, Federal Aviation Administration, Colonial Building, 181 South Franklin Avenue, Valley Stream, NY 11581.

MARYLAND, VIRGINIA, WEST VIRGINIA, DISTRICT OF COLUMBIA

Chief, Airports District Office, Federal Aviation Administration, 900 South Washington Street, Falls Church, VA 22046.

PENNSYLVANIA AND DELAWARE (SEPTEMBER 20, 1971)

Chief, Airports District Office, Federal Aviation Administration, Terminal Building, Harrisburg State Airport, New Cumberland, PA 17070.

GEORGIA, NORTH CAROLINA, SOUTH CAROLINA

Chief, Airports District Office, Federal Aviation Administration, 3400 Whipple Street, East Point, GA 30320. Mail: Post Office Box 20636 Atlanta, GA 30320.

FLORIDA, PUERTO RICO, VIRGIN ISLANDS

Chief, Airports District Office, Federal Aviation Administration, FAA/WB Building, Miami International Airport, Miami, Fla. 33159. Mail: Post Office Box 2014 AMF Branch, Miami, FL 33159.

TENNESSEE AND KENTUCKY

Chief, Airports District Office, Federal Aviation Administration, 3400 Democrat Road, Memphis, TN 38118. Mail: Post Office Box 18097, Memphis, TN 38118.

ALABAMA AND MISSISSIPPI

Chief, Airports District Office, Federal Aviation Administration, FAA Building, Jackson Municipal Airport, Jackson, Miss. 39205. Mail: Post Office Box 1727, Jackson, MS 39205.

ILLINOIS AND INDIANA

Chief, Airports District Office, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

MICHIGAN

Chief, Airports District Office, Federal Aviation Administration, Room 25, Landy Taylor Building, 16647 Airport Road, Route No. 4, Lansing, MI 48906.

WISCONSIN, MINNESOTA

Chief, Airports District Office, Federal Aviation Administration, 6301 34th Avenue South, Minneapolis, MN 55450.

OHIO

Chief, Airports District Office, Federal Aviation Administration, Westview Building, 21010 Center Ridge Road, Rocky River, OH 44116.

IOWA, KANSAS AND MISSOURI

Do not have Airports District Offices; they are served by the:

Chief, Airports Division, CE-600, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106.

NEBRASKA

Chief, Airports Field Staff (Nebraska), Federal Aviation Administration, General Aviation Building, Lincoln Municipal Airport, Lincoln, Nebr. 68524.

ARKANSAS, NORTHEAST TEXAS

Chief, Airports District Office, Federal Aviation Administration, Federal Building, Room 4A07, 819 Taylor Street, Fort Worth, TX 76102.

NEW MEXICO AND WEST TEXAS

Chief, Airports District Office, Federal Aviation Administration, First National Bank Building, 5301 Central Avenue, Albuquerque, NM 87108. Mail: Post Office Box 8502, Albuquerque, NM 87108.

LOUISIANA AND SOUTH TEXAS

Chief, Airports District Office, Federal Aviation Administration, Bradley Building, 8345 Telephone Road, Houston, TX 77017. Mail: Post Office Box 12638, Houston, TX 77017.

OKLAHOMA

Chief, Airports District Office, Federal Aviation Administration, FAA Building, Room 204, Wiley Post Airport, Bethany, Okla. 73008.

COLORADO AND WYOMING

Chief, Airports District Office, Federal Aviation Administration, 10255 East 25th Avenue, Aurora, CO 80010.

MONTANA

Chief, Airports District Office, Federal Aviation Administration, FAA Building, Helena County Airport, Helena, Mont. 59601. Mail: Post Office Box 157, Helena, MT 59601.

NORTH DAKOTA (SEPTEMBER 1, 1971)

Chief, Airports District Office, Federal Aviation Administration, FAA Building, Bismarck Municipal Airport, Bismarck, N. Dak. 58501.

SOUTH DAKOTA (SEPTEMBER 1, 1971)

Chief, Airports District Office, Federal Aviation Administration, 225 South Pierre Street, Pierre, SD 57501.

UTAH

Chief, Airports District Office, Federal Aviation Administration, 116 North 23rd West Street, Salt Lake City, UT 84116.

SOUTHERN CALIFORNIA AND ARIZONA

(Santa Barbara, Kern, Inyo, and all counties south thereof).

Chief, Airports District Office, Federal Aviation Administration, 5885 West Imperial Highway, Los Angeles, CA 90045. Mail: Post Office Box 45018, Westchester Station, Los Angeles, CA 90045.

NORTHERN CALIFORNIA AND NEVADA

(San Luis Obispo, Kings, Tulare, Fresno, Mono, and all counties north thereof).

Chief, Airports District Office, Federal Aviation Administration, 831 Mitten Road, Burlingame, CA 94010.

IDAHO, OREGON AND WASHINGTON

These states do not have Airports District Offices; they are served by:

Chief, Airports Division, NW-600, Northwest Regional Office, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

ALASKA

There are no Airports District Offices in Alaska; it is served by:

Chief, Airports Division, AL-600, Federal Aviation Administration, Headquarters Building, 632 Sixth Avenue, Anchorage, AK 99501.

HAWAII

There are no Airports District Offices in Hawaii; it is served by:

Chief, Airports Division, PC-600, Federal Aviation Administration, Room 808, 1833 Kalakaua Avenue, Honolulu, HI 96813.

(Sec. 313(a) of the Federal Aviation Act of 1958, as amended; 49 U.S.C. 1354)

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

J. H. SHAFFER,
Administrator.

[FR Doc.71-13710 Filed 9-16-71;8:48 am]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

SEPTEMBER 13, 1971.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during August 1971:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6500	Shippers registered with this Board to ship whiskey in non-DOT Specification stainless steel portable tanks having nominal water capacity of 4800 gallons.	Highway, Water.
6501	Gearhart-Owen Industries, Inc., Fort Worth, Texas, to ship a liquid high explosive in 55 gallon, specification 17E steel drums having a minimum 5 mil thickness specification 44P liner.	Highway.
6502	Allied Chemical Corporation, Morristown, New Jersey to ship sulphur hexafluoride in DOT-3A 3AA cylinders having a 10 year hydrostatic retest.	Rail, Highway.
6503	Shippers registered with this Board to ship Type B quantities of radioactive materials, n.o.s. in the Atomic Energy of Canada Limited's Model F-121 combination shipping container/overpack.	Highway.
6504	Chevron Chemical Co., Ortho Division, San Francisco, Calif., to ship methyl bromide and ethylene dibromide mixture, in certain beverage type cans.	Highway.
6505	L & V Industrial Supply, Encinitas, Calif., to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6506	Ogden Welders Supply Co., Inc., Ogden, Utah, to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6507	Fitch Industrial & Welding Supply, Lawton, Oklahoma, to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6508	Thiokol Chemical Corporation, Wasatch Division, Brigham City, Utah, to ship magnesium, powdered in DOT Specification 53 aluminum portable tanks.	Rail.
6509	Wooten Welding Supplies, Inc., Salisbury, Md., to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6510	Chabot Surgical, Castro Valley, Calif., to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6513	Great Lakes Chemical Corp., W. Lafayette, Indiana, to return damaged 4BA and 4BW cylinders of methyl bromide and chlorpicrin mixture, liquid via private motor carriage.	Highway.
6515	Shippers registered with this Board to ship large quantities of radioactive materials, special form, in Model-Step III radioisotope fueled thermo-electric generator.	Rail, Highway.
6516	Shippers registered with this Board to ship methyl chloroformate in DOT Specification 111A100-W-2, 111A100-W-4, 112A200-W & 112A400-F tank cars.	Rail.
6518	Union Carbide Corporation, Bound Brook, New Jersey, to ship pyroforic materials in foreign portable tanks built in compliance with DOT Specification 51 except for ASME approval.	Highway, Water.

ALAN I. ROBERTS,
Secretary.

[FR Doc.71-13716 Filed 9-16-71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23766]

BALAIR AG

Issuance of Foreign Air Carrier Permit; Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 15, 1971, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 1, 1971.

Dated at Washington, D.C., September 13, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-13734 Filed 9-16-71;8:50 am]

[Docket No. 23405]

PANINTERNATIONAL

Foreign Air Carrier Permit for Charter Foreign Air Transportation; Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on September 15, 1971, is postponed to October 27,

1971, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner. The postponement is at the request of the applicant.

Dated at Washington, D.C., September 13, 1971.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[FR Doc.71-13733 Filed 9-16-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19313; FCC 71-950]

NORTHWESTERN COLLEGE (KFNW)

Order Designating Application for Hearing on Stated Issues

In re application of Northwestern College (KFNW), Fargo N. Dak., Docket No. 19313, File No. BP-18271; Has: 900kc, 1kw, Day, Requests: 1170kc, 1kw, Day, for construction permit.

1. The Commission has before it for consideration the above-captioned application to change the frequency of station KFNW.

2. Examination of the engineering data in the application indicate that a grant would eliminate interference to station KTIS, Minneapolis, Minn. (under common ownership with KFNW) in an area containing an estimated population of 14,791 persons. On the other hand, however, the applicant's data also indicate that the proposed service area encompasses 8,235 fewer square miles and 59,316 fewer persons than the station's present operation. Since there already appears to be adequate service in the KTIS gain area (a minimum of six and an maximum of 11 services), a substantial question obtains, due to the loss of population within KFNW's proposed service area, as to whether the public interest would be served by grant of this application.

3. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. In view of the foregoing, however, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

4. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service as a result of the proposed operation of station KFNW and the availability of other primary aural service to such areas and populations.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience and necessity.

5. *It is further ordered,* That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: September 8, 1971.

Released: September 14, 1971.

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

[FR Doc.71-13719 Filed 9-16-71;8:49 am]

[Docket No. 19310; FCC 71-900]

SOUTHWESTERN BELL TELEPHONE CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Southwestern Bell Telephone Co., Docket No. 19310, File No. 5434-M-P-98, for a license for a new public coast class III-B radiotelephone station to be located at Freeport, Tex.

1. The above-captioned application seeks a license for a new class III-B public coast station to be located at Freeport, Texas. This class of station provides ship-shore radiotelephone common carrier service, primarily of a local character, on VHF channels. The applicant seeks authority to serve the Freeport, Tex. area.

2. Radio Dispatch, Inc. has filed a petition to deny the subject application alleging inter alia substantial and unnecessary duplication with its existing station, KGW304, in Bay City, Tex. The applicant has filed an opposition to the petition to deny.

3. Except for the issues otherwise specified herein, the applicant is qualified to become a licensee of the Commission. On the basis of its status as the licensee of KGW304, Radio Dispatch, Inc. is found to be a party in interest. The Safety and Special Radio Services Bureau and the Common Carrier Bureau of the Federal Communications Commission are parties to this proceeding.

4. It is evident from an analysis of the application and pleadings that overlap in service areas will exist if the Southwestern Bell application is granted. In addition, the application and associated pleadings do not conclusively establish whether, or to what extent, there is now an unfilled need for public radio maritime communication service facilities to serve the area here involved. In view of these substantial and material questions of fact, the Commission is unable to make a determination that it would be in the public interest to grant the application; therefore, an evidentiary hearing is required to resolve the questions of fact and to determine if the public interest would be served by the grant of this application.

5. *Accordingly, it is ordered,* That the above-captioned application of Southwestern Bell Telephone Co., is designated for hearing at a time and place to be specified in a subsequent order on the following issues:

a. To determine the facts with respect to the proposed facility, rates, and services of the applicant, including area to be served.

b. To determine the nature, source, and amount of traffic to be handled by the proposed facility.

c. To determine whether overlap of the service area of KGW304 would be contrary to the public interest.

d. To determine if there is a need for the proposed facility, taking into account existing stations.

e. To determine, in light of the evidence adduced on all the foregoing issues, whether the public interest, convenience and necessity will be served by the grant of the subject application.

6. *It is further ordered,* That the petition to deny filed by Radio Dispatch, Inc., is granted to the extent indicated herein and is otherwise denied.

7. *It is further ordered,* That coverage areas will be computed on the basis of the information in Commission Notice of Proposed Rule Making, Docket No. 18944.

8. *It is further ordered,* That the burden of proof and the burden of proceeding with the introduction of evidence on issue (c) is on Radio Dispatch, Inc. and on the applicant with respect to all other issues except issue (e) which is conclusory.

9. *It is further ordered,* That to avail themselves of an opportunity to be heard, Radio Dispatch, Inc. and Southwestern Bell Telephone Co., pursuant to § 1.221 (c) of the rules of the Commission, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

Adopted: September 1, 1971.

Released: September 7, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-13720 Filed 9-16-71;8:49 am]

[1] Commissioner Johnson absent.

[Docket No. 18372; FCC 71-906]

TROPICAL RADIO TELEGRAPH CO.

Memorandum Opinion and Order Enlarging Issues

In the matter of Tropical Radio Telegraph Co., Docket No. 18372; proposed tariff revisions providing for the pickup and delivery of international messages and the furnishing of customer tielines within the "metropolitan areas" of New Orleans, La., and Miami, Fla.

1. We have before us a petition, with an accompanying motion for leave to file such petition, filed on January 21, 1969 by Tropical Radio Telegraph Co. (Tropical) requesting reconsideration of our Memorandum Opinion and Order (Hearing Order) released November 12, 1968 (15 FCC 2d 100) instituting this proceeding into the lawfulness of revised pages 102d and 103d Revised Page 1, 7th and 8th Revised Page 2, 8th and 9th Revised Page 9, 5th and 6th Revised Page 10, Original and 1st Revised Page 10A, and Original and 1st Revised Page 10B to its Tariff F.C.C. No. 60.[1] Also before us are an opposition to such petition, a cross-petition for reconsideration (and motion for leave to file same), and a motion to clarify or enlarge issues, filed by the Western Union Telegraph Co. (Western Union) on April 7, 1969. Tropical, on April 25, 1969, filed a reply to the Western Union opposition which includes a motion to file such cross-petition, an opposition to the Western Union cross-petition, and a motion to clarify or enlarge issues. Western Union, on May 23, 1969, filed a reply to the Tropical opposition.

TROPICAL'S MOTION FOR LEAVE TO FILE

2. Our rules provide that, "A petition for reconsideration designating a case for hearing will be entertained only:

(1) Where the petition relates to an adverse ruling with respect to the petitioners participation in the proceeding;

(2) Where the petition is filed by an applicant and asserts that his application should have been granted without hearing." 47 CFR 1.111.

3. Tropical's petition does not comply with either of these conditions. However, Tropical's petition for reconsideration is analogous to (2) above in that it contains a serious argument that we are without jurisdiction to conduct the present proceeding and that it should therefore be terminated without hearing. Tropical states that, because the expected benefits to be obtained from its proposed service under investigation would be far outweighed by the probable costs of a hearing, it would most likely withdraw its tariff offering and not go forward with the hearing if it is unsuccessful in its petition. Accordingly, it appears that to grant Tropical a decision on the merits of its contentions and possibly avoid the need for a hearing in this proceeding "will best conduce to the proper dispatch of business and to the ends of justice."[2] We will therefore waive § 1.111 of our rules and grant Tropical Radio Telegraph's motion for leave to file its petition.

THE HEARING ORDER UNDER CONSIDERATION

4. In the hearing order which we are urged to reconsider, we instituted an investigation into the lawfulness of proposed tariff revisions filed by Tropical on September 27, 1968,[3] which would offer free pickup and delivery of international telegraph messages, and the furnishing of tielines, for persons located in the "metropolitan areas" of its gateway cities of Miami and New Orleans. Tropical presently offers such services only within the corporate limits of these two cities. More specifically, Tropical would pickup and deliver telegrams by telephone or TWX for persons located in certain listed communities, which are defined in the proposed tariff revisions as the "metropolitan areas" of Miami and New Orleans, at the same charges as are made for messages originating or terminating within the corporate limits of these cities. Tropical would also provide free tieline connections to persons located within the defined "metropolitan areas" who were not more than ten miles from its office and under the same terms and conditions which it presently provides such service to its customers within the corporate limits of these cities. In addition, Tropical would offer to provide free tieline service to its customers located within the defined "metropolitan areas" who were not more than 10 miles miles from its offices, conditioned upon its obtaining the necessary regulatory authority to provide such service.

5. We instituted this proceeding, pursuant to sections 4(i), 201, 202, 204, 205, and 403 of the Communications Act, into the lawfulness of Tropical's tariff revisions and, without in any way limiting the scope of the proceedings, we set forth the following issues:

(1) Whether Western Union is meeting, or is able to meet, the legitimate needs of the users of international record services in the suburban communities to be served pursuant to the subject tariff revisions;

(2) Whether Tropical's proposed revisions would result in the duplication of services and facilities presently being provided by Western Union; and, if so, the extent of such duplication of services and facilities;

(3) Whether Tropical's proposed revisions would result in a diversion of revenues from Western Union for the landline handling of international traffic; and, if so, the extent of such diversion of revenues;

(4) Whether any special circumstances exist which would indicate that it would be in the public interest to permit Tropical to serve the suburban areas of New Orleans and Miami, as proposed in its tariff revisions;

(5) Whether, in the light of all the evidence, including that adduced in reference to the foregoing issues, the charges, classifications, regulations, and practices contained in Tropical's proposed revisions are, or will be, lawful under sections 201(b) and 202(a) of the Communications Act; and

(6) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices to be hereafter followed with respect to the service under investigation; and, if so, what charges, classifications, regulations, and practices should be prescribed.

TROPICAL'S CONTENTIONS

6. Tropical's position is that the Commission may not, in a tariff proceeding instituted under sections 201(b) and 202(a) of the Communications Act, consider issues of competitive impact and other criteria of public convenience and necessity which are properly considered only in a proceeding instituted under section 214 of the Communications Act. Further, it argues that no authorization is required under the latter section since the lines involved are within the purview of subsection (a)(2) exempting certain lines from the application of section 214. Claiming that the only factual issues specified in the Hearing Order (issues 1–4 above) go to the competitive impact of its proposed service upon Western Union, Tropical urges that we should now terminate the proceeding and permit its tariff revisions to take effect.

7. More specifically, Tropical argues that, although section 214 generally requires that a certificate of public convenience and necessity be obtained before a carrier may construct, acquire, operate, or engage in transmission over any line, subsection (a)(2) exempts from this requirement local, branch or terminal lines not exceeding 10 miles in length. Tropical believes that its principal offering of customer tielines falls within this exemption, insofar as the proposed service will be within 10 miles of Tropical's operations centers in Miami and New Orleans.[4] It argues that since such exemption has been determined by Congress, the Commission has no jurisdiction to prevent the operation of the tielines in question by considering criteria normally used in determining public convenience and necessity in section 214 proceedings. Furthermore, Tropical contends that sections 201(b) and 202(a) of the Communications Act, relating to justness and reasonableness of tariffs, cannot be used as a substitute for section 214 to determine whether the operating

[1] Tropical and the other parties have agreed to the deferral of hearings pending a ruling on the above petition. A ruling has been delayed to permit prior consideration of other matters in which Tropical has had an interest.

[2] Section 4(j) of the Communications Act, 47 U.S.C. section 154(j).

[3] Tropical has agreed, as a condition to the postponement of the hearing in this case, to postpone the effective date of its tariff revisions until 90 days after we have acted on its petition for reconsideration.

[4] Western Union contends in its cross-petition for reconsideration that the tielines proposed by Tropical do not fall within the meaning of section 214(a)(2) and that Tropical must secure section 214 authorization prior to offering this service. This matter will be discussed at paragraph 22.

of a particular line or the providing of a particular service is in accord with the criteria of public convenience and necessity.

DISCUSSION OF TROPICAL'S ARGUMENTS

8. The purpose of the present proceeding is to determine whether Tropical's proposed tariff revisions are lawful under sections 201(b) and 202(a) of the Communications Act in light of the Commission's "gateway cities" policy as enunciated in All America Cables and Radio, Inc., et al., 15 F.C.C. 293 (1950); Metropolitan Areas Case, F.C.C. 53-54 84799[5]; and Press Wireless, Inc., 21 F.C.C. 528 (1956). Tropical is mistaken in the assumption underlying its arguments that issues 1-4 of the Hearing Order are solely based on the requirements of section 214 of the Communications Act. These issues are designed to elicit facts which are relevant to determine the lawfulness of Tropical's offering vis-a-vis the "gateway cities" policy. Indeed, these are among the same factual situations upon which we made findings as a basis for our conclusions relating to the "gateway cities" policy. See All America Cables, supra at 317, 318, 319; and Press Wireless, supra at 525, 526. That these factual issues might also be relevant in a section 214 preceeding does not preclude their consideration in determining the justness and reasonableness of Tropical's offering.

9. Tropical does not deny that the service it proposes to offer is foreign communications subject to our exclusive regulatory jurisdiction.[6] Nor does it argue that the scope of the international carriers' pickup and delivery service is outside our legitimate regulatory concern. Rather it argues that we may only effectuate our policies in this area through section 214 of the Communications Act.

10. We do not believe that either logic or authority supports Tropical in its argument. The limited pattern of regulation that Tropical proposes is in opposition to the broad responsibilities entrusted to the Commission. "[T]he Act must be construed in the light of the needs for comprehensive regulations * * *." See General Telephone Co. of California, et al., v. F.C.C. 413 F. 2d 390 (D.C. Cir. 1969), cert. den. 396 U.S. 888. "In a statutory scheme in which Congress has given an agency various bases of jurisdiction and various tools with which to protect the public interest, the agency is entitled to some leeway in choosing which jurisdictional base and which regulatory tools will be most effective in advancing the Congressional objective". See Philadelphia Broadcasting Co. v. F.C.C., 359 F. 2d 282, 284 (D.C. Cir. 1966); Yohalem v. Washington Metropolitan Area Transit Commission, 436 F. 2d 171 (D.C. Cir. 1970).

11. Tropical contends that questions concerning the competitive impact of a service may not be resolved under sections 201(b) and 202(a) of the Communications Act. It argues that these sections pertain only to the protection of the public from unreasonably high rates, discrimination between customers or localities, and the assurance that the carriers are not charging less than a compensatory rate. It claims that it is supported in this contention by past Commission action and the legislative history of the Communications Act.

12. Even the cases cited by Tropical do not indicate the restricted construction of section 201(b) and 202(a) which it advances in its petition. See American Telephone & Telegraph Co., 38 F.C.C. 1322 (1965); Press Wireless, Inc. (No. 2), 25 F.C.C. 1466 (1958); General Telephone Co. of California, 13 F.C.C. 2d 448 (1968); All America Cables & Radio, Inc., et al., 15 F.C.C. 293 (1950); and Press Wireless, Inc. (No. 1), 21 F.C.C. 528 (1956). All America and Press Wireless (No. 1) were instituted under sections 201(b) and/or 202(a), although the basic issue to be determined was whether the proposed service was permissible under the "gateway cities" policy. Press Wireless (No. 2) and General Telephone were actions taken to enforce the requirements of section 214(a). Issues relative to sections 201(b) and 202(a) were not included and thus were not determined in these cases. In A.T. & T., we denied the petitions of several international carriers to suspend A.T. & T.'s tariff offering of Dataphone service between the United States mainland and Hawaii. In support of their petitions, the international carriers alleged that the proposed service would be competitively injurious to them. Unlike this proceeding, the petitions did not allege that the proposed service offering would violate sections 201(b) or 202(a). Furthermore, A.T. & T. had previously been granted authority to provide the service complained of upon the finding that such was required by the public interest.

13. We expressly denied the validity of an argument similar to Tropical's in International Bank, et. al., 17 F.C.C. 450, 473 (1953), stating: "Inquiring as to the lawfulness of any new charge, classification, regulation, or practice, or in ascertaining whether any unjust or unreasonable discrimination exists, the Commission cannot be confined to a consideration only of the cost or value of service rendered or other matters of fact; we have the authority also to consider whether rates or charges are affected by special legislation or by international agreements." Certainly we must also consider the basic purposes of the Communications Act. See United States v. Southwestern Cable Co., 392 U.S. 157, 167, 168 (1968).

14. Tropical contends that the "legislative background" of the Communications Act confirms that "competitive impact questions" may be resolved only under section 214 and not under sections 201(b) or 202(a). Tropical also points out that sections 201(b) and 202(a) were modeled after sections 1(5), 1(6), 2, and 3(1) of the Interstate Commerce Act of 1887 establishing the I.C.C., and that Section 214 was modeled after Sections 1(18-22) of the Interstate Commerce Act, which, with other provisions, was added to it by the Transportation Act of 1920.[7] Tropical further states that, prior to the adoption of the Transportation Act of 1920, the I.C.C. was primarily concerned with preventing injustice by unreasonable or discriminatory rates, not with the relationship between carriers.

15. We cannot conclude that the history recited by Tropical leads to the narrow construction of sections 201(b) and 202(a) which it advocates. In enacting the Communications Act in 1934, certainly Congress did not intend to limit this Commission's jurisdiction to that of the I.C.C. prior to 1920. Indeed, the I.C.C. does not appear to be so restricted in interpreting the original provisions of its enabling act. See American Trucking Association v. A.T. & S.F.R.C., 387 U.S. 397, 412, 413 (1967, where the scope of Section 1(4), 2, and 3(1) of the Interstate Commerce Act is interpreted, not in the light of the pre-1920 strictures, but in the light of the mandate for a national transportation policy.

16. Finally, Tropical argues that section 214(a)(2) of the Communications Act specifically authorizes it to provide the principal service[8] covered by its tariff revisions. It says Congress, in effect, has determined that the Commission may not prevent the operation of local, branch, or terminal lines less than 10 miles in length by relying upon criteria normally used in passing upon the public convenience and necessity of an offering in a section 214 proceeding.

17. Section 214(a)(2) requires that "no carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line or extension thereof, or shall engage in transmission over, or by means of such

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[5] This proceeding was terminated without decision upon a settlement between Western Union and the international carriers calling for the filing of tariff revisions which limited the international carriers' pickup and delivery services to the corporate limits of New York, San Francisco, and Washington, D.C., plus governmental and intergovernmental entities located within a ten mile radius of the respective companies' Washington offices. By order of Hearing Examiner James D. Cunningham adopted May 17, 1955 in Docket No. 10335.

[6] Sections 2(a), 3(a), 3(b), and 3(f) of the Communications Act, 47 U.S.C. sections 152(a), 153(a), 153(b), and 153(f).

[7] The Transportation Act of 1920, among other things, conferred minimum rate prescription authority upon the I.C.C. analogous to that contained in section 205 of the Communications Act under which this proceeding was instituted.

[8] The tariff revisions under investigation also provide for free pickup and delivery via telephone, telex and TWX outside the corporate limits of Miami and New Orleans. This aspect of the offering has no relation to the exemption in section 214(a)(2). Tropical alleges that any absorption of charges by it would be insignificant and that it would be willing, if required, to amend its tariff to make the customer bear the difference in delivering telegrams to them as compared to customers within the gateways. The question still remains as to whether or not such customers must bear the full cost of such service. See All America, supra.

additional extended lines, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity requires or will require the construction or operation, or construction and operation of such additional or extended line: *Provided*, That no such certificate shall be required under this section for the construction, acquisition, or operation of * * * (2) local, branch, or terminal lines not exceeding 10 miles in length * * *."

18. We think it clear from the above language that even if Tropical's proposed lines come within the purview of section 214(a), the only exemption which is granted is from securing a certificate from the Commission prior to the construction, acquisition, operation, or transmission over a local branch, or terminal line no more than 10 miles long. The purpose of the exemption was to avoid burdening the carriers with the task of filing and the Commission with the task of processing a continuous stream of applications for minor extensions. There is no basis in the language or the legislative history of the Act to imply anything broader. In other areas, where Congress has wished to grant a broader exemption from regulation, it has not hesitated to state this intent explicitly. See e.g., section 221(b) of the Communications Act, 47 U.S.C. section 221(b).

19. The Act requires that all interstate and foreign common carriers' communications services be provided only pursuant to filed tariff schedules containing charges, practices, classifications, and regulations. That the main part of Tropical's proposed service is to be provided over facilities which may be exempt from section 214 certification, does not relieve it from these requirements with respect to tariffs.

20. The net effect of Tropical's limited interpretation of sections 201(b) and 202(a) and broad interpretation of section 214(a)(2) is to oust the Commission of jurisdiction to regulate in an area which has been specifically entrusted to the Commission by Congress. The Supreme Court has held that "* * * We may not, in the absence of compelling evidence that such was Congress' intention * * * prohibit administrative action imperative for the achievement of an agency's ultimate purposes". See Southwestern Cables, supra at 177, citing Permian Basin Area Rates Cases, 390 U.S. 747, 780. Precedent does not support Tropical's narrow interpretation of the Communications Act. We will, therefore, deny its petition for reconsideration.

WESTERN UNION'S CROSS PETITIONS AND MOTIONS

21. With its opposition to Tropical's petition for reconsideration, Western Union filed, on April 7, 1969, a cross petition for reconsideration with a motion for leave to file, and a motion to clarify or enlarge the issues. As explained in paragraph 2 above, our rules do not ordinarily contemplate the entertaining of petitions for reconsideration of hearing orders and Western Union's petition does not fall within one of the exceptions. Further, Western Union's motion to clarify and enlarge the issues was filed 129 days after the time specified in the Commission's rules.[9] No persuasive reasons have been given to explain its filing delay, or to demonstrate that a waiver of our rules with respect to filing would be conducive to the proper dispatch of business or the ends of justice. We will, therefore, deny Western Union's motion for leave to file its cross-petition for reconsideration and its motion to clarify or enlarge the issues.

EXPANSION OF HEARING ORDER

22. While reviewing the pleadings in this proceeding, the Commission has become concerned with and has focused its attention on the arguments of both Tropical and Western Union concerning the applicability of section 214 of this service offering. This point was not included in the original hearing order and the Commission is of the opinion that to be conducive to the proper dispatch of business and the ends of justice, the hearing order should be enlarged to include an inquiry into the matter of whether integral links in through rate international service require certification even though they are less than 10 miles in length.

ORDER

Accordingly, it is ordered, That Tropical's motion for leave to file its petition for reconsideration is hereby granted and Tropical's petition is hereby denied.

It is further ordered, That Western Union's motion for leave to file its cross-petition for reconsideration is hereby denied, and Western Union's cross petition for reconsideration and its motion to clarify or enlarge the issues are hereby dismissed.

It is further ordered, That the hearing order in this case be amended to include the following issues:

(7) Whether a line used as an integral link in international telecommunications traffic requires a certificate of public convenience and necessity pursuant to section 214(a) of the Act, even though it is less than ten miles in length; and

(8) Whether it is in the public convenience and necessity to grant a certificate to Tropical, if such is found to be required.

Adopted: September 1, 1971.

Released: September 8, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-13721 Filed 9-16-71;8:49 am]

[9] 47 CFR 1.229(b) requires the filing of such motion "not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER", which in this case was November 15, 1968.

[10] Commissioner Johnson absent.

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

OCCUPATIONAL SAFETY AND HEALTH

Notice of Meeting

Advice, consultations, and recommendations under the Williams-Steiger Occupational Safety and Health Act of 1970.

Notice is hereby given that a meeting of the National Advisory Committee on Occupational Safety and Health will commence at 9:00 a.m. on September 24, 1971, in Conference Room 102 A, B, C, and D of the Department of Labor building, 14th and Constitution Avenue NW., Washington, DC.

The National Advisory Committee on Occupational Safety and Health is established under section 7(a) of the Williams-Steiger Occupational Safety and Health Act (29 U.S.C. 656). The committee is directed to advise, consult with, and make recommendations to the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The meeting of the committee shall be open to the public. A verbatim transcript shall be kept. The transcript shall be available for public inspection and copying at the office of the committee's Executive Secretary, which is located in Room 1120, 1726 M Street NW., Washington, DC. Copies may also be obtained by making arrangements at the meeting with the Executive Secretary. If copies are subsequently requested, the applicants shall be referred to the reporting service.

Signed at Washington, D.C., this 14th day of September 1971.

ROGER GRANT,
Executive Secretary.

[FR Doc.71-13765 Filed 9-16-71;8:51 am]

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

STATE WORKMEN'S COMPENSATION LAWS

Schedule of Public Hearings

The National Commission on State Workmen's Compensation Laws has published official notices of public hearings to be held September 22 and 23 in Washington, D.C. (36 F.R. 15768, August 18, 1971), and on October 4 and 5 in Chicago, Ill. (36 F.R. 17675, September 3, 1971). The Commission's present plans

include holding additional public hearings in the following cities: Boston, Mass., October 18 and 19; San Francisco, Calif., November 15 and 16; and Atlanta, Ga., January 10 and 11, 1972. Official notices setting forth the times and addresses of these hearings will appear in subsequent issues of the FEDERAL REGISTER.

Signed at Washington, D.C., this 8th day of September, 1971.

JOHN F. BURTON, Jr.,
Chairman.

[FR Doc.71-13594 Filed 9-16-71;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

FEDERAL COORDINATING OFFICER

Appointment

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint George A. Flowers as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for Virgin Islands disaster number 298 with date of declaration, October 17, 1970, to be effective September 10, 1971.

This notice changes my designation of October 20, 1970 (35 F.R. 16612, October 24, 1970) with respect to the same disaster listed, naming John F. Sullivan, Jr. as Federal Coordinating Officer.

Dated: September 13, 1971.

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

[FR Doc.71-13697 Filed 9-16-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5000]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Post-Effective Amendment Regarding Increase in Amounts of Promissory Notes To Be Issued and Sold to Banks

SEPTEMBER 10, 1971.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. (Vermont Yankee), 77 Grove Street, Rutland, VT 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed with this Commission a post-effective amendment to its declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated March 30, 1971 (Holding Company Act Release No. 17071), the Commission authorized Vermont Yankee to issue and sell up $15 million of its promissory notes to banks listed therein, with all notes to mature not later than December 31, 1971. Vermont Yankee now proposes to increase to $21 million the amount of its promissory notes to be outstanding at any one time and to extend the maturities of such notes until not later than June 1, 1972. In all other respects, the transactions previously authorized remain unchanged. It is stated that the Vermont Public Service Commission has jurisdiction over the proposed increased amount of short-term indebtedness and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed increased amount of short-term indebtedness.

Notice is further given that any interested person may, not later than September 29, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13705 Filed 9-16-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 846; Class B]

ARIZONA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Arizona;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the cities of Tempe and Mesa, Maricopa County, Ariz., suffered damage or destruction resulting from a tornado occurring on August 30, 1971.

OFFICE

Small Business Administration District Office, 112 North Central Avenue, Phoenix, AR 85004.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 31, 1972.

Dated: September 7, 1971.

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

[FR Doc.71-13698 Filed 9-16-71;8:47 am]

[Declaration of Disaster Loan Area 845; Class B]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of New York;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in the counties of Rockland, Orange, and Dutchess suffered damage or destruction resulting from heavy rains and floods caused by tropical storm Doria beginning on August 27, 1971, and property situated in Richmond County (Staten Island) suffered damage or destruction resulting from heavy rains on August 6 to 8, 1971, and heavy rains and floods caused by tropical storm Doria beginning on August 27, 1971.

OFFICE

Small Business Administration Regional Office, 26 Federal Plaza, Room 3930, New York, NY 10007.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1972.

Dated: September 3, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-13699 Filed 9-16-71;8:47 am]

[Declaration of Disaster Loan Area 847; Class B]

OKLAHOMA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of September 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Tulsa, Creek, Rogers, and Osage Counties, Oklahoma, and adjacent areas, suffered damage or destruction resulting from floods occurring on September 6, 1971.

OFFICE

Small Business Administration District Office, 30 North Hudson Street, Oklahoma City, OK 73102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1972.

Dated: September 9, 1971.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.71-13700 Filed 9-16-71;8:47 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification to Area Wage Determination Decisions for Specified Localities in Certain States

Modification to area wage determination decisions for specified localities in Alabama, Florida, Idaho, Illinois, Iowa, Kentucky, Michigan, and Minnesota.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM-331, AM-334, AM-337, AM-341, AM-343, AM-348, AM-2379	Aug. 13, 1971
AM-373, AM-375, AM-376, AM-377, AM-379, AM-382, AM-386, AM-389, AM-390, AM-391, AM-393, AM-394	Aug. 18, 1971
AM-443, AM-444, AM-445, AM-446, AM-447, AM-452, AM-458, AM-479	Aug. 20, 1971
AM-2447	Aug. 25, 1971
AM-2406, AM-2408, AM-2410, AM-2412, AM-2504	Aug. 27, 1971

are hereby modified as set forth below.

These modifications are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, "Procedure for Predetermination of Wage Rates," and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable in Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the 120-day period for which the determinations being modified were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 is set forth in the document being modified.

The modifications to the area wage determination decisions listed above are set forth below.

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

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
WD No. 425—36 F.R. 16858, Mobile County, Alabama. Modification No. 1						
ADD: Under power equipment operators (highway, road, street, and paving construction): Tractors and loaders over 80 h.p.	$3.60					
WD No. 441—36 F.R. 16855, Zone No. 1, Alabama. Modification No. 1						
ADD: Under power equipment operators: Elevating graders, gradalls, or trenching machines	3.45					

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
WD No. 446—36 F.R. 16356, Zone No. 2, Alabama. Modification No. 1						
ADD:						
Under power equipment operators:						
Elevating graders, gradalls, or trenching machines	$3.45					
WD No. 446—36 F.R. 16357, Zone No. 3, Alabama. Modification No. 1						
ADD:						
Under power equipment operators:						
Elevating graders, gradalls, or trenching machines	3.45					
WD No. 447—36 F.R. 16358, Zone No. 4, Alabama. Modification No. 1						
ADD:						
Under counties:						
Clay County:						
Under power equipment operators:						
Elevating graders, gradalls, or trenching machines	3.45					
WD No. AM-452—36 F.R. 16370, Brevard County, Florida. Modification No. 1						
ADD:						
Soft floor layers	7.25	$0.25	$0.25		$0.01	
Truck drivers	1.60					
WD No. AM-458—36 F.R. 16360, Escambia, Okaloosa, Walton, and Santa Rosa Counties, Fla. Modification No. 1						
CHANGE:						
Electricians	6.55					
WD No. AM-2426—36 F.R. 17188, Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida, Power Counties, Idaho. Modification No. 1						
CHANGE:						
Carpenters:						
Carpenters; drywall applicators; floor layers; shinglers	5.73	.22	.20	$0.10	.10	
Piledrivermen	5.90	.22	.20	.10	.10	
Millwrights; piledrivermen's boom men	6.01	.22	.20	.10	.10	
WD No. AM-2428—36 F.R. 17191, Bonneville, Clark, Fremont, Jefferson, Madison, Teton Counties, Idaho. Modification No. 1						
CHANGE:						
Carpenters:						
Carpenters; drywall applicators; floor layers; shinglers	5.73	.22	.20	.10	.10	
Piledrivermen	5.90	.22	.20	.10	.10	
Piledrivermen's boom men, millwrights	6.01	.22	.20	.10	.10	
WD No. AM-2430—36 F.R. 17200, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties, Idaho. Modification No. 1						
CHANGE:						
Carpenters:						
Carpenters; drywall applicators; floor layers; shinglers	5.73	.22	.20	.10	.10	
Piledrivermen	5.90	.22	.20	.10	.10	
Piledrivermen's boom men, millwrights	6.01	.22	.20	.10	.10	
WD No. AM-2418—36 F.R. 17208, Ada, Adams, Bannock, Bingham, Bear Lake, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Idaho (south of the 46th parallel), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, Washington Counties, Idaho. Modification No. 1						
CHANGE:						
Carpenters (south of a line east-west along north boundary Township 29 North, from Snake River to Montana line):						
Carpenters	5.73	.22	.20	.10	.10	
Piledrivermen	5.90	.22	.20	.10	.10	
WD No. AM-2,804—36 F.R. 17804, Butte County, Idaho. Modification No. 1						
CHANGE:						
Carpenters:						
Carpenters	5.73	.22	.20	.10	.10	
Piledrivermen	5.90	.22	.20	.10	.10	
Millwrights	6.01	.22	.20	.10	.10	
WD No. AM-331—36 F.R. 15161, Du Page County, Ill. Modification No. 1						
CHANGE:						
Ironworkers, Argonne and vicinity	9.20	.25	.125		.02	

ILLINOIS-22-LAB. 1-2-3 A

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
LABORERS:						
Building, heavy and highway:						
Building laborers, pumps for dewatering and other unclassified laborers	$6.15	$0.42	$0.55	$0.20		
Cement gun laborers	6.225	.42	.55	.20		
Scaffold laborers; chimney laborers (over 40 feet)	6.25	.42	.55	.20		
Plasterer's laborers	6.275	.42	.55	.20		
Cement gun laborers (gunite) and windlass men	6.30	.42	.55	.20		
Stone derricknen and handlers	6.35	.42	.55	.20		
Jackhammermen, Power driven concrete saws, tampers and pneumatic tools, concrete vibrators	6.375	.42	.55	.20		
Firebrick and boiler setter laborers	6.475	.42	.55	.20		
Plumbers laborers	6.40	.42	.55	.20		
Caisson diggers, well point system men, chimney laborers (on firebrick)	6.50	.42	.55	.20		
Boiler setter plastic laborers	6.60	.42	.55	.20		
WD No. AM-334—36 F.R. 15175, Madison County, Ill. Modification No. 2						
CHANGE:						
Ironworkers:						
Structural, ornamental and reinforcing	8.50	.30	.30			

MODIFICATION—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-557—36 F.R. 15194, St. Clair County, Ill. Modification No. 2						
CHANGE:						
Ironworkers, structural and ornamental	$8.50	$0.30	$0.30			
Ironworkers reinforcing	8.50	.30	.30			
WD No. AM-541—36 F.R. 15213, Will County, Ill. Modification No. 2						
CHANGE:						
Ironworkers, structural	9.20	.25	.125		$0.02	
Ironworkers, ornamental	9.20	.25	.125		.02	
Ironworkers, reinforcing	9.20	.25	.125		.02	
WD No. AM-543—36 F.R. 15223, Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry and Will Counties, Ill. Modification No. 2						
CHANGE:						
Ironworkers:						
Will County, Argonne and vicinity in Du Page County, and the southern half of Kendall County	9.20	.25	.125		.02	

ILLINOIS-22-LAB. 1-2-3 A

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
LABORERS:						
Building, heavy and highway:						
Building laborers, pumps for dewatering and other unclassified laborers	$6.15	$0.42	$0.55	$0.20		
Cement gun laborers	6.225	.42	.55	.20		
Scafford laborers; chimney laborers (over 40 feet)	6.25	.42	.55	.20		
Plasterer's laborers	6.275	.42	.55	.20		
Cement gun laborers (gunite) and windlass men	6.30	.42	.55	.20		
Stone derrickmen and handlers	6.35	.42	.55	.20		
Jackhammermen, power driven concrete saws, tampers and pneumatic tools, concrete vibrators	6.375	.42	.55	.20		
Firebrick and boiler setter laborers	6.475	.42	.55	.20		
Plumbers laborers	6.40	.42	.55	.20		
Caisson diggers, well point system men, chimney laborers (on firebrick)	6.50	.42	.55	.20		
Boiler setter plastic laborers	6.60	.42	.55	.20		
WD No. AM-548—36 F.R. 15262, Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawrence, Marion, Richland, Walash, Wayne and White Counties, Ill. Modification No. 1						
OMIT:						
Laborers schedule issued.						
ADD:						
Laborers	5.35		.30		$0.035	

11-IOWA-2-3

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-2,447—36 F.R. 16798, Black Hawk (Waterloo) County, Iowa. Modification No. 1						
CHANGE:						
Heavy and highway construction:						
Carpenters; piledrivermen	$5.20		$0.21			
Cement masons	4.85					
Laborers:						
Sandblasters; powderman and blaster; pipelayer, sewer, water, telephone conduits etc.; sewer utility man; gunnite nozzleman; diamond and core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life bolt, tag line, or block and tackle; drill operator of air trucs, wagon drills and similar drills	4.55	$0.10	.10			
Tree climber; form setters; rakers; box-tenders; asphalt cur machines; potmen (not mechanical); bull float, hand operated; scalers; timbermen; underpinning and shoring; caissons (over 12 feet); grade checker and cutting torches on demolition work	4.30	.10	.10			
Power buggyman; concrete and paving sawman; form liner, expansion joint assembler; bottom man; caulker and jointer and painter; timber and chain-saw man; mechanical grouters; boring machine; automatic concrete power curbing machines; stresser or stretcherman on posttension or prestressed concrete (on or off the job); powdermen helpers	4.05	.10	.10			
Form tamper; air, gas and electric tool operator, vibrator barco hammer, paving breaker, spader, tamper, electric drills; hammer and jackhammer; tree groundmen; chuck tender; drill helpers, tool room men and checkers; sandblaster helper; concrete processing material and monitors; cement finishers helpers	3.90	.10	.10			
Fence erectors; handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; dumpmen and spotters; carrying reinforcing rods; corrugated culvert pipe; concrete drainage pipe; stake-chaser, seeding, mulching and planting of trees, shrubs and flowers; waterboy; common laborer; rodmen; tending to carpenters; hot asphalt labor; stringman on paving work	3.80	.10	.10			
Power equipment operators:						
Power shovel and crane type equipment (over ½-cycle); central mix plant operator (concrete 5-cycles and over); dredge operator and leverman concrete mixer-paver; hoisting engineer (steel erection); tractor operating scrapers in tandem; motor patrol on finishing work; master mechanic (when four or more mechanics are employed); tow or push boat; piledriver machine	5.35	.30	.20		$0.01	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
CHANGE:						
Heavy and highway construction—Continued						
Power equipment operators—Continued						
Asphalt plant; asphalt paver; asphalt pugmill; power shovel (crane type equipment, under ½ cycle); front end loader (all types 40 hp. or over); mechanics and welders; tournapull (DW 10 and all similar equipment, over 10 cycles struck cap); all self-loading scrapers; tractor, bulldozer, push cats, pulling scraper or rooter and sideboom tractor; churn and rotary drill; trenching machine (Cleveland 80 or similar cap.); self-propelled sheepsfoot roller (100,000 lbs. and over); central mix plant (concrete, under 5 cycles)	$5.20	$0.30	$0.20		$0.01	
Motor patrol (on other work); asphalt roller (high type surfacing); asphalt spreader (back end); concrete curb breaking machine; concrete widening machine; elevating grader and Athey loader; tournapull (DW 10 and all similar equipment under 10 cycles struck cap); paving breaker (drop or pneumatic); spreader box (self-propelled or tractor-pushed); subgrade stab. (P&H and similar sizes); boiler (two or one boiler and dryer); subgrading machine (CMI); slip form paver	4.95	.30	.20		.01	
Self-propelled roller (other than high type asphalt); distributor; screening and washing plant; spreader (concrete tank car heater, combination boiler and booster); self-propelled vibrating compactor; trenching machine; (other) pumps on well points and deep wells for dewatering mechanical broom; steel placing machine; boat operator; compressor, concrete mixer (side loader); conveyor; crusher feeder; finishing machine on concrete; flexplane; bull float; form grade; group equipment greaser; motor crane combination driver and oiler	4.75	.30	.20		.01	
Boiler (single); apprentice engineer or oiler or mechanic's helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); welding machine; pump operator (other than dredge); boom and winch truck; hydroseeder operator; Mulcher blower operator	4.55	.30	.20		.01	
Batching plant (dry); front end loader, rubber-tired (with backhoe attachment, under ¾ cycle); farm tractor pulling pneumatic roller; farm tractor with attachments	4.25	.30	.20		.01	
Truck drivers:						
Truck drivers (not otherwise specified); warehousemen; drivers on: 4-wheel service trucks, bus hauling men, carry all and winch trucks, dumpcretes and scoopmobiles	4.00	.10				
Truck drivers for semi and tandem; ready mix; dumpster; drivers on: forking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapull or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.10	.10				

WD No. AM-479—36 F.R. 16432, Fayette County, Ky. Modification No. 1

CHANGE:						
Painters:						
Brush	5.47					
Hazardous	5.97					
Spray	6.22					

WD No. AM-573—36 F.R. 16777, Allegan County, Mich. Modification No. 1

CHANGE:						
Ironworkers:						
Structural and ornamental	7.65	.50	.50		.02	
Reinforcing	7.60	.50	.50		.02	

Michigan-3-LAB

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Building and heavy construction:						
Laborers:						
Laborers (inexperienced)	$5.00	$0.30	$0.20			
Laborers	5.50					
Plasterer tenders, material mixer, operators of portable mixers; air, electric or gasoline tools, motor driven buggies, swing scaffolds	5.65	.30	.20			
Jackhammer operators		.30	.20			
Signal men and top men on sewer and caisson work (open cut)	5.75	.30	.20			
Windlas (on caisson work)	5.62	.30	.20			
Crocklayers or pipelayers (caisson work)	5.72	.30	.20			
Top men on chimney or towers over 30 feet in height	6.00	.30	.20			

WD No. AM-575—36 F.R. 16787, Berrien County, Mich. Modification No. 1

CHANGE:						
Building and heavy construction:						
Laborers:						
Laborers (inexperienced)	5.00	.30	.20			
Laborers	5.50					
Plasterer tenders, material mixer, operators of portable mixers; air, electric or gasoline tools, motor driven buggies, swing scaffolds	5.65	.30	.20			
Jackhammer operators		.30	.20			
Signal men and top men on sewer and caisson work (open cut)	5.75	.30	.20			
Windlas (on caisson work)	5.62	.30	.20			
Crocklayers or pipelayers (caisson work)	5.72	.30	.20			
Top men on chimneys or towers over 30 feet in height	6.00	.30	.20			

WD No. AM-576—36 F.R. 16791, Calhoun County, Mich. Modification No. 1

CHANGE:						
Ironworkers:						
Srutctural and ornamental	7.65	.50	.50		$0.02	
Reinforcing	7.60	.50	.50		.02	
Building and heavy construction:						
Laborers:						
Laborers (inexperienced)	5.00	.30	.20			
Laborers	5.50					
Plasterer tenders, material mixer, operators of portable mixers; air, electric or gasoline tools, motor driven buggies, swing scaffolds	5.65	.30	.20			
Jackhammer operators		.30	.20			
Signal men and top men on sewer and caisson work (open cut)	5.75	.30	.20			
Windlas (on caisson work)	5.62	.30	.20			
Crocklayers or pipelayers (caisson work)	5.72	.30	.20			
Top men on chimneys or towers over 30 feet in height	6.00	.30	.20			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-377—36 F.R. 15795, Charlevoix County, Mich. Modification No. 1						
CHANGE:						
Ironworkers:						
Structural and ornamental	$7.65	$0.50	$0.50		$0.02	
Reinforcing	7.60	.50	.50		.02	
Electricians	7.63	.30	1%		.1%	
WD No. AM-379—36 F.R. 15804, Emmet County, Mich. Modification No. 1						
CHANGE:						
Electricians (remainder of county)	7.63	.30	1%		.1%	
Ironworkers:						
Structural and ornamental	7.65	.50	.50		.02	
Reinforcing	7.60	.50	.50		.02	
WD No. AM-385—36 F.R. 15817, Grand Traverse, Leelanau Counties, Mich. Modification No. 1						
CHANGE:						
Electricians	7.63	.30	1%		.1%	
Ironworkers:						
Structural and ornamental	7.65	.50	.50		.02	
Reinforcing	7.60	.50	.50		.02	
WD No. AM-386—36 F.R. 15837, Kent County, Mich. Modification No. 1						
CHANGE:						
Ironworkers:						
Structural and ornamental	7.65	.50	.50		.02	
Reinforcing	7.60	.50	.50		.02	
Painters:						
Brush	6.10	.25	.20		.005	
Swing stage-window jack	6.35	.25	.20		.005	
Spray and pressure roller	6.35	.25	.20		.005	
Paperhangers	6.35	.25	.20		.005	
Sandblasting	6.60	.25	.20		.005	
WD No. AM-389—36 F.R. 15850, Mason County, Mich. Modification No. 1						
CHANGE:						
Electricians:						
Grant, freesoil, meade	7.63	.30	1%		.1%	
Ironworkers:						
Structural and ornamental	7.65	.50	.50		.02	
Reinforcing	7.60	.50	.50		.02	
WD No. AM-390—36 F.R. 15855, Muskegon County, Mich. Modification No. 1						
CHANGE:						
Building and heavy construction:						
Laborers:						
Laborers (inexperienced)	5.00	.30	.20			
Laborers	5.50					
Plasterer tenders, material mixer, operators of portable mixers; air, electric or gasoline tools, motor driven buggies, swing scaffolds	5.65	.30	.20			
Jackhammer operators		.30	.20			
Signal men and top men on sewer and caisson work (open cut)	5.75	.30	.20			
Windlas (on caisson work)	5.62	.30	.20			
Crocklayers or pipelayers (caisson work)	5.72	.30	.20			
Top men on chimneys or towers over 30 feet in height	6.00	.30	.20			
WD No. AM-391—36 F.R. 15881, Saginaw County, Mich. Modification No. 1						
CHANGE:						
Terrazzo workers helpers	7.36	.30	.10	.25		
WD No. AM-393—36 F.R. 15872, Washtenaw County, Mich. Modification No. 1						
CHANGE:						
Terrazzo workers helpers	7.36	.30	.10	.25		
Bricklayers	9.95					
Marble setters	9.95					
Plasters	9.95					
Terrazzo workers	9.95					
Tile setters	9.95					
Cement masons	9.55					
WD No. AM-394—36 F.R. 15877, Wayne, Oakland, Macomb County, Mich. Modification No. 1						
CHANGE:						
Terrazzo workers helpers	7.36	.30	.10	.25		
Bricklayers	8.225	.45	.658	.9047	.05	
Laborers:						
Laborer	6.45	.45	.35	.50	.06	
Mortar mixer, Scaffold builder	6.53	.45	.35	.50		
Signalman, air, electric, or gasoline tool operator	6.63	.45	.35	.50		
Windlass and tugger operator	6.63	.45	.35	.50		
Jackhammer operator	6.63	.45	.35	.50		
Vibrator operator	6.63	.45	.35	.50		
Crock grade man	6.68	.45	.35	.50		
Crock layer and pile layer	6.78	.45	.35	.50		
Caisson workers	6.83	.45	.35	.50		
WD No. AM-8,379—36 F.R. 15402, St. Louis County, Minn. Modification No. 1						
CHANGE:						
Building construction:						
Elevator constructors	6.84	.185	.20	2%+a		
Elevator constructors' helpers	70%J R	.185	.20	2%+a		
Site preparation, excavation and incidental paving, heavy and highway construction:						
Carpenters	6.18	.40	.15	.45	.02	
Piledrivermen	6.18	.40	.15	.45	.02	
Cement masons	7.30	.15				
CHANGE:						
Description of work: Building construction (excluding single family homes and garden type apartments up to and including four stories), heavy and highway construction. Duluth only.						
PAID HOLIDAYS:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day. [1]						

[1] Employer contributes 4 percent hourly rate for over 5 years' service, 2 percent basic hourly rate for 6 months to 5 years' service as vacation pay credit. Six paid holidays: A through F.

[FR Doc.71-13566 Filed 9-16-71;8:45 am]

Occupational Safety and Health Administration

BOEING CO.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that on July 22, 1971, the Boeing Co., Post Office Box 3999, Seattle, WA 98124, has for itself and for its subcontractors made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596) and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the construction safety standard prescribed in 29 CFR 1518.352(c)(1) and made an occupational safety and health standard by 29 CFR 1910.12.

The standard is as follows:

§ 1518.352 *Welding, cutting, and heating in the way of preservative coatings.* * * *

(c) Protection against toxic preservative coatings: (1) In enclosed spaces, all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application, or employees shall be protected by air line respirators, meeting the requirements of Subpart E of this part.

The applicant states that it has contracts with the U.S. Air Force to perform work either by itself or through subcontracts within Air Force Minuteman weapon system facilities. The work to be performed under the contracts includes welding, cutting, and heating operations on surfaces coated with a toxic preservative. The preservative is identified in the application as being a red lead primer, TT–P–86. The request for a variance and for an interim order is limited to welding, cutting, and heating operations on surfaces coated with the red lead primer TT–P–86 and which are to be performed at the following locations and in accordance with the specifications of the following identified U.S. Department of Air Force contracts:

Location	*Contract No.*
Seattle Test Program, Facility No. III, 9725 East Marginal Way South, Seattle, WA	F 04701–70–C–0137
Boeing Pacific Test Center, Post Office Box 1626, Vandenberg Air Force Base, CA 93437	F 04701–70–C–0137
The Boeing Co., Wing III, Post Office Box 3000, Minot Air Force Base, ND 58701	F 04701–68–C–0042
The Boeing Co., Utah Area, AF Plant 77, Hill Air Force Base, Ogden, UT 84401	F 04701–70–C–0140
The Boeing Co., Wing II, Post Office Box 188, Ellsworth Air Force Base, SD 57706	F 04701–70–C–0180
The Boeing Co., Wing I, Post Office Box 2428, Great Falls, MT 59402	F 04701–70–C–0137
The Boeing Co., Wing IV, Post Office Box 5050, Whiteman Air Force Base, MO 65301	F 04701–70–C–0137
The Boeing Co., Wing V, Post Office Box 122, Warren Air Force WY	F 04701–70–C–0137

In making its application, applicant states that it is unable to certify that employees who will be affected by the variance have been notified of the application and of their right to petition for a hearing as is required by 29 CFR 1905.11 (b) (5) and (7). The reason given is that there were no such employees at the time the application was filed because Boeing had not at that time awarded the subcontracts under which the work is to be performed.

Regarding the merits of the application, applicant states that its contract specifications require red lead primed surfaces to be cleaned of all paint to a distance of 2 inches from the area of heat application. It has supplied engineering data which show that the surface temperature 2 inches back from the area of heat application does not exceed 505° F. The information also shows that the lowest temperature at which red lead primer TT–P–86 volatilizes is in excess of 1292° F.

Applicant also states that it is not always possible to strip the primer because of the structural nature of some of the members to which heat is to be applied. It would appear therefore that some volatilization of the primer will occur. However, applicant states that its contracts require local exhaust ventilation systems. It says that the systems will provide a minimum control velocity of 100 f.p.m. when the local exhaust hood is at its most remote distance from the point of work. Applicant has attached its evaluation and design criteria for ventilation systems to the application. Finally, the applicant states that it monitors the workplace atmosphere for lead fumes and dust both at the start of work and at regular intervals during the life of each contract.

A copy of the application will be made available for inspection and copying upon request at the Office of Safety and Health Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, DC 20210 and at the Seattle office of the Occupational Safety and Health Administration, 1804 Smith Tower Building, 506 Second Avenue, Seattle, WA 98104.

Interested persons, including affected employers and employees, are invited to submit written data, views, and arguments regarding the application for a variance within 60 days following the publication of this notice in the FEDERAL REGISTER. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application for a variance within 60 days after the publication of this notice in the FEDERAL REGISTER, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing shall be in quadruplicate, and shall be addressed to the Office of Safety and Health Standards at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order, and supporting data, filed by the Boeing Co. that the practices, means, methods, and operations proposed by Boeing will provide employment and places of employment which are as safe and healthful as those which would prevail if the company and its subcontractors were to comply with the requirements of 29 CFR 1518.352(c)(1) and 29 CFR 1910.12. It further appears from the application that an interim variance is necessary to prevent undue hardships to affected employers and employees and to prevent serious impairment of the conduct of government business. Therefore:

It is ordered, Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, section 105 of the Contracts Work Hours and Safety Standards Act, as amended, 29 CFR 1905.11(c), and in 29 CFR 1518.2, as amended, that the Boeing Company and its subcontractors under the contracts listed in the application, be, and they are hereby, authorized to perform welding, cutting, and heating operations on surfaces coated with red lead primer TT–P–86, required in the performance of the contracts, in accordance with the following conditions, in lieu of the requirements of 29 CFR 1518.352(c)(1) and 29 CFR 1910.12:

(a) Wherever practicable, surfaces coated with red lead primer TT–P–86 which are to be subjected to a welding, cutting, or heating operation shall be stripped of said primer for a distance of 2 inches from the area of heat application;

(b) In all cases, enclosed spaces within which a welding, cutting, or heating operation is to be performed upon a surface coated with red lead primer TT–P–86 shall be provided with a local exhaust ventilation system having a minimum control velocity of 100 f.p.m. when the local exhaust hood is at its most remote distance from the point of work. The exhaust system shall be in operation while welding, cutting, or heating operations are being performed on surfaces coated with the primer;

(c) The workplace atmosphere in enclosed spaces within which a welding, cutting, or heating operation is to be performed upon a surface coated with red lead primer TT–P–86 shall be monitored on a weekly basis for airborne lead contaminants. Appropriate action to protect employees shall be taken whenever air samplings indicate levels in excess of those allowed by 29 CFR 1518.55 and 29 CFR 1910.12.

(d) As soon as possible, the Boeing Co. shall comply with the certification and notice requirements of 29 CFR 1905.11 (b)(5) and (b)(7), and shall give notice to affected employees of the terms of this interim order by the same means required to be used to inform them of the application for the variance.

Effective date. This interim order shall be effective as of September 17, 1971, and shall remain in effect until a decision is rendered on the application of Boeing Co. for a variance.

Signed at Washington, D.C., this 14th day of September 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71-13726 Filed 9-16-71;8:50 am]

INTERSTATE COMMERCE COMMISSION

[Notice 363]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 13, 1971.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 37127 (Sub-No. 1 TA), filed September 2, 1971. Applicant: MECCA & SON TRUCKING CORP., 25 Fairmount Avenue, Jersey City, NJ 07304. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum trays and sheet containers:* (a) From the facilities of Ekco Products, Inc., Clayton, N.J., to points in New Jersey, Nassau and Suffolk Counties, N.Y.; and (b) from Jersey City, N.J., to points in Bergen, Essex, Hudson, Morris, Middlesex, Passaic, Somerset, and Union Counties, N.J., and Nassau and Suffolk Counties, N.Y., having a prior movement by motor or rail from the facilities of Ekco Products, Inc., Wheeling, Ill., *refused damaged and rejected shipments on return*, for 180 days. Supporting shipper: Ekco Products, Inc., 777 Wheeling Road, Wheeling, IL 60090, Robert W. Johnson, General Traffic Manager. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 72545 (Sub-No. 9 TA), filed September 2, 1971. Applicant: FRANK P. MANNER, doing business as MANNER'S TRUCKING SERVICE, Post Office Box 637, 1020 Railroad Avenue, Orland, CA 95963. Applicant's representative: Frank P. Manner, Post Office Box 632, Orland, CA 95963. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer slurry fire retardant*, in tank vehicles, from Orland, Calif., to points in Oregon, for 180 days. Supporting shipper: Arizona Agrochemical Corp., Post Office Box 277, Orland, CA 95963. Send protests to: District Supervisor, Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 100666 (Sub-No. 195 TA), filed September 1, 1971. Applicant: MELTON TRUCK LINES, INC., 1129 Grimmett Drive, Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Dykeman, Williamson & Williamson, Suite 280, National Foundation Life Center, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings* (except oilfield commodities as described by the Commission in Mercer Extension-Oilfield commodities 74 M.C.C. 459), from points in Calhoun County, Ark., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Kansas, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas, for 180 days. NOTE: Applicant does not know of any feasible tacking possibilities. Supporting shipper: Precision Polymers, Inc., East Camden, in Calhoun County, Ark. Mr. Don Underwood, Plant Manager. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA.

No. MC 104149 (Sub-No. 192 TA), filed September 2, 1971. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st Street, Birmingham, AL 35201. Applicant's representative: John P. Carlton, 325 29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Dothan, Ala., to points in Florida, Georgia, Mississippi, Louisiana, and Tennessee, for 180 days. Supporting shipper: Alabama Engineering and Supply Co., Inc., 1085 Parker, Montgomery, AL 36108. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 104675 (Sub-No. 31 TA), filed September 1, 1971. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, NY 14210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Caledonia, N.Y., to Wellsboro, Pa., and Willisport, Pa., returned *rejected or refused shipments of the same commodity*, in the reverse direction, for 180 days. Supporting shipper: Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Bldg., 121 Ellicott Street, Buffalo, NY 14203.

No. MC 107295 (Sub-No. 545 TA), filed September 2, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing*, from East Palestine, Ohio; to points in Florida, Georgia, Illinois, Missouri, Indiana, Michigan, Mississippi, New Jersey, New York, Pennsylvania, and Wisconsin, for 180 days. Supporting shipper: Fred B. Shelar, President, Roshel Industries, Inc., East Palestine, Ohio 44413. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 107515 (Sub-No. 770 TA), filed September 2, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, epoxy, and resin impregnated fabrics, molding compounds and thinners* (except in bulk in tank vehicles), from River Rouge, Mich., to points in Georgia, Florida, and Texas, for 180 days. Supporting shipper: Fabricon Products, a division of Eagle-Picher Industries, Inc., 1721 Pleasant Avenue, River Rouge, MI 48218. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 108375 (Sub-No. 29 TA), filed September 1, 1971. Applicant: LEROY L. WADE & SON, INC., 1615 Izard Street, Omaha, NE 68102. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign-made automobiles*, in secondary movement, from Des Moines, Iowa, to points in Nebraska, for 180 days. Supporting shipper: Mercedes-Benz of North America, Inc., 3333 Charles Road, Franklin Park, IL (Dar L. Suran). Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 111170 (Sub-No. 168 TA), filed September 2, 1971. Applicant: WHEELING PIPE LINE, INC., 2811 North West

Avenue, Post Office Box 1718, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, from Helena, Ark., to Campbell, Mo., for 180 days. Supporting shipper: Arkansas Power & Light Co., Sixth Avenue and Pine Street, Pine Bluff, AR 71801. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 112391 (Sub-No. 35 TA), filed September 2, 1971. Applicant: HADLEY AUTO TRANSPORT, 7428 Paramount Boulevard, Post Office Box 96, Pico Rivera, CA 90660. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, CA. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foreign automobiles*, from port of entry on the international boundary line between the United States and Mexico located at or near San Ysidro, Calif., to Los Angeles harbor commercial zone and Pico Rivera, Calif., for 180 days. Supporting shipper: Ford Marketing Corp., Post Office Box 1558, Dearborn, MI 48121. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 112989 (Sub-No. 19 TA), filed September 2, 1971. Applicant: WEST COAST TRUCK LINES, INC., Post Office Box 668, Coos Bay, OR 97420. Applicant's representative: Jerry R. Woods, 100 Southwest Market, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials*, from points Santa Clara, Alameda, and Costra Costa Counties, Calif., to points in Oregon and Washington, for 180 days. Supporting shippers: Johns-Manville Products Corp., Pittsburg, Calif. 94565; The Willamette Valley Co., Post Office Box 2280, Eugene, OR 97402; Pacific States Steel Corp., 35124 Alvarado-Niles Road, Union City, Calif. 94587; Zellerbach Paper Co., Post Office Box 1146, Eugene, OR 97401; Bird & Son, 2555 Flores Street, Suite 590, San Mateo, CA 94403; United States Pipe and Foundry Co., Union City, Calif. 94587; Inland-Ryerson Construction Products Co., 2875 Prune Avenue, Fremont, CA 94538. Send protests to: A. E. Adoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg.

No. MC 113410 (Sub-No. 72 TA), filed September 2, 1971. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Applicant's representative: Robert W. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Road oil and asphalt*, in bulk, from St. Paul Park, Minn., to points in O'Brien, Black Hawk, and Winnishiek Counties, Iowa; Pepin, Eau Claire, Trempeleau, La Crosse, Burnett, Washburn, Sawyer, Polk, Barron, Rusk, Dunn, St. Croix, Chippewa, Pierce, Buffalo, Jackson, and Monroe Counties, Wis., for 180 days. Supporting shipper: Northwestern Refining Co., St. Paul Park, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 113651 (Sub-No. 146 TA), filed September 1, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from the plantsite of Missouri Beef Packers, Inc., Friona, Tex., to points in Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., Amarillo, Tex. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 113828 (Sub-No. 193 TA), filed September 2, 1971. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014. Office, 5320 Marinelli Drive, Industrial Park, Rockville, MD 20852. Applicant's representative: Michael A. Grimm, Post Office Box 30006, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean hulls*, in bulk, from Fayetteville, N.C., to Salem, Va., for 180 days. Supporting shipper: Agricultural Processing Corp., Post Office Box 845, Salem, VA 24153. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 116273 (Sub-No. 148 TA), filed September 2, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt emulsion*, in bulk, in tank vehicles, from Michigan City, Ind., to points in Van Buren, Cass, and Berrien Counties, Mich., for 180 days. Supporting shipper: Seneca Petroleum Co., 439 W. 33d Street, Chicago, IL 60616. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 116947 (Sub-No. 19 TA), filed September 2, 1971. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Hamburg, Pa., to Collierville, and Memphis, Tenn., for 150 days. Supporting shipper: National Can Corp., 727 South Wolfe Street, Baltimore, MD 21321. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 118520 (Sub-No. 6 TA), filed September 1, 1971. Applicant: ALASKA TRUCK TRANSPORT, INC., 2200 6th Avenue, Suite 941, Seattle, WA 98121. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from Seattle, Wash., to points in Alaska, and return, for 180 days. NOTE: Applicant presently interlines at Seattle with other carriers on motor-water mode and will continue to do so under this temporary authority for all motor service. Supporting shippers: Alaska Brick Co., Inc., 4641 East Tudor Road, Anchorage, AK 95502; Alaska Wholesale, Inc., 1101 Whitney Road, Post Office Box 138, Anchorage, AK 99501; Parcel Delivery & Transfer, Inc., 1300 Post Road, Anchorage, AK 99501; Cartwright Movers of Washington, 4250–24th Avenue West, Seattle, WA 98199. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 120800 (Sub-No. 42 TA), filed September 1, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas*, in specially designed vacuum jacketed trailers, from Memphis, Tenn.; Erlanger, Ky., to Florence, and Pittsburgh, Pa., for 150 days. Supporting shipper: LNG Services, 475 Miranda Road, Pittsburgh, PA 15241. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 120800 (Sub-No. 43 TA), filed September 1, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas* in specially designed jacketed trailers, from port of entry, Highgate Springs, Vt., to Fall River, Mass., for 150 days. Supporting shipper:

Fall River Gas Co., Fall River, Mass. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 126899 (Sub-No. 48 TA), filed September 2, 1971. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, KY 42001. Applicant's representative: William A. Usher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trucks, from Paducah, Ky., and points within 10 miles thereof to points in Benton, Crockett, Dyer, Henry, Humphreys, Montgomery, Stewart, Carroll, Dickson, Gibson, Houston, Lake, Obion, and Weakley Counties, Tenn., for 180 days. Supporting shipper: Gulf Oil Company, U.S. Gulf Oil Building, 1375 Peachtree Street, Atlanta, GA 30309. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 127274 (Sub-No. 31 TA), filed September 2, 1971. Applicant: SHERWOOD TRUCKING, INC., Post Office Box 2189, 1517 Hoyt Avenue, Muncie, IN 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from the plantsite of Kerr Glass Manufacturing Corp. at Dunkirk, Ind., to the plantsite of Travenol Laboratories, Inc., Kingtree, S.C., for 180 days. Supporting shipper: Kerr Glass Manufacturing Corp., Packaging Products Division, Post Office Box 400, Lancaster, PA 17604. Send protests to: Acting District Supervisor Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 128585 (Sub-No. 3 TA), filed September 2, 1971. Applicant: WILLIAM J. PETERSON, doing business as Peterson Trucking, 427 West Fourth Avenue, Redfield, SD 57469. Applicant's representative: Galen G. Gillette, 28 East Seventh Avenue, Redfield, SD 57469. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, wire hangers, dry cleaning solvent, phosphates and fluids; alum; and other chemicals*, from Wyandotte, Mich., Pittsburg, Pa., Chicago, Ill., Joliet, Ill., Roseport, Minn., Barberton and Painesville, Ohio to Aberdeen, S. Dak., and return, for 180 days. Supporting shipper: Jay D. Richards, doing business as Dakota Chemical Co., 123 East Railroad, Aberdeen, SD 57401. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak., 57501.

No. MC 133192 (Sub-No. 4 TA), filed September 2, 1971. Applicant: LARRY TERBINO CONSTRUCTION COMPANY, INC., 5 Cypress Drive, Burlington, MA 01803. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, from Portsmouth, N.H., to points in Essex, Middlesex, and Suffolk Counties, Mass., for 180 days. Supporting shipper: The Chemical Corp., 54 Waltham Avenue, Springfield, MA 01109. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John Fitzgerald Kennedy Federal Building, Government Center, Boston, MA 02203.

No. MC 133735 (Sub-No. 2 TA), filed September 1, 1971. Applicant: AUDUBON TRANSPORT, INC., Audubon, Iowa 50025. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal food and liquid animal food supplements*, from the plantsite of Phillips Petroleum Co. at Audubon, Iowa to points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: Phillips Petroleum Co., Bartlesville, Okla. 74004. Send protests to: Carroll Russell, District Supervisor, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134548 (Sub-No. 2 TA), filed September 2, 1971. Applicant: ZENITH TRANSPORT LTD., 2040 Alpha Avenue, Buraby 2, BC, Canada. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper felt products*, in rolls, from the port of entry on the international boundary line between the United States and Canada at or near Blaine, Wash., to Hollister, Calif., restricted to plantsite service for Nicolet of California, Inc., for 180 days. Supporting shipper: Nicolet of California, Inc., Post Office Box 594, Hollister, CA 95023. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134646 (Sub-No. 1 TA), filed September 2, 1971. Applicant: L & H TRANSPORT, INC., 12000 North Portland Road, Portland, OR 97203. Applicant's representative: Harry E. Bates, 12000 North Portland Road, North Portland, OR 97043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and wood products*, from points in Washington and Oregon to points in California; (2) *lumber and wood products*, from Dillard, Oakridge, Springfield, Eugene, Bend, and Baum, Oreg., to points in Washington; (3) *steel wire rope and fittings*, from the United States-Canadian international boundary line port of entry at or near Blaine, Wash., to Portland, Oreg., Seattle, Wash., and Oakland, Calif.; (4) *mining and construction machinery, equipment and parts; chemicals, solvents, and wood fillers* used in connection with manufacture and processing of lumber and plywood; cattle hides; and seed and grain otherwise exempt under section 203(b)(6) of the Interstate Commerce Act when transported on the same vehicle with regulated commodities; general commodities; and lumber and plywood, between the port of entry on the United States-Canadian international boundary at or near Blaine, Wash., on the one hand, and, on the other, points in Oregon, Washington, and California, and between points in Oregon, Washington, and California, on the one hand, and, on the other, the ports of Seattle, Longview, and Vancouver, Wash., Portland, and Coos Bay, Oreg., and San Francisco, Los Angeles, Long Beach, and San Diego, Calif., and; (5) *iron or steel articles, cast, forged, or wrought, rough or machined, and new and used machinery, for the mining and construction industry*, from the port of entry on the United States-Canadian international boundary at or near Blaine, Wash., to points in Oregon, California, and Arizona, and to Marble, Minn., Randville, Mich., Knoxville, and Drakesboro, Ky., Thomaston, Maine; Canton, Ill.; Salt Lake City, Utah; Questa, N. Mex.; and from the port docks at Seattle and Longview, Wash., and Portland, Oreg.; to the above named destinations, for 180 days. Supporting shippers: West Coast Wire Rope & Rigging of Portland, Inc., 2201 Northwest 20th Avenue, Portland, OR 97209; American-Western Foundries, Post Office Box 1288, Santa Barbara, CA 93102; Brill Ware Mfg. Co., 11803 116th Avenue NE., Kirkland, WA 98033; Tooze & Associates, 924 Southeast 45th Avenue, Portland, OR 97215; Grays Harbor Hardwood, Inc., Port Dock, Post Office Box 839, Hoquiam, WA 98550. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 135117 (Sub-No. 4 TA), filed September 2, 1971. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, Sioux City, IA 51103. Applicant's representative: Wallace W. Huff, 314 Security Building, Sioux City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, and pelts*, green and green salted, from points in Gibbon, McCook, Scottsbluff, Minden, and Lexington, Nebr.; Austin, Minn; and Rapid City, S. Dak., to plantsite of Phillips Pre-Tanning, Inc., Sioux City, Iowa, for 180 days. Supporting shipper: Phillips and Co., Inc., Pre-Tanning Division, Post Office Box 473, Sioux City, IA 51101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 135528 (Sub-No. 3 TA), filed September 2, 1971. Applicant: CLIFFORD R. SMITH, doing business as

SMITH TRUCKING, R.F.D., Oakley, UT 84055. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from Los Angeles, Calif. Harbor commercial zone to points in Utah, under a continuing contract with P. K. Wholesale Roofing Supply, for 180 days. Supporting shipper: P. K. Wholesale Roofing Supply, 3359 South Fourth West Street, Salt Lake City, UT 84115 (Fred G. Kirts, Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 135948 TA, filed September 2, 1971. Applicant: DARWIN L. YOUNG & MELVIN J. THOMPSON, doing business as D.L.Y. TRUCKING, Route No. 5, Box 99, Blackfoot, ID 83221. Applicant's representative: Darwin L. Young (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Carbon, Emery, Sevier, Summit, and Kane Counties, Utah, to Bingham County, Idaho, for 180 days. Supporting shipper: David's Elevator, Inc., Post Office Box 587, Blackfoot, ID 83221. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, 455 Federal Building and U.S. Courthouse, Boise, Idaho 83702.

No. MC 135949 TA, filed September 2, 1971. Applicant: O. H. BALDRIDGE AND SONS, INC., Box 289, Highway 161 East, Centralia, IL 62801. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products*, from Centralia, Ill., to points in Indiana, Kentucky, and Missouri for the account of Nelsen Concrete Products, Inc., Centralia, Ill., for 180 days. Supporting shipper: D. C. Keeler, Division Manager, Nelsen Concrete Products, Inc., Centralia, Ill. 62801. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, IL 62704.

By the Commission.

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

[FR Doc.71-13730 Filed 9-16-71;8:50 am]

[Notice 751]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 14, 1971.

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

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

No. MC-FC-73007. By order of September 2, 1971, the Motor Carrier Board approved the transfer to Fastway, Inc., Holly Springs, Miss., of Certificate No. MC-30808, February 10, 1970, issued to David L. Gould, doing business as David Gould Trucking Co., Holly Springs, Miss., authorizing the transportation of: General commodities, with the usual exceptions, and charcoal furnaces, between Holly Springs, Miss., and points within 250 miles thereof, to points in Tennessee and Mississippi. R. Connor Wiggins, attorney, 909-100 North Main Building, Memphis, Tenn. 38103.

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

[FR Doc.71-13731 Filed 9-16-71;8:50 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 14, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42276—*Wheat to North Pacific Coast Ports for Export*. Filed by Trans-Continental Freight Bureau, agent (No. 469), for interested rail carriers. Rates on wheat, in carloads, as described in the application, from specified points in North Dakota on the Soo Line Railroad, to North Pacific Coast ports for export.

Grounds for relief—Market and cross-country competition.

Tariff—Supplement 91 to Trans-Continental Freight Bureau, Agent, tariff ICC 1805. Rates are published to become effective on October 15, 1971.

By the Commission.

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

[FR Doc.71-13732 Filed 9-16-71;8:50 am]

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FRIDAY, SEPTEMBER 17, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 181

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

Solid Waste Disposal and Resource Recovery Grants

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

SOLID WASTE DISPOSAL AND RESOURCE RECOVERY GRANTS

Regulations applicable to grants for the demonstration of resource recovery systems and the construction of new or improved solid waste disposal facilities under section 208 of the Solid Waste Disposal Act (42 U.S.C. 3251 et seq.), as amended by the "Resource Recovery Act of 1970" (Public Law 91-512), were promulgated and published at 36 F.R. 1143. While the regulations under section 208 became effective on the date of their publication in the FEDERAL REGISTER, interested persons, particularly those eligible for section 208 grants, i.e., State, municipal, interstate, and intermunicipal agencies, were given 30 days in which to submit written comments, views, and arguments concerning the regulations. After consideration of all such relevant matter as was presented by interested persons, the regulations are hereby amended to incorporate appropriate modifications and are redesignated as Part 464 of this title.

In addition, a proposal was published at 36 F.R. 7145 to promulgate regulations applicable to grant applications and awards under sections 204, 205, 207, and 210 of the Solid Waste Disposal Act (42 U.S.C. 3251 et seq.), as amended by the "Resource Recovery Act of 1970" (Public Law 91-512). Interested persons were given 30 days in which to submit written comments, views, data, or arguments concerning the proposed regulations. After consideration of all such relevant matter as was presented by interested persons, the proposed regulations with appropriate modifications are hereby adopted. In addition, Parts 458 and 459 of Chapter IV of Title 42 are hereby revoked.

Effective date. These regulations shall be effective on the date of their publication in the FEDERAL REGISTER (9-17-71).

Terms and conditions further explaining the procedures governing the award of grants under sections 204, 205, 207, 208, and 210 of the Act are available upon request from the Environmental Protection Agency, 1626 K Street NW., Washington, D.C. 20460.

PART 458—GRANTS FOR RESOURCE RECOVERY SYSTEMS AND IMPROVED SOLID WASTE DISPOSAL PROJECTS

Part 458 is hereby revoked.

PART 459—GRANTS FOR SOLID WASTE DISPOSAL PROJECTS

Part 459 is hereby revoked.

PART 460—GENERAL PROVISIONS APPLICABLE TO GRANTS UNDER SECTIONS 204, 205, 207, 208, AND 210 OF THE SOLID WASTE DISPOSAL ACT

A new Part 460 is added as follows:

Sec.
460.1 Applicability.
460.2 Definitions.
460.3 Funds available for grants.
460.4 Application for grants.
460.5 Grant limitations; general.
460.6 Grant conditions; general.
460.7 Supplemental, continuation, and renewal grants.
460.8 Criteria for approval of projects.
460.9 Grant awards.
460.10 Payments.
460.11 Termination of grant award.
460.12 Final accounting.
460.13 Accounting for grant payments.
460.14 Equipment, materials, or supplies.
460.15 Final settlement.

AUTHORITY: The provisions of this Part 460 issued under secs. 204, 205, 207, 208, and 210, 79 Stat. 998-9, as amended by 84 Stat. 1230; Public Law 89-272, as amended by Public Law 91-512.

§ 460.1 Applicability.

The provisions of this part apply to grants authorized by sections 204, 205, 207, 208, and 210 of the act.

§ 460.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the act.

(a) "Act" means the Solid Waste Disposal Act (42 U.S.C. 3251 et seq.) as amended by the Resource Recovery Act of 1970 (Public Law 91-512).

(b) "Administrator" means the Administrator of the Environmental Protection Agency.

(c) "Adopted interstate plan" means a comprehensive solid waste management plan that has been accepted by the Administrator for an interstate area, published, approved by the participating States, and made available to the constituent political subdivisions and to the heads of the appropriate State agencies in the affected States together with a letter from the head of the interstate agency notifying the Governors of the participating States of the existence of the plan and accepting responsibility for the plan.

(d) "Adopted state plan" means a comprehensive statewide plan for solid waste management that has been accepted by the Administrator and recognized by the Governor, in writing, as the official solid waste management plan for the State and has been published and made available to all political subdivisions of the State.

(e) "Grant period" means the period during which the grantee is authorized to obligate granted Federal funds for the purposes specified in the approved grant application.

(f) "Grant related receipts" means receipts derived by the grantee from operations which have been initiated or improved under the approved project.

(g) "Project period" means the period of time which the Administrator finds is reasonably required to carry out a project meriting support under the act.

(h) "Solid waste management" means the developing, planning, financing, organizing, coordinating, directing, controlling, enforcing, and supervising of activities associated with, but not limited to, the generation, storage, collection, transport, processing, treatment, recycling, resource recovery, reduction, or final disposal of solid waste, and the design, construction, operation, and maintenance of component facilities and equipment.

§ 460.3 Funds available for grants.

The Administrator may, from time to time and for such periods as he may deem appropriate, reserve a portion or portions of the available grant funds for categories of projects.

§ 460.4 Application for grants.

(a) An application for a grant shall be submitted on such forms and in such manner as the Administrator prescribes.

(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 part and any additional conditions of the grant.

(c) In addition to any other pertinent information which the Administrator may require, each applicant shall submit as part of the application in a full and adequate description of the proposed project in sufficient detail to indicate the nature, costs, schedule, objectives, justification, and proposed method of conducting and evaluating the project. The description shall, as applicable, indicate the possession of, or set forth a schedule for acquiring, qualified personnel, contractors, consultants, equipment, facilities, and other resources (including non-Federal funds) necessary for the conduct of the project, and any plans to contract with relevant solid waste industry contractors for participation in the project.

(d) An application may be submitted at any time. The Administrator will establish at least two deadline dates for each fiscal year, and any application received prior to any deadline date and deemed by the Administrator to be complete, will be considered and acted upon no later than 90 days following such date.

§ 460.5 Grant limitations; general.

(a) No grant shall be awarded:

(1) With respect to any costs that are not incurred within the grant period.

(2) Unless the application sets forth plans for the expenditure of such grant, which assure, to the satisfaction of the Administrator, that the project as planned will carry out the purposes of the Act.

(3) Until the applicant has given assurance satisfactory to the Administrator that funds are available from non-Federal sources to pay the non-Federal share of the cost of the project, as applicable.

(4) For any project that includes the construction of any facility, unless the applicant has made financial and technical provisions that are acceptable to the Administrator regarding the operation and maintenance of the facility for a reasonable period of time after it is built.

(5) To any private profit-making organization.

(b) Any grant-related receipts the grantee derives during the project period must be accounted for by the grantee. The Administrator may among other alternatives, (1) reduce the grant award by an amount equal to the Federal share of actual or estimated grant-related receipts; (2) require the grantee to reduce the level of expenditures from grant funds by such an amount; and (3) require the grantee to repay part or all of such amount. For purposes of this section, the Federal share of grant-related receipts is the amount of such receipts which bears the same relation to total project receipts as the Federal share bears to total project costs.

§ 460.6 Grant conditions; general.

(a) In addition to any other requirements imposed by or established pursuant to the regulations in this part, each grant awarded in accordance with this part shall be subject to the following conditions:

(1) Any funds granted shall be expended solely to carry out the approved project.

(2) The grantee shall submit to the Administrator for review and prior approval changes in the project that substantially alter its scope, purpose, or costs.

(3) The grantee must meet the schedule set forth in the approved grant application, unless the Administrator for good cause grants one or more extensions.

(4) All grant awards shall be subject to any regulations of the Administrator relating to inventions and patents and shall comply with the requirements of section 204(c) of the Act. Such requirements shall apply to any activity for which grant funds are in fact used. Appropriate measures shall be taken by the grantee and by the Administrator to assure that no contracts, assignments, or other arrangements inconsistent with the grant obligation are entered into and that all personnel involved in the supported activity are aware of and comply with such obligation. Laboratory notes, related technical data, and information pertaining to inventions or discoveries shall be maintained for such periods and filed with or otherwise made available to the Administrator or to those he may designate at any time and in such manner as he may determine is necessary to carry out such requirements.

(5) The grantee shall provide for and maintain such accounting, budgetary, and other fiscal records and procedures as the Administrator determines are necessary for the proper and efficient administration of the approved project. The fiscal records shall provide an up-to-date statement of the amount and disposition of Federal funds received, the total cost of the project in connection with which the funds were provided, the amount of the cost supplied by non-Federal sources, the expenditures for the grantee's solid waste management program not included in the project, and such other information as will facilitate an effective audit. These records and any other of the grantee's books, documents, or papers pertinent to the grant shall be accessible for audit by representatives of the Administrator and of the Comptroller General of the United States and shall be maintained until the grantee is notified in writing that the final audit has been completed.

(6) Publications, films, and reports:

(i) Grantees shall submit quarterly reports of progress and any special or interim reports the Administrator requests. In addition, when the grant is terminated or the project is completed the grantee shall prepare a final report in a style and format prescribed by the Administrator; it shall set forth the grantee's findings, conclusions, and results. At a minimum, the report shall cover the engineering effectiveness and economic feasibility of the method investigated or demonstrated and shall contain sufficient scientific and engineering detail to permit an evaluation of the method's applicability to similar problems elsewhere. In all reports, supplemental information and data suitable for documenting the project shall be included. The number of copies of these reports will be specified by the Administrator. The final project report shall be furnished to the Administrator in draft form for review and approval prior to publication.

(ii) If the Administrator does not impose a specific prohibition, the United States may authorize others or may without additional compensation to the grantee, duplicate, use, and disclose in any manner and for any purpose whatsoever, all information derived from the project and all technical data and reports acquired under the grant.

(iii) The dissemination of any publication or film produced by the grantee regarding the project in general and the findings, conclusions, or results in particular must be approved in advance in writing by the Administrator. Research grant recipients and graduate students supported by training grants are exempt from this condition, except that such recipients and students remain subject to the prior clearance requirement relating to the dissemination of films. Any publication resulting from work performed under a grant shall state: "This project has been supported by grant No. ------ from the Environmental Protection Agency, pursuant to the Solid Waste Disposal Act as amended."

(iv) Any copyrighted publication resulting from work performed under a grant shall be subject to a royalty-free, nonexclusive, and irrevocable license throughout the world, to the United States and to its officers, agents, and employees acting within the scope of their official duties. These parties are authorized to reproduce, translate, publish, use, and dispose of such publication and to permit others to do likewise.

(7) Any grant awarded pursuant to this part shall be subject to the requirements of title VI of the Civil Rights Act of 1964 (78 Stat. 252; Public Law 88–352), 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 subject to discrimination under any program or activity receiving Federal financial assistance (section 601) and any additional implementing regulations issued by the Administrator.

(8) The applicant shall assure to the satisfaction of the Administrator that adequate methods of obtaining competitive bidding will be employed prior to awarding any contract, unless the Administrator finds that the grantee has adequately demonstrated its need to contract with a single or sole source. The applicant shall also assure that any award of a contract where the specifications can be adequately detailed, will be made to the responsible bidder submitting the lowest responsive bid.

(9) The grantee shall comply with the requirements of Executive Order 11246, September 24, 1965 (30 F.R. 12319), with regard to equal employment opportunities, and with applicable rules, regulations, and procedures prescribed pursuant thereto.

(10) If a grant for a project involves construction, the application shall contain or be supported by reasonable assurance that all laborers and mechanics employed by contractors or subcontractors on projects of the type covered by the Davis-Bacon Act, as amended (40 U.S.C. 276a to 276a–5), will be paid at rates not less than those prevailing on similar work in the locality, as determined by the Secretary of Labor in accordance with that Act.

(11) Any grant awarded pursuant to this part shall be subject to:

(i) The Anti-Kickback Act of June 13, 1934, as amended (40 U.S.C. 276c), relating to provisions to be inserted in contracts and subcontracts to insure that all contractors and subcontractors comply with the Act and submit the required statements. The Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof.

(ii) The Fair Labor Standards Act of June 25, 1938, as amended (29 U.S.C. 201–219), relating to minimum wages, maximum hours, and the use of child labor.

(iii) The Convict Labor Act of February 23, 1887, as amended (18 U.S.C. 436), prohibiting the use of convict labor on public works projects.

(iv) Other provisions of law or regulations which are applicable.

(12) If a grant for a project involves construction, the application shall contain or be supported by reasonable assurances that the applicant will comply with the "Uniform Relocation Assistance and Land Acquisition Policies Act of 1970," Public Law 91–646, 84 Stat. 1894, and with the "Contract Work Hours and Safety Standards Act," Public Law 87–581, as amended by Public Law 91–54;

76 Stat. 357, as amended by 83 Stat. 98, and with the regulations promulgated pursuant to said Acts.

(13) Persons designated by the Administrator may make inspections of the facilities, equipment, and other aspects of the project, including related information, which the Administrator specifies, and may conduct interviews with project employees and staff members. Application for a grant shall constitute consent of the applicant to such inspections and interviews, which may be conducted only at reasonable times and during a reasonable period of time not to exceed 3 years following completion of the project. In addition, the grantee shall (i) permit the Administrator or his authorized agents to have access to any facility constructed as part of a project and to records pertaining to the operation of the facility for a reasonable period of time not to exceed 3 years after such facility is constructed and (ii) establish a plan acceptable to the Administrator to provide appropriate interested parties periodic onsite briefings on the project, during the project period, including tours of facilities and systems constructed.

(14) If a grant for a project involves construction, the application shall contain or be supported by reasonable assurances that the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each at least equal 50 percent of the contract price, and to maintain during the life of the contract adequate fire and extended coverage, workman's compensation, public liability, and property damage insurance, except that the Administrator may expressly waive this requirement in whole or in part.

(b) The Administrator may impose additional conditions or requirements prior to or at the time of the grant award if he deems such requirements necessary to carry out the purposes of the Act.

§ 460.7 Supplemental, continuation, and renewal grants.

The Administrator may, within the project period, on the basis of an application therefor, make additional grant awards with respect to any approved project if he finds that:

(a) The amount of any prior award was less than the amount necessary to carry out the originally approved project within the period with respect to which the prior award was made or to carry out an expanded project which he approves. This is a supplemental grant.

(b) The progress made within the period with respect to which any prior award was made justifies support for an additional specified portion of the project period. This is a continuation grant.

(c) The progress made during the project period warrants continued support beyond the last continuation year. This is a renewal grant.

§ 460.8 Criteria for approval of projects.

(a) In determining the desirability, extent of funding, and priority of a project, the Administrator will, among other factors, take into consideration:

(1) The extent to which the project furthers the purposes of the Act.

(2) The extent to which the project will preserve and enhance the environment.

(3) The amount of the non-Federal share which the applicant proposes to provide for the project.

(4) The competence of the proposed staff including general and solid waste contractors and consultants in relation to the type and scope of the project, the length of the proposed project period, the adequacy of the applicant's facilities and available resources, and the total amount of grant funds necessary for project completion.

(5) The feasibility of the project and the value of the expected results of the project.

(6) The relation of estimated costs to the public benefits to be derived.

(b) In addition to the considerations under paragraph (a) of this section, priority will be given to agencies, institutions, or organizations applying for grants over individual applicants.

§ 460.9 Grant awards.

(a) Within the limits of funds available for such purposes, the Administrator may make grant awards to applicants whose projects have been approved.

(b) Neither the approval of any project, nor the award of any grant shall commit or obligate the United States in any way to make any supplemental, continuation, or renewal grant with respect to any approved project or portion thereof.

(c) With respect to any project approved for Federal financial support, the Administrator shall determine the amount of support to be awarded and the period for which the project will be supported.

§ 460.10 Payments.

(a) Payments with respect to an approved project shall be made periodically, in advance or by way of reimbursement, on such conditions as the Administrator may determine, based on estimated requirements or actual expenditures, respectively, for such period. Such payments shall be increased or decreased by the amount that prior payments are less than or exceed the Federal share of the costs of the approved project.

(b) Federal support for the project, not to exceed 10 percent of the grant, may be withheld until the Administrator notifies the grantee in writing that all grant conditions and requirements have been met.

(c) The right to receive payment may be suspended for any period during which, in the judgment of the Administrator, the grantee fails to comply with any condition or any other requirement, including the submission of required plans, reports, or documents, imposed by or established pursuant to the regulations in this part or for other good cause.

§ 460.11 Termination of grant award.

(a) The Administrator may terminate any grant award in whole or in part if he finds that the grantee has failed to comply with the conditions of the grant or the requirements and conditions of this part, or both, or for other good cause. Termination of a grant under the preceding sentence may be ordered by the Administrator only if he has afforded the grantee reasonable notice and opportunity to present views and evidence.

(1) The views and evidence of the grantee shall be presented in writing unless the Administrator determines that an oral presentation is desirable.

(2) Such views and evidence shall be confined to matters relevant to whether the grantee has failed to comply with the conditions of the grant or the requirements and conditions of this part, or both, unless termination is for good cause other than noncompliance.

(b) Upon termination pursuant to paragraph (a) of this section the grantee shall render an accounting and final statement as provided in this part. The Administrator may allow credit for the amount required to settle at minimum costs any noncancelable obligations the grantee properly incurred before receiving the notice of termination. Settlement of costs upon termination shall be made, as nearly as practicable, in accordance with the provisions of Part 1–15 of the Federal Procurement Regulations.

§ 460.12 Final accounting.

In addition to such other accounting as the Administrator may require, the grantee shall render a full account as provided herein with respect to each approved project. The accounting must be submitted no later than 120 days following the end of the project period or the date of any termination of grant support, pursuant to § 460.11, whichever occurs first.

§ 460.13 Accounting of grant payments.

With respect to each approved project, the grantee shall account for the total amounts paid him by presenting, or otherwise making available to the Administrator, vouchers and fiscal records or other evidence of actual expenditures. Except as may be otherwise provided by the Administrator, the allocation of expenditures by a grantee as between direct and indirect costs shall be in accordance with generally accepted and established accounting practices.

§ 460.14 Equipment, materials, or supplies.

Expenditures of grant funds for movable or fixed equipment, materials or supplies, termed in this section "materials," may be charged to grant funds as direct costs only to the extent they are required for the conduct of the approved project during the period for which Federal financial support is provided. The Administrator reserves the right to require the grantee to transfer title to the "materials" on an equitable basis to the Environmental Protection Agency upon termination of the project under § 460.11. Any materials (excluding expendable supplies within such limitations as the Administrator may prescribe) shall be accounted for by one of the following methods:

(a) At the discretion of the Administrator, materials may be used by the grantee, without adjustment of accounts, for purposes within the grantee's solid waste management program, or for such other purposes as the Administrator may approve, and no other accounting for such materials shall be required provided that:

(1) During such period of use no charge for depreciation, amortization, or other purpose shall be made against any existing or future Federal grant or contract.

(2) If within the period of their useful life the materials are used outside the scope of the solid waste management program without the approval of the Administrator, the proportionate fair market value at the time of transfer shall be payable to the United States.

(b) If the materials are sold by the grantee, the portion of the proceeds of the sale which bears the same relation to the total proceeds as the Federal share bears to the total project costs shall be paid to the United States. The materials may be used or disposed of in any manner by the grantee, upon payment to the United States of such proportion of their fair market value as the materials had on the termination date. To the extent materials purchased from grant funds were used for credit or as a "trade-in" on the purchase of new materials, the accounting obligation shall apply to the same extent to such new materials.

§ 460.15 Final settlement.

There shall be payable to the United States as final settlement with respect to each approved project the total sum of any amount not accounted for pursuant to § 460.13 and of any amounts payable to the United States as provided in § 460.14. Such total sum shall constitute a debt owed by the grantee to the United States and if not paid shall be recovered from the grantee or its successors by setoff or other action as provided by law.

PART 461—GRANTS FOR STUDIES, INVESTIGATIONS, SURVEYS, AND DEMONSTRATIONS UNDER SECTION 204 OR 205 OF THE SOLID WASTE DISPOSAL ACT

A new Part 461 is added as follows:

Sec.
461.1 Applicability.
461.2 Definitions.
461.3 Grant limitations.
461.4 Grant conditions.
461.5 Criteria for approval of projects.
461.6 Accounting for grant payments.

AUTHORITY: The provisions of this Part 461 issued under secs. 204, 205, 207, 208, and 210, 79 Stat. 998–9, as amended by 84 Stat. 1230; Public Law 89–272, as amended by Public Law 91–512.

§ 461.1 Applicability.

The provisions of this part supplement the provisions of Part 460 of this chapter and apply to grants for the conduct of studies, investigations, surveys, and demonstrations authorized by sections 204 and 205 of the Act.

§ 461.2 Definitions.

(a) "Applicant" means any appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, nonprofit agencies and institutions, and individuals that file an application for a demonstration grant under section 204 or 205 of the Act.

(b) "Demonstration" means a pilot or full-scale activity conducted as a solid waste management system or a component thereof in a municipality or municipalities designed to show the technical and economic feasibility of a new and improved technique, process, or system.

(c) "Project" means those activities specified in the applicant's proposal which relate to demonstration of solid waste management procedures, processes, or systems. Such activities may include, but are not limited to surveys, feasibility studies, design, construction, operation, and maintenance of demonstration facilities, evaluations of and reports on demonstration activities, and plans and specifications in connection therewith.

(d) "Study and Investigation" means a technical, economic and/or social analysis concerning the feasibility of a solid waste management technique, system or subsystem having potential for demonstration.

(e) "Survey" means a comprehensive examination of the present condition of a solid waste management technique, process, or system that has potential for demonstration.

§ 461.3 Grant limitations.

(a) No grant shall be awarded unless the applicant gives assurance satisfactory to the Administrator that (1) open-dumping (whether on land or in water) and open-burning of solid waste are prohibited by a regulation, ordinance, statute, or other legal authority enforced within the jurisdiction in which the applicant proposes to conduct the project or that (2) action taken under the provisions of the grant will substantially contribute to the elimination of such practices.

(b) The Federal share shall not exceed 75 percent of the estimated necessary cost or actual acceptable cost of the project as determined by the Administrator; this limitation applies to each grant period.

§ 461.4 Grant conditions.

For a project involving construction the applicant shall:

(a) Provide and maintain competent and adequate technical supervision at the project to assure that the project and construction related thereto conform to the approved plans and specifications and that the project meets the objectives for which the grant is made.

(b) Have such legal or equitable interest in the site of the project that will permit it to be operated and maintained properly and efficienly either through direct work force or by contract for the anticipated useful life of the facility.

§ 461.5 Criteria for approval of projects.

In determining the desirability, extent of funding and priority of a project the Administrator will, among other factors, take into consideration:

(a) Whether the project is consistent with State, regional, and local solid waste management planning.

(b) The degree to which the project can be expected to demonstrate results that will have general application to solid waste management problems.

(c) Where applicable, the existence of plans to continue the project as an ongoing service after the project period.

(d) The degree to which project objectives are clearly established, attainable, and measurable.

(e) For those projects involving construction of a facility the expected effectiveness of the facility in meeting the objectives of the project.

(f) The extent of support for, and participation by, community organizations in the applicant's solid waste management program.

§ 461.6 Accounting for grant payments.

The final accounting must show that grant expenditures did not exceed 75 percent of the actual acceptable costs of the approved project. In the event the final accounting reveals that grant expenditures did exceed 75 percent of the actual acceptable cost of the approved project, such excess amount shall be payable to the United States.

PART 462—GRANTS FOR RESEARCH, INVESTIGATIONS, EXPERIMENTS, SURVEYS, AND STUDIES UNDER SECTION 204 OR 205 OF THE SOLID WASTE DISPOSAL ACT

A new Part 462 is added as follows:

Sec.
462.1 Applicability.
462.2 Definitions.

AUTHORITY: The provisions of this Part 462 issued under secs. 204, 205, 207, 208, and 210, 79 Stat. 998–9, as amended by 84 Stat. 1230; Public Law 89–272, as amended by Public Law 91–512.

§ 462.1 Applicability.

The provisions of this part supplement the provisions of Part 460 of this chapter and apply to grants for the conduct of research, investigations, experiments, surveys, and studies for the purposes authorized by sections 204 and 205 of the Act.

§ 462.2 Definitions.

(a) "Applicant" means any appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, nonprofit agencies and institutions, and individuals that file an application for a research grant under section 204 or 205 of the Act.

(b) "Project" means those activities specified in the applicant's proposal, which relate to research on solid waste management procedures, processes or systems. Such activities may include, but

are not limited to surveys, feasibility studies, investigations, experiments, design, evaluations, and reports.

PART 463—GRANTS FOR PLANNING UNDER SECTION 207 OF THE SOLID WASTE DISPOSAL ACT

A new Part 463 is added as follows:

Sec.
463.1 Applicability.
463.2 Definitions.
463.3 Grant limitations.
463.4 Criteria for approval of projects.
463.5 Accounting for grant payments.

AUTHORITY: The provisions of this Part 463 issued under secs. 204, 205, 207, 208, and 210, 79 Stat. 998–9, as amended by 84 Stat. 1230; Public Law 89–272, as amended by Public Law 91–512.

§ 463.1 Applicability.

The provisions of this part supplement the provisions of Part 460 of this chapter and apply to grants for making surveys, developing and revising plans, conducting studies, and developing proposals for projects to be carried out under section 208, as authorized by section 207 of the Act.

§ 463.2 Definitions.

(a) "Applicant" means any State, interstate, municipal, and intermunicipal agency, and organization composed of public officials which is eligible for assistance under section 701(g) of the Housing Act of 1954, and has been designated as the sole agency for carrying out the purposes of section 207 of the Act for the area involved.

(b) "Areawide" means an economically, socially, and environmentally related geographical region, which in the opinion of the Administrator takes into consideration such factors as population trends, patterns of urban growth, location of transportation facilities and systems, distribution of municipal, industrial, commercial, residential, governmental, agricultural, institutional, and other activities, and is appropriate for purposes of the grant.

(c) "Project" means those activities specified in the applicant's proposal, which relate to State, interstate, regional or local solid waste management planning. Such activities may include, but are not limited to, surveys and studies of practices, systems, and problems within the jurisdictional area of the applicant; development of comprehensive plans for the conduct and operation of systems; revision and updating of existing plans; preliminary design of subsystems necessary to implement a comprehensive plan; financial planning; reports; data development and review of existing solid waste management practices; developing proposals for projects to be carried out pursuant to section 208 of the Act and planning programs for the removal and processing of abandoned motor vehicle hulks.

§ 463.3 Grant limitations.

No grant shall be awarded:

(a) Unless a single agency (which may be an interdepartmental agency) has been designated or established as the sole agency for carrying out the purposes of section 207 of the Act for the area involved.

(b) Unless the applicant (1) gives assurance satisfactory to the Administrator that the planning of solid waste management will be coordinated, so far as practicable, with and not duplicate other related State, interstate, regional, and local planning activities, including those financed in part with funds received pursuant to section 701 of the Housing Act of 1954; and (2) presents adequate evidence that the plan will be implemented.

(c) Unless the applicant satisfies the Administrator that any survey, planning study, or special study will be directed toward the formulation and development of a comprehensive solid waste management plan.

(d) In an amount exceeding 66⅔ percent of the estimated necessary cost or actual acceptable cost of the project as determined by the Administrator in the case of an application with respect to an area including only one municipality; the sum shall not exceed 75 percent of the estimated necessary cost or actual acceptable cost of the project as determined by the Administrator in any other case; these limitations apply to each grant period.

(e) Unless the applicant gives assurance satisfactory to the Administrator that (1) open-dumping (whether on land or in water) and open-burning of solid waste are prohibited by a regulation, ordinance, statute, or other legal authority enforced within the jurisdiction in which the applicant proposes to conduct the project, or that (2) action taken under the provisions of the grant will substantially contribute to the elimination of such practices.

(f) Unless the applicant complies with the review requirements established pursuant to Office of Management and Budget Circular No. A–95.

§ 463.4 Criteria for approval of projects.

(a) In determining the desirability, extent of funding and priority of an application the Administrator will, among other factors, take into consideration:

(1) The extent to which provision has been made to assure full consideration of all the aspects essential to areawide planning consistent with the protection of the public health and welfare.

(2) The extent to which the applicant intends to take into consideration such factors as population growth, urban and metropolitan development, land use planning, the feasibility of regional disposal and resource recovery programs, and the impact of the project upon the overall environment.

(b) In determining the desirability, extent of funding and priority of an application for municipal or intermunicipal agencies and organizations composed of public officials which are eligible for assistance under section 701(g) of the Housing Act of 1954, the Administrator will, among other factors, take into consideration:

(1) Whether the applicant's agency or organization is located in a State or States which have adopted or are developing a State plan.

(2) Whether the applicant's agency or organization is located in an area to which an adopted interstate plan applies or for which such a plan is being developed.

(c) In determining the desirability, extent of funding and priority of an application for funds to develop proposals for projects authorized by section 208 of the Act the Administrator will, among other factors, take into consideration:

(1) Whether the project is a logical outgrowth of a completed comprehensive plan for the jurisdictional area of the applicant and whether it is the next logical step in implementing that plan.

(2) The public benefits to be derived from any future construction that may be planned in the proposal.

(3) The potential of the proposal for general application to community solid waste management problems.

(4) In the case of concepts for resource recovery systems, the quantity and quality of materials or energy that may be recovered from solid wastes entering the proposed system.

§ 463.5 Accounting for grant payments.

The final accounting must show that grant expenditures did not exceed the percentages specified in or pursuant to § 463.3, of the actual acceptable costs of the approved project. In the event the final accounting reveals that grant expenditures did exceed the percentages specified in or pursuant to § 463.3 of the actual acceptable cost of the approved project, such excess amount shall be payable to the United States.

PART 464—GRANTS FOR RESOURCE RECOVERY SYSTEMS AND NEW OR IMPROVED SOLID WASTE DISPOSAL FACILITIES UNDER SECTION 208 OF THE ACT

A new Part 464 is added as follows:

Sec.
464.1 Applicability.
464.2 Definitions.
464.3 Funds available for grants.
464.4 Grant limitations; general.
464.5 Grant conditions; general.
464.6 Categories of resource recovery systems.
464.7 Resource recovery systems; special requirements.
464.8 New or improved solid waste disposal facilities; special requirements.
464.9 Criteria for approval of projects.
464.10 Accounting for grant payments.

AUTHORITY: The provisions of this Part 464 issued under secs. 204, 205, 207, 208, and 210, 79 Stat. 998–9, as amended by 84 Stat. 1230; Public Law 89–272, as amended by Public Law 91–512.

§ 464.1 Applicability.

The provisions of this part supplement the provision of Part 460 of this chapter and apply to grants for (a) the demonstration of resource recovery systems and grants for (b) the construction of certain new or improved solid waste disposal

facilities as authorized by section 208 of the Act.

§ 464.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act.

(a) "Applicant" means any State, municipal, interstate or intermunicipal agency which files an application for a grant under section 208 of the Act.

(b) "Rural applicant" means any applicant located outside a "standard metropolitan statistical area" as listed by the Office of Management and Budget in Standard Metropolitan Statistical Areas (1967 Edition) and any amendments thereto.

(c) "Areawide" means an economically, socially, and environmentally related geographical region, which in the opinion of the Administrator takes into consideration such factors as population trends, patterns of urban growth, location of transportation facilities and systems, distribution of municipal, industrial, commercial, residential, governmental, institutional, and other activities, and is appropriate for purposes of the grant.

(d) "Demonstration" means a full-scale field activity designed to show the technical and economic feasibility of a resource recovery system.

(e) "Project" means those activities specified in the applicant's proposal, including but not limited to design, construction, operation, maintenance, evaluation, reports, plans, and specifications in connection therewith.

(f) "State of the art" means solid waste management technology which the Administrator, after evaluation of pertinent technical and economic factors, determines has been successfully demonstrated at full-scale.

§ 464.3 Funds available for grants.

Not more than 70 percent of funds designated or appropriated during fiscal years 1972 and 1973 to carry out section 208 of the Act will be awarded to assist in solving the community solid waste problems of Standard Metropolitan Statistical Areas. The remaining 30 percent will be reserved to assist in solving such problems of rural areas. Notwithstanding this allocation, if an insufficient number of acceptable applications are received for projects designed to assist in solving the solid waste problems of rural areas the 70 percent figure may be exceeded.

§ 464.4 Grant limitations; general.

(a) No grant shall be awarded:

(1) Unless the applicant gives assurance satisfactory to the Administrator that (i) open-dumping (whether on land or in water) and open-burning of solid waste are prohibited by a regulation, ordinance, statute or other legal authority enforced within the jurisdiction in which the applicant proposes to conduct the project or that (ii) action taken under the provisions of the grant will substantially contribute to the elimination of such practices.

(2) To enable the grantee to pay any of the costs for land acquisition. However, land may be used by an applicant to met the non-Federal share matching requirement.

(3) For a project which will duplicate a resource recovery system which has already been developed, and is operating in an effective manner within the jurisdictional area of the applicant.

(b) Not more than 15 percent of the total of funds authorized to be appropriated under 216(a)(3) for any fiscal year to carry out section 208 of the Act shall be granted under this section for projects in any one State. For the purposes of this paragraph, grants to an interstate agency will be considered to be to the States involved in proportion to the amounts of non-Federal funds expended for the project by the participating States or by the participating municipalities located in the respective States.

§ 464.5 Grant conditions; general.

In addition to any other requirements imposed by or pursuant to the regulations in this part, no grant shall be awarded pursuant to this part until the Administrator has received the following assurances from the applicant:

(a) That the applicant shall provide and maintain competent and adequate technical supervision at the project to assure that the project and construction related thereto conforms to the approved plans and specifications and that the activities meet the objectives of the grant project.

(b) That the applicant has or will have such legal or equitable interest in the site of the project that will permit it to be operated and maintained properly and efficiently either through direct work force or by contract for the anticipated useful life of the facility.

§ 464.6 Categories of resource recovery systems.

Applications may be solicited for projects to demonstrate the following categories of resource recovery systems or combinations thereof:

(a) Recovery and use of energy from solid waste;

(b) Recovery of specific components of solid waste for recycling; or

(c) Chemical, physical and/or biological conversion of solid waste into materials suitable for recycling.

§ 464.7 Resource recovery systems; special requirements.

Grants for the demonstration of resource recovery systems shall, in addition to all other requirements of this part, be subject to the following limitations or conditions:

(a) The Federal share shall not exceed 75 percent of the estimated necessary cost or actual acceptable cost of the project including design, construction, operation, and maintenance; this limitation applies to each grant period.

(b) No grant shall be awarded unless:

(1) The system is consistent with any plan which meets the requirements of section 207(b)(2) of the Act.

(2) The system is consistent with any applicable guidelines recommended pursuant to section 209 of the Act.

(3) The system is designed to provide areawide resource recovery, consistent with the purposes of the Act.

(4) The project includes provisions for the equitable distribution of the costs associated with design, construction, operation, and maintenance of the system among its users.

(5) The system provides for substantial recovery of materials or energy or both from solid wastes entering the system.

(c) No grant shall be awarded for operating and maintenance costs beyond 1 year. The year will not begin until the constructed facility is deemed by the Administrator to be fully operational.

§ 464.8 New or improved solid waste disposal facilities; special requirements.

Grants for the construction of new or improved solid waste disposal facilities shall, in addition to all other requirements of this part, be subject to the following limitations or conditions:

(a) The Federal share shall not exceed 50 percent of the estimated necessary cost or actual acceptable cost of the project including design and construction (excluding operation and maintenance) where only one municipality is served, and 75 percent in any other case; these limitations apply to each grant period.

(b) The project must advance the state of the art by applying new and improved techniques in:

(1) Reducing the environmental impact of solid waste disposal;

(2) Achieving recovery of energy or resources; or

(3) Recycling useful materials.

(c) A State or interstate plan for solid waste management must be adopted for the area in which the construction is proposed and the facility shall be consistent with the State or interstate plan.

(d) The facility shall be included in a comprehensive solid waste management plan for the area involved which is satisfactory to the Administrator for the purposes of the Act.

(e) Any such grant shall be subject to the review system established pursuant to Office of Management and Budget Circular No. A-95.

§ 464.9 Criteria for approval of projects.

In determining the desirability, extent of funding and priority of a project the Administrator will, among other factors, take into consideration:

(a) The public benefits to be derived by the construction and the propriety of Federal aid in making such grant.

(b) To the extent applicable, the economic and commercial viability of the project (including contractual arrangements with the private sector to market any resources recovered).

(c) The potential of such project for general application to community solid waste management problems.

(d) The extent to which a project would not duplicate a resource recovery system or solid waste disposal facility, which has already been developed, and is operating in an effective manner.

(e) The use by the applicant of all aspects of planning essential to areawide planning for proper and effective solid

waste management consistent with the protection of the public health and welfare.

(f) The extent to which the applicant takes into consideration such factors as population growth, urban and metropolitan development, land use planning, the feasibility of regional disposal and resource recovery programs, and the impact of the project upon the overall environment.

(g) In the case of resource recovery systems, the quantity and quality of materials or energy recovered from solid wastes entering the system.

§ 464.10 Accounting for grant payments.

The final accounting must show that grant expenditures did not exceed the percentages specified in or pursuant to §§ 464.7 and 464.8, of the actual acceptable cost of the approved project. In the event the final accounting reveals that grant expenditures did exceed the percentages specified in or pursuant to §§ 464.7 and 464.8 of the actual acceptable cost of the approved project, such excess amount shall be payable to the United States.

PART 465—GRANTS FOR TRAINING UNDER SECTION 204 OR 210 OF THE SOLID WASTE DISPOSAL ACT

A new Part 465 is added as follows:

Sec.
465.1 Applicability.
465.2 Definitions.
465.3 Grant limitations.
465.4 Criteria for approval of projects.
465.5 Accounting for grant payments.

AUTHORITY: The provisions of this Part 465 issued under secs. 204, 205, 207, 208, and 210, 79 Stat. 998–9, as amended by 84 Stat. 1230; Public Law 89–272, as amended by Public Law 91–512.

§ 465.1 Applicability.

The provisions of this part supplement the provisions of Part 460 of this chapter and apply to grants for the conduct of training projects authorized by sections 204 and 210 of the Act.

§ 465.2 Definitions.

(a) "Applicant" means any public (whether Federal, State, interstate, or local) or nonprofit private authority, agency, or institution including educational institutions, or any individual, that files an application for a grant under section 204 or section 210 of the Act.

(b) "Project" means those activities specified in the applicant's proposal, which relate to training in solid waste management procedures, processes, or systems. Such activities may include, but are not limited to design and development of course curricula; presentation of courses; necessary laboratory and field efforts related to course conduct; support of students; personnel and equipment for the training project; reports; and evaluation in connection with training projects.

§ 465.3 Grant limitations.

(a) *For State, interstate, or local government solid waste agencies.* The Federal share shall not exceed 75 percent of the estimated necessary cost or actual acceptable cost of the project as determined by the Administrator; this limitation applies to each grant period.

(b) *For all other eligible applicants.* The Administrator shall determine the Federal share in the case of training project grants awarded to other applicants.

§ 465.4 Criteria for approval of projects.

In determining the desirability, extent of funding and the priority of a project the Administrator will, among other factors, take into consideration:

(a) The relative need in the jurisdiction in which the applicant proposes to conduct the project for personnel trained in solid waste management.

(b) The educational significance and potential of the project to increase the number of trained and qualified operating, professional, and management personnel available to meet manpower needs.

(c) The extent to which the project is innovative in curriculum objectives, content, and method.

§ 465.5 Accounting for grant payments.

The final accounting must show that grant expenditures did not exceed the percentages specified in or pursuant to § 465.3, of the actual acceptable costs of the approved project. In the event the final accounting reveals that grant expenditures did exceed the percentages specified in or pursuant to § 465.3 of the actual acceptable cost of the approved project, such excess amount shall be payable to the United States.

Dated: September 9, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

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